
PARADISE LOST?

THE SUPPRESSION OF ENVIRONMENTAL RIGHTS AND FREEDOM OF EXPRESSION IN BURMA

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CONTENTS

[Acknowledgements](#)

[Abbreviations](#)

1. [Introduction](#)

2. [Political Background](#)

3. [The SLORC's Economic Policies](#)

4. [Environmental Rights and Human Rights: The Experience of Burma](#)

5. [Deforestation](#)

6. [Gas Pipelines and Western Oil Companies](#)

7. [Hydroelectricity and Dams](#)

8. [The Impact of Tourism and Burma's Cultural Heritage](#)

9. [National Parks and Wildlife](#)

10. [International Relations](#)

11. [Conclusions and Recommendations](#)

[Select Bibliography](#)

ACKNOWLEDGEMENTS

[Return to contents](#)

This report was written by Martin Smith, a journalist and specialist writer on Burma and South East Asia. Martin Smith is also the author of a forthcoming book for Anti-Slavery International (London), *Ethnic Groups of Burma: Development, Democracy and Human Rights*, which examines ethnic minority rights, indigenous land rights, forced labour and related issues.

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ABBREVIATIONS

[Return to contents](#)

ASEAN	Association of South East Asian Nations
BSPP	Burma Socialist Programme Party
ILO	International Labour Organization
KIO	Kachin Independence Organization
KNU	Karen National Union
MTA	Mong Tai Army
NGO	Non-governmental organization
NMSP	New Mon State Party
NLD	National League for Democracy
SLORC	State Law and Order Restoration Council

UN	United Nations
UNICEF	United Nations Children's Fund
UNDP	United Nations Development Programme
UNESCO	United Nations Educational Scientific and Cultural Organization

Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

Principle 10, Rio Declaration on Environment and Development (June 1992)

1. INTRODUCTION

[Return to contents](#)

Since the ruling State Law and Order Restoration Council (SLORC) assumed power in a bloody military coup in September 1988, the environmental floodgates have opened on Burma (Myanmar). Desperate for foreign exchange, the military government in Rangoon has begun selling off the country's natural resources at an alarming rate. Critical environmental issues are being raised, which affect not only Burma but the entire south-east Asia region.

The threats to Burma's environment are legion. Of immediate concern are over-fishing, mining and deforestation, massive dam-building and hydro-electric projects, as well as gas pipelines and the growing influx of Western oil companies. In their turn, the sudden arrival of multinational corporations during a time of country-wide political deadlock and crisis raises vital questions over the rights of indigenous peoples to their land and all citizens to participation in the decision-making process. Many unique species of flora and fauna are also in danger of extinction in some of Asia's last undisturbed forest and coastal habitats.

Tragically, none of these issues receives any recognition, discussion or publicity in the media, which are totally state-controlled. Equally disturbing, the environmental consequences are largely bypassed in intergovernmental, regional and trading debates

on Burma's precarious economic development. Yet, the country's social and ecological crisis is deepening, evidenced by the growing poverty of the people and the new phenomenon of "environmental refugees" fleeing their homes.

At a time of instability and political transition, Burma's problems are complex, but amongst many humanitarian crises, the threat to the environment is one of the most neglected. It is, nevertheless, inextricably interwoven with the continuing repression of human rights which has become endemic in Burma after over three decades of military rule. A recurrent problem is draconian censorship and far-reaching restrictions on the press, publishing and academic research. Though promising multi-party democracy, Burma under the SLORC remains one of the world's most secretive countries.

In recent months, the spread of cease-fire talks with armed, ethnic minority opposition groups lends hope that Burma's military leaders are finally recognizing the need for peace and dialogue. But as Daw Aung San Suu Kyi, the 1991 Nobel Peace Prize winner, frequently said before her detention in July 1989 - how can any of the many grave problems facing the Burmese peoples be solved while the entire country is living in a "state of fear"? Only when the veil of censorship is lifted and free debate begins on Burma's political and economic development will the urgently needed answers be found.

2. POLITICAL BACKGROUND

[Return to contents](#)

One of the most fertile and mineral-rich countries in Asia, Burma is a land of stunning ecological diversity, which is reflected in the vibrant cultures, histories and traditions of the many ethnic groups amongst the 43-million population. Different ecosystems in Burma today vary from tropical islands and rainforests in the south to lush tracts of mangrove, great rice-growing plains and snow-capped peaks of montane pine in the north.

Sadly, despite this abundant potential, Burma's worsening humanitarian emergency provides a classic example of the close relationship between the abuses of human and environmental rights in the post-colonial world. The present political crisis has long been underpinned by a state of deep poverty and economic collapse, fuelled by military rule and the countrywide insurgencies which broke out at independence in 1948. Even today, over 20 ethnic minority forces remain under arms and in control of vast rural areas.

In 1962 the Burmese armed forces, known as the *Tatmadaw*, first seized power under General Ne Win, abruptly bringing to an end the brief era of parliamentary democracy. Ne Win's solution, however, the quasi Marxist-Buddhist "Burmese Way to Socialism", only worsened the growing economic crisis. First, the economy, press, schools and virtually every other aspect of public life were nationalized. Then, with

the door firmly closed to the outside world, for over a quarter of a century Ne Win unsuccessfully sought to impose a heavily-Burmanised identity on the country under his monolithic Burma Socialist Programme Party (BSPP).

In 1974 a new constitution was introduced but, with fierce fighting still continuing in many ethnic minority areas, it never found widespread support. The country continued to slide towards the brink of economic breakdown, which was belatedly recognized in December 1987 when Burma was admitted to Least Developed Country status at the UN on an economic par with countries such as Ethiopia and Nepal. With the government over four billion US dollars in debt, much of the final pressure to face reality had come from Burma's two largest creditors, Japan and West Germany. Burma was now officially classified as one of the world's 10 poorest countries.

This finally proved the trigger for the democracy uprising of Burma's long-suffering peoples. For two euphoric months in the summer of 1988, millions of citizens took to the streets across the country demanding human rights and political reform. In July 1988 Ne Win resigned, precipitating the BSPP's collapse. But on 18 September, the *Tatmadaw* generals once again assumed power, insisting, quite wrongly, that the country was degenerating into violence and anarchy. Casualty figures are still disputed, but anywhere between 500 and 3,000 civilians are estimated to have died at the hands of the security forces during 1988 before the new SLORC government was firmly in office.

Under the SLORC, despite constant promises of reform, Burma's long-running political malaise has only continued. Aung San Suu Kyi has now been held under house arrest in Rangoon for over five years; the result of the 1990 general election, in which her party, the National League for Democracy (NLD), legally won an overwhelming mandate from the people, has been ignored by the SLORC; and hundreds of community or political leaders, including members of parliament, Buddhist monks, writers, workers and students, have been arrested. In place of an elected government, the SLORC has instead set up a protracted "National Convention" of hand-picked delegates, which began in January 1993 to draw up the "basic principles" for a new constitution, the country's third since independence.

Martial law was officially lifted by 1992, but the SLORC has continued to rule under a complex array of security laws which allow military officers sweeping powers of arbitrary arrest and detention. These laws include the 1950 Emergency Provisions Act and the 1975 State Protection Law under which Aung San Suu Kyi has been detained. The censorship of all forms of news reporting and writing is absolute, and every basic right of freedom of expression has been denied. Burma today has only one daily newspaper, the *New Light of Myanmar*, and only one television and radio channel, all of which are state-controlled. Moreover, all public meetings, including those of the few political parties still permitted to survive, are strictly monitored and controlled by the local SLORC authorities. Independent trade unions are completely banned.

Foreign diplomats in the capital, Rangoon, nevertheless, believe that there have been gradual but important changes in government policy since April 1992 when Gen. Than Shwe replaced Gen. Saw Maung as the SLORC Chairman. That month, a cessation of military offensives against armed ethnic minority forces was officially declared, a move attributed to the SLORC Secretary-One and military intelligence

chief, Lt-Gen. Khin Nyunt, who has been given government responsibility for what has now turned into the largest round of peace talks by the *Tatmadaw* with different insurgent groups since 1963. Twelve cease-fire agreements have been signed since 1989, including with the powerful Kachin Independence Organization (KIO) in north-east Burma in February 1994. Over 2,000 political prisoners, including the popular comedian Zargana, have also been released by the SLORC in the past two years, and optimists hope that initiatives like these could be the first steps towards a long overdue process of country-wide dialogue and reconciliation.

