

BURMESE REFUGEES IN THAILAND

HEARING
BEFORE THE
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS
AND HUMAN RIGHTS
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

APRIL 16, 1997

Printed for the use of the Committee on International Relations



U.S. GOVERNMENT PRINTING OFFICE

45-503 CC

WASHINGTON : 1998

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-056097-7

H 461-37.

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CONTENTS

WITNESSES

	Page
Mr. Gary Lane, Senior Reporter, CBN News	4
Mr. Steve Dun, Karen Refugee	7
Mr. Soe Pyne, Director of the Prime Minister's Office, National Coalition Government of the Union of Burma	8
Rev. Richard Ryscavage, S.J., Director, National Coalition Government of the Union of Burma	10

APPENDIX

Prepared statements:

Representative Christopher H. Smith, Chairman, Subcommittee on Inter- national Operations and Human Rights	25
Mr. Gary Lane	28
Mr. Steve Dun	32
Mr. Soe Pyne	35
Rev. Richard Ryscavage	38

Additional material submitted for the record:

"Voices From the Ashes—Communities Speak Out—In the Aftermath of the Destruction of Huay Kaloke and Huay Bone Refugee Camps", translated from the Sgaw Karen version of the original text	41
The Government of Karenni, "Karenni Independence", January 20, 1997 .	56

BURMESE REFUGEES IN THAILAND

WEDNESDAY, APRIL 16, 1997

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND
HUMAN RIGHTS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 12:15 p.m. in room 2172, Rayburn House Office Building, Hon. Christopher Smith (chairman of the Subcommittee) presiding.

Mr. SMITH. The Subcommittee will come to order.

Today's hearing is on the situation of refugees who have fled across the border from Burma to Thailand and on recent developments which make their plight even more urgent.

On January 28 of this year, military forces allied with the illegal military Government of Burma, the SLORC, State Law and Order Restoration Council, invaded Thailand, attacked two refugee camps, and set fire to the camps. Thousands of refugees from the Karen ethnic minority group were left homeless, and at least three refugees were killed.

A few weeks later, on March 9 and 10, the Thai Government forced several thousand Karen refugees back over the border into Burma. This forced repatriation took place shortly after a meeting between military leaders of the two countries at which the Thai Army commander publicly embraced the SLORC military leader who has spearheaded the brutal repression of the Burmese people, as well as the ruthless campaign against the ethnic minorities including the Karen.

The Thai Government has since discontinued the forced repatriations. At a recent meeting of the U.N. Human Rights Commission in Geneva, the head of the Thai delegation stated that Thailand will continue to adhere to its long-standing value of providing safe refuge and humanitarian assistance to all fleeing unrest from neighboring countries. The statement added that Thailand had therefore granted the refugees permission for temporary stay. What remains to be seen is just how temporary this permission will be.

Only 10 days before the statement in Geneva, on March 22, the Thai military commander in the border area had lectured a number of Karen refugees about how they had nothing to fear in Burma and should return immediately. When they declined, he told them, "Where will you live then? You cannot live here."

A few days later, it was reported that the Thai military had ceased its efforts at forcible repatriation and was once again being helpful to the refugees, but it has also been reported that SLORC

forces are now being permitted to patrol Thai soil and to harass refugees with whom they come in contact. And as several of our witnesses today will testify, it appears that the Karen refugees whose houses were burned are not being allowed to rebuild them.

I would like to ask each of our distinguished witnesses, as they provide additional details about this tragic situation, to keep in mind several questions whose answers should be important to Congress and to the President in determining the U.S. reaction to these events:

First, why is the SLORC determined to persecute these people? Is this repression indistinguishable from that which has been imposed on ethnic Burmese or is it even more brutal? A related question is whether this is political persecution, ethnic persecution, religious persecution, or some combination of the three.

The pretext for the cross-border attacks on the Karen camps which appear to have been perpetrated by a SLORC-backed militia composed largely of ethnic Karen is that most Karen, including the overwhelming majority of those who fled to Thailand are overwhelmingly Christian, a minority of the Karen are Buddhist, and the SLORC-backed Karen militia is composed of Buddhists. Is the religious difference just a pretext, or do the SLORC and their allies perceive Christianity as a particularly serious threat to their totalitarian state?

Second, what motivated the Thai Government to change the former policy in which refugees were allowed to live in the border areas and were perhaps even regarded as desirable as a buffer zone between Thailand and the SLORC? Is this just a matter of wanting closer economic and political relations with the de facto Government of Burma and regarding the refugees as an irritant in this relationship? Or is it possible that Thailand has been motivated in part by the change in attitude of the U.S. Government and the international community toward forced repatriation generally?

The U.N. High Commissioner for Refugees over the last several years has assisted the Government of Bangladesh in involuntary repatriation of many thousands of Rohingya refugees from Bangladesh to Burma, and the Thai Government has recently carried out a forced repatriation of thousands of Vietnamese asylum seekers, again, with the assistance of the United States and the UNHCR.

When one asylum seeker was killed during this forced repatriation, the United States and the UNHCR accepted the Thai military's explanation that he had died by jumping from a roof, despite reports that he had been beaten to death while resisting repatriation and despite the existence of a picture in which it appeared that he had suffered multiple wounds on his face, head, and upper body.

Is it possible that the Thai Government finds it increasingly difficult to understand the U.S. and the UNHCR position that what is perfectly acceptable for the Rohingyas and Vietnamese—as well as for people who managed to escape from Haiti, Cuba, and China over the last few years, only to be forced back into the hands of some of the most repressive regimes in the world—is nevertheless unconscionable when applied to the refugees in Thailand? If this is the problem, is there anything we can do to convince the Thai Gov-

ernment to keep doing the right thing even if we ourselves have sometimes done the wrong thing?

Finally, is the U.S. Government doing everything it can do to help these refugees and to persuade the Thai Government to help them? For instance, the State Department assures us that it is still spending the \$1.5 million per year in assistance to refugees along the Burma-Thailand border which was specifically earmarked through fiscal year 1995, an allocation which, I might point out, will be restored by H.R. 1253, the Foreign Relations Authorization Act for fiscal years 1997 and 1998, which was reported last week by our Subcommittee.

Are we making it clear to the Thai Government that we will continue to assist these people so that they will not be a burden on Thailand? At the same time, should we also be making it clear that admission of Burma to ASEAN at a time when the illegal SLORC regime is not only persecuting ethnic minorities but also brutally suppressing the legitimate, democratically elected leadership of Burma could have an adverse effect on our relationship with other ASEAN nations?

Has our failure to impose the Cohen-Feinstein sanctions—which were passed last September and signed into law by the President, which, among other things, specifically require the President to prohibit U.S. investment in Burma in the event of large-scale political repression by SLORC—made it more difficult for us to argue that Thailand and other ASEAN nations should isolate the SLORC and provide continued assistance to its victims?

Again, I welcome our very distinguished witnesses who are here today and look forward to their testimony and answers to the questions, and I would like to introduce them now to the Subcommittee.

First, Mr. Gary Lane is a senior reporter for CBN News. He joined the Christian Broadcasting Network in 1984 and served as the Middle East correspondent. Mr. Lane was then assigned to CBN's Washington bureau in 1984 and served as national security correspondent and senior reporter. He was also the Washington bureau chief from 1989 until 1992 and recently returned from that troubled part of the world, and I myself saw his report, which I thought was very well done, that was broadcast last week on that network.

Stephen Dun is a member of the Karen ethnic minority who fled with his family from Burma to Thailand. He was still living in the Thai-Burma border area in January when the Karen camps were burned. He recently came to the United States, where he is a student at Indiana University.

Mr. Soe Pyne is the director of the National Coalition Government of the Union of Burma. This organization won the only free elections that Burma has ever had and then was suppressed by the SLORC. Mr. Pyne serves as the Washington representative for that organization.

And finally, Father Richard Ryscavage is currently the director of the Jesuit Refugee Service and a member of the Society of Jesus. He formerly headed the Immigration and Refugee Services at the U.S. Catholic Conference and served as a professor at Oxford University.

If you could begin in the order that you were presented. Mr. Lane, if you would present your testimony.

**STATEMENT OF GARY LANE, SENIOR CORRESPONDENT,
CHRISTIAN BROADCASTING NETWORK**

Mr. LANE. Thank you, Mr. Chairman and Members of the Committee.

My name is Gary Lane. I am senior reporter for CBN News. That is the news division of the Christian Broadcasting Network. I have just returned from Thailand, where I visited several Karen refugee camps. The purpose of my visit was to gather information for a news focus report which was aired last Friday on the Family Channel and 142 CBN broadcast affiliates nationwide.

When I arrived at Whay Kaloke refugee camp near Mae Sot, Thailand—this was in late March—I was amazed to see Karen children playing atop the charred ashen soil where their homes and a school once stood. The refugees at the camp detailed for me the horrors of the evening of January 28, 1997. Late that night, between 10 and 11 p.m., a fiery inferno set by members of the Democratic Karen Buddhist Army, the DKBA, and the State Law and Order Restoration Council troops swept through the camp, destroying in minutes what it had taken the Karen months to build.

