

Subject: Communication on Situation of Rohingyas (9/7/96)

From: Dr U Ne Oo, 48/2 Ayliffes Road, St Marys SA 5042, Australia.

Distr: reg.burma@conf.igc.apc.org, WWW

<http://www.physics.adelaide.edu.au/~uneoo>

## PROBLEM OF REFUGEES AND THE REFUGEE PROBLEM

In a recent information from Reuters, there has been continuing movement of displaced people from Arakan State into Bangladesh. The international community is still un-sure about how to handle the new influx of Rohingyas: should they be treated as refugees who have a 'well founded fear of persecution' or to be treated as the so-called 'economic migrants'. Such new influx also poses dilemma on refugee agencies, whether to give protection and assistance to the new comers.

Although one cannot make entirely accurate judgement (i.e. needs further independent reports) from single piece of information that has received, the root causes of displacement for the newcomers appears to be distinct from the influx of 1992. From the Amnesty Report on Rohingyas in 1992, that posted recently to the net, it is clear that the root cause of 92's influx has been the state-organized expulsion of Rohingyas. In this context, the forced labour, which combined with the use of terror, was employed by SLORC as a measure to flee Rohingyas-Muslims from Burma.

This new influx in 1996, however, is not caused by such a state organized expulsion of Rohingyas. The root causes seems to be that (1) the widespread use of forced labour by the government and (2) the economic desperations of the general populace. One needed to be noted that the forced labour in Arakan, now a day, is not targeted particularly to the Rohingyas - in contrast to forced portorage, etc. occurred in 1992. Furthermore, the circumstances that has caused economic pressure upon these displaced Rohingyas, such as informal taxations and forced procurement of crops, are not uncommon incidents in Burma.

The root causes of the new influx to Bangladesh, therefore, are mixture of economic desperation that combined with repression inside Burma. Such cases of displacement are not new: the more than 300,000 displace Burmese in Thailand may considered to be in the same category. It is evident that the protection of serious human rights violations (such as rape, unlawful detention and torture, extrajudicial executions) in order to prevent such refugee influx is inadequate, but consideration

need to be made of development issues and also of reforms on the practice of taxation and forced labour.

Issues on development and reforms on various institutions are inevitably more complex and not suited to be left the UNHCR and humanitarian agencies alone to solve. The solution will require the cooperation from all political forces and efforts are needed to tackle simultaneously throughout Burma.

Currently, it has been reported that the Karen National Union negotiation team is again holding ceasefire talk with SLORC. While awaiting the results of the talk and before organizing any appropriate action, one can look a little closer at the repatriation of Rohingyas and international response so far.

### The Focus:

#### Problem of refugees or The refugee problem?

In the past year, we have seen 4-contributors to the issue on the repatriation of Rohingyas: 1. US Committee for Refugees' report on March 1995; 2. Mediciens sans Frontieres reported on January and May 1995; 3. UN High Commissioner for Refugees on July 1995; and 4. ACFOA and other NGOs reports from Australia. Although the USCR and MSF has now in agreement with UNHCR about repatriation, as has been reported by the Australian Department of Foreign Affairs' Human Rights Submission on 8 August 1995, few of the issues that caused disagreement between those Agencies should be examined.

#### Initial efforts on humanitarian concerns

Attempts to provide humanitarian aid to people inside Burma were made in 1992 by International Council of Voluntary Agency. In August-September of that year, Mr Russel Rollason, the Chair of ICVA, with 3 other persons have visited Burma to assess the humanitarian needs of people inside Burma. At that time, the anti-SLORC feelings amongst the pro-democracy groups within Australia and elsewhere has been strong and therefore any efforts that perceived to be legitimizing the military regime in Burma were vigorously opposed. Whether these protests by someother Burmese support groups have discouraged these NGOs to proceed further in that direction, I personally was much appreciative of such

humanitarian considerations. Continued efforts were thus made since then in order to fulfill these NGOs aspiration to provide humanitarian aid to the people inside Burma. The efforts for repatriation of refugees to Burma is, therefore, to be interpreted -- to some degree -- as initiative to provide humanitarian aid to the people inside Burma.

Involvement of NGOs in any such operation will inevitably be complex politically. From the SLORC's perspective, the NGOs are always welcomed to operate in Burma if that provide some international respectability to the military administration. This point, in fact, is un-acceptable to the Burmese democrats. It is therefore necessary to formulate strategy to provide aid to the people of Burma without giving legitimacy to the military government.

From my view, it therefore necessary for NGOs to work in partnership with UNHCR. Although the NGOs proved to be efficient in providing humanitarian aid to the people in needs, they will not be able to get proper access to grassroots without the help of the UN.

#### Global Refugee Policy shift

Whether it may be possible to generalize the phenomenon to the international level, there has been certain disquiet about the UN repatriations at the grassroots NGOs. The UNHCR, however, have to take various new approaches in solving refugee problems since 1990. The grassroots NGOs, which I have been in contact with since earlier years, however, doesn't seem to have taken notice of the changing policy trends. The usual focus of grassroots NGOs to refugee problem was the resettlement to the third countries - in which it does solve the problem of individual refugees. At present, the proportion of resettlement for global refugee population found to be merely 0.3%. Though it may be small in numbers, the refugee-advocacy groups have rarely ventured to look issues beyond resettlement, except for the protection in country of asylum and the care for humanitarian needs in refugee settlements. Such approach of NGOs said to be exiled-oriented refugee policy, which does provide solution to the problem of individual refugee.