There is, however, a very long way to go. Fighting still continues in other areas and, despite the recent prison releases, the pervasive climate of censorship and repression is still demonstrated by the continuing detention or imprisonment of over 20 MPs and several leading writers. Besides Aung San Suu Kyi, who remains under house arrest in Rangoon, prominent political prisoners include the former newspaper editor, U Win Tin, an NLD Central Committee member and Vice-Chairman of the Writers' Association, who has been imprisoned since 1989. More recently, Dr Aung Khin Sint, an NLD MP, and Ma Thida, a science-fiction writer and surgeon, both received 20 year sentences in October 1993 for "illegally" distributing articles in contravention of a cocktail of draconian security and censorship laws, including the 1950 Emergency Provisions Act and 1962 Printers and Publishers Registration Law. Then on 5 August 1994, the NLD MP, Khin Maung Swe, former newspaper editor, U Sein Hla Oo, and popular female writer, Daw San San Nwe, all of whom had been imprisoned in the past, were re-arrested in a tough, new clamp-down in Rangoon.

3. THE SLORC'S ECONOMIC POLICIES

[Return to contents](#)

It is against this background of the total suppression of all forms of free speech and association that critical decisions are being made by the SLORC government, which will undoubtedly have a lasting environmental impact on Burma well into the 21st century. Invoking a legitimacy from the days of Suu Kyi's father, the late independence hero Aung San, who founded the modern Burmese Army, the SLORC generals claim to be the only neutral force in Burmese politics capable of ushering in Burma's new era of multi-party democracy.

In line with these professed goals, an "open-door" trade policy and new Foreign Investment Law were declared by the SLORC in November 1988 to oversee the transition from a "socialist centrally-planned" to a "free market" economy. From the beginning, however, critics have accused the military government of putting its own short-term survival before the country's long-term interests. With a cabinet dominated by military officers, all of whom were Ne Win loyalists and supporters of the defunct BSPP, there appeared a complete lack of experience - let alone vision - to deal with such a Herculean task. Indeed Gen. Saw Maung, the first SLORC Chairman, was the last BSPP Minister of Defence.

All Western development aid was cut off in protest at the SLORC's seizure of power and, to date, other international development agencies such as the World Bank have refused to back any SLORC projects until there is substantive evidence of economic reform. For example, the government's official exchange rate of six kyats for one US dollar contrasts dramatically with the real market rate of over 100 kyats. There has, nevertheless, been a steady return of foreign companies to Burma in the past six years and, in December 1993, Brig.-Gen. David Abel, the Minister for National Planning and Economic Development, claimed that more than US\$2 billion was already pledged in foreign investment for the year ahead; US, Thai, Singaporean and Japanese companies, he said, led the way.

Opposition parties, however, point out that nearly all this money is obtained from the sale of natural resources, such as timber, rubies, oil and fishing concessions. As a second step, they accuse the SLORC of trying to regain tight central control of the economy in a country where, to the backdrop of war and the "Burmese Way to Socialism", the black market has long been rife. As a result, there may be growing trade in Burma, which supports an increasingly prosperous sector of middlemen and entrepreneurs, but precious little is being produced. With the universities and academic sector also long in crisis, virtually no public thought is being given to the environmental implications or to education and the long-term development of local communities. Poverty, war, high taxation and government resettlement programmes only contribute to the pressures on citizens to fell more trees, clear land and degrade their own environments for their own immediate survival.

Many economists thus believe that the government's understanding of development and environmental issues is fundamentally flawed. According to Khin Maung Kyi, a former professor at Rangoon Institute of Economics:

The Myanmar leaders still seem to place much store on the supposedly rich natural resources of the country It should be realized that countries gain competitive advantage not through the richness of natural resources, but through the development of technology and the skills of their work-force.

Confirming the worst fears of many, much of the foreign exchange raised by the SLORC has already been spent on the armed forces, including a massive US\$1.2 billion contract for arms purchases from neighbouring China, which now dominates trade across north-east Burma. Few profits go to the local people, whose main contribution is forced labour on the burgeoning road, rail and construction projects across the country. The result is that, with an average per capita income of just US\$250 per annum, many families are struggling to survive, and growing numbers of professionals, including doctors and teachers, are quitting their government jobs to work privately or to try to find other new sources of income.

Everywhere in Burma there is evidence of poverty, ethnic conflict and the growing threat to the environment. Such concerns transcend every region, war zone and ethnic community. Perhaps the most obvious victims are the estimated half million refugees and migrants who have fled the country since the SLORC came to power. Over 200,000 Muslim refugees from the northern Rakhine State are still in Bangladesh after fleeing their homes. Many allege that they were forcibly relocated or that their

lands were confiscated for SLORC construction, prawn cultivation and timber projects during 1991-92. There are also 75,000 Burmese refugees in official camps in Thailand, though Thai government officials estimate that the true number is closer to 350,000. Most are ethnic minority Karens, Karennis, Mons and Shans escaping the fighting in their homelands, but many new arrivals, like the Muslims from the Rakhine State, also give environmental reasons for their flight.

Burma today is a country with huge numbers of people on the move. In the past six years, perhaps another million citizens have been forcibly relocated to government new towns or internally displaced by armed conflict. Many more have joined the scramble to the ruby mines at Mongshu or the disease-ridden jade mine region at Hpakhan in the Kachin State. All such areas in the war-zones have been forbidden to foreign journalists for decades, but recent travellers from Hpakhan report that up to half a million prospectors, traders and camp-followers have flooded in from across the country to strip vast areas of forest and hillside bare in the forlorn hope of striking it rich.

Perhaps the most desperate example of the continuing cycle of ethnic conflict, poverty and environmental degradation can be seen in the notorious Golden Triangle region of the Shan State. Though a number of cease-fires have been signed with different ethnic forces since 1989, fighting still continues in several areas. Caught in the middle of this conflict, for most local farmers opium is the only viable cash crop. Since 1988, Burma has become the world's largest producer of illicit opium and heroin with an annual crop of over 2,000 tons. Each year ever more of the region's fast-diminishing forests are cut down by loggers or slash-and-burn hill farmers planting their next crop of poppy seeds. Aids is now also spreading rapidly through the hill regions, transmitted largely through intravenous drug-use or sexual contact with the growing number of impoverished local women and girls who have been working as prostitutes in Thailand.

The SLORC government is not solely responsible for causing all these problems, some of which have evolved over decades. Armed opposition groups must also face up to their share of the blame for environmental destruction and human rights abuses in areas which they control. But the humanitarian and ecological crisis is now desperate. The United Wa State Party warned on their rebel radio station in May 1989, shortly before agreeing a cease-fire with the SLORC:

Every year the burden on the people has become heavier. The streams, rivers and creeks have dried up, while the forests are being depleted. At such a time, what can the people of all nationalities do?

4. ENVIRONMENTAL RIGHTS AND HUMAN RIGHTS: THE EXPERIENCE OF BURMA

[Return to contents](#)

In the past decade, there has been a growing international consensus over the fundamental relationship between the universal values of "human rights", "environmental rights" and "development rights". The overarching link between these three rights is the most fundamental right of all - "the right to life" as embodied in the Universal Declaration of Human Rights. But underlying such linkage is also recognition that there can be no environmental protection or sustainable development without social and political justice for the people. From Ceausescu's Romania to Saddam Hussein's Iraq, modern experience has repeatedly shown that governments which are amongst the worst abusers of human rights are also, very often, the worst abusers of the environment.

Implicit in the conditions necessary for the creation and preservation of a healthy environment are two other fundamental human rights: the "right to freedom of opinion and expression", as guaranteed in Article 19 of the Universal Declaration of Human Rights, and the right to political participation, which is guaranteed in Article 21 of the Universal Declaration and codified in Article 25 of the International Covenant on Civil and Political Rights. Such rights, which include access to information, have long been regarded as essential in the environmental field for two main reasons. Firstly, they allow citizens to investigate, report and learn of ecological hazards, such as pollution or deforestation, which could endanger their communities. Secondly, by guaranteeing the right of citizens to engage in the decision-making process over the use of their lands and natural resources, they are able to address such underlying conditions as drought, war, poverty or repression, which frequently cause communities or governments to despoil their own environments even more. Since threats from environmental destruction affect the whole planet, these concerns are therefore of global relevance.

Following its formation in 1972, the UN Environment Programme has taken the lead internationally in some of the more technical areas of environmental work, including climatic change and biodiversity. However, recognizing the many failures of governments in the ecological-humanitarian field, a growing number of UN agencies have been seeking to develop new international protocols to address the close relationship between human and environmental rights. Non-governmental organizations have played an important role in these debates, including groups such as the Sierra Club Legal Defense Fund, Friends of the Earth, Natural Heritage Institute, National Wildlife Federation and Survival International, reflecting the diversity of specialist interests across the ecological and human rights spectrum.