One woman, Rosalyn James, told me she was praying in her home when she heard gunshots. She looked outside only to see fire raging to the west and east of her house. She said the Burmese invaders first looted the marketplace and then set fire to the hospital, churches, and a school. Many of the refugees fled into the jungle. When they returned the next morning, they found nothing left. Many of the refugees just sat and stared at their incinerated houses. One man told me, "You see, our humble bamboo homes could not withstand the flames of religious hatred." Another said, "The Burmese invaders could easily destroy our church and our buildings, but they did not succeed in destroying the souls of our people. They cannot take that from us."

The Thai Government has yet to give the refugees at Whay Kaloke camp permission to rebuild. That means about 1,000 Karen children have no building in which to attend school. The Karen place great value on education. This hurt them deeply.

I talked with one man who constructed a small makeshift hut of bamboo and corrugated steel. It is only large enough to serve as a bedroom for his 15-year-old daughter. That means that Saw Kyaw So and his 9-year-old son, Lin Aye Mya, are forced to sleep together in a small teakwood cart. Mr. Kya So worries about the upcoming rainy season. He told me he and other refugees will be like drowned rats. One woman told me the Whay Kaloke refugees are living on the edge. They have nothing, cannot help themselves, and are just waiting for orders to rebuild.

I talked with a retired American nurse who was visiting several of the refugee camps, Doris Downey of Indiana. She was also concerned about the upcoming rainy season. She said she expects cases of malaria and typhoid fever to multiply in the camp because mosquitos will be everywhere and germs will breed in the mud and moisture. Mrs. Downey worries about increased cases of diarrhea and dysentery.

A doctor working for one humanitarian organization told me he was having difficulties getting medicine and medical supplies into his camp. He said the Thai authorities were holding them up. He also complained about not being allowed to bring in simple plastic piping to run water to his hospital from a nearby stream. He said the Thai authorities claimed Karen guerrilla fighters would make pipe bombs out of the tubing for use in their war against the Burmese Government. The Karen say pipe bombs can just as easily be made with hollowed-out bamboo which is available in great abundance in the jungle.

I interviewed a number of Karen refugees who had just arrived at a new camp near Uhm Pang, Thailand. One woman who was 8 months pregnant traveled 3 days through the jungle to the Thai border. She says once her family finally made it to the border, they were turned away and forced back into Burma by the Thai soldiers. Her husband told me, "Wherever we went, they tried to block us and drive us away back into Burma. They do not want to accept us in their country."

One refugee told me that 10 of his friends were beaten by Thai soldiers as they tried to cross the border. Another said her family fled Burma after SLORC troops entered their village. Like the others, she said Thai soldiers drove her family back into Burma. They finally had to sneak into Thailand under cover of darkness.

What is the Burmese Government doing to these ethnic minorities to cause them to flee across the border, and why isn't the current Thai Government being more helpful and hospitable? I am sure Members of this Subcommittee are quite familiar with the human rights violations being committed by the SLORC. They are well documented in the State Department's annual report on human rights and have been detailed by a number of human rights organizations like Amnesty International. I have heard many of these same stories.

I have traveled to all the Karenni refugee camps, and I have made four trips within the past 4 years, and I have heard countless stories from refugees detailing how SLORC troops will enter a village, set fire to homes and churches, rape women, kidnap boys and young men, and force them to assume portage duties in the jungle. I have been told about the people being used as slave labor to construct railroads. I have heard the stories about pastors and priests who were forced at gunpoint to bow down to Buddhist idols.

Last month I was granted an exclusive interview with General Bo Mya, the president of the Karen National Union and head of the Karen resistance. I asked him to explain why the Burmese Government continues to persecute the Karen. "We are Christian," he said. "This Burmese regime, the military, wants the whole nation to become Buddhist. They don't like the Christians."

It is obvious to me, after spending much time with the Karenni and the Karen over the past 5 years, that it is more than just a war against ethnic minorities, Mr. Chairman and Members of the Committee; this is also a religious war. And if it is not, why then are pastors and priests being forced to bow down to Buddha? Why at the Whay Kaloke refugee camp were churches burned while a Buddhist temple and monastery were left untouched? Why isn't the current Thai Government being more hospitable to the Karen and

the Karenni? Why aren't they protecting them from these cross-border attacks?

General Bo Mya and the Karen always talk about the pipeline. They remind me about the \$12.5 billion deal the Thai Government signed with the Burmese Government in 1995. The 250-mile pipeline will deliver natural gas from the Yadana field near Tavoy to Thailand's Kanchanaburi Province. That is not far from the famous River Kwai bridge. The Unocal and Total Oil Companies have interests in that 30-year deal. There are also many other business deals involving everything from teakwood to hydroelectric power, and of course this Committee knows that ASEAN is likely to admit Burma into its association either this July or December. The Karen say Burmese membership would provide the SLORC and ASEAN a number of trade benefits.

President Bo Mya says he believes the current Thai Government, ASEAN members, and American business people are more concerned about making money than they are with human rights and the treatment of the Karen. For them, the principle is not important, he said. What is important to them is money for their own pocket. Even though they come from democratic countries, democracy does not matter and they don't care.

I have just received some word from the Karenni today that the Thai news media reported international organizations were not allowed to visit the refugees. The Thai Army has stated these are displaced persons, not refugees, and that creates the technicality that forces the issue to become one of illegal immigrants, forcing them to be sent back to Burma.

The United States, as most other countries, believes this is a border or internal conflict when, in fact, it is an invasion by military force into independent States, because before British Burma these were independent nations. There is border security which the Burmese have violated many times in the past year. Thai Government policy is to send the refugees back. Could this so-called internal conflict be since 1946?

Our embassy is well aware of the Thai position on Burmese refugee. There are no political or religious freedoms for Karen or Karenni, and as of last week there was looting in the camp by Thai soldiers. That was one Karenni camp; I am told camp number 5. In that camp, the UNHCR makes it virtually impossible also for these refugees to get travel documents. Therefore, you won't see any of them, or very few of these leaders from the Karenni and Karen, come here to Congress and testify; they cannot get a passport.

What should the United States do? Well, I am a journalist, and I am not here to recommend a course of action. I was invited here to inform you of recent developments. I can tell you what the Karen and prodemocracy forces want from the United States.

The refugees at the Whay Kaloke camp say they want the United States to put political pressure on Thailand so that the Karen will be allowed to rebuild their schools and homes in that camp before the heavy rains come in June and July. Others would like to see their camps moved deeper into Thailand, away from the border. They don't want to be forcibly repatriated to Burma; they wish to

remain in Thailand. They want the Thais to protect them from cross-border raids. They want a safe haven from oppression.

Some would like to see the UNHCR provide relief and protection. General Bo Mya recommends more extreme measures. He says economic sanctions alone will not be enough. He would like to see the United States do as it did for Haiti. He thinks U.S. troops should be sent in to restore democracy to Burma.

Nobel Peace Prize winner Aung Sun Su Kyi recently urged the United States and others not to give up, to keep pushing for democracy in Burma. And finally, some of the Karen and Karenni have told me they have great admiration and respect for President John F. Kennedy. His pledge that America would pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assume the survival and success of liberty inspired the Karen and Karenni. They reminded me that their people fought for freedom alongside the Americans and British against the Japanese in World War II. They say they are true friends and lovers of democracy. "When will America remember the words of JFK? they asked. When will the United States act to do what is moral and right rather than that which will make it money?"

Mr. SMITH. Mr. Lane, thank you very much for your testimony. Your very incisive piece was a wake-up call to a lot of people who were not paying close attention to what was going on in the area, although there have been some articles in other media like the New York Times.

I think it is important that maximum focus be placed on this, especially, as you pointed out in your piece, with the rainy season coming. People are at risk. We see what can happen to long-standing strong brick and mortar in parts of our United States when heavy rains come. Well, that pales to insignificance when compared with the monsoons faced by this refugee population and what can happen in terms of homes being washed away, people being made more sick who are already very vulnerable. So I thank you for your excellent piece and for your testimony.

[The prepared statement of Mr. Lane appears in the appendix.]

Mr. Dun, if you could proceed with your testimony, we would appreciate it.

STATEMENT OF STEPHEN DUN, KAREN REFUGEE

Mr. DUN. Mr. Chairman and Members of the hearing, thank you very much for giving me the chance to present the situation on the Thai Burma border and inside Burma. I present the situation as a Karen from the area, and I have spent most of my life in this area too.

The military regime, the State Law and Order Restoration Council, or SLORC, has had a long history of human rights violence of its own people and other ethnic peoples of its country. There are many examples of such violations and atrocities.

On January 28, 1997, at about 2200 hours, a group of 100 SLORC troops from the 259 Light Infantry Regiment of the 101 Division and some men from the DKBO entered the Whay Kaloke refugee camp near Mae Sot. After looting whatever they could put on to three pickup trucks, they torched the houses; 690 of the 1,240 houses were burned. That same night, the Don Pa Kiang camp,

which is about 26 kilometers from this camp, north, was also burned; 611 of the 709 houses were looted and burned.

The reason behind these attacks is to force the refugees to flee back into Burma where SLORC can use them as forced laborers on development projects. Thailand, which used to provide a safe haven for the refugees, is now cooperating with the SLORC and preventing anyone from crossing over. It also has plans to repatriate the existing refugees. This is because the present Thai Government is intent on developing a good relationship with SLORC for economic reasons.