A refugee problem may be solved, in theory, when the problem of all individual refugees have been solved: such as making resettlement for all refugees to a third country. When total number of refugees is large, such as in the case of 260,000 Rohingyas, the third country resettlement is simply not a viable option. When one look at refugee problems at their source (i.e. country of origin), the roots of problems

found to be human rights and political in nature. Solving fundamental problem and attacking the root causes, which now known as the homeland (solution) oriented refugee policy, becomes the one that also promote a durable solution for the refugees.

#### Uniqueness of Problems

The Medicins Sans Frontieres, in its report on May-1995, questioned the policy consistency and the mandate of UNHCR in promoting repatriation for Rohingyas. It also suggest that the fundamental change of circumstances, such as the change in 1982 Citizenship laws (or change of government ?), are needed to ensure the voluntary repatriations. It also expresses fears that such policy would set a precedence for future repatriations where there has been no fundamental change of circumstances.

I believe that one important factor that must be taken into account in examining refugee issue is the uniqueness of every refugee problem: each refugee problem has its own characteristics, causes and consequences that requires a specific device and approach for solution. Even amongst the refugees from Burma, the situation have been varied: while the flight of Rohingyas were caused by state-organized expulsions, other Burmese refugees in Thailand and elsewhere are caused, mainly, by ethnic and political oppression. Therefore different approach is required for Rohingyas.

The main cause of influx for Rohingyas in 1992 found to be the SLORC's attempt to make political diversion. Once it was over, the situation has returned to normal and it seem more conducive for majority to return. So long as the Rohingyas are not singled out for persecutions, better to be living in their own residents in Burma.

#### Citizenship issue

The Citizenship issue is much more difficult to solve in countries such as Burma. To redress the sort of legislative-discrimination against non-indigenous Burmese, such as Indians and Chinese, would need much more time and energy. Given the conservative attitudes towards migration, no Burmese are going to take this sort of issue lightly. It is certain that these kind of issues could not be resolved overnight, even after a democratic government come into power. Much further education in this regards may be needed to tackle such an issue. My personal view is that whatever the ethnicity may be differing - Rohingyas or Chinese or Indians - the people who born in Burma do have a strong attachment to its people and the land and therefore should be given the citizenship.

### Political Realities

The Universal Declaration of Human Rights have given us a guidance on how one should treat another in respect and with dignity within our human family. It must also be taken as the guidance for treatment of vulnerable group of person/persons - such as the refugees. When addressing improvement to the situation of human rights, the first important step is to identify - or make a list - of those human rights predicaments. This step must be - also can be - done in accordance with our universal human aspirations for freedom and social justice without reference made to race, religion and culture etc.

When we take a step further to improve the situation of human rights, it is the politics that decide what we will achieve and what we may not achieve at a certain stage. Unlike human rights objectives, which we must make an idealistic goal, the political objective must be pragmatic and realistic. Human rights situation can be and must be improved, but only as much as the politics allowed it to. Politics is the reality; and it is quite inflexible. The human rights objectives are, generally speaking, to be taken as the long-term goal. But, to achieve that goal, a small but certain and firm steps need to be made within the political realities.

Protection of the rights of the refugees, which is a human rights goal, is thus dictated by political realities. It may not be too far to look beyond our own experience in the strife for protection of refugees from Burma in order to see things in this perspective. We are not that successful in protecting the rights of refugees. With the helps of one "*Debt-Ridden Organization*" and the "*Much-Poorer NGOs*", we would barely save refugees from the brutal hands of the governments. Current climate suggests that if these refugees are not being forced to return or not being manipulated to serve as pawns between governments (and the businesses) - it can be considered as a great success. In the case of Rohingyas, it has been much better off with getting the repatriation organized than of them being forced back to Burma by governments' bi-lateral agreements. So long as the life and security of refugees are not adversely threatened by government actions, it considered to have achieved the protection objectives.

In the world of international politics, no single organization is having an absolute power. Each entities -- governments, United Nations, NGOs and Groups including the refugees -- have to do in accordance with the dictates of true politics. The

refugees' rights to say 'no' to repatriation must be seen in this light. Practically, there are no other viable alternatives in longer-term: the resettlement has given 0.3% chance; to wait a change of government in Burma - it is hard to put a number. If there is some way to have proper monitoring for the majority of refugee populace, the homeland is the best one amongst the evils. A balanced consideration need to be made about the refugees resuming their usual life in their normal place of residents against the hardships that have to face by living in the camps.

The issues of Rohingyas in Burma is also quite sensitive politically. It therefore feel that the Rohingya issues are better be addressed outside the dynamics of Burmese politics. Independent actions taken on behalf of refugees must be understood as a reflection of such considerations. The tendency to keep low publicity on Rohingya refugee issues, of course, is not keeping them out of sight out of mind, but it was necessary. This condition may progressively change as general political situation in Burma gradually improves.