Out of these studies has come widespread recognition that communities or areas of the earth which are under the greatest environmental threat today are generally those inhabited by the most vulnerable members of society, including the poor, ethnic minority groups, women, children, refugees and other internally displaced peoples. Since 1992, for example, the UN High Commissioner for Refugees has commissioned studies on the problem of "environmental refugees" in belated recognition that socio-economic factors are also often a main causal factor behind the flight or migration of peoples.

Another constant human rights theme from these studies is the need to strengthen international protection for the rights to freedom of expression and public participation in solving environmental problems. For example, the 1989 Convention concerning Indigenous and Tribal Peoples in Independent Countries (No.169) of the International Labour Organization (ILO) implicitly guarantees the right of ethnic minority peoples to full representation in political, cultural or economic discussions which might affect their environment. A similar view has been taken by the Special Rapporteur of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities who was asked by resolution in 1990 to investigate the link between "the preservation of the environment and the promotion of human rights". Noting the special problems that war or conflict often impose, the Special Rapporteur, Mrs Fatma Ksentini wrote:

Human rights violations in their turn damage the environment. This is true of the right of peoples to self-determination and their right to dispose of their wealth and natural resources, the right to development, to participation, to work and to information, the right of peaceful assembly, freedom of association [and] freedom of expression.

At the Earth Summit in Rio de Janeiro in June 1992, the agreement of a workable programme of environmental, human and "sustainable development" rights to take the world into the 21st century was an important breakthrough. Running through the 27 principles of the Rio Declaration on Environment and Development and AGENDA 21, the UN's blueprint for action, are guarantees for the rights of all citizens to freedom of expression, access to information and public participation in all environmental and political affairs.

Some measures were already in motion but, since Rio, the linkage between environmental and human rights and the related need for promoting freedom of expression and public participation have been accepted by a growing number of governments, intergovernmental organizations and development agencies, including the European Union and the Asian Development Bank.

The World Bank too has signalled a change in policy. Much criticized by environmentalists in the past, analysts claim that the World Bank has been slowly moving away from "large blueprint-type infrastructure investments" to "human development" and "participatory development" projects to reflect new "emerging economic, political and social trends". Apparently recognizing critical errors in the past, a key element in the "World Bank's Policy on Disclosure of Information", introduced in January 1994, is far greater access to environmental information for the general public, non-governmental groups and communities affected by World Bank projects. A Public Information Center has been set up in Washington DC which will provide the public, through the Internet electronic communication network or local field offices, with the full range (within set guidelines) of environment-related documents, including environmental data sheets, assessments and action plans, on individual countries where the World Bank is working. It now remains to be seen how these new procedures will be implemented.

Tragically, though Burma is one of the most appropriate test-cases in the world of the need to respect human rights in order to protect environmental rights, the political debate on human rights, democratic participation and environmental rights has not even begun. Burma today is a country where villagers are still being killed or threatened with violence simply to move them off their land or to appropriate their natural resources. Such gross human rights abuses are not new. Over the years, such incidents have been reported as occurring under previous governments, often to a backdrop of fighting or ruthless army counter-insurgency campaigns.

Since assuming power, the SLORC has signalled an awareness, on paper at least, of the critical threats to the environment. In 1990, it established a National Commission for Environmental Affairs and, since then, has signed the Vienna Convention for the Protection of the Ozone Layer, the UN Framework Convention on Climate Change and the UN Convention on Biological Diversity. Critics complain, however, that, as in other areas of promised reform, there is a vast gap between the reality and the rhetoric. In the 104 principles so far announced at the SLORC's National Convention for the country's new constitution, while there is much mention of the development of the economy and natural resources, the only stipulation is that "the State shall protect the environment". There are no guarantees of the rights to freedom of expression or to take part in the environmental or political decision-making process which so urgently affects the lives of all Burmese people.

Despite state secrecy, which makes it almost impossible to monitor environmental issues, there are already many examples of the alarming threats to Burma's environment. For example, in the past two years there have been growing reports of ecological despoliation, disease and killings between rival government and anti-government forces in mining regions of the Shan State where the SLORC is trying to expand the trade in rubies and other precious stones. In another corner of Burma, refugees who have fled to Thailand from the Tenasserim coast complain that modern trawler fleets from Thailand have already fished out large areas of the Andaman Sea since first buying concessions in these areas from the SLORC in 1989. Despite private complaints from local fishermen, over 280 boats from another eight Thai companies were allowed to buy a new round of contracts in November 1993.

Perhaps most disturbing, there have been intermittent allegations over the years of the use of chemical weapons by the Burmese Army against ethnic minority communities. Most notoriously, in the 1980s the Burmese air force sprayed 60,000 acres of mountain forest and farms in the Shan State with the toxic defoliant 2,4,D (a compound in the production of Agent Orange), which was supplied by the US government under an anti-narcotics programme. The most recent reports concern the alleged aerial drop on several Karen villages in the Moulmein watershed area of bacterial or viral substances which induce cholera or dysentery-type illnesses. With all independent studies barred, however, such alarming rumours and reports cannot be checked one way or another, and the atmosphere of suspicion and uncertainty in Burma continues to spread.

This report will therefore look more closely at five major areas — forests, natural gas, hydro-electricity, tourism and wildlife — to examine the environmental consequences in a land locked in deep political crisis under an all-encompassing blanket of censorship. Though the fields may be varied, after years of isolation each issue is

drastically affected by the current economic and political policies of the SLORC and the growing impact of international investment.

5. DEFORESTATION

[Return to contents](#)

Undoubtedly the most visible threat to Burma's environment today is the rapid depletion of many of the country's once great forests. The second largest country in the south-east Asian region, Burma enjoys an extraordinary biodiversity which ranges from montane and deciduous hardwoods to tropical rainforests and the world's largest remaining teak forests. As a result, Burma has long been regarded as a reservoir of little tapped forestry resources that could one day be of enormous scientific and economic value to the world. Despite the outbreak of the insurrections, well into the 1960s Burma enjoyed a justified international reputation for the careful replenishment of forests under practices such as the Burma Selection System for harvesting teak.

Such traditions and systems of management are still highlighted in government reports today. "It should be widely known and publicized that the State is paying great attention to prevent depletion of forests, to regenerate forests and to conserve forests", Lt-Gen. Chit Swe, the Minister for Forestry, told a SLORC-convened press conference on 11 March 1993. But this picture of conservation and care stands in stark contrast to the aggressive deforestation unleashed around Burma's borderlands since the SLORC came to power in 1988.

Perhaps no environmental argument is more contentious than logging statistics. From an estimated forest cover of 500,000 square kilometres or 70 per cent of Burma's total land area in 1948, SLORC officials insist that around 50 per cent of the country is still covered with forest today. Most independent estimates, however, put the true figure at closer to 30 per cent and declining fast. Rainforest Action Network, for example, has calculated Burma's annual deforestation rate at 800,000 to one million hectares a year, one of the five highest in the world. This difference in statistics can, in part, be put down to the vast areas of secondary growth or scrub which government officials still include as primary or maintained forest reserve. But the simple fact is that, with vast areas off-limits to scientific studies, no single agency really knows.

Sadly, it is very clear from the example of Burma's ethnic minority borderlands — where armed opposition groups, such as the Karen National Union (KNU) and New Mon State Party (NMSP), generally allow foreign journalists and human rights activists access to areas they control — that both the pace and methods of logging have accelerated drastically since 1988. The main impetus behind this sudden onslaught has been the agreement of the first cross-border deals for commercial logging with Burma's neighbours, notably Thailand, China and India.

In many important watershed areas along the Thai and Chinese borders, the environmental situation is now critical. Though Lt-Gen. Chit Swe has claimed that

these new border concessions account for only 2.6 per cent of Burma's total forest reserves, it is precisely in these remote and previously undisturbed border regions that many of the most ecologically-important reserves still remain. A number of these same forest areas now also face the additional threat of the construction of hydro-electric dams and gas-pipelines (discussed separately below). Equally disturbing, the methods of felling and treatment of local villagers over the past five years break every international protocol on environmental practice, freedom of expression and political participation and indigenous land rights, only adding to the growing number of refugees and displaced peoples forced to leave their homes.

From the beginning, the new logging trade developed under a blanket of secrecy. The new commercial contracts were first offered by the SLORC in late 1988 to neighbouring Thailand. Three years of uncontrolled felling had just resulted in a nationwide logging ban after a series of flooding disasters in which at least 350 people died. In the following months, over 40 timber concessions were sold to 34 Thai companies, many of which were linked to local Thai military interests rather than specialist forestry firms. Worth US \$112 million a year, they nevertheless boosted the SLORC's income from timber to an annual average of US\$200 million, making the forestry industry Burma's largest single earner of foreign exchange.