SLORC has intensified its attacks on civilians inside the country where economic development projects are planned. In areas where the Unocal-Total gas pipeline project is to be implemented, people have been forced to relocate without any compensation. Just last Saturday and Sunday, a total of 400 new arrivals from the Mergui-Tavoy area crossed the border into Thailand.

SLORC has also had a policy of ethnic cleansing. Recently we have had more reports of villages being killed and villages being burned systematically. On March 28, 1997, SLORC troops from the 772 Tactical Operations Command of the 77th Division burned the Day Daw Khee village in the Papun district. They threw two children aged 3 and 4 years into the fire. Their charred remains were found later.

Those who benefit from the investments are not the people of Burma but only a few top SLORC leaders, so suspension of investments in Burma at the present time would help to keep from supporting the oppressive government.

The people resist government for survival. The Karen are the last group of ethnic people holding out. The Karens have a long history, nearly 50 years, of fighting alongside the allies in World War II and have always held out against communism when it prevailed in the area. The Karens have been against the drug trade and even have done sentences for trafficking. SLORC, on the other hand, has a history of being Communist, trafficking drugs, for which I believe the United States is a major target, and has ignored the desires of the people of Burma by disregarding the results of the elections.

The U.S. Government should take a serious look at acknowledging the existence of such a government. The ethnic peoples of Burma are willing to work out the problems peacefully, but the SLORC, since it has been in power, is intent on wiping out all resistance and thus ethnic people coming and working together.

Mr. SMITH. Thank you very much for your testimony, and thank you for your willingness to bear witness to what you have seen and the ongoing agony of your friends and country people.

[The prepared statement of Mr. Dun appears in the appendix.]

I would ask Mr. Pyne if you would make your presentation.

STATEMENT OF SOE PYNE, DIRECTOR, NATIONAL COALITION GOVERNMENT OF THE UNION OF BURMA

Mr. PYNE. Mr. Chairman, thank you for giving me the chance to testify here.

I represent the National Coalition Government of the Union of Burma, which is made up of elected representatives from the Na-

tional League for Democracy and other democratic parties which won the elections in 1990, but the military junta has refused to acknowledge the results.

The NCGUB has a keen interest in the affairs of the Karen and other ethnic nationalities. This is because we are a firm believer in a call for dialog, a tripartite dialog between the leaders of the democracy movement, the ethnic leaders, and the military. We believe that that is the only solution to the problem that the country is facing today.

As far as the refugees are concerned, a major offensive was launched by the Burmese military junta against the Karen people in early February. Even though the exact number of refugees fleeing the fighting is difficult to know, different sources visiting the sites along the border, including Thai and international journalists, have put the number of refugees at tens of thousands. The situation should be of utmost concern to all of us not just because a large number of people have lost their relatives, their homes and property, and become refugees, but also because of the brutality of the goal behind the assault.

The KNU, or the Karen National Union, which has been fighting for equality and self-determination, has had four rounds of cease-fire talks with the ruling military junta, known as the SLORC or the State Law and Order Restoration Council. The talks have failed because the SLORC only wants the KNU to surrender on its terms. The KNU refused to give in to the demands, but it was expecting another round of talks to take place. SLORC, however, unilaterally broke off the talks and launched a brutal assault without warning.

It was obvious from the very start that the objective of the latest offensive is not just the KNU, it was the Karen people, whom SLORC accuses of being the support base for the KNU. This is reflected in the January 28 attacks on the three Karen refugee camps at Whay Kaloke, Wangkha, Huai Bok—Don Pakiang—and Mae La.

Altogether, the camps housed 36,000 refugees inside the Thai territory. However, it was left undefended by the Thai security forces, and thousands of Karen refugees were left homeless and destitute as SLORC and its puppet forces torched the camps.

Also during the latest offensive, there have been reports of extrajudicial killings, rape, looting, and plunder at many Karen villages inside Burma and along the way to the Thai-Burma border. Many villages were also burned and destroyed by the SLORC troops.

The offensive is intended to be a warning to the other ethnic nationalities who have entered into cease-fire arrangements with the SLORC but are expressing their dissatisfaction with the outcome of these arrangements.

In other words, the growth in the number of Karen refugees at the Thai-Burma border is not accidental, it is the result of a brutal but well thought out plan of destruction by the SLORC.

Another problem that the Karen refugees are facing is the Thai authorities. The Thai authorities are refusing to acknowledge the refugee status of the Karens or to let the UNHCR help them.

Depending on the army commander in charge of the region concerned, there were reports about Karen refugees, particularly

males of fighting age, being forced back into war zones inside Burma. The refugees were also prevented from building any shelter out of wood or bamboo, which are considered by the Thai authorities to be permanent structures.

There have been instances of NGO's and other official teams being denied access to the sites where the refugees are staying. The Thai Government has denied that the refugees were turned back. Earlier in March, however, many sources, including press reports, on different occasions confirmed that the Karen refugees were indeed pushed back into Burma.

Thailand is well known for its humanitarian policy. It has always sheltered refugees from Indochina to Burma. The NCGUB urges the United States to request Thailand to continue that humane policy toward the Karen refugees and to allow NGO's and the UNHCR to assist them.

The refugee issue in Burma is the result of political problems. Without the will to resolve the existing political issues, there can never be a long-term solution to the refugee problem. The KNU and the Burmese democracy movement have on many occasions offered to hold talks with the SLORC for national reconciliation. The solution to achieve peace and harmony is already there. The United States and the international community must step up their efforts aimed at pressuring the SLORC to enter into dialog with the democracy movement and the ethnic nationalities. That process will resolve the refugee problem and ensure peace and harmony in Burma and the region.

Thank you, Mr. Chairman, for this hearing and for showing an interest in Burma.

Mr. SMITH. Thank you very much, Mr. Pyne, and I appreciate your good work on behalf of the democratic opposition and again appreciate your willingness to testify and to again bring these facts to light for the Congress.

[The prepared statement of Mr. Pyne appears in the appendix.]
Father Ryscavage.

STATEMENT OF REV. RICHARD RYSCAVAGE, S.J., NATIONAL DIRECTOR, JESUIT REFUGEE SERVICE

Rev. RYSCAVAGE. Thank you, Mr. Chairman.

I represent the Jesuit Refugee Service which has been working with the Burmese since 1988. It is part of the Burmese Border Coalition, and my testimony today is really drawn from the statements and interviews I have had over the past couple of days with our field workers both in Bangkok and those that we could communicate with in the border area.

I am also drawing on the work of our partner agency, Human Rights Watch. We fund a position, the Jesuit Refugee Service in London with Human Rights Watch, to specifically research and look at this question of the Burmese border issues and the question of refugees in Thailand. And I am finally, also, drawing on the expertise of the Baptist World Alliance which has for so many years been present to the Karen in particular and have much to say and much concern about this issue.

I am not going to reiterate what you have already so clearly heard from my colleagues about what happened the past few

months in the border area. I would like to stress a few things. First of all, what at least I am picking up from people that know a great deal about the situation is that the geopolitical situation has changed dramatically in the past 60 days and that this is going to have dramatic effects on the refugees as well as the overall settlement of the issues in the region.

And by that, of course, I am meaning that SLORC now, for the first time, controls all the border areas and therefore is face to face with the Thai military across the border and with the refugees. So this was not the case before. There was a kind of vague buffer, in a sense, that was created by the insurgency movements, and this is more and more, now, not the case, and into this new reality I think we have to inject much more urgent concern for protection for the refugees—and this is what the refugees themselves seem to be saying.

I think mixed in with the geopolitical context is very much coming to the fore this economic question which I think has been raised by many of the other panelists. It has, yes, to do with the famous pipeline that is being built. But it also, I think, has deeper connections with the whole desire to bring Burma into the emerging economies of Southeast Asia and the willingness to kind of overlook the suffering in the region for the sake of that basic economic goal.

I think this poses a great danger in the area of repatriation, and I would like to say a few words about that before I go on, but first just a few to add a little bit to the question of the conditions of the refugees right now. I am particularly speaking of the newly arrived refugees.

My people in JRS in Thailand are telling me that actually there are some people who have actually been 6 weeks sleeping on the ground. They are not allowed to have platforms to even raise themselves above the ground. The plastic sheeting that is allowed is not allowed as walls. Therefore, the rain—in fact, the rain apparently is already coming, and one field worker told me, she said, "Father, you wouldn't believe the conditions that they are living under. They get soaked even now by the rain. There is no protection at all." Medical supplies are in very short supply. The condition of the water supply is very questionable, and many of them are getting sick.

There are also questions that have been raised already about NGO access to the people themselves. We are not in contact with many of the people that are suffering right now, which is itself a problem, I think.

The Baptist World Alliance mentioned to me the fact that these people are really prisoners of their geography. They do not want to go back to Burma, but they cannot go forward into the future either. And the BWA, for example, would be happy to offer them resettlement opportunities, education, ability to reconfigure their lives if they have to leave, but, in fact, because of the Thai policies, they are not allowed to move along.

This is the Karen and the Karenni, but there are other groups for which we are concerned. One of them is a group called the Shan. This minority ethnic group from Burma has traditionally been looked on not as refugees but as seasonal labor, illegal mi-

grants really in the country, and never allowed to establish refugee camps, nor are they recognized by the UNHCR as refugees, but now I understand that 150 a day, approximately, Shan are crossing the border, and these new arrivals are not seasonal laborers but young men, for example, with grandmothers or women with children and other vulnerable family members.