Refugee issues are undoubtedly emotional ones. The circumstances that lead to the refugees leaving their homeland, the ways in which they live in those squalid camps and the hardship they endured because of an obviously simple protection needs; all of these are emotional issues. Because of such sympathy refugee received, the most people and NGOs are reluctant to look the repatriation as a solution in the first place. Refugees, by its own nature of desperation, also look to any possible option with a great deal of hope and enthusiasm. It is the responsibility of everyone involved to tell the realities about the longer-term options, and not to raise unrealistic hopes to refugees. Ill-defined solutions may cause refugees of human sufferings like Vietnamese boat people. *(Such argument, of course, should not to be used by the governments as a pretext to reduce their refugee intakes; the governments can still be generous for refugees who aspired to make resettlements. Point making here is that the solution for majority of refugee population is the repatriation.)*

Looking from a different perspective, the organized repatriation of refugees can be seen as the empowerment to the refugees. The refugees are empowered so that they can exercise their right to live in their own country in peace with security (The term refugee in this paragraph may be taken as the entire group of exiled-Burmese, although some high spirited Burmese apparently do not wish to identify

themselves as refugees. :-). The refugee constitutes, as in the case of Burma, a certain section of population who suffered from the most serious violation of human rights by the government. As for Rohingyas, the government employed state-sponsored expulsion as a deliberate policy to oppress refugees. A policy against such government's expulsion of its own population is the organized repatriation that assisted and monitored by the international community. The repatriation movements, therefore, represent the strife for the improvement of human rights in Burma.

#### **Fear of setting precedence**

It is common practice amongst the professionals comparing the varying treatment of refugees at the international level. I have seen (for example, in a debate about whether Australia's detention of boatpeople be a lawful practice) the comparisons were made between detention practices of Rohingyas in Bangladesh to that of Burmese students in Safe Area in Thailand with detention of Cambodian boatpeople in Australia. Although the governments may surely look to less cumbersome methods in dealing with refugee problems, it must not allowed the governments to automatically copy these practices as an internationally acceptable standards. When looking at any refugee problem, I would think various factors such as uniqueness of the problems and the political climate should be taken into account. Attitude for support groups to be taken was that the willingness to strive for maximum humane standard of treatment for refugees within a given political realities.

#### **New Influx and Problems at Grassroots Level**

Recent events suggest that the central SLORC administration continuing to lose its power. Therefore different approach may be needed to tackle the human rights problem. When we seek for the improvement of the situation in order to reduce the new influx, one will needs to look at the problems occurring at the grassroots level. Although the SLORC is an obvious source for causing human rights violations, it is unlikely that the changes in behaviour of SLORC alone will make much difference to the situation. One example is the forced labour. The SLORC reportedly issued a secret directive in July 1995 to its local LORCs to change the practice of forced labour(see the DFAT report of Aug-95). However, existence of the continuing influx of Rohingyas in this year is the proof that the SLORC does not have good control of its local administrations. One may certainly need to

look at the local LORC level if we are to successfully tackle the problems.

Cases of the confiscation of properties - such as the soldiers living off the villagers property in Karen state - can mainly be the problems at grassroots level. We continuously noticed the cases of the soldiers taking basic food items, etc from villagers as early as 1994, in Karen Human Rights Groups reports. One report from ABSL/FTUB in India is so far as to suggest that the SLORC's foot-soldiers have to "buy" their own uniforms. It shows that the SLORC soldiers are not receiving good supply from the government and therefore causing such violations. These cases, again, are the problems at grassroots level which the SLORC possibly cannot control easily.

Forcible procurement of rice and other primary products is another form of problem which must tackle at the grassroots. Surely, the SLORC's political ambition (i.e. to make a show off and boasted upon how much rice has been produced under its administration) is main source of problem. However, the enforcement to such an unrealistic objectives without due consideration given to farmers may found to be the local LORC personnels (recent BurmaNet report about the situation of farmers in Irrawaddy Delta). This kind of problem require to be tackled at the grassroots level.

The restriction of movement placed upon Rohingyas may also be limiting their ability to search for work in Arakan. This is another factor which causing economic pressure upon Rohingyas, most of whom are land-less day labourers.

The harassments made on the movement of National League for Democracy seems to have occurred at the grassroots level. Petty-minded hostilities, such as harassments on landowners who lease office space for NLD, seems to be the grassroots problem. Such cases sometimes leads to tragic consequences for the members of the community. This kind of harassments may however be reduced if there is reconciliation at the higher-level.

#### **Possible direction**

Although it may seem too modest in terms of modern governments agendas, the protection of above mentioned violations can significantly improve the life of Burmese population. Recent policy direction given by the NLD include the agenda for reform on taxation and purchase of primary crops. These NLD agenda are in consonent with our protection needs to reduce the influx of displaced people. The empowerment to

the elected representatives was thus suggested to enact and to enforce required legislations. This particular step should be taken if current ceasefire agreement and political settlement being completed successfully.

In sum, protection of serious rights violation as a solution for the refugees and displaced people is no longer adequate - as recent case of Rohingyas suggests. One has to look at the community development issues that must be implemented together with democratic institution building tasks. These protection initiatives will fall into a broader spectrum of human rights, i.e. Social, Economic and Cultural rights. Ironically, it is the SLORC who try to fend itself off from the international community's criticism about human rights by saying "*human rights encompass [not only civil and political rights, but] economic and social rights. .... In our consideration....take into account all aspect of human rights*". It remains to be seen how much the SLORC be willing to co-operate -- or becoming an obstacle -- to build peace and progress for all people of Burma.

#### References

1. Amnesty International, May 1992, *Union of Myanmar(Burma): Human rights violations against Muslim in Rakhine (Arakan) state*. AI Index ASA:16/06/92.
2. UN General Assembly reports 1990: *Note on International Protection submitted by High Commissioner*, A/AC.96/750, 27 August 1990.
3. UN High Commissioner for Refugees, *The State of the World's Refugees 1995: In Search of Solutions*, Oxford University Press.
4. US Committee for Refugees, '*Repatriation of Rohingyas: voluntary or refoulement*', 15 March 1995.
5. Mediciens Sans Frontieres report, May 1995.
6. UNHCR Information Bulletin, *Repatriation to Myanmar*, July 1995.
7. Australian Council for Overseas Aid, 17 August 1995; February 1996.
8. Australian Parliament Human Rights Sub-Committee publications, #36, Vol.5, Department of Foreign Affairs and Trade, 8 August 1995.