Opposition groups, however, allege that many of these agreements also had a clear counter-insurgency motive and were quite deliberately located in armed opposition territory, where thousands of students and political activists had recently taken sanctuary after fleeing the SLORC's suppression of the democracy uprising. The evidence supports this claim. As the Burmese Army moved in to attack insurgent positions, Thai companies began bulldozing logging roads along which troops and supplies could also be rapidly transported. During 1989-90, a series of Karen, Karenni and Mon strongholds along the Thai border fell to *Tatmadaw* forces which, on occasion, even crossed into Thailand to attack their opponents from the rear.

In several areas, local villagers were simply forced from their homes. Given the difficulties of reporting from these war-torn areas, many gross abuses of human rights have not been recorded. But, for example, in December 1989 a television team from Britain's Channel Four filmed a Burmese Army unit looting a Karen village at Sitkaya, which had been overrun following a mortar barrage the previous night. At least seven villagers were killed and 20 were captured and forced to work as porters. More than 200 escaped, including several wounded women and children, by swimming across the Moei River into Thailand. There they were allowed by sympathetic Thai officials to join the growing exodus of refugees fleeing the Burmese Army advance. Within a week, however, Thai loggers had moved in to Sitkaya to begin cutting and transporting timber.

Caught between the Thai and Burmese armies, the pressures on local communities and refugees have been intense. In late 1991, for example, when NMSP guerrillas destroyed several Thai logging vehicles which had been warned not to enter Mon forest reserves, the NMSP Secretary-General, Nai Rotsa, and two colleagues were lured into Thailand for talks and jailed for three months on charges of illegal immigration. Eventually in 1994, such constraints, combined with the growing pressure for gas pipelines and dams, led the NMSP to engage in peace talks with the SLORC (see following section).

Many of the same pressures have been felt in neighbouring Thailand where, though the press has generally reported such incidents, a number of local journalists writing about the logging trade, such as Chatcharin Chaiwat of the Bangkok weekly, *Khao Pises*, have been threatened or attacked. But the most controversial case has involved the prominent social Buddhist critic, Sulak Sivaraksa. After he made a speech at Thammasat University in August 1991 in which he criticized, amongst other things, the involvement of Thai military interests in the Burma logging trade, Sulak was charged with lese-majesty and defamation of the Thai army commander-in-chief, Gen. Suchinda Kraprayoon. Despite widespread public and international support, the case is still continuing and he faces a possible jail term of up to 15 years.

The Burma logging trade has become a desperate business in which few parties emerge with their reputations intact. Though on a lesser scale, many of the country's armed opposition groups have also become increasingly active in logging deals since 1988 as one of their major sources of revenue to buy arms and ammunition. The most serious cases of over-felling have reportedly taken place in areas where insurgent armies have signed cease-fires with the SLORC, but there has also been large-scale over-felling by groups such as the KNU and Mong Tai Army (MTA) in the Shan State which, paradoxically, have been amongst the most outspoken in their denunciations of environmental destruction caused by the SLORC.

If nothing else, the rapid depletion of Burma's forests is a vivid demonstration that environmental interests cross all sides of the political and ethnic divide. There are also disturbing implications for Burma's neighbouring states, which share a number of the same mountain watersheds; indeed, several of Thailand's own endangered national parks, such as Thung Yai Naresuan and Huay Kha Kaeng, adjoin concession areas. In the past three years, flash flooding, attributed to over-logging, has already occurred in several areas of south-east Burma, and more than 60 lives have been lost.

But perhaps the most disturbing example has occurred in the Kachin State in north-east Burma where a little reported but equally large logging trade has taken place with the People's Republic of China. Here, villagers report that most of the Kambaiti Pass area has been stripped of its original forest cover with the logs carted across to China by the 2,000-strong New Democratic Army, a former communist force, which agreed a cease-fire with the SLORC in 1989. It was deforestation on this scale that inhabitants blamed for flooding in 1991 in which nearly 100 villagers died.

Apparently embarrassed by growing reports of such incidents, since 1990 SLORC officials have privately said that they want to take action against the more exploitative elements in the logging trade, whose activities clearly contradict the *Tatmadaw's* self-proclaimed role as the protector of Burma. Last November, Burma's old colonial Forest Law was revised for the first time since 1902 to allow for the privatization of parts of the trade (except for teak) and to encourage the establishment of furniture and other timber-processing ventures inside Burma. The following month, despite considerable Thai pressure, the logging contracts with Thailand were allowed to lapse (considerable amounts of timber still continue to cross the Thai border, nevertheless). Action has also been taken against a number of soldiers involved in illegal logging rackets, most notably in the upper Sagaing Division and in Kachin State where 127 officers, including an army colonel, were arrested and given jail sentences of up to seven years in early 1994.

But huge doubts remain. In a country desperate for foreign exchange, timber — like opium or precious stones — remains one of the most immediate and easily exploitable sources of income. Few citizens have been encouraged by the SLORC's latest regulation that timber exports must not cross Burma's land borders but, rather, leave by sea; this would simply appear to shift trade back much closer once again to centralized control. Additionally, with the recent signing of the first joint venture contracts by the Minister for Forestry with the South Korean business giant Daewoo, SEA Lumber of Malaysia and Singapore's Lambir Company, there are no new guarantees or provisions for the participation of the local people, access to information or environmental protection in an industry which has long since spiralled out of any political control.

6. GAS PIPELINES AND WESTERN OIL COMPANIES

[Return to contents](#)

Since 1988 the re-entry of Western oil companies into Burma has come in two major waves. Investing an initial US\$400-500 million dollars, of which 10 per cent is believed to constitute 'signature bonuses' to the SLORC, oil companies have provided the largest sectoral block of any foreign investment in the last six years. After 30 years of economic stagnation, they have come back to a country where oil shortages are acute. Once a net exporter of oil, Burma is no longer even self-sufficient and most citizens are forced to buy petrol on the black market at up to 15 times the price paid by army or government officials.

The first approach by Western multinationals began in 1989 when ten foreign companies, including Petro-Canada, Royal Dutch Shell, Amoco (USA), Broken Hill (Australia), Premier (UK), Yukong (South Korea) and Idemitsu (Japan), bought exploration licences for mostly on-shore concessions in government-controlled areas of central Burma. By 1992-93, however, most had begun to pull out due to a combination of factors, including poor discoveries, high operating costs and, though never publicly admitted, in at least two cases concern over the poor human rights conditions in Burma.

The very real possibility of the exodus of all Western oil companies was then halted by the discovery of two major offshore gas fields in the Andaman Sea. For once government projections of Burma's natural potential appeared more than justified; in June 1994, U Khin Maung Thein, the Minister of Energy, put proven reserves in Burma's Gulf of Martaban at over six trillion cubic feet of natural gas — or more than three times original estimates.

The sudden prospect of this financial bonanza, in turn, set off a flurry of activity amongst Western oil companies, leading to the establishment of two controlling groups: one, which consists of Total (France) and Unocal (USA), in the Yadana field,

200 miles offshore from the Mon State; and the other, which lies further south at the Yetagun field, operated by Texaco (USA), Premier (UK) and Nippon Oil (Japan). Once production reaches the development stage, the state-owned Myanmar Oil and Gas Enterprise also has options to take a 15 per cent working interest in both projects.

Quite how either project will reach full production, however, is still far from certain and the advent of Western oil companies is surrounded by increasing controversy. Not only are there recurring allegations of human rights abuses, especially forced relocations and labour in government construction projects near the work-sites, but the projected pipelines to bring the gas onshore for sale in Thailand will have to pass through environmentally-sensitive areas controlled by the KNU and NMSP. Both parties, which are members of the ethnic minority National Democratic Front and the umbrella Democratic Alliance of Burma, have issued a series of strong warnings against the pipeline, urging the international community to withhold their "business interest" in Burma until democracy is restored.

Once again, a critical role is likely to be played by Thailand where, after many doubts, energy planners are beginning to put their full support behind the immense infrastructural costs of the Martaban projects. The Petroleum Authority of Thailand (Exploration and Production) is currently negotiating to obtain a 30 per cent share of the Yadana field and a 2,100-megawatt combined-cycle plant is being planned in Ratchaburi province, apparently to link up with the Unocal-Total pipeline. According to the latest plans, this will enter Thailand from the area of the former KNU stronghold at Natheindaung, which was captured in a SLORC offensive in 1991.

As a result, just as the cross-border logging trade with Thailand was beginning to subside, local communities now find themselves under new environmental and political pressures. Under constant urging from officials in neighbouring Thailand, where local authorities have been threatening to expel 12,000 ethnic Mon and Tavoyan refugees in the adjoining border area, since January 1994 the NMSP leadership has embarked on a series of peace talks with the SLORC. To date, three meetings have been held. Tentative exchanges of messages have also been made between government officials and the KNU, with the SLORC appearing keen to step up the process of peace talks begun in 1989 in north-east Burma which has led to the growing number of cease-fires.

