



BURMA CONFERENCE

Kathmandu, Nepal – 3-4 April 2007

FINAL DECLARATION

1. The 4th international trade union conference on Burma, hosted in Kathmandu by the three ITUC affiliates in Nepal on 3-4 April 2007, brought together leaders and representatives of the Burmese democracy movement, including the ITUC-associated Federation of Trade Unions – Burma (FTUB), the Federation of Trade Unions – Kawthoolei (FTUK) and the National Coalition Government of the Union of Burma (NCGUB), national union centres affiliated to the ITUC in 20 countries across the Asia-Pacific, European and North American regions, as well as Global Union Federations, the International Labour Organisation and other participants.
2. The Burma Conference received detailed reports of the current state of repression, especially of labour and trade union rights in Burma. It notes that conditions in Burma remain critical in spite of the campaigns by the international community, including by the trade union movement, against widespread and systematic violations of human rights, over many years.
3. The Burma Conference expresses serious concern at the Burmese military regime's failure to engage in genuine dialogue with the National League for Democracy and the ethnic nationalities' organizations for the restoration of democracy and peace. The Burma Conference strongly rejects the regime's "National Convention" process and recognises the NCUB's¹ genuine consultation processes in developing a draft federal democratic constitution.
4. The Burma Conference condemns the continuing detention of Nobel Peace Laureate, Daw Aung San Suu Kyi, and the detention and abuse of over one thousand political prisoners, many of whom have died as a result of ill-treatment in detention.
5. The Burma Conference condemns the repression of trade union rights, including the denial of freedom of association in law and in practice, despite Burma's ratification of Convention 87. Labour activists and family members, friends and associates are commonly arrested, tortured and sentenced to heavy prison terms. The military regime has attempted to brand the FTUB as a terrorist organisation, and to prevent its General Secretary, Maung Maung from attending the International Labour Conference and engaging in other international travel.
6. The Burma Conference condemns the military regime's attempt to establish Myanmar Workers' Associations, under its control, and its actions in enlisting support from international organisations and donors, while real freedom of association is totally banned.
7. Women have been especially repressed under the policies and operations of the military regime, including in the exaction of forced labour, through routine rape used as a weapon of war by the military in conflict zones and through the trafficking of girls and women, including into the sex industry.
8. Migrant workers from Burma are the most vulnerable to violations of their fundamental rights. The Burma Conference commends the work of trade unions and other

¹ National Council of the Union of Burma

organisations in some countries to improve conditions and protection of migrant workers from Burma.

9. Despite the regime's ratification of Convention 29 and its formal commitment to implement the Recommendations of the ILO Commission of Inquiry, to eradicate forced labour, the practice remains systematic and widespread, both by the military and local authorities and is accompanied by violations of other fundamental rights, including forced relocation, arbitrary detention and execution, rape, torture and the forced recruitment of child soldiers. The FTUB and other trade unions continue to provide regular, frequent and detailed reports of forced labour imposed by the army on civilian populations throughout the country.
10. The regime's appalling governance record is further evidenced by serious threats to human security, ecological integrity and local livelihoods. These include the construction of dams on the Salween River, illegal logging and the destruction of teak forests, the production and trafficking of drugs, and the prioritisation of the national budget to military expenditure and the lack of support to basic health and education needs.
11. The Burma Conference condemns all foreign direct investment, and expresses particular concern at the increases in investment in the oil, gas and mining industries, the increase in illegal timber export trade and the domination of all significant economic activity in Burma by enterprises controlled by, or associated with the military and former drug lords, the continuing failure of governments to develop effective international sanctions against the regime, the increasing political and economic support provided to the regime by China and other neighbouring countries, and the limited scope and exclusions in the European Union's "Common Position".
12. The Burma Conference recognizes the important leadership role that India can play, as a regional super power and the world's largest democracy, to forward the cause of democracy and trade union rights in Burma;
13. The Burma Conference commends the efforts of Parliamentary caucuses around the world on Burma and particularly welcomes the work of the ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC) in working for progress towards democracy in Burma.
14. Despite many years of attention and Resolutions passed by the United Nations' General Assembly and the former Commission on Human Rights, calling for national reconciliation, the situation in Burma remains a serious threat to regional and international stability and peace. The Burma Conference welcomes the recent UN Security Council debate, regrets the failure of it to be adopted due to the veto of China and Russia and the opposition of South Africa and notes the report to the UN Human Rights Council of the Special Rapporteur Paulo Sérgio Pinheiro on the situation of human rights in Burma, stating that: "Grave human rights violations are committed by persons within the established structures of the State Peace and Development Council and are not only perpetrated with impunity but authorised by law". The report underlined the "continued misuse of the legal system, which denies the rule of law and represents a major obstacle to securing the effective and meaningful exercise of fundamental freedoms by citizens".
15. The Burma Conference acknowledges the efforts of the ILO since 1992 specifically, to have the military regime fulfil its obligations and respect fundamental labour rights and the Conventions it has ratified. In June 2000, the

International Labour Conference adopted a Resolution highlighting the systematic and continued practice of forced labour in Burma. The Resolution called on ILO Constituents and other international organizations, to review their relations with Burma and cease any relations that might have the direct or indirect effect of aiding and abetting forced labour. In view of the regime's failure to implement the recommendations of the ILO Commission of Inquiry, Burma has remained on the agenda of every session of the ILO Governing Body and Conference, through a Special Session of its Committee on the Application of Standards. The terms of the 2000 Resolution were further recalled and strengthened by the 2006 ILO Conference, through special sittings of the Conference's Selection Committee. ILO Constituents have been requested to report on action taken under the 2000 Resolution and to take further appropriate action, including with respect to foreign direct investment, and their relations with Burma's state or military-owned enterprises.