Date: 26 Jun 1996 15:50:28

From: Dr U Ne Oo<uneoo@physics.adelaide.edu.au>

#### ASIA: NEW BURMESE REFUGEES POSE DILEMMA FOR UN AGENCY BANGLADESH INFLUX (FEATURE)

*By Alistair Lyon of Reuters*

TEKNAF, Bangladesh, Reuter - Amid lush green fields in sight of surf pounding in from the Bay of Bengal, Jafar Ahmed explained why life in Burma had become unbearable.

"Twenty days before we left our village of Inn Chaung, the military took me for forced labour," he said. "They said it was for 10 days, but they kept me for 16."

"They tax us and make us give donations, such as logs, to their requirements. If we can't pay, they take us to a Nasaka (border force) camp and torture us."

Ahmed, a 40-year-old labourer, said he had once spent 24 hours with his legs held in wooden stocks at a Nasaka camp.

The Rangoon military government has long denied reports of ill-treatment of minority Muslims, or Rohingyas, in its impoverished northern province of Rakhine.

Now Ahmed, his wife and three children are part of a group of six families sheltering in a hut on a Bangladeshi peninsula separated from their homeland by the broad Naf River.

They arrived in April after paying 500 kyat (about \$A4.60) or seven times a day labourer's wage) a head for passage, including bribes to Nasaka border troops to look the other way.

The UN High Commissioner for Refugees (UNHCR) estimates that 5,500 Rohingyas have fled to Bangladesh since March, while other relief agencies say there may be up to 10,000.

The influx is something of an embarrassment for the UNHCR, trying to meet its target of repatriating the last 50,000 of 250,000 Rohingyas who fled to Bangladesh in 1991 and 1992.

The UN agency, keen to anchor the 200,000 returnees to their villages and head off any fresh exodus, fears that any move to help the newcomers would spur others to follow.

"If we give food to this group, we'll attract 50,000 more the next day," UNHCR representative Canh Nguyen-Tang told Reuters in Dhaka. "We don't want to create a 'pull' factor."

Yet the hardships cited by Ahmed and other new arrivals appear identical to those claimed by their

fellow-Rohingyas who were accepted as refugees after the original mass flight.

Bangladesh, at first unwilling to admit the existence of any newcomers, now says they are illegal immigrants fleeing poverty, not persecution, and must be deported.

UN officials said economic conditions for Rohingyas, mostly uneducated farm workers, had worsened after a cyclone in November cut rice output by up to 20 per cent. Rangoon helped push up prices by demanding the same rice tax as before.

"This two-way traffic of influx and repatriation has created a very odd situation," said Dick van der Tak, representative of the medical relief agency Medecins sans Frontieres.

"We're afraid that if everyone classifies them as economic migrants, we'll lose sight of the context - the reasons for their poverty and the whole human rights situation in Burma."

The UNHCR, yet to define its policy on the newcomers, hopes that its staff stationed in mainly Buddhist Burma's neglected Rakhine province can intercede with its military rulers to ease the plight of Rohingyas and encourage them to stay put.

"We have organised an information campaign asking people to return to their villages of origin and contacted the authorities to provide transport back home," Tang said.

He argued that compulsory labour, while an issue of great concern to the UNHCR, did not count as persecution of Rohingyas because it was prevalent throughout Burma.

At the same time, he said, Rohingyas are not recognised as full citizens, but only as "residents" of Burma. And they do not have freedom of movement, needing permission from the military authorities if they want to leave their home villages.

The 50,000 remaining refugees live under UNHCR protection in camps run by Bangladeshi officials. They may not work, or leave the camps without permits, but are relatively secure.

The new arrivals must seek shelter where they can and are vulnerable to summary deportation and abuse.

In April, an attempt by a river patrol of the paramilitary Bangladesh Rifles (BDR) to force a boatful of incoming Burmese back across the river ended in disaster.

The boatman jumped overboard in the dark, the drifting boat capsized after getting tangled in fishing nets and 15 people - five women and 10 children - drowned.

Anjuma, a 12-year-old Rohingya girl who arrived in the second week of May, said she had been gang-raped by three BDR soldiers who had previously ordered her family and six others staying in a village near Teknaf to return to Burma.

An examination by a doctor working for an international relief agency appeared to confirm sexual assault.

Major Lal Mohammad at BDR headquarters in Teknaf said a military investigation was under way. "If it is true that our soldiers were involved, they will be punished," he added.

REUTER bwl

REUTERS: UN RIGHTS MONITOR FOR BURMA  
RESIGNS June 29, 1996

From: [ider@mail.datanet.hu](mailto:ider@mail.datanet.hu)

Yozo Yokota, a Japanese professor has resigned from his post as the U.N. human rights monitor for Burma, U.N. spokeswoman Sylvana Foa said on Friday.

Yokota will be replaced by Rajsoomer Lallah, an Oxford-educated judge from Mauritius, who has frequently served on U.N. human rights bodies and as a special rapporteur for the Geneva-based U.N. Human Rights Commission.

U.N. sources said Yokota resigned because of planned career changes in Tokyo as well as frustration at the lack of logistical support from human rights staff in Geneva.

Yokota's reports over the past few years were responsible for critical General Assembly resolutions adopted against Burma's military rulers, who took power in 1988 to suppress pro-democracy movement and subsequently nullify elections.