It is, of course, early days yet, but there does seem to be a growing acceptance by military hard-liners on all sides of the need to at least try a process of negotiation after so many inconclusive years of conflict. However, for the moment, as in other cease-fire areas of the country, the peace terms are purely military, and environmental and human rights issues are not being discussed. KNU and NMSP leaders thus contend that critical decisions, which will have a vast impact on the future of their peoples, are being made between Western oil companies and the SLORC behind closed doors, without proper representation or any public environmental studies. According to a press release of the NMSP in May 1994, just before the third round of peace talks:

Ethnic nationalities and ecological diversity are the immediate victims of greed and racism, because the oil and gas corporations as well as multinational investors are assisting the SLORC military junta with technical aid and propaganda to legitimize SLORC rule.

Opposition groups now also accuse the Western oil lobby of trying to operate behind the same wall of secrecy and censorship, which has long been endemic in Burma. The *Los Angeles Times*, for example, recently reported that in early 1994 two American oil companies, Amoco and Texaco, were able to persuade the US Securities and Exchange Commission to remove resolutions on human rights and environmental issues in Burma from their proxy statements (another recent newcomer to Burma, Pepsico Inc., also did likewise).

The one notable exception has been Unocal which, in line with its "statement of principles" for international business, has pledged itself to protecting the environment and communicating "openly and honestly" with the media, shareholders and members of the public. At its annual shareholder meeting in April 1994, however, Unocal officials strongly rejected a call by a group of shareholders (who, nevertheless, received 14.1 per cent of the vote) for a comprehensive report on the company's activities in Burma. The company's argument was twofold: not only, spokespersons claimed, would there be a minimal impact on the environment but Unocal's involvement was directly benefiting the people through the provision of employment and better health and training standards for 2,000 local workers.

According to John Imle, Jr, President of Unocal's Energy Resources Division, the experience of company expatriates working in the country had demonstrated that "these Unocal people were, in effect, ambassadors for a system of ideas and values from a world far beyond the borders of Myanmar." Aware of legal cases in the USA over a massive oil leak from a pipeline at Unocal's Guadalupe field in California, few opposition groups are reassured by the prospect of foreign oil companies working in their country until there are proper environmental procedures for legal accountability, access to information and a free press.

Oil company claims of providing benefits to local people completely ignore human rights abuses in regions where the oil industry is working or planning to work. Evidence of this can be seen in the continuing flight to Thailand of local villagers from nearby areas, as well as documented testimony gathered by Amnesty International, Anti-Slavery International and other human rights organizations over the past few years. Since 1988 a massive dislocation of different ethnic communities has been monitored in several areas around the proposed pipeline. Many of the first refugees were fleeing heavy fighting and government counter-insurgency operations in rural districts of Moulmein, Ye, Yebyu and Tavoy townships in the Mon State and Tenasserim Division. However, since April 1992, when the SLORC announced a unilateral halt to military offensives, the number of refugees fleeing to Thailand for what can better be described as economic or environmental reasons has been growing.

The most recent exodus of refugees has been by ethnic Mons and Karens fleeing compulsory labour duties on an extension of the railway line from Ye to Tavoy which, escaped labourers claim, is designed to interlink with the pipeline project. Since December 1993, up to 30,000 villagers have been ordered by the local SLORC authorities to contribute free labour to the railway. According to eyewitnesses, there was no planning enquiry, environmental assessment or consultation with local villagers or representative parties, and land has been confiscated without compensation along the entire 100-mile route.

In the very area where the Death Railway was completed by allied prisoners of the Japanese in the Second World War, a party of 20 Mon villagers who fled to Thailand in April 1994 described to ARTICLE 19 how they and their relatives had been compelled to work 10 hours a day, provide their own food and medicine, and sleep in the open in a series of eight forest camps to the south of Ye town. The oldest of the escapees was 67 years old, and husbands had sometimes been separated from wives and forced to work at different forest camps.

Conditions varied from camp to camp, depending on the attitude of local army commanders. According to Mi Soe Kyi, who escaped with her baby daughter, there was always a threat of violence against those who did not obey:

I was not a volunteer. All the people were conscripted to work at the construction site. The only way we could avoid service was by paying money to the soldiers. There was a lot of security so it was difficult to escape ... but at our camp they did not hurt anyone. They just fired over our heads. They thought people were lazy — so they tried to frighten us.

Not only do such actions brutally violate human rights and environmental principles, they are also counter-productive at a time when SLORC officials say they are trying to make peace with local ethnic minority peoples and promising to respect indigenous rights and equal economic development. In particular, such practices are a violation of two important International Labour Organization (ILO) conventions, to which Burma is a signatory: the ILO's 1930 Convention concerning Forced or Compulsory Labour (No.29) and the ILO's 1948 Convention concerning Freedom of Association and Protection of the Right to Organize (No. 87).

Independent trade union activity, which briefly flourished in 1988, has long since been suppressed. In Burma today, not only do workers have absolutely no freedom of speech, assembly or right to organize, but civilians can be press-ganged into carrying out labour duties for the government or military without any rights at all. To date, at the SLORC's constitutional National Convention in Rangoon, none of these issues has even been raised, let alone debated or remedied.

7. HYDROELECTRICITY AND DAMS

[Return to contents](#)

After over four decades of conflict, the energy needs of the Burmese peoples are undoubtedly great. Burma has one of the lowest per capita levels of energy consumption in the developing world, and vast areas of the country have no electricity at all. According to World Bank estimates, over 75 per cent of Burma's energy needs are met through fuel wood and charcoal, which places an ever greater burden on the country's rapidly depleting forests. As a result, proposals for the construction of new power stations, both small and large, have been attached to every development

scheme put to the UN, World Bank and other international aid agencies. In particular, it has long been believed that the country's four main rivers — the Irrawaddy, Chindwin, Salween and Sittaung — with their many tributaries, will one day provide a source of abundant hydropower.

For the present, however, the SLORC's main priorities have appeared rather different: firstly, to find new power sources for the estimated 500,000 civilians compulsorily relocated by the government since 1988 to satellite new towns; and, secondly, to produce hydroelectric power in the border regions for sale to raise foreign exchange. As with forestry and oil, the power industry operates in total secrecy and without public participation or investigation of environmental hazards.

A number of small hydroelectric projects are currently under way, with Chinese assistance, in north-east Burma, though local inhabitants have not always been impressed by environmental planning. For example, one hydroelectric plant at Chyng-hkrang in the Kachin State, which was completed in 1993, has supplied only a trickle of electricity due to a lack of adequate water. Nevertheless, virtually all inhabitants welcome attempts to improve the local power supply and, with the cease-fire with the KIO in February 1994, there is now widespread hope that, for the first time in decades, mutual development projects can be agreed between the central government and local peoples. Both KIO and SLORC officials have pledged that this is now their intended way to build the peace.

These projects, however, pale into insignificance compared to plans which are currently being developed in east and south-east Burma — not with the participation of local peoples, but with the neighbouring Thai authorities. Over the past six years, a number of different hydro master-plans have been mooted, including up to a dozen separate dams along the Salween, Moei, Pai, Nam Kok, Mae Sai and Kra rivers. In support of these schemes, in 1992 a feasibility study was carried out by the Japanese Electric Power Development Co-operation. The largest dam would be the Upper Salween Dam, a massive, 166-metre high construction, located 50 miles upstream from the confluence with the Moei River. This one dam alone would be capable of producing 4,560 megawatts of power — or roughly half Thailand's current demand.

However, given the immense development costs and the fact that, once again, many of these areas are controlled by armed opposition groups, it was generally felt that, without a peace settlement, the projects could never materialize. The situation then changed dramatically in mid-1993 when growing drought in Thailand (also attributed to deforestation and other environmental factors) prompted the ambitious new idea of using the hydroelectric projects in Burma to divert water for sale in Thailand to replenish the country's fast-shrinking reservoirs.

This apparently made the sums add up, and in September 1993 a memorandum of understanding on the joint development of the Salween River was signed between the SLORC and Thai governments. The question of the local people, who will be the most affected, was not apparently raised. According to Virasakdi Futrakul, Thailand's ambassador to Rangoon: "The Burmese government is highly centralized. Only the highest authority can make decisions."

In Thailand, at least, the proposed damming of rivers and the environmental implications for the local people have received some detailed publicity. "For Thailand and its neighbours, all's fair in the war for water resources," ran a *Nation* headline in April this year. But such free debate is impossible in Burma, which would be at the centre of floods that would threaten to submerge many of the plains areas in this remote mountain region. Not only could thousands of villagers be forced from their homes, but research has not even started on the problems of silting, water diversion, loss of fisheries and the threat of destruction to the ecosystem as has happened in Thailand and other neighbouring countries where large dams have been built.