This suggests that they have a need for protection and that they are not in search of labor as much as they are reacting to the SLORC policies of forced relocation, often in connection with the pipeline construction. And there is no recognized access to these people and certainly no NGO access.

The other group JRS is particularly concerned with and has been concerned with is the Burmese students and prodemocracy groups inside Thailand. They are under great pressure right now. Our office in Bangkok reports that increasing numbers of Burmese students have actually arrived in the capital since the attacks in the last couple of months, and some have occurred in areas heavily populated by the students, resulting in the closure of some of the student camps.

We estimate that there used to be about 10 student camps. Now about 600 of those students have been moved into the ethnic minority camps, and these are quite distinct groups, and it presents a problem in itself.

Aside from the physical conditions, the security, and the status of these groups, the basic fear centers around voluntary repatriation right now, so-called voluntary repatriation. In fact, many are afraid that the terrible physical conditions being imposed will be used as an incentive to make them return to Burma, following the model of the Mon repatriation which Thailand points to as having been a success but which we point to as having been an illusion in many ways.

The question I have is, are structures actually being prepared right now to facilitate a Karen-particular repatriation if peace unfolds at the border? We have indications that that is true, and one of the field workers mentioned a 3-hour lecture by Thai officials in one of the camps where the basic message was: Life is too difficult in these camps; you must return home.

Because Thailand is not a signatory to the International Refugee Convention, protection and assistance programs have tended to operate very informally and outside the framework of international protection. So because of this, governments and the UNHCR must be especially sensitive to the safety and dignity issues in the questions of repatriation and particularly, of course, voluntariness. Voluntary repatriation is welcome when conditions have changed sufficiently, but we have no indication that sufficient changes have been made to justify this.

I would also raise the question of the role of UNHCR in this. The UNHCR Asia Pacific head met with the SLORC first secretary last month and offered him basically the UNHCR's assistance when conditions are peaceful along the border to help with the returning population. It seems to me that this is undermining the very role of UNHCR to uphold the protection principles when, in fact, it is already sending the message that, it is all right to go home, we will help you with the problem when the refugees go home.

Thai thinking seems to be based on the assumption that, once the insurgency has been defeated by SLORC, peace will reign in Burma and the refugees can go home. In fact, the opposite may be the case. Once SLORC secures the border areas, we have every indication that human rights violations will escalate, creating more refugees for Thailand to contend with.

And the real issue here, finally, is SLORC, and I think that is where the focus needs to be in many cases. It has created, in fact, the refugee flow. It is, by its own record of actions, anti-Christian and anti-Muslim. And we are concerned basically about its acceptance into ASEAN, into the economic fraternity of ASEAN, before it has, in fact, made its credibility clear about religious rights and the rights of minorities in its own country.

Pursuit of economic interests should not be allowed to overshadow the abuses taking place in the region, and we are surprised not to find the Administration speaking here today. We would urge Secretary of State Madeleine Albright to convey in the very strongest possible language that it is futile to try to solve the refugee crisis in the region without addressing the root cause of human rights abuses which are going on inside Burma today.

Thank you.

[The prepared statement of Rev. Ryscavage appears in the appendix.]

Mr. SMITH. Thank you very much for your testimony and for the many keen observations you made and for reporting back what people on the ground are reporting to you as to what is happening.

Let me ask a couple of questions. Just for the record, we are talking about how many refugees that are actually in the camps? 100,000? Is that a fair estimate?

Rev. RYSCAVAGE. We are operating on the figure of 114,000.

Mr. SMITH. Does that number comport with your estimations, gentlemen? Is that number swelling? Diminishing? Is it pretty stable?

Rev. RYSCAVAGE. If you look at it over the past 6 months, we were basically talking about 97,000, I believe, back in September. I think that was our operational numbers that we were talking about. So it certainly has been increasing, not decreasing.

Mr. SMITH. Is there a sense as to how many people may have perished since September?

Rev. RYSCAVAGE. Those figures I don't have.

Mr. SMITH. If you come by those, that would be helpful to see what, unfortunately, the death rate may be.

The Thai Government, as you know, recently moved the Karen refugee camps further from the Burmese border in order, they say, to improve security. Do any of you take that as a sign that forced repatriation may not be something that they are seriously considering? Do relief organizations now have access to those camps now that the camps have been moved back and been relocated?

Mr. Dun.

Mr. DUN. I would like to answer that question. The camp that they have designated for all the other camps to move is further away from Mae Sot, and the roads are really bad, and during the rainy season it is pretty much inaccessible.

What we see is that this is a preparation for the repatriation, because once you get all the camps together in one place, it will be easy to just push them over across the border instead of having to push all these different camps around at different times. When you have all the other camps concentrated in one place, it is easy to just push it across the border.

Mr. SMITH. Has the Administration conveyed its abhorrence of a forced repatriation to the Thai Government, to your knowledge?

Mr. DUN. No, I have not any news about that.

Rev. RYSCAVAGE. As far as I know, it has never been explicitly raised as an issue as such. There was concern over the conditions of the refugees but not the repatriation.

Mr. SMITH. Mr. Dun, what you are suggesting is that this is just a step in a staging for a forced repatriation?

Mr. DUN. Yes, because 2, maybe 4 weeks ago, we have had reports that the local authorities in Mae Sot met with the Burmese authorities from Wout Dee, the town across from Mae Sot, and they have agreed that within the next couple of months they would start repatriating the existing camps.

Mr. SMITH. If forced repatriation occurs, what is the likely consequence, particularly to the leadership in those camps but to the average person as well, if they are sent back to the SLORC? What happens to those people?

Mr. DUN. It is pretty positive that the average person will be put into these work gangs and work on either the pipeline or the railway or other development projects, like renovating whatever touristy attractions.

As for the leaders, since most of the camp leaders have had some affiliation with the KNU, it is pretty sure that either they will be imprisoned or killed.

Mr. SMITH. If the average person resisted the forced labor, what is the consequence there?

Mr. DUN. No question, killed.

Mr. SMITH. And let me just ask about the pipeline. Unocal, which is my understanding is an American company, is involved with that. And another project allegedly involving a U.S. entity is a Smithsonian Institute project. There have been suggestions that that is one of the reasons, as you have indicated on the pipeline, why these people have been sent out, but then they will be used as slave workers. Have Unocal or the Smithsonian responded to any of this? Have they shown any interest in the ways and means as to how their wildlife refuge or, in the case of the pipeline, how the right-of-way will be established?

Mr. DUN. We have had no contact whatsoever from either the Smithsonian Institute or the Unocal company. What is usually done is, most of the contact is through SLORC, and maybe Unocal has some program going on for the relocated people or the people affected by the pipeline, but none of this has ever, ever trickled down to the people in the area.

Mr. SMITH. Mr. Pyne, would you want to respond to that?

Mr. PYNE. Unocal has always pointed to all the development programs it has been carrying out in the region, like having some schools built and all, but if we look at the overall picture, the fact

that a lot of people have been moved out and have become refugees is because of the pipeline alone.

The military government is trying to clear the area. The Thai Government has an interest in having that gas flow to Thailand. So that is how the change of policy from the Thai side as well as the number of increase in refugees has come about. There is no doubt about it. The oil pipeline is contributing directly to this problem of the Karen refugees.

Mr. SMITH. Do you believe, all of you, that the Thai Government is aware of the fire storm of criticism it is likely to face should it mount a forced repatriation, especially as people learn about what the prospects facing those returning refugees will be?

I mean, in terms of this Congress, I do believe that there will be a very strong condemnation. I believe it will be bipartisan. I think liberals, conservatives, and moderates will join in chorus, and hopefully the Administration will join in, exercising its bully pulpit in opposition too. Although it hasn't happened fully yet, do you think the Thai Government understands the political damage it will do to its political reputation and honor?

Rev. RYSCAVAGE. There is a discrepancy between what the official Thai Government says on the one hand and what the local authorities do on another. And a certain amount of activity is allowed to go forward at the local authorities, and then the Royal Thai Government intervenes and says something and holds it up. But in the meantime, there is kind of a process going on here, you know.

I think because Thailand is not a signatory to the convention there are no formal monitoring structures, and therefore there are no real accountability structures, so a lot of things could go on without the international community necessarily even seeing or knowing what is happening. I mean, access questions are very serious ones, I think, in the border area.

Mr. SMITH. Mr. Lane.

Mr. LANE. Mr. Chairman, I can tell you what the Karen told me on that matter. I was told that the economy in Thailand has been in a bit of a decline in the last 2 years so the Thais are perhaps more sensitive to reactions from the international community that may affect trade and their economy. But, again, the Karen say it is fine for the United States to speak loudly and to object to these practices, but words without actions don't go very far, do they? That was their comment.

Mr. SMITH. Mr. Lane, you had mentioned in your testimony the fact that the Karen were telling you that this is a religious persecution, not just an ethnic but a religious persecution as well. Perhaps you might want to elaborate on that. And I wonder how the other witnesses feel about that.

We remember so well the Bosnian situation which was at first crafted as religious, then ethnic, and it really was a combination of the two, first against the Catholics and then against the Muslims in Bosnia, the Catholics in Croatia. Would you speak and elaborate a little on that issue of religious persecution?