# The State of the World's Refugees (1995) In Search of Solutions, Oxford Univ. Press

2.2

## Repatriation to Myanmar

Between late 1991 and the middle of 1992, more than 250,000 people fled from the Rakhine State of Myanmar (formerly Burma) to neighbouring Bangladesh. Almost all of the refugees were Rohingyas, a Muslim minority group living in a predominantly Buddhist country. Although accurate statistics are not available, the Rohingyas are thought to constitute just under half of Rakhine State's population, which is estimated to be some 4.5 million.

When the refugee exodus took place, the new arrivals in Bangladesh said that they had been subjected to a variety of human rights violations by the Myanmar security forces. According to refugee accounts, these abuses took place amidst efforts to conscript military porters, to recruit unpaid labour for public works projects and to relocate some of the Muslim population within Rakhine State. The Myanmar government has denied these accusations.

From the early days of the exodus, it became apparent that voluntary repatriation represented the only viable solution for the vast majority of the refugees. But before UNHCR could participate in the repatriation process, the organization had to be sure that the refugees were willing to return and that their safety and welfare could be monitored once they had gone back to their homes.

### Proactive role

For many years, the timing of UNHCR's involvement in voluntary repatriation programmes was determined largely by refugees themselves. They decided when to return, and received protection and assistance from the international community until the day when they chose to return. During the 1980s, however, UNHCR began to play a more proactive role in the search for solutions, actively assisting refugees to return to and reintegrate in their homeland once conditions there had substantially improved.

More recently, the implementation of comprehensive peace settlements in a number of war-torn countries, supervised by UN peacekeeping forces and civilian personnel, has enabled UNHCR to go one step further in the repatriation process. Thus in countries such as Cambodia and Mozambique, the organization's repatriation programmes have been based on the premise that the vast majority of refugees will be able to - and want to - return to their own country and participate in the election of a new government.

The questions of safety and voluntariness have been more problematic in relation to the Rohingya refugee situation. On the Bangladesh side of the border, UNHCR did not initially have full access to the camps where the refugees were accommodated. And in Myanmar, unlike Cambodia and Mozambique, the political situation remained unchanged at the national level. Furthermore, UNHCR did not have a presence in the country and was therefore unable to monitor the situation within the refugees' area of origin.

The repatriation of the Myanmar refugees was further complicated by social, economic and legal factors. The people who fled to Bangladesh were predominantly landless day labourers, with very limited income-generating opportunities available to them in Rakhine State. As a result of the country's nationality laws, the Rohingyas were generally not recognized as citizens of Myanmar, nor did they have the right to move freely around the country.

The majority population of Myanmar generally regard the Rohingyas as aliens, a view which has been coloured by a variety of different factors: the ancient Arab and Persian origins of the Rohingyas; their loyalty to the Britain during the colonial period; fears of illegal immigration from the overcrowded and overwhelmingly Muslim country of Bangladesh; and concern over the security threat posed by two groups of armed Rohingya rebels, which are said to be supported by foreign

governments. The integration of this group after their return therefore promised to be a difficult undertaking.

Despite all of these uncertainties, in April 1994, UNHCR initiated an organized repatriation programme for the refugees, which has allowed many thousands to go home under the organization's auspices. At current rates of return, the vast majority of the refugees will have returned to Myanmar before the end of 1995.

### Long-term options

UNHCR's readiness to organize this repatriation programme - and the refugees' willingness to participate in it - is the result of several considerations. Bangladesh is one of the poorest and most densely populated countries in the world, and has neither the land nor the resources to absorb so many people. Local settlement in Bangladesh does not represent a realistic long-term option.

A number of safeguards have been built into the repatriation programme. Under the current arrangements, the refugees indicate their willingness to return to Myanmar by registering for repatriation. Once registered, they are free to change their minds for any reason and at any point before they cross the border - a right which many refugees have exercised, usually for a temporary reason such as an illness in the family.

Within Myanmar, the government has invited UNHCR to establish a presence, both in the capital city of Yangon and in Rakhine State itself. As a result, the organization is now in a position to monitor the welfare of the returnees. At the same time, the organization is providing the refugees with food, a cash grant and other forms of individual assistance upon their return to Myanmar, as well as implementing community-based rehabilitation projects in their home areas. According to UNHCR staff in the region, these initiatives have played a major part in the refugees' willingness to return to Myanmar. While their situation in Rakhine State may not be an easy one, the

refugees appear to have recognized that it is better to go home now and to benefit from UNHCR's presence and programme, rather to remain in refugee camps which can offer them no future.

### Coerced returns

UNHCR's involvement in the refugees' return to Myanmar has assumed a particular significance in view of the events which preceded the launch of the organization's repatriation programme. In April 1992, the governments of Bangladesh and Myanmar signed a bilateral repatriation agreement, without the participation of UNHCR. Refugees began to repatriate to Myanmar five months later, and in October 1992, UNHCR was formally given permission to interview the refugees and to ascertain the voluntariness of their return. The organization quickly withdrew from this role, however, because of difficulties in gaining access to the refugees as well as widespread reports that they were being subjected to abuses by camp officials and forced to go back to Myanmar.

UNHCR and other members of the international community protested vigorously against these developments, with the result that the violations were subsequently halted and the camp officials concerned were removed from their posts. At the same time, UNHCR negotiated new agreements with the Bangladesh authorities, which provided the organization with better access to the camps and which enabled UNHCR staff to interview potential returnees.