Increasingly militant opposition is being expressed by ethnic Karen, Shan and Karenni opposition groups. Both the KNU and MTA have issued statements saying that, while they accept the need for developing new energy sources after a peaceful political solution has been achieved, they are totally opposed to the construction of the dams. Padoh Kaw Soe, central committee spokesperson of the KNU, warned:

If the dam projects become reality, there are three ways for us to go. The first is to go to refugee camps in Thai territory. The second is to go to a SLORC concentration camp. And the third is to stay on the top of the mountain like animals.

8. THE IMPACT OF TOURISM AND BURMA'S CULTURAL HERITAGE

[Return to contents](#)

By most modern international standards, the current tourism trade in Burma is still negligible. One of the most restricted countries in the world under the former BSPP government, by 1987 visitors had peaked at just over 40,000 a year (as compared with 4 million in neighbouring Thailand). Numbers then collapsed altogether to 5,000 in 1989 following the military's suppression of the democracy uprising, before climbing back slowly towards the 30,000 mark in 1993.

This does not mean, however, that the tourism industry is dead. If current government predictions are true, Burma could well be on the brink of a tourism explosion to rival Thailand, Malaysia, Singapore and other more prosperous Asian neighbours. With an eye for the well-heeled traveller ("hippies" and "back-packers" will be barred), currency and visa restrictions are being relaxed to allow for four week stays; new air, sea and land routes are being opened up; and 1996 has been declared the "Year of the Tourist" with a projected goal of 500,000 foreign visitors that year. "Tourism is blossoming all over the world. Hundreds of millions of dollars are being made," Lt-Gen. Kyaw Ba, the SLORC's Tourism Minister, said recently.

Whether foreign tourists will respond in such an enthusiastic fashion while Burma's political crisis still continues is far from certain. But there can be no doubt that

international tourism could well one day play a major role in rebuilding Burma's impoverished economy with its abundance of historic, cultural and geographic sites of outstanding international importance. Across the country many communities would hope to benefit.

The implications for freedom of expression and the protection of the Burmese environment are already immense. Currently, there are plans under discussion for ski-resorts around the Hkhabo Razi peak in Burma's far north, luxury hotels and golf courses on tropical islands in the Andaman Sea, and gambling casinos in the Golden Triangle region of the southern Shan State. For the moment, many of these projects appear wildly ambitious, but the rush of multinational interest in tourist development is accelerating nevertheless. According to SLORC officials, over 15 companies from Singapore, Thailand, Malaysia and Hong Kong have now signed contracts for hotel developments worth over US \$400 million in investment figures alone.

The question, then, is who will benefit? In government publicity, at least, the problem of environmental impact is for once openly acknowledged. "The Government feels that the environmental degradation is caused by the human activities and it recognizes the actual and potential threats posed by uncontrolled tourism in the country," claimed a Tourism Ministry report for 1993. "The Myanmar Tourism Policy is based on preservation of cultural heritage, protection of natural environment, regional development and generation of foreign exchange earnings." To back this up, the National Commission for Environmental Affairs has been ordered to lay down guidelines to control pollution caused by tourism, and there can be little doubt that the desire to protect Burma's unique cultural and environmental heritage is widespread amongst virtually all Burmese citizens today. In April this year, the Minister for Forestry, Lt-Gen. Chit Shwe, also conducted a tour of central Burma with representatives of Lost Frontiers and Tribal and Ethnic Tours of the USA to investigate the prospect of "eco-tourism".

To date, however, few actions have lived up to these words and ideals. Rather than opening up the question of tourism to public debate and participation, a new, highly centralized tourism industry is being built by the SLORC. In June 1990, within days of the NLD's victory in the general election, the Myanmar Tourism Law was unilaterally pronounced by the SLORC, followed in 1992 by the creation of the powerful Ministry of Tourism and Hotels which is responsible for planning all new tour, accommodation and travel enterprises. Private businesses are technically allowed, but most lucrative new licences and contracts, including foreign joint ventures, are going to companies which are controlled either by the state or the military.

Citizens who object or try to publicize opposition to planning orders face draconian restrictions. Perhaps the most notorious example occurred in April 1990 when over 5,000 inhabitants were ordered by soldiers to move from the site of the ancient capital of Pagan and their picturesque wooden homes, some of which were centuries old, were forcibly destroyed. Four people who tried to arrange a public meeting between the villagers and authorities were reportedly arrested and later sentenced to four months' imprisonment in Myingyan jail. As well as being a gross abuse of the fundamental human rights of freedom of association and expression, such practices also contradict the UNESCO Recommendation concerning the Safeguarding and

Contemporary Role of Historic Areas (Nairobi, 1976). The Recommendation specifically promotes the concept of "cultural tourism" and the necessity of encouraging active participation by the local population. Indeed, amongst the inhabitants relocated from Pagan were traditional craftsmen with a worldwide reputation for producing high quality lacquer ware.

Similar concerns are now being expressed about other main tourist destinations, including Rangoon and Mandalay, where construction booms are under way to support the first new international hotels. Already the centre of Mandalay is changing fast. Here, tens of thousands of local people have been ordered to donate free labour since December 1993 in order to build a dual carriageway, dredge the eight kilometre moat and finish the restoration of the old Mandalay palace, the last citadel of the Burman kings. "If we refuse, they say they will arrest us for having anti-military tendencies," one labourer told a visiting Western journalist in July.

Under current economic planning, however, it is probably Rangoon that ultimately stands to change the most. In 1993, the first demolitions started of the colonial facade of the downtown city area to make way for Singaporean and Thai-backed skyscraper hotels. In deference to Buddhist sentiment, buildings will be limited to a maximum of 27 storeys so that they will not rise above the internationally-revered Shwedagon Pagoda, which lies on a small hill to the north. Many monks and community leaders privately complain, nevertheless, that the historic shape of Rangoon is being irrevocably changed without any consultation with the local people. Nervous residents are also fearful that they could be next to lose their homes and forced to join the over 200,000 citizens already relocated from Rangoon since 1989 to the satellite new towns of Hlaing Thaya and Shwe Pyi Thar.

Equally serious worries are being expressed over land confiscations, cultural despoliation and a complete lack of environmental rights in many ethnic minority regions of the country. Most have been completely closed to foreign tourists for over four decades due to a combination of government policies and the insurgencies; indeed, until 1992, Rangoon was the only official gateway to the country. None the less, with the growing number of cease-fires, a number of frontier posts have been opened under the SLORC's Border Areas Development Programme in the past three years to allow short-term visits by foreigners.

However, any joy in the Shan State over the official reopening of the Mae Sai-Tachilek to Kengtung highway from Thailand was completely dampened by the sudden but still unexplained demolition of the royal Kengtung Palace in November 1991. The historic seat of the traditional *Sawbwa* rulers, the site has since been left derelict. Local Shans, however, believe that military officials had an ulterior motive. For while large government funds are currently being spent on restoring Pagan, Mandalay, Pegu and the legacy of the former Burman kings in central Burma, they claim that the country's ethnic minority heritage is being deliberately run down. In Kengtung, the objections of senior Shan monks were overruled and prisoners and ethnic Burman workers had to be brought in to complete the demolition after local Shans refused. According to reports reaching Thailand, one Shan magistrate, Sai Sarm Tip, and two friends were arrested and held in captivity for 46 days for allegedly distributing leaflets opposing the destruction of the ornate colonial-style building. "They had no right to pull it down," Tip said. "It belonged to the Kengtung people."

For many Shan citizens, the destruction of the Kengtung Palace now stands as a glaring example of the abuse of state power and the imposition of developmental or cultural standards without any rights of consultation or redress by the local community. Celebrated in song, the palace has now become a focal point in a reviving resistance movement. "Swallowing our history and resurrecting theirs", headlined a recent article in one underground Shan magazine.

Ironically, one of the main beneficiaries of this resurgence of Shan nationalism has been the 15,000-strong Mong Tai Army led by Khun Sa, which has not yet agreed to peace talks with the SLORC. Long derided as an opium smuggler, since the end of last year Khun Sa has unilaterally declared the independence of the Shan State and ordered a sustained offensive across much of the south-west and central region. Over 500 fatalities were reported on both sides during May-June 1994 alone and the road from Tachilek was once again briefly closed. As with the pipelines to Thailand, it is hard to see how any sustainable development or environmental protection can be achieved until there is a lasting peace between the central government and the people, which allows rights to political participation and public consultation.