Mr. LANE. I would say each time I have visited the Karenni and now the Karen—

Mr. SMITH. How many times have you visited?

Mr. LANE. With the Karenni 4 times in the last 4 years, and in March, last month, I was in with the Karen my first time visiting their camps.

But each time I have visited these people, they have stressed to me that this is a religious war: Sure, we are ethnic minority, but because we are Christian people, we believe in God-given rights and we are lovers of democracy. And they continue to tell me that SLORC is antidemocracy. They want to force these people to become Buddhists. And we have heard time and again the stories of priests and ministers being forced to bow down to Buddha.

Why are churches burned? I cannot tell you how many villages that I have been to, stories by villagers that SLORC has come in and burned churches.

In the Whay Kaloke camp on the evening of January 28, I was told that these troops went to the Buddhist temple and monastery. They were ready to set fire to the monastery, and the monk there that was running the monastery said: "Are you going to burn my monastery? Are you going to burn the temple?" And they said: "Why do you want to know?" And he said: "Because I will have the monks flee into the jungle if you do it." And they said: "Don't worry. We are not going to touch it."

When we were there in late March, we heard reports that 100 Buddhist monks were rounded up in Rangoon and imprisoned for a conflict that they had with some Muslims, and I think it began because of—I believe it was a Buddhist girl that was allegedly assaulted by a Muslim. I might have it the other way around. But I think it was a Buddhist girl assaulted by a Muslim, and this caused some rioting, and they stoned a Muslim temple.

I was told by the Karen the reason SLORC moved in and arrested the Buddhist monks is because of the ASEAN vote that is coming up either in July or December to bring Burma in. They want to look to the several members of ASEAN, and in particular Malaysia and Indonesia that has the largest Muslim population in the world, that, yes, we are not oppressing Muslims and we are, in fact, protecting them; see what we did by rounding up 100 Buddhist monks that were stoning their temple?

I don't know how true that is, but I think the Karen have had pretty good information in the past, and that is probably accurate.

Rev. RYSCAVAGE. I could add one point to that, and that is that, you know, no self-respecting religious tradition, whether it is Buddhist, Christian, or Muslim, is going to do what SLORC is doing. So by its very actions, it is a kind of falsification of whatever religious base it says it attests to.

And I think that that needs to be held up to the light, because in many cases around the world we have the manipulation of religious points of view for the sake of political purposes, and we see it in Rwanda, we see it in Bosnia, in Northern Ireland, and many other places, and to evade that trap, it is important to look at what is underneath.

And one of the things that is underneath this, I think, is that the values for particularly the Baptist Christian tradition conveyed to the Karen were things like education and respect for democracy and an ability to speak up in a political process. And this is the great threat to SLORC. And it is not the religion as much as it is

what the religion carries, in a sense, and I think that needs to be kept in mind.

Mr. SMITH. I think that is an excellent point. Even in Serbia, Milosevic manipulated the perceived religious animosities and was able to exploit it through the use of the media and other ways. And as we all know, most of the members of the prodemocracy forces in Burma are Buddhists. And so this is another one of those manipulations that I think we need to be very much aware of.

Mr. LANE. Mr. Chairman, the Karen also expressed to me that they are quite aware of this manipulation, and they feel that the DKBA is being used by SLORC to pit Buddhists against Christians. They believe that is the sole purpose they are being used.

Mr. PYNE. Mr. Chairman, I was just handed a note. It says—our colleague says, “SLORC is an equal opportunity oppressor.” So no religion escapes. That is true, because actually the majority of the Karens are Buddhists whereas the leadership, the minority, is the Christian. So that is one reason why the SLORC is trying to manipulate religious issues. What they really expect to gain is by manipulating—trying to pit the leadership against the masses.

Also, it is the same thing against the Buddhist clergy too. During the 1980's, unprecedentedly thousands of Buddhist monks were arrested, defrocked. Even the most learned monks were among those who were jailed and imprisoned because they believe the monks were threatening the SLORC's rule. So SLORC, I would say, is not just religion, but anything that they believe they can manipulate to preserve their rule, they will take advantage of that.

Mr. SMITH. One final question before yielding to Mr. Hilliard. As I think you know, subsection B of the Cohen-Feinstein sanctions authorizes and requires the President to prohibit new U.S. investment in Burma if the President determines that the Government of Burma has physically harmed, rearrested for political acts, or exiled Daw Aung San Suu Kyi, or has committed large-scale repression of or violence against the democratic opposition.

In your view, especially the second part of that prohibition or that language, has the Administration failed in not implementing the ban? Many of us called upon him to do so, but I would appreciate your take on that.

Mr. PYNE. Yes, Mr. President—

Mr. SMITH. You believe he should impose the ban?

Mr. PYNE. Yes, because even now there is a massive repression against the National League for Democracy in Burma. Every time there is a student demonstration that breaks out, all the National League for Democracy will be rounded up, put in jail, and blamed for the problem. When the monks come out on the streets, again it is the National League for Democracy, and in the latest problem with the Muslims they did arrest some of the National League for Democracy again.

So they are making use of every occasion of social unrest to crack down on the National League for Democracy. A lot of elected members are in prison right now, and even some of them who are not in prison are being threatened and coerced into leaving the party.

So this is what is happening day to day in Burma, and I believe that the conditions mentioned in that bill have already been met for sanctions. I think it should be imposed.

Rev. RYSCAVAGE. I would suggest that directly linking refugee protection with economic sort of rewards, in a way, should, in fact, be the policy and that sanctions, in fact, need to be put down against this, yes.

Mr. SMITH. Should that linkage also be applied to Thailand in terms of the refugees?

Rev. RYSCAVAGE. It is our feeling—the Thai Government, I think, has over the years taken on a great burden of refugee protection, and I would hate to see them, in a sense, penalized for it. But I think inasmuch as it is a regional issue, I think it needs to be applied in a regional sense. In other words, that—and the key to refugee protection, I think, is economic—that is really what we are picking up in the situation.

Mr. SMITH. Thank you.

Mr. Lane.

Mr. LANE. Mr. Chairman, the Karen told me that they were encouraged that former Congressman Bill Richardson is now U.S. representative to the United Nations, because I think he has met with Suu Kyi—what, twice? On two occasions? I know at least once. And they are encouraged that that is taking place, because they wonder why they haven't heard anything from him since he has assumed that position.

In addition, they are a bit disappointed that President Clinton about a week and a half ago said now is not the time to impose sanctions, and that came about at the same time that the U.S. State Department was saying that human rights are getting worse inside of Burma or were worse in 1996, so they are wondering where the United States is on this issue.

They were encouraged, however, that the President last December when he visited Thailand was very vocal and critical of the Burmese Government and its involvement in the illegal drug trade.

Mr. SMITH. Mr. Hilliard.

Mr. HILLIARD. Thank you very much, Mr. Chairman.

Let me make sure that I understand. In your answers to some of the questions of the chairman, you mentioned that Unocal and the Smithsonian had projects there and that refugees who were not killed in instances were perhaps forced to work on those projects. When you use the word "forced," do you mean as laborers without pay? Or would you explain that.

Mr. DUN. Forced means not only without pay, these people have to grow rice. And they have to make a living out of growing rice is a reasonable thing. You have to do a certain thing within a certain period of time.

Mr. HILLIARD. We are talking about the refugees; right?

Mr. DUN. We are talking about the people who have been people inside and become refugees. Forced labor means working without pay and also being taken away from your livelihood, from your fields.

Mr. HILLIARD. All right.

Now, what I am trying to ascertain is whether or not the Smithsonian and Unocal and whatever type companies pay but just do not pay the refugees but pay someone else.

Mr. DUN. We have not seen any money come down to the people who have been—

Mr. HILLIARD. Working on the project?

Mr. DUN. Yes.

Mr. HILLIARD. Let me ask you this. Other than Unocal and the Smithsonian, are there any other companies or interests that you know of that participate in this manner with forced laborers?

Mr. DUN. Could you repeat that question, please?

Mr. HILLIARD. Are there any other companies other than those two that we named that allow these people to be forced to work without being paid?

Mr. DUN. These are the two most high profile companies. There may be other companies, but we are not sure about that.

Mr. HILLIARD. All right. I would like to know if there are American companies or any company that does business here in America that participate. We need to know that. I think it is very important. And I think that the only way we are going to really have an impact, we have got to start attacking those companies that do business here for the atrocities that they commit elsewhere.

If we do not do that, if we do not bring it to the attention of the press here, then there is very little that is going to be done. And if you could get me a list of those and if there is any documentation that you have, I really would like to know that.

Let me make sure I understand that we are talking about the complicity or the knowledge that all these things are taking place with the knowledge, if not the complicity, of Burma and Thailand. In other words, I am asking, are these governments actively participating in forcing these refugees to work without pay? And if they are not participating, do they have knowledge of it?

Mr. PYNE. It is, sir, not refugees that are being forced to work; it is the people inside, the villagers. Then they become the refugees.

Mr. HILLIARD. Let's separate it. You have two problems. When you speak of forced labor, you were speaking of those citizens who were forced to work without pay.

Mr. PYNE. Right. They are also asked to bring their own food to the work site.

Mr. HILLIARD. OK. All right. The refugees—

Mr. PYNE. Are the people who have fled across the border.