16. The Burma Conference received detailed reports from ILO Executive Director, Mr. Kari Tapiola and Liaison Officer, Mr. Richard Horsey. The Burma Conference notes the discussions held and conclusions adopted by the March 2007 meeting of the ILO Governing Body. While welcoming the "Supplementary Understanding" between the Burmese military regime and the ILO, signed in February 2007, which provides a complaints mechanism for victims of forced labour, through the Liaison Officer to the military regime, the Burma Conference considers that such an agreement is not, in itself, sufficient to ensure the end of forced labour, and requires close monitoring of compliance, an increase in resources for the ILO office in Burma, and continuing pressure on the regime to ensure the eradication of forced labour.
17. The Burma Conference strongly supports the decisions of the ILO Governing Body and the Conclusions of the 2006 ILC Selection Committee to pursue a referral to the International Court of Justice (ICJ), relating to the violation of the Forced Labour Convention, 1930 (ILO Convention 29) by the Burmese military regime.

The Burma Conference calls on:

The Burmese military regime:

to engage in genuine dialogue with the National League for Democracy and the ethnic nationalities' organizations for the restoration of democracy and peace.

to implement all the Recommendations of the ILO Commission of Inquiry, to immediately end the use of forced labour and to prosecute those responsible for this crime against humanity.

The ITUC, its affiliates and GUFs to work together:

To implement and coordinate international trade union campaigning to achieve the implementation of this declaration

to use all means available to promote awareness of Burma from the workplace to the national and international level;

to maintain and promote the ITUC database of companies investing in Burma;

to take all possible steps to persuade companies engaged in Burma to end all economic and trade relations and investments until democracy is established and forced labour is eradicated;

to target and campaign against multi-national enterprises operating in and within Burma and in particular large scale oil, gas, mining, dams and infrastructure investment projects which offer major economic benefits, as a future source of foreign exchange, to the regime;

to highlight the Burma campaign within the program of the ITUC Committee on Workers' Capital to pressure companies to end their trade with and investment in Burma;

to identify those insurance companies that are underwriting corporate investment in Burma and take all possible steps to persuade them to terminate the coverage;

to organise an international Burma Day of Action and to consider other appropriate trade union action to bring effective pressure on the Burmese military regime;

to persuade the international and regional organisations including financial institutions to terminate their lending and other projects relating to Burma, except where designed specifically to promote the implementation of ILO recommendations and the fight against HIV/AIDS, malaria and tuberculosis;

to intervene through the Workers' Group in order to ensure that the ILO strictly monitor the full and effective implementation of the "Supplementary Understanding" and to strongly support the strengthening and full resourcing of the ILO office in Burma;

to campaign to achieve the adoption of a resolution on Burma by the UN Security Council;

to provide political and financial support and solidarity with the FTUB, in its organising and campaigning activities, including solidarity union missions to border areas;

to defend the FTUB and its leaders against the false accusations by the military regime and support its efforts to establish independent and free trade unions in Burma;

to assist to organise and support migrant workers and refugees from Burma, to ensure their rights under domestic and international law are respected and protected;

to ensure the participation of women workers of Burma in the relevant ITUC campaign and educational activities;

to strengthen the campaign for the immediate and unconditional release of Aung Sang Suu Kyi and all other political prisoners highlighting the case of trade unionists, including Myo Aung Thant;

to strengthen support for Burma's democracy movement, including the NCGUB and NCUB, and among relevant civil society and political organisations in respective countries;

to work with inter-governmental bodies and members of parliament to establish parliamentary caucuses on Burma and as a priority, to establish such a group in the South Asian region (SAARC).

The ILO:

In consultation with the constituents, to make all preparations to enable the Governing Body, in the absence of rapid and tangible progress, to immediately request an advisory opinion from the International Court of Justice (ICJ), on the basis of the ILO-UN

agreement, on the question of the consequences under international law of Burma's persistent failure to respect its obligations under Convention 29.

To set up a system for the regular monitoring and reporting of actions taken by the ILO constituents and by international organizations in order to give effect to the 2000 Resolution and subsequent Governing Body decisions, including those concerning foreign direct investment in all its forms.

To hold Multi-stakeholder conferences in order to exchange ideas and best practice in the implementation of the 2000 Resolution, in line with the decision of the 2006 session of the International Labour Conference;

To explore all possibilities of prosecution in the International Criminal Court of those responsible for forced labour and other crimes against humanity in Burma.

Governments:

To refuse recognition of the "National Convention" process and the illegitimate Constitution prepared by the regime. international community to give political support instead to efforts by the democratic opposition movement, including the NCGUB Government-in-Exile, the FTUB, the NCUB and others to promote the democratic federal constitution and to assist Burma's democratic opposition and trade union movement in their effort to build the conditions for democracy, through supporting international cooperation and capacity building projects;

To fully implement the ILO Resolution of June 2000, to establish tripartite committees at national level, to monitor the application of the Resolution and to report regularly thereon to the ILO;

To increase political, diplomatic and economic pressure, including the application of effective economic sanctions on the regime in order to ensure respect for fundamental rights and democratic rule;

To promote dialogue within governments and inter-governmental bodies, including the EU², ASEAN³, ASEM⁴ and SAARC⁵ with the purpose of convincing the military regime to engage in a genuine political time-bound dialogue with all interested parties including the ethnic nationalities and the National League for Democracy, as an indispensable condition for the establishment of the rule of law and genuine democracy.

To strengthen the EU Common Position by inter alia including the companies and sectors still missing from the existing list of Burmese companies with which it is forbidden to trade.

² European Union

³ Association of South East Asian Nations

⁴ Asian-European Meeting

⁵ South Asian Association for Regional Cooperation