9. NATIONAL PARKS AND WILDLIFE

[Return to contents](#)

While international attention usually concentrates on the human rights, humanitarian and economic consequences of the political impasse, it is in the growing loss of the country's once extensive wildlife and nature reserves that the depth of the environmental threat to Burma can be seen. Though Burma still possesses some of the largest regions of pristine nature in Asia, many important and internationally endangered species of flora and fauna are coming under increasing pressure in many of the country's diverse ecosystems, ranging from coral reefs and tropical swamp forests in the south to virgin conifer forests and subalpine scrub in the mountains of the remote north. Over 300 species of mammal, 360 reptile and nearly 1,000 bird species were recorded in Burma in the days of British rule, but most zoological and botanical studies have stopped altogether since independence. No reliable distribution data exist on any species of wildlife and, as Burma's forests disappear, studies on the country's innumerable varieties of flora are equally non-existent.

On paper, there has been some attempt by government to conserve nature. Illegal hunting technically carries jail penalties of up to 20 years and, under commercial laws introduced by the SLORC, cross-border trade in hides, leathers, ivory, elephants or other exotic animals are all prohibited. However, the illicit trade in wildlife flourishes around all Burma's frontiers, including through territory controlled by armed opposition groups. At government border towns such as Tachilek, a bewildering array of wildlife products are on sale, including bear gall bladders, deer skulls and, in back-street rooms, tiger skins at over US\$1,000 each. With the rapid disappearance of similar species from neighbouring Thailand and China, the demand for wildlife appears to be accelerating. Unlike Thailand, Burma has not yet joined the Convention

on International Trade in Endangered Species of Wild Fauna. Amongst the most endangered species in Burma today are tigers, leopards and other wildcats; elephants, rhinos and wild oxen; Irrawaddy dolphins, tortoises and turtles; hornbills, cranes and different birds of prey; and several rare species of primate, such as the slow loris, pigtail macaque and Hoolock gibbon.

The alarming evidence of over four decades of conflict and complete disregard for environmental principles can be seen at the once-renowned Pindawng Game Sanctuary in the Kachin State. A 780 square mile region of mixed mountain and lowland forest, until the 1950s the reserve was carefully managed for an abundant variety of wildlife, including rhinos and up to 800 elephants. Today, the rhinos and most of the elephants have gone, along with over half the forest cover. A one mile strip either side of a railway line, which traverses the reserve, has been cleared as a counter-insurgency measure by government troops stationed in the sanctuary, while growing numbers of dislocated villagers from other parts of the Kachin State have moved in over the years to illegally cut timber and settle on reserve land.

But perhaps the most symbolic struggle is yet to take place at the 42,000 hectare Kaserdoh Wildlife Sanctuary on the Tenasserim River in south-east Burma where two extremely rare rhino species, the Javan and Sumatran, are now believed to be on the brink of extinction. The Kaserdoh Sanctuary is one of seven the armed opposition KNU has tried to set up in its eastern administrative districts near the Thai border, but it is regarded as of special international importance due to its unusual mixture of mountain and lowland forests, including tropical evergreen. In co-operation with local villagers, in the last four years KNU officials have tried to enforce conservation under the KNU's own 1970 Wildlife Law which protects many rare species.

However, with the growing pressure to develop pipelines and dams, the entire region is now under threat. Not only is the Burmese Army moving ever closer, but the KNU government itself has recently allowed Thai loggers to begin extracting trees around the edges of the reserve in a desperate attempt to raise new funds for arms. Illegal hunting and poaching, including the use of explosives and cyanide, are now rife near the reserve and growing numbers of animals are being trapped and sold to Thailand. In probably the last extensive elephant habitat in the south of Burma, over 200 elephants have been trapped or killed in the last five years, including at least 17 inside the Kaserdoh Sanctuary itself.

As in other ethnic minority regions of Burma, a careful distinction needs to be made between national development rights, environmental rights and the right of indigenous peoples to the traditional use of their lands. Historically, trapping and working with elephants has been an integral part of Karen forestry practice and culture. But, as the impending threat to Kaserdoh now shows, there is an urgent need for all parties in Burma — from the government to armed opposition groups to local community leaders — to pay proper respect to environmental protection, which will preserve their lands for future generations to enjoy. Crisis point has already long been reached.

10. INTERNATIONAL RELATIONS

[Return to contents](#)

In the past six years, the international response to the political crisis in Burma has contained various strands. Western countries and Japan have maintained a degree of political and economic pressure against the SLORC whose assumption of power led them to sever all bilateral aid, but increasingly Western companies and Asian governments have intensified their trade investment in Burma, arguing that this, rather than sanctions, is more likely to foster change. However though a number of politicians have recently said that they are encouraged by the peace talks between the SLORC and ethnic minority forces, the release and subsequent political freedom of Aung San Suu Kyi remain the main litmus-test for most Western governments on any decision to fundamentally re-evaluate policy towards the SLORC. Such long overdue recognition by the SLORC of Burma's democracy figurehead is considered essential as the first evidence of any real commitment to political reform.

The strength of these views has been reflected at both the UN General Assembly in New York and the Commission on Human Rights in Geneva where, though the SLORC is recognized, growing pressure has been brought to bear. Following a series of strongly-worded UN resolutions deploring the SLORC's continued refusal to hand over power, in March 1992 a Special Rapporteur was appointed to investigate the entire human rights situation in Burma. So far, two extremely critical reports have been published in which the Special Rapporteur has called for, amongst other things, respect for fundamental human rights, the immediate release of Aung San Suu Kyi and all other political prisoners, and an end to forced labour and relocations. Reporting the environmental consequences of government actions, however, was not a specific part of the Special Rapporteur's mandate.

A number of other agencies, notably the UNDP and UNICEF, are continuing to try and fulfil the UN's legal responsibilities in Burma, often to address humanitarian needs such as the growing Aids crisis. Though plans have been circulated to become more involved in SLORC development projects, especially in the border areas, funds have not generally been forthcoming from Western donor countries, which have said that they prefer to support only projects involving "grass roots" or NGO participation until substantive steps are underway to end Burma's political deadlock. Since, until recently, neither foreign nor local NGOs were allowed to operate in Burma, this stipulation has meant that in several cases UN budgets have remained cut back. Moreover the parameters within which NGOs can work in Burma is still far from clear.

As a result, few international studies are being completed which touch on Burma's countrywide ecological concerns, but the broad range of the SLORC's deficiencies in handling environmental affairs was outlined by the UN Development Programme's country assessment programme in 1993. Urging the importance of the "sustainable development" of natural resources, the report highlighted the need for a free information flow through proper environmental assessments and management practices to "complement community-level actions". To back this up, a National Conservation Strategy was necessary as part of Burma's response to AGENDA 21

from Rio as well as a detailed management review of the SLORC's newly-created National Commission for Environmental Affairs.

However, the caution on humanitarian issues generally displayed by Western governments and UN agencies over working in Burma has hardly been shared by the international business community. For all the international discussion of trade boycotts, only an arms embargo has been declared by the European Union and a textile ban by the USA. By December 1993, according to government statistics, 261 foreign companies had opened branches in Burma since the SLORC came to power and another 60 had set up joint ventures. Only a few companies, notably Levi-Strauss & Co and the teak furniture company Smith and Hawken in the USA, have publicly refused to consider business in Burma on human rights or environmental grounds.

In response, around the world a growing number of non-governmental groups have been formed to campaign on environmental, human rights and trading issues. In the USA, for example, the Coalition for Corporate Withdrawal from Burma has been established, backed by lobbying groups such as the Franklin Research and Development Corporation, the Interfaith Center on Corporate Responsibility, the Institute for Asian Democracy and the Sierra Club, while in the United Kingdom the Burma Action Group has called for the withdrawal of all oil companies. Strong support has come from Archbishop Desmond Tutu, the 1984 Nobel Laureate, who has drawn parallels to the experience of South Africa and stated his belief that "tough sanctions" brought "the release of Nelson Mandela and the dawn of a new era in my country". "International pressure can change the situation in Burma," he wrote last year in the *Far Eastern Economic Review*.

The counter-argument put forward by the foreign business community working in Burma is that, in the long-run, it is international contacts and discussion that are more likely to energize the social and economic conditions necessary for political change after so many years of stagnation and conflict. While dismissed by most opposition groups as cynical opportunism, this is also the argument put forward by government officials of a growing number of Burma's neighbours, including China, Singapore and, most recently, India, which are all increasingly involved in trade.