Mr. HILLIARD. Right. But they are not the ones who are being forced to work?

Mr. PYNE. Not that I know of, no.

Rev. RYSCAVAGE. Only in the case of, they went back and they got themselves involved. I mean, they were taken up and put into the conditions of forced labor.

But I think the point is that, for example, the pipeline, there was forced relocation of so many people that many of them fled as refugees even to get away from the conditions of forced work inside Burma.

Mr. HILLIARD. That forced relocation, was it because of the construction of the pipeline?

Rev. RYSCAVAGE. Yes, I think that is true.

Mr. HILLIARD. Or were they leaving because they did not want to be forced to work without pay or a combination?

Rev. RYSCAVAGE. I think the creation of the pipeline required the forcing of relocation of villages and large-scale relocations. Some of

this coincided, of course, with the political problem of getting rid of people along the border that they wanted to kind of relocate in any case. So it served a lot of purposes for the Burmese Government.

Mr. DUN. The people are relocated because SLORC or the companies need the security along the pipeline. And they are afraid that if there are any villages near that pipeline, the forces that are against the government might sabotage the pipeline. So what they are doing right now is just creating a wide area, clear of anybody in the area, that the pipeline is going to be going through.

Mr. HILLIARD. I understand. Thank you very much.

Let me ask, Father, you made some recommendations at the very end of your report. Are there additional recommendations that you have that you feel would help us in trying to alleviate the problem of the refugees?

Rev. RYSCAVAGE. I think the key question here is trying to get information and access, you know, to find out actually what is going on. And I think the more structured and formal there is of a monitoring system, whether it is put in place by the United Nations or put in place through the NGO community, but some kind of an official ability to access these areas would be very important.

Mr. HILLIARD. All right. Now, has this request been made of the Burma Government?

Rev. RYSCAVAGE. No, not that I know of.

Mr. HILLIARD. Do you feel it would be honored if requested?

Rev. RYSCAVAGE. No, actually. But I think of the Thai Government, that we certainly could ask for more access to the border areas that would allow for some of this information base to come out. Normally the United Nations does this, the UNHCR, but Thailand does not allow the UNHCR to have a permanent base on the border, so the United Nations cannot do the function that it normally does. Therefore, our alternative suggestion would be, let the nongovernmental community do that function, you know.

Mr. HILLIARD. Do you think there might be a certain type of person that might be inclined to see this happen and take a position?

Rev. RYSCAVAGE. Yes. I think, economically, their own desire to have things settled down and create the right economic climate is enough motivation for the Thai to see some kind of responsible, international approval of the thing.

Mr. HILLIARD. And, finally, is this problem increasing or do we look for the refugee problem to increase in terms of the population or is this something that has about peaked out?

Mr. DUN. I believe it is increasing. Because, like I said in my testimony, just last Saturday and Sunday there were another 400 people who tried to cross over. So it is increasing every day, every week.

Mr. LANE. Congressman, when I was there, I was told by the people in the camps, the leadership that keep track of the camps, they are getting between 100 and 300 refugees crossing the border each day.

Mr. HILLIARD. I did say, finally, which indicated I didn't have another question, but I really do, and it is the second part of a question that I asked there. The Smithsonian project, is it displacing some of these people? Is it causing part of the refugee problem?

Rev. RYSCAVAGE. I don't pretend to be an expert on what the Smithsonian project is all about. I will say, however, it wouldn't be an uncommon situation, where you have a high-profile environmental protection scheme of some kind going on in an area in which there are human rights and refugee problems and the clash between the two interests of protection of environment or whatever, the natural resources or whatever the project is and the kind of human rights and human suffering not being reconciled, would not be an uncommon situation.

In fact, I was even told by some of the field workers that the Thai Government has said one of the reasons it can't find more secure sites for the refugees is that it would intrude on the environmentally protected forestland—it can't find sites for the camps because that is under sort of an interenvironmental watch, in a sense.

Mr. DUN. I don't have very accurate information about the Smithsonian project, but I believe it is something environmentally concerned. But, for me, I think that people are much more important than the environment.

Mr. HILLIARD. I would think so, also; and that is one of the reasons why I asked the question. I wanted to know whether this project, in and of itself, which is set up to protect the environment, was against the interest of people that live in the area and whether they were being displaced to create some environmental place.

Mr. DUN. Well, all I have here from my friend is the Smithsonian project has been reported in the recent article of the London Observer.

Mr. HILLIARD. Thank you very much.

Mr. SMITH. Thank you very much for your questions, and we will pursue that ourselves. I think the Subcommittee needs to get much more information on that and to ask those interested parties, including the Smithsonian, to give an account.

Let me ask a couple final questions, and then we will conclude the hearing.

If the green light were given for unfettered access to the refugees, are there enough humanitarian supplies, food, medicines and the like available that could be immediately put into the hands of the people who need it most? Do you have anything to say about that?

Rev. RYSCAVAGE. I can certainly speak for the sort of broader community, that we can mobilize rather quickly the necessary humanitarian goods to get in there, if we are allowed to get them there. That is always the question.

Mr. SMITH. Before the others answer, what is the percentage of people we do not have access to at this point?

Rev. RYSCAVAGE. Well, I think it is a question of sort of partial access in the things. In other words, we can have presence there right now in some of the camps my field workers visit; but they are not allowed to bring in water and medical supplies and this and that. So, in some ways, we have access without authority to bring in the humanitarian supplies. So I would say all the camps are suffering under a kind of limit to what it actually is we are actually able to bring in, restrictions, you know.

Mr. SMITH. Father Ryscavage, you indicated in your testimony—I sensed a concern that if the UNHCR came in, there might be the concern this was a precursor of a repatriation. As we all know, and I have from this podium and on the floor and elsewhere, including in-country, criticized the UNHCR for a greater emphasis on repatriation rather than protection. Do you have fears and do the rest of our witnesses have fears that if they are invited in by the Thai that this could be a way of trying to put the imprimatur or the stamp of approval on a repatriation effort and then we would get those massive assurances that there is no problem, there are monitors back home, like we heard from Vietnam, to ensure these people are not then part of a forced work situation for the pipeline or some other thing?

Rev. RYSCAVAGE. I certainly would be very concerned about it. But at least, if the UNHCR were there, we could have direct—the NGO committee, at least, could hold the UNHCR accountable for some of its actions. Right now, it is impossible to hold Geneva accountable when it is not allowed a presence in the situation, but I am aware that in Geneva right now the big mantra is repatriation under almost any situation, “voluntary” repatriation.

Mr. SMITH. That is a very flexible term, “voluntary repatriation”. It is very elastic. My Chief of Staff, Joseph Rees, says the record should reflect, and I agree, that when you said voluntary, you put quotes around it.

Mr. Pyne.

Mr. PYNE. I agree with that, and I really have no other comments.

Mr. SMITH. Let me just ask one final question, and then I will go to my friend and colleague.

Have we protested or taken a strong enough action with regard to SLORC and its hope to become part of the ASEAN, to let those countries that make up that body, that it is not in their interest at this particular time, because of this repressive government and because of what they are doing now to tens of thousands—114,000 in at least one estimation—of refugees?

Mr. PYNE. We have been informed by the State Department officers that, yes, they have been approaching ASEAN officers, ASEAN leaders; and, yes, they know about what SLORC is doing; and that behind the scenes, that they would be working to make SLORC a little bit more flexible. But we really haven't seen any—because this was told to us some months ago, and we haven't really seen any change in SLORC's attitude.

In fact, when SLORC was admitted as an observer in ASEAN, the next thing it did is it announced that it no longer needed to enter into any dialog with the democratic opposition because it believed that it is going to gain the legitimacy it needs from ASEAN. So it is dangerous.

Mr. SMITH. We have no further questions.

Let me just say, we are very grateful for the expert testimony our four witnesses provided to us this afternoon. This is not the last you will hear of this. As a matter of fact, my hope is that the Secretary of State, Madeleine Albright, and others will take a very proactive and aggressive stance on this.

I know that Mr. Hilliard and I were just talking about the need for Congress to up the ante, vis-a-vis Thailand, and of course, SLORC, to let them know that this very reprehensible and preventable situation regarding the refugees has to be alleviated or else people will die.

We have early warning on this. The rains and the disease will take their toll, as they are doing now. As was pointed out in testimony, the rains have begun. It is not even in the offing. It is happening right now.

So I think we need to become more aggressive, and I can assure you we will. Your testimony has aided this Subcommittee tremendously in that effort, so I thank you for your fine testimony and your ongoing, great humanitarian work. It is very much appreciated and valued.

Mr. Lane.

Mr. LANE. Mr. Chairman, I was given a report from the Karen and one from the Karenni that I would like to enter into the record.

Mr. SMITH. Without objection, they will be made a part of the record.

[The information referred to appears in the appendix.]

Mr. SMITH. The Subcommittee hearing is adjourned. Thank you. [Whereupon, at 2:33 p.m., the Subcommittee was adjourned.]



APPENDIX

STATEMENT OF REPRESENTATIVE CHRISTOPHER H. SMITH Chairman, Subcommittee on International Operations and Human Rights

Today's hearing is on the situation of refugees who have fled across the border from Burma to Thailand, and on recent developments which make their plight even more urgent.

