



SIXTH ITEM ON THE AGENDA

**Effect given by the Government of
Myanmar to the recommendations of the
Commission of Inquiry established to
examine the observance of the Forced
Labour Convention, 1930 (No. 29)**

**Report of the ILO technical cooperation
mission to Myanmar (Friday, 20 October-
Thursday, 26 October 2000)**

Addendum

The Office has received from the Government of Myanmar the attached communication.

Permanent Mission of the Union of Myanmar
to the United Nations Office and
other International Organizations, Geneva

No. 428/3-20/26

15 November 2000

Sir,

Further to the meeting of the ASEAN Ambassadors with you on 14 November 2000, we are distributing a position paper of the Myanmar delegation to the Governing Body members, a copy of which I am enclosing herewith.

As we have explained to you, "Myanmar is ready to accept an ILO representative, either based in the Regional Office in Bangkok or based in Geneva, to observe, assess or assist the national supervisory mechanism in the implementation of Convention 29. The representative of ILO will be given full cooperation to effectively carry out his responsibilities. The representative will enjoy, for these purposes and for the duration of his mission, the same legal protection and status accorded to officials of comparable rank in the United Nations. The representative, either based in the ILO Regional Office in Bangkok or in Geneva, may make frequent visits to Myanmar, as the need arises."

It would also be appreciated if you could kindly circulate it to the members of the Governing Body.

Yours sincerely,

(Signed) (Mya Than)
Ambassador
Permanent Representative

Mr. Juan Somavia
Director-General
International Labour Office

Delegation of Myanmar

Position paper

- Since the 88th Session of the ILC which adopted the resolution on Myanmar, the following steps have been taken to put in place a framework of legislative, executive and administrative measures to comply with the ILC resolution.
- Initially, intensive consultations were made among all departments and agencies concerned regarding the measures needed to fulfil the conclusions of the report of the Technical Cooperation Mission (TCM) and the ILC resolution.
- An independent study group headed by Baron Walter von Marschall, former Ambassador of FRG to Myanmar, was invited to have an independent opinion of what constitutes the satisfactory measures regarding the framework that the ILC resolution referred to. The group visited Myanmar from 25 September to 6 October 2000 and gave various options which in their opinion would satisfy the required measures mentioned in the ILC resolution.
- Additionally, at the invitation of the Government of Myanmar, a five-member Technical Cooperation Mission (TCM) visited Myanmar from 20 to 26 October 2000. Based on the advice and suggestions of the TCM, a new legislative order was issued on 27 October 2000. The order made it clear that the requisition is illegal and is an offence under the existing laws of the Union of Myanmar. It also spells out the consequence for the breach of the legislative order by explicitly spelling out that any one, including the members of the armed forces shall have action taken against him under Section 374 of the Penal Code or any other existing laws. In the words of the TCM, this order has general applicability.
- This order was supplemented by a directive from the State Peace and Development Council (SPDC), the highest organ of state power in Myanmar. The SPDC is the legislative authority, and as the TCM has pointed out, the highest military authority and the highest civilian authority in the country. This document, TCM pointed out “provides confirmation that there is political will at the highest level to reach a solution”.
- Apart from this legislative measure, concrete and detailed framework of administrative and executive measures have been instituted.
- This consists of the Ministerial Committee headed by the Minister of Labour and the Implementation Committee on Convention 29 as well as a national supervisory mechanism for monitoring compliance.
- Myanmar has thus put in place a framework of legislative, administrative and executive measures to ensure that there is no forced labour both in law and in practice.
- With regard to the ILO presence, Myanmar is also willing to accept an ILO representative, either based in the Regional Office in Bangkok or based in Geneva, to observe, assess or assist the national supervisory mechanism in the implementation of Convention 29. The representative of ILO will be given full cooperation to effectively carry out his responsibilities. The representative will enjoy, for these purposes and for the duration of his mission, the same legal protection and status accorded to officials of comparable rank in the United Nations. The representative, either based in the ILO Regional Office in Bangkok or in Geneva, may make frequent visits to Myanmar, as the need arises.
- In view of these framework of legislative and executive measures and Myanmar’s willingness to address the ILO presence, the action envisaged by the ILC are no longer required and necessary. We wish to earnestly request the Members of the Governing Body to take the necessary decision so that the measures envisaged by the ILC will not come into effect on 30 November 2000.