In recent months, the international lead has been taken by Thailand, in collaboration with its partners in ASEAN, which has developed a policy of "constructive engagement" towards a difficult neighbour. In March 1994 the Singaporean leader, Goh Chok Tong, was only the second foreign Prime Minister to make an official visit to Rangoon since the SLORC assumed power, followed in April by Roberto Romulo, the Philippines' Foreign Minister. Then, in July 1994, relaxing previous concerns expressed by Malaysia and Indonesia over the plight of the 200,000 Muslim refugees in Bangladesh, Burma was invited for the first time since 1988 to attend sessions of the annual Ministerial Meeting of ASEAN in Bangkok, an invitation the SLORC accepted. Critics claimed that the ASEAN move was a counter-balance to China's growing monopoly on international trade in the north of Burma. However, pointing out the "risk of open conflict" Burma's problems caused to the region, Thailand's Deputy Foreign Minister Surin Pitsuwan argued that the ASEAN countries had their own compelling reasons for keeping an open line to the SLORC government. "The West has the luxury of distance," he said. "We have the burden of proximity."

On this basis, ASEAN leaders are adamant that, while promoting commercial interests, their policy of constructive engagement, unlike sanctions, allows the region's politicians to address Burma's military rulers directly over their many concerns on issues from narcotics and Aids to refugees and the environment. Indeed, in his meeting with the SLORC Foreign Minister, U Ohn Gyaw, the Thai Prime Minister, Chuan Leekpai, called for the release of Aung San Suu Kyi so that Burma could "concentrate on developing the democratic process and the economy". Following the ASEAN meeting, the German Foreign Minister and President of the European Union Council of Ministers, Klaus Kinkel, also issued an unexpected statement generally supportive of the ASEAN view in what may well herald the start of a long-term change in European policy.

However, which policy is more likely to produce political reform and pave the way for long overdue human rights and environmental protection is far from clear. This dilemma was recognized by Aung San Suu Kyi herself when she met with US Congressman Bill Richardson, who was allowed by the SLORC to meet her under house arrest in February 1994:

There have always been two schools of thought about sanctions. Some would say it only harms the people; it doesn't harm the government against which it is directed. I don't think this controversy has ever been fully resolved, and certainly I would not like anything that harms the people. But then, is whatever trade [that is] going on really helping the people or is it simply helping the government to dig its heels in? This is the question which has to be asked.

In the final analysis, the answers to Burma's many grave political problems can only be found by the Burmese peoples themselves, but that can only happen through a process of dialogue, reconciliation and reform that involves the voluntary consensus of all representative parties. The growing number of peace talks with armed ethnic minority forces have shown that, though many doubts remain, dialogue is still possible after over four decades of conflict. In her meeting with Congressman Richardson, Aung San Suu Kyi once again held out the olive branch of talks with the SLORC: "I've always said that the only answer to Burma's problems is dialogue ... I'm ready at any time, but they [the SLORC] seem not terribly keen." Nevertheless, this same theme was also taken up in July 1994 by Lt-Gen. Khin Nyunt, the SLORC Secretary-One, when on the eve of the ASEAN Ministerial Meeting he offered to meet with Aung San Suu Kyi and pledged the government ready to work "hand in hand with politicians who have opposed us in the past". "Daw Aung San Suu Kyi is not an enemy," he told the *New York Times*. "In fact she is the daughter of one of our generals. She is younger than me, and I think of her like a younger sister."

Burma's deteriorating environmental and humanitarian crises only illustrate that the time for democratic reform has never been more urgent. Drastic and often coercive decisions are being made which are only likely to ensure that Burma's tragic cycle of poverty and conflict will continue. Many community leaders, nevertheless, believe that, after so many years of confrontation, there is now a growing acceptance by different protagonists of the scale of countrywide problems. But long-term solutions will only be found by restoring all rights of freedom of expression and establishing a

genuinely representative government to oversee and continue the process of reform. According to Prof. Khin Maung Kyi, the environmental crisis is now imperative:

National consensus, reconciliation, and an early agreement among all contending forces for the future course of action is a must for both national survival and renewal It should be realized that when the peripheral regions are gone and forests are denuded ruthlessly, the Ayeyarwady [Irrawaddy] may literally dry up, with what remain of Myanmar degenerating to a sub-Sahara stasis.

11. CONCLUSIONS AND RECOMMENDATIONS

[Return to contents](#)

As this report shows, the threat to the environment in Burma has been accelerating rapidly during the six years since the SLORC seized power in 1988, systematically crushed the emergent democracy movement and established a regime which has become synonymous with human rights abuse. Until now, the progressive degradation of Burma's natural environment — and the long term problems this heralds for the future — has received little attention internationally and within Burma itself. The Burmese press, state-controlled and subject to strict censorship by the SLORC, is unable to comment on such issues. Academic and scientific debate too, let alone any wider debate involving the communities most directly affected, has been stifled by official restrictions on freedom of movement and by the all-encompassing denial of the right to freedom of expression which has been such a hallmark of SLORC rule.

Today most Western governments continue to criticize the SLORC's human rights record and call for the release from house arrest of Aung San Sui Kyi, Nobel Peace Prize winning leader of the Burmese democracy movement. By contrast, foreign businesses and governments in Asia, as well as major multinational corporations from the West, are increasingly strengthening their economic ties with Burma. Such foreign investors, clearly, are motivated by self-interest and a perception that Burma, even while under the SLORC, represents an attractive trading partner. However, in justification they argue too that such "constructive engagement", by strengthening the Burmese economy and opening up the country to greater foreign influence, is more likely to help bring about political reform and change within Burma than could be achieved through boycotts, trade embargoes or other measures which serve to prolong the country's international isolation.

Whether or not this assertion is well-founded, or simply a pretext for maintaining "business as usual", only time will tell. What is clear, however, is that foreign governments and companies who advocate "constructive engagement" with the SLORC have a particular responsibility to press for the early removal of existing restraints on freedom of information and expression. For, without the restoration of these essential freedoms, there can be no open debate or discussion of environmental

issues within the country involving those communities whose lives, livelihoods and futures can be expected to be most directly affected.

ARTICLE 19 believes that the continuing denial of freedom of expression in Burma lies at the heart of the country's current problems, including the political impasse between the SLORC and advocates of democracy; the continuing conflict between the central government and the Mon, Karen and other ethnic minority groups; and, not least, the increasing pressures on the environment which, if not soon addressed, assuredly carry the seed of impending national disaster. The situation is urgent and to procrastinate further would be folly.

ARTICLE 19 therefore calls on the SLORC to take the following steps as a matter of the highest priority:

- to repeal all legislation restricting freedom of expression and freedom of information, and to ensure, through the removal of censorship and other constraints on the free flow of information, that the necessary conditions exist in Burma for the establishment of free and independent print and broadcast media.
 - to release unconditionally all people detained or imprisoned for the peaceful expression of their political views or opinions, including writers, journalists and student leaders, as well as Aung San Sui Kyi and other political and community leaders and activists.
 - to remove restrictions on freedom of movement and to foster programmes of scientific and academic investigation into the state of Burma's environment and the impact of current forestry, energy production, tourism development and other programmes.
 - to call a national conference or similar democratic forum, involving representatives of all relevant sectors of society, including ethnic minority groups, to discuss openly and fully the growing threat to Burma's natural environment and resources, and to devise clear safeguards for future environmental protection taking particular account of the recommendations contained in AGENDA 21 and the 1992 Rio Declaration on Environment and Development.
 - to ensure that detailed environmental assessments are made, and that the views of the communities likely to be affected are taken fully into account before new forestry, energy production or other developments which will have an impact on the environment are initiated.
 - to end immediately the use of forced labour and forcible relocations.
 - to take steps to implement an early return to democracy in Burma, recognizing that it is only in a democratic society that the right to freedom of expression can be assured.
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SELECT BIBLIOGRAPHY

[Return to contents](#)

Amnesty International, *Myanmar: 'No law at all': Human Rights Violations under Military Rule* (London: 1992).

ARTICLE 19, *State of Fear: Censorship in Burma* (London: 1991).

Environmental Research Division, *A Report on the Forestry Activities of Burma and the Stability of the Moulmein Watershed and Tenasserim Uplands* (Manila Observatory, Philippines: 1990).

Green November 32, *Deadly Energy* (Bangkok: 1993).

M J Kane, "Promoting Political Rights to Protect the Environment", *Yale Journal of International Law*, Vol.18:389, 1993, pp.389-411.

Ministry of Hotels and Tourism, *Hotels and Tourism Development: Myanmar* (Rangoon: 1993).

M Smith, *Burma: Insurgency and the Politics of Ethnicity* (London and New Jersey: Zed Books, 1993).

United Nations, *Earth Summit Agenda 21: the United Nations Programme of Action from Rio* (New York: 1993).

World Bank, *The World Bank Policy on Disclosure of Information* (Washington DC: 1994).

[Return to contents](#)