On January 28 of this year, military forces allied with the illegal military government of Burma, the SLORC (State Law and Order Restoration Council), invaded Thailand, attacked two refugee camps, and set fire to the camps. Thousands of refugees from the Karen ethnic minority group were left homeless, and at least three refugees were killed.

A few weeks later, on March 9 and 10, the Thai government forced several thousand Karen refugees back over the border into Burma. This forced repatriation took place shortly after a meeting between military leaders of the two countries, at which the Thai army commander publicly embraced the SLORC military leader who has spearheaded the brutal repression of the Burmese people as well as the ruthless campaign against ethnic minorities including the Karen.

The Thai government has since discontinued the forced repatriations. At the recent meeting of the United Nations Human Rights Commission in Geneva, the head of the Thai delegation stated that Thailand "will continue to adhere to its long-standing value of providing safe refuge and humanitarian assistance to all fleeing unrest from neighboring countries." The statement added that Thailand had therefore granted the refugees "permission for temporary stay."

What remains to be seen is just how temporary this permission will be. Only ten days before the statement in Geneva, on March 22, the Thai military commander in the border area had lectured a number of Karen refugees about how they had nothing to fear in Burma and should return immediately. When they declined, he told them, "Where will you live then? You cannot live here." A few days later it was reported that the Thai military had ceased its efforts at forcible repatriation, and was once again being helpful to the refugees. But it has also reported that SLORC forces are now being permitted to patrol Thai soil and harass refugees with whom they come in contact. And, as several of our witnesses today

will testify, it appears that the Karen refugees whose houses were burned are not being allowed to rebuild them.

I would like to ask each of our distinguished witnesses, as they provide additional details about this tragic situation, to keep in mind several questions whose answers should be important to Congress and to the President in determining the United States reaction to these events:

First, why is the SLORC determined to persecute these people? Is this repression indistinguishable from that which has been imposed on ethnic Burmese, or is it even more brutal? A related question is whether this is political persecution, ethnic persecution, religious persecution, or some combination of the three. The pretext for the cross-border attacks on the Karen camps --- which appear to have been perpetrated by a SLORC-backed militia composed largely of ethnic Karen --- is that most Karen, including the overwhelming majority of those who fled to Thailand, are overwhelmingly Christian. A minority of the Karen are Buddhist, and the SLORC-backed Karen militia is composed of Buddhists. Is the religious difference just a pretext, or do the SLORC and their allies perceive Christianity as a particularly serious threat to their totalitarian rule?

Second, what motivated the Thai government to change the former policy in which refugees were allowed to live in the border areas, and were perhaps even regarded as a desirable buffer zone between Thailand and the SLORC? Is this just a matter of wanting closer economic and political relations with the de facto ~~government of Burma, and regarding the refugees as an irritant in this~~ relationship? Or is it possible that Thailand has been motivated in part by the change in attitude of the United States government and the international community toward forced repatriation generally? The United Nations High Commissioner for Refugees (UNHCR) over the last several years has assisted the government of Bangladesh in the involuntary repatriation of many thousands of Rohingya refugees from Bangladesh to Burma. And the Thai government has recently carried out the forced repatriation of thousands of Vietnamese asylum seekers, again with the assistance of the United States and the UNHCR. When one asylum seeker was killed during this forced repatriation, the U.S. and the UNHCR accepted the Thai military's explanation that he had died by jumping from a roof, despite reports that he had been beaten to death while resisting repatriation, and despite the existence of a picture in which it appeared that he had

suffered multiple wounds on his face, head, and upper body. Is it possible that the Thai government finds it increasingly difficult to understand the U.S. and the UNHCR position that what is perfectly acceptable for Rohingyas and Vietnamese --- as well as for people who managed to escape from Haiti, Cuba, and China over the last few years, only to be forced back into the hands of some of the most repressive regimes in the world --- is nevertheless unconscionable when applied to the refugees in Thailand? If this is the problem, is there anything we can do to convince the Thai government to keep doing the right thing even if we ourselves have sometimes done the wrong thing?

Finally, is the United States government doing everything it can to help these refugees, and to persuade the Thai government to help them? For instance, the State Department assures us that it is still spending the \$1.5 million per year in assistance to refugees along the Burma-Thailand border which was specifically earmarked through fiscal year 1995 --- an allocation which will be restored by H.R. 1253, the Foreign Relations Authorization Act for Fiscal Years 1997 and 1998, which was recently reported by this Subcommittee. Are we making it clear to the Thai government that we will continue to assist these people so that they will not be a burden on Thailand? At the same time, should we also be making it clear that admission of Burma to ASEAN (the Association of South East Asian Nations) at a time when the illegal SLORC regime is not only persecuting ethnic minorities but is also brutally suppressing the legitimate democratically elected leadership of Burma, could have an adverse effect on our relationship with other ASEAN nations? ~~Has our failure to impose the Cohen-Feinstein sanctions, which~~ were passed into law last September and signed by the President, and which (among other things) specifically requires the President to prohibit U.S. investment in Burma in the event of large-scale political repression by the SLORC, made it more difficult for us to argue that Thailand and other ASEAN nations should isolate the SLORC and provide continued assistance to its victims?

Again, I welcome our witnesses and I look forward to hearing their testimony on these questions.

April 16, 1997

Statement of Gary Lane
Senior Reporter
CBN News

House Subcommittee on
International Operations and
Human Rights
Hearing on
Burmese Refugees in Thailand

Mr. Chairman and members of the Committee. My name is Gary Lane. I'm Senior Reporter for CBN News—the news division of the Christian Broadcasting Network. I've just returned from Thailand where I visited several Karen refugee camps. The purpose of my visit was to gather information for a news focus report which was aired last Friday on the Family Channel and 142 CBN broadcast affiliates nationwide.

When I arrived at the Whay Kaloke refugee camp near Mae Sot, Thailand I was amazed to see Karen children playing atop the charred, ashen soil where their homes and a school once stood. The refugees at the Whay Kaloke camp detailed for me the horrors of the evening of January 28th, 1997.

Late that night, between 10 and 11 P.M., a fiery inferno set by members of the Democratic Karen Buddhist Army (DKBA) and State Law Order and Restoration Council (SLORC) troops swept through the camp, destroying in minutes what had taken the Karen months to build.

One woman, Rosalyn James, told me she was praying in her home when she heard gunshots. She looked outside only to see fire raging to the west and east of her house. She said the Burmese invaders first looted the marketplace and then set fire to the hospital, churches and school. Many of the refugees fled into the jungle. When they returned the next morning, they found nothing left. Many of the refugees just sat and stared at their incinerated houses. One man told me, "you see, our humble, bamboo homes could not withstand the flames of religious hatred." Another said, "the Burmese invaders could easily destroy our church and our buildings, but they did not succeed in destroying the souls of our people. They cannot take that from us."

The Thai government has yet to give the refugees at the Whay Kaloke camp permission to rebuild. That means about 1,000 Karen children have no building in which to attend school. The Karen place

great value on education. This hurts them deeply.

I talked with one man who constructed a small, makeshift hut of bamboo and corrugated steel. It is only large enough to serve as a bedroom for his 15-year old daughter. That means Saw Kyaw So and his 9-year old son Lin Aye Mya are forced to sleep together in a small, teakwood cart. Mr. Kya So worries about the upcoming rainy season. He told me he and other refugees will be like "drowned rats". One woman told me the Whay Kaloke refugees are living on the edge. They have nothing, can't help themselves, and are just waiting for the order to rebuild.

I talked with a retired American nurse who was visiting several of the refugee camps. Doris Downey of Indiana was also concerned about the upcoming rainy season. She said she expects cases of malaria and typhoid fever to multiply in the camp because, "mosquitos will be everywhere and germs will breed in the mud and moisture." Mrs. Downey worries about increased cases of diarrhea and dysentery.

A doctor working for one humanitarian organization told me he was having difficulties getting medicine and medical supplies into his camp. He said the Thai authorities were holding them up. He also complained about not being allowed to bring simple, plastic piping in to run water to his hospital from a nearby stream. He said the Thai authorities claimed Karen guerrilla fighters would make pipe bombs out of the tubing for use in their war against the Burmese government. The Karen say pipe bombs can just as easily be made with hollowed out bamboo which is available in great abundance in the jungle.

I interviewed a number of Karen refugees who had just arrived at a new camp near Uhm Pang, Thailand. One woman—who was eight months pregnant—traveled three days through the jungle to the Thai border. She says once her family finally made it to the border, they were turned away and forced back into Burma by Thai soldiers. Her husband told me, "wherever we went, they tried to block us and drive us away back into Burma. They don't want to accept us in their country."

One refugee told me that ten of his friends were beaten by Thai soldiers as they tried to cross the border. Another said her family fled Burma after SLORC troops entered their village. Like the others, she said Thai soldiers drove her family back into Burma. They finally had to sneak into Thailand under cover of darkness.

What is the Burmese government doing to these ethnic minorities to cause them to flee across the border and why isn't the current Thai government being more helpful and hospitable?