In November 1993, after nearly 50,000 refugees had returned under the bilateral repatriation programme, UNHCR was also granted access to Rakhine State by the Myanmar authorities. The organization was subsequently given permission to travel freely throughout the area (although logistically this can be difficult) and to monitor the situation of the returnees. UNHCR's efforts to help the returnees re-establish themselves in Myanmar by means of water, health, edu-

cation and income-generating projects provide an additional means of promoting and monitoring the welfare of former refugees. By mid-1995, UNHCR had found no evidence to suggest that the returnees were being subjected to persecution or discrimination, although some incidents have taken place involving the detention and relocation of former refugees.

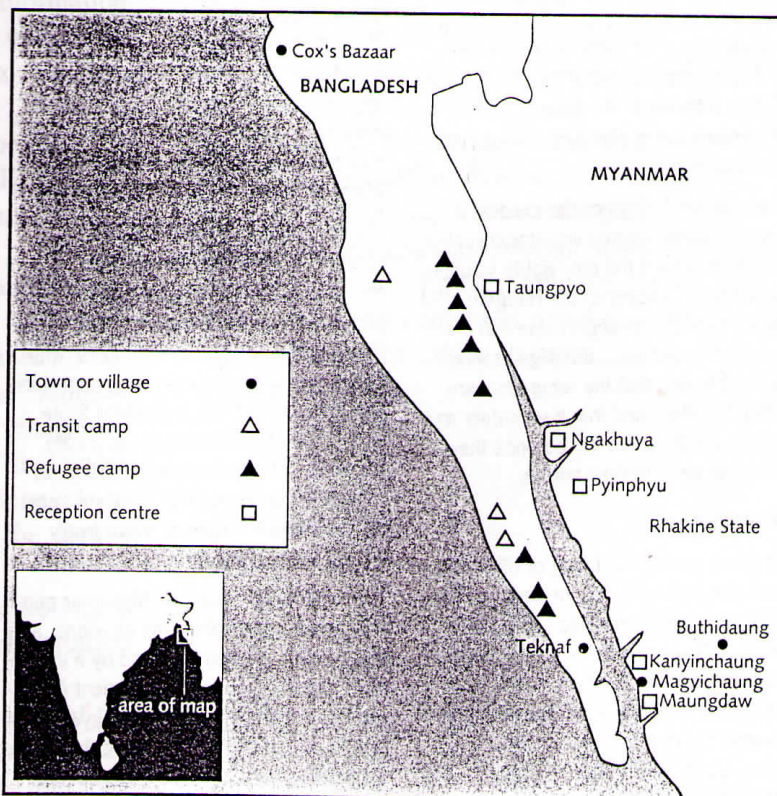
Despite these encouraging results, two important issues remain to be resolved. First, an unknown but in all likelihood relatively small number of the remaining refugees may choose not to go back to Myanmar because of their political activities and allegiances. Another category of 'residual cases' whose future will have to be determined consists of refugee

camp residents who migrated illegally from Bangladesh to Myanmar prior to 1991, and who consequently have no right to return to Rakhine State.

A second and perhaps more significant issue concerns the prevention of any further exoduses or expulsions from Myanmar to Bangladesh. To avert any further occurrences of this type, efforts will evidently be needed to provide Myanmar's Muslim minority with greater security, by protecting their human rights, by improving their legal and social status and by providing them with greater income-earning opportunities. While UNHCR is currently attempting to address these concerns, ultimate responsibility for such issues must be assumed by the country of origin.

Map D

### The Bangladesh/Myanmar repatriation programme





June 26, 1996 From: John Scherb <mcs@primenet.com>  
WHITE HOUSE STATEMENT: ON BURMA ENVOYS'  
RETURN (Japan, ASEAN countries share U.S. views on  
Burma)

Washington -- The special envoys on Burma sent to the Asia-Pacific region earlier this month reported to the White House that ASEAN members and Japan share fundamental U.S. concerns on Burma, as well as the U.S. view that peace and stability can only come about through a process of dialogue between the authorities and Aung San Suu Kyi and the democratic opposition.

In a statement on the envoys' return issued June 20, the White House said the envoys also communicated to senior leaders in the region continuing U.S. interest and commitment to these issues. According to the statement, the envoys -- Stanley Roth and former Ambassador William Brown -- believe their mission enhanced the basis for productive discussion on the link between political dialogue, stability in Burma and Burma's successful integration into the region.

The envoys met with Foreign Minister Ikeda in Japan, President Ramos in the Philippines, President Soeharto in Indonesia, Prime Minister Goh in Singapore, Deputy Prime Minister Anwar Ibrahim in Malaysia, and Deputy Prime Minister Amnuay in Thailand.

Date: 26 Jun 1996 11:08:45

From: Imre Der <ider@mail.datanet.hu>

Government Legalizes Labor by Illegal Immigrants  
By JIRAPORN WONGPAITHOON Associated Press Writer

BANGKOK, Thailand (AP) \_ The government has decided to allow illegal immigrants to work legally in half of Thailand's provinces to control them better, officials said Wednesday.

The proposal, put forward by the country's National Security Council, was approved Tuesday by the Cabinet.

The ruling marks an attempt by Thailand, a wealthy industrial magnet in Southeast Asia, to come to grips with a tide of migrants from poorer countries in search of work. They are often blamed for social and economic problems like crime and begging.

According to Labor Ministry statistics, more than 700,000 illegal foreign workers live in Thailand. More than 300,000 come from Burma, impoverished by decades of isolated military rule.

"It does not mean we turn on a green light for them to immigrate into our country," said one Labor Ministry official, speaking on condition of anonymity. "But this way, we can organize and control those who have been lurking in our country better."

Under the decision, illegal immigrants will be able to work legally in 39 of Thailand's 76 provinces. Most are in border areas, particularly next to Burma, and in central industrial regions. Employers in the agricultural, industrial, fishery and mineral sectors are all in need of low-priced labor.

"In term of human rights, the employers should pay them the same amount of money as Thais workers, in which case

they need not hire these illegal foreign workers," the official said. "But they won't."

Thailand has experienced skyrocketing industrialization over the past decade based on a free-market system and low-cost labor. Some demographers worry that growth could fall as Thai workers come to expect higher wages. Cheaper foreign workers are seen as a way to keep costs down and growth continuing.

From: <strider@igc.apc.org>

Subject: BurmaNet News: June 26, 1996

KNU: KNU DELEGATION TO RANGOON, June 18, 1996

Office of the Supreme Headquarters Karen National Union  
Kawthoolei Department of information press sstatement for  
immediate release

In continuation of dialogue between the Karen National Union (KNU) and the State Law and Order Restoration Council (SLORC), the KNU Headquarters has sent a delegation consisting of members as mentioned below.

(1)Gen. Tamla Baw *Head of Delegation* (2)Mahn Sha Dar Phan *Deputy Head of Delegation* (3)Saw David Taw Member (4)Saw Thamain Htoon *Member* (5)Mahn Aung Tin Myint *Member* (6)Saw Zaw Naung *Chief of Office Staff* (7) Mahn Chit Sein *Joint Chief of Office Staff* (8)Saw Min Htoo *Documentation* (9)Saw Nyi Nyi *Documentation* (10)Saw Gyee Ji *Medical Office* (11)Saw Sheh Per *All-round Assistant*

The Union of Burma still lacks peace and stability. It is vitally necessary for all the political forces involved in the political affairs of the Union to resolve problems, with profound farsightedness, through the process of dialogue. Accordingly, the KNU has engaged the SLORC in dialogue, with integrity and a firm position as a basis. We hereby reaffirm that we will continue to hold dialogue with the SLORC time and again for a peaceful settlement.

THE NATION: US WILL TALK TO BURMA

IN BID TO DIFFUSE CRISIS Rangoon urged to set  
political prisoners free, June 27, 1996 Kyodo

WASHINGTON - The US will hold high-level talks with Burma next month in a bid to defuse a growing confrontation between Burma's ruling junta and pro-democracy leader Aung San Suu Kyi, a senior US official said.

He said the meeting, most likely to involve US Assistant Secretary of State for East Asian and Pacific Affairs Winston Lord and a Burmese deputy foreign minister, will be held in Jakarta on the Association of Southeast Asian Nations (Asean) Regional Forum.

The official, who requested anonymity, did not rule out the talks being held between the foreign ministers, who will also be in Jakarta.

The official revealed that after mass arrests of members of Suu Kyi's National League for Democracy (NLD) in May, Washington warned the junta that "there would indeed be additional steps" taken by the United States if the situation deteriorated further.

At the same time, Washington had direct contact with Suu Kyi to urge "a certain degree of moderation to avoid the possibility of direct confrontation and bloodshed", the official said.

He said two US envoys were also sent to Japan and the seven Asean countries, which pursue a policy of constructive engagement with Burma, to explain that the "chief goal" of US diplomatic efforts is to prevent a worsening of the situation in Burma.

The envoys did not campaign for sanctions against Rangoon, but asked the Asean governments to voice their concerns to the junta over the crackdown in Burma, he added.

The official, who is an expert on Burmese affairs, indicated that Washington has adopted a somewhat softer line toward the military rulers, but he also pointed out that Washington has not abandoned the idea of economic sanctions.

If more NLD members or Suu Kyi was arrested or expelled from the country economic sanctions could come into play.

*Reuter adds:* The US responding to the death in jail of an honorary consul in Rangoon, has called on Burma's military rulers to free all those being held for exercising their political rights. State Department spokesman Glyn Davies said that Washington had no way of verifying the official Burmese account of the death of Leo Nichols 65, who represented the interests of Norway and three other European countries.

*Date: 07 Jul 1996 00:30:35 From: ktint@earthlink.net*

*Reuter: Democratization of Burma in a Year of Freedom*

RANGOON, July 7 (Reuter) - A year of freedom appears to have brought opposition leader Aung San Suu Kyi no closer to her dream of ending military rule and restoring democracy in Burma.

But while the ruling military body, the State Law and Order Restoration Council (SLORC), is far from getting everything its own way, its grip on power looks as tight as ever.

The SLORC's attempts to marginalise and discredit the hugely popular daughter of Burma's national hero, General Aung San, have failed. Instead, it is facing a mounting chorus of international condemnation for its heavy-handed rule.

Criticism of the SLORC, from Western governments in particular, increased in May after a crackdown on Suu Kyi's party in which more than 50 members were detained.

Condemnation intensified following the death in custody in June of Leo Nichols, a former honorary consul for several European countries and godfather and close friend of Suu Kyi's.

Nichols had been sentenced to three years in prison for operating telephones and fax machines at his home without permission.

But although the SLORC has its difficulties, it remains firmly in control and the likelihood of Suu Kyi and the

democracy movement bringing 5 years of military rule to an end seem as remote now as ever, political analysts said.

"The SLORC holds all the cards, but she has the legitimacy and the moral support, both inside and outside the country," said one diplomat.

"But she's not going to be able to remove the SLORC. On her part, it's a matter of keeping the world focused on the country, and on her," the diplomat said.

Suu Kyi emerged from six years' house arrest on July 10 last year, bowed and determined to restore democracy, but under no illusion the task would be easy.

She said talks on political reform between the ruling military and the pro-democracy and ethnic minority opposition were the only way forward.

"We have to choose between dialogue and utter devastation," she told reporters the day after her release.

But the SLORC ignored her calls for dialogue. In November, Suu Kyi stepped the stakes by pulling her National League for Democracy (NLD) out of the government convention that is drafting the guidelines of a new, pro-military constitution.

The move prompted a barrage of slurs in the state-run media and suggestions that she was a traitor acting at the behest of colonialists. She was also warned of "annihilation."

Undaunted, Suu Kyi pressed ahead. In May she called a meeting of her NLD, its first full congress since its 1990 election win that the SLORC never recognised.

The SLORC responded with a sweeping crackdown against the NLD, detaining more than 250 of those planning to attend the congress.

Despite the NLD's depleted ranks, Suu Kyi went ahead with the meeting and a revitalised, confident party emerged from the three days of talks.

"Her greatest achievement has been to make the NLD behave like a real party, a real opposition, with its own platform and alternative policies," said another diplomat.

Then Suu Kyi again raised the stakes, announcing that the party leadership would draw up an alternative constitution to rival the charter being prepared by the SLORC's convention.

The SLORC's response was unequivocal.

It introduced a sweeping new law on June 7 that provides for up to 20 years in prison for anyone opposing its constitutional convention or drafting their own charter. But with Suu Kyi and the SLORC apparently set for a showdown, both sides moved back from the brink.

Suu Kyi toned down criticism of the SLORC and did not bring up her charter plans in speeches to supporters outside her home, while the generals let her continue the weekly addresses, her only regular communication with the public.

"Both sides realise they are close to a situation that, if they're really stubborn, is going to get dangerous," one diplomat said. jwh REUTER

② + Win Htein  
1st page

---

# amnesty international

---

## MYANMAR

### Over 200 activists still held

May 1996

AI INDEX: ASA 16/23/96

DISTR: SC/CO

The State Law and Order Restoration Council (SLORC, Myanmar's military government) continues to detain 258 National League for Democracy (NLD) activists, among them 235 members of parliament-elect, arrested in the nationwide sweep of the NLD since 20 May. It is not known where most of them are being held and they continue to be detained in incommunicado detention. Amnesty International has obtained the names of 142 of those who have been arrested, which are listed on the attached pages.

Ten of these activists have been charged under Section 5(j) of the 1950 Emergency Provisions Act. This clause provides for up to seven years' imprisonment for anyone who "*causes or intends to disrupt the morality or the behaviour of a group of people or the general public, or to disrupt the security or the reconstruction of stability of the Union;*". Amnesty International is seriously concerned that these charges have been brought against the ten, particularly as this provision is frequently used by the authorities to criminalize peaceful political activity. Nine of the activists are NLD members of parliament-elect from the Ayeyarwady (Irrawaddy) Division in southwestern Myanmar. They are: **U Hla Kyi, Dr Sit Tin, U Nyunt Win, U Than Win, U Tin, Mahn Johnny, U Hla Myint, Dr Hla Win, and U Saw Lwin.** The group is believed to be held in Military Intelligence facilities in the area, but the date of their trial is not yet known.

**U Win Htein**, NLD spokesman who was arrested during the crackdown, has also been charged under Section 5(j) of the 1950 Emergency Provisions Act. His trial is reportedly scheduled for 5 June. He is being held at Insein Jail in Yangon (Rangoon), where hundreds of other political prisoners are serving sentences. He was taken to that location recently along with a number of unnamed NLD youth members. Amnesty International is particularly concerned by the move, as conditions at Insein Prison fall far short of international standards, with overcrowding, inadequate food, and lack of proper medical care all commonplace. Ill-treatment of political prisoners is also frequent, both during initial interrogation and after sentencing. Those prisoners who break prison rules are punished harshly, including by being beaten; held in cold cramped conditions; and denied family visits.

At the time of writing, only four NLD activists have been released. **U Hla Pe**, a member of parliament-elect, was released because his wife had died. **Ni Ni Way** (f), an NLD Youth member, was released due to ill health; she has subsequently recovered. **Dr Aung Khin Sint**, elected as an MP from Yangon Division and a former prisoner of conscience from 1993 to 1995, was also released. Another member of parliament-elect **U Ye Tint** was released at about the same time. While Amnesty International welcomes these releases, it strongly urges the SLORC to release all 258 activists immediately and unconditionally.

The planned NLD meeting took place from 26 - 28 May at the compound of Daw Aung San Suu Kyi; however only 18 delegates were able to attend. No barricades were erected in front of the compound, and people were apparently allowed to pass in and out freely through the gates. According to reports, the NLD declared that it would begin drafting a constitution; called on the SLORC to convene the People's Assembly elected in 1990; and urged the SLORC to enter into a dialogue with opposition. Daw Aung San Suu Kyi gave her regularly scheduled weekend speeches to increased crowds of some 5,000 - 10,000 people with no interference from the authorities. She reportedly stated at that time that the NLD would hold a series of congresses over the next few months. From 27 - 29 May the United Solidarity Development Association (USDA, a public welfare organization created and controlled by the SLORC) held mass rallies of tens of thousands of people reportedly "*denouncing destructionists*".

**KEYWORDS:** BANNING1 / MASS ARREST1 / POLITICAL ACTIVISTS1 / PRISON  
CONDITIONS / INCOMMUNICADO DETENTION / WOMEN / PARLIAMENTARIANS /  
PRISONERS' LISTS /

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM.-