I'm sure members of this Committee are quite familiar with the human rights violations being committed by the SLORC. They're well documented in the State Department's Annual Report on Human Rights and have been detailed by a number of human rights organizations like Amnesty International. I have heard many of the same stories. I've travelled to all of the Karenni refugee camps. I've made four trips within the past four years and have heard countless stories from refugees detailing how SLORC troops will enter a village, set fire to homes and churches, rape women, kidnap boys and young men, and force them to assume portage duties in the jungle. I've been told about people being used as slave labor to construct railroads. I've heard the stories about pastors and priests

who were forced at gunpoint to bow down to Buddhist idols.

Last month I was granted an exclusive interview with General Bo Mya, the President of the Karen National Union and head of the Karen Resistance. I asked him to explain why the Burmese government continues to persecute the Karen. "We are Christian," he said, "this Burmese regime, the military, wants the whole nation to become Buddhist. They don't like the Christian."

It is obvious to me--after spending much time with the Karenni and Karen over the past five years--that this is more than just a war against ethnic minorities. This is also a religious war. If it is not, why then are pastors and priests being forced to bow down to Buddha? Why at the Whay Kaloke refugee camp were churches burned while a Buddhist temple and monastery were left untouched?

Why isn't the current Thai government being more hospitable to the Karen and Karenni? Why aren't they protecting them from these cross border attacks?

General Bo Mya and other Karen always talk about "the pipeline". They remind me about the \$12.5-billion deal the Thai government signed with the Burmese government in 1995. The 250-mile pipeline will deliver natural gas from the Yadana field near Tavoy to Thailand's Kanchanaburi Province, not far from the famous River Kwai Bridge. The Unical and Total oil companies have interests in that 30-year deal. There are also many other business deals involving everything from teakwood to hydro- electric power. And of course, this Committee knows that ASEAN is likely to admit Burma into its association either this July or December. The Karen say Burmese membership would provide the SLORC and ASEAN a number of trade benefits.

President Bo Mya says he believes the current Thai government, ASEAN members, and American business people are more concerned about making money than they are with human rights and the treatment of the Karen: "For them, the principle is not important. What is important to them is money for their own pocket. Even though they come from democratic countries, democracy doesn't matter and they don't care."

~~What should the United States do? I am a journalist and am not here to recommend a course of action. I was invited here to inform you of recent developments. I can tell you what the Karen and pro-democracy forces want from the United States.~~

The refugees at the Whay Kaloke camp say they want the U-S to put political pressure on the Thais so the Karen will be granted permission to rebuild their homes and school--before the heavy rains come. Others would like to see their camps moved deeper into Thailand--away from the border. They don't want to be forcibly repatriated to Burma. They wish to remain in Thailand and want the Thais to protect them from cross border raids--they want a safe haven from oppression. Some would like to see the UNHRC provide relief and protection.

General Bo Mya recommends more extreme measures. He says economic sanctions alone would not be enough. He would like the United States to do for Burma as it did for Haiti. He thinks U-S troops should be sent in to restore democracy to Burma.

Nobel Peace Prize winner Aung San Su Kyi recently urged the United States to not give up, to keep pushing for democracy in Burma.

Some of the Karen and Karenni have told me they have great admiration and respect for President John F. Kennedy. His pledge that America would, "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and success of liberty" inspired them. They reminded me that their people fought for freedom alongside the Americans and British against the Japanese in World War Two. They say they are true friends and lovers of democracy.

When will America remember the words of JFK, they ask? When will the United States act to do what is moral and right rather than that which will make it money?

Statement
of
STEVE DUN (SAW THAY LER)
before the
Subcommittee on International Operations
and Human Rights
Committee on International Relations
U.S. House of Representatives

April 16, 1997

Thank you for giving me the chance to present the situation on the Thai-Burma border and inside Burma.

I present the situation as a Karen from the area.

The military regime, the State Law and Order Restoration Council or SLORC, has had a long history of human rights violations of it's own people and the other ethnic peoples of its country.

There are many examples of such violations and atrocities:

On January 28 1997, at about 22:00 hrs a group of about 100 SLORC troops from the 259 Light Infantry Regiment of the 101 Division and some men from the Democratic Kayin Buddhist Organization entered the Hway Kaloke Karen refugee camp near Maesot. After looting whatever they could put onto 3 pickup trucks, they torched the houses. 690 of the 1240 houses were burned.

That same night, the Don Pa Kiang camp which is about 26 Kilometers north was also burned. 611 of 709 houses were looted and burned.

The reason behind these attacks is to force the refugees to flee back into Burma where SLORC can use them as forced laborers on development projects.

Thailand, who used to provide a safe haven for the refugees is now cooperating with the SLORC and preventing anymore refugees from crossing over. It has also plans to repatriate the existing refugees. This is because the present Thai government is intent on developing a good relationship with SLORC for economic reasons.

SLORC has also intensified its attacks on civilians inside the country where economic development projects are planned.

In areas where the Unocal-Total gas pipeline project is to implemented, people have been forced to relocate without any compensation. Last saturday and sunday a total of 400 new arrivals from the Mergui-Tavoy area tried crossing the border into Thailand.

SLORC also has had a policy on ethnic cleansing. Recently, we have had more reports of villagers being killed and villages being burned systematically.

On March 28 1997, SLORC troops from the 772 Tactical Operations Command of the 77th Division burned the Day Daw Khee village in the Papun district. They threw 2 children aged 3 and 4 years into the fire. The charred remains were later found.

Those who benefit from the investments are not the people of Burma but only a few top SLORC leaders. So suspension of investments in Burma at the present time would help to keep from supporting the oppressive government.

The ethnic peoples resist the government because of survival. The Karen are the last group of ethnic people holding out against this government. Karens have a history of nearly 50 years of revolution after fighting alongside the allies in WW II and have always held out against communism when it prevailed in the area. The Karens have been against the Drug trade and even have death sentences for trafficking.

The SLORC on the other hand has a history of being communist, trafficking drugs of which I believe the US is a major target and has ignored the desires of the people of Burma by disregarding the results of the elections .

The US government should take a serious look at acknowledging the existence of such a government.

The ethnic peoples of Burma are willing to work out their problems peacefully but the SLORC since it has been in power, is bent on wiping out all resistance by force. Thus the ethnic peoples coming and working together.

**Testimony by
Soe Pyne
Director of the Prime Minister's Office
National Coalition Government of the Union of Burma**

**Hearing on
"Burmese Refugees in Thailand"
by the
Subcommittee on International Operations
and Human Rights,
Committee on International Relations,
House of Representatives**

**Held at 1:00 p.m. Wednesday, April 16, 1997
Room 2172 Rayburn House Office Building**

Mr. Chairman, Members of the Subcommittee on International Operations and Human Rights:

Thank you for giving me the opportunity to testify on the situation of Burmese Refugees in Thailand. I am Soe Pyne, director of the Prime Minister's Office, the National Coalition Government of the Union of Burma (NCGUB). The NCGUB is a cabinet made up of elected representatives from the National League for Democracy and other democratic parties that won the elections in 1990. The NCGUB has a keen interest in the affairs of the Karen and other ethnic nationalities because it is a firm believer in Daw Aung San Suu Kyi's call for a tripartite dialogue between the leaders of the democracy movement, the ethnic nationalities and the military to achieve peace and national reconciliation in Burma.

A major offensive was launched by the Burmese military junta against the Karen people in early February. Even though the exact figure of refugees fleeing the fighting is difficult to know, different sources visiting the sites along the border, including Thai and international journalists, have put the number of refugees at tens of thousands.

The situation should be of utmost concern to all of us not just because a large number of people have lost their relatives, their homes and property and become refugees but also because of the brutality of the goal behind the assault.

The Karen National Union, which has been fighting for equality and self-determination, has had four rounds of cease-fire talks with the ruling military junta, also known as the State Law and Order Restoration Council (SLORC). The talks have failed because the SLORC only wants the KNU to surrender on its terms. The KNU refused to give in to the demands, but it was expecting another round of talks to take place. SLORC, however, unilaterally broke off the talks and launched a brutal assault without warning.

It was obvious from the very start that the objective of the latest offensive is not just the KNU. It was the Karen people, whom SLORC accuses of being the support base for the KNU. This is reflected in the January 28 attacks on the three Karen refugee camps at Huai Kalok Wangkha, Huai Bok (Don Pakiang) and Mac La. Altogether the camps housed 36,000 refugees inside the Thai territory. Left undefended by the Thai security forces, thousands of Karen refugees were left homeless and destitute as SLORC and its puppet forces torched the camps.

Also, during the latest offensive, there have been reports of extra-judicial killings, rape, looting and plunder at many Karen villages inside Burma and along the way to the Thai-Burma border. Many villages were also burned and destroyed by the SLORC troops. The offensive is intended to be a warning to the other ethnic nationalities, who have entered into cease-fire arrangements with the SLORC but are expressing their dissatisfaction with the outcome of these arrangements.

In other words, the growth in the number of Karen refugees at the Thai-Burma border is not accidental. It is the result of a brutal but well thought out plan of destruction by the SLORC.

Another problem that the Karen refugees are facing is the Thai authorities. The Thai authorities are refusing to acknowledge the refugee status of the Karens or to let the UNHCR to help them.

Depending on the Army commander in charge of the region concerned, there were reports about Karen refugees, particularly males of fighting age, being forced back into war zones inside Burma. The refugees were also prevented from building any shelter out of wood or bamboo which are considered by the Thai authorities to be permanent structures. There have been instances of NGOs and other official teams being denied access to the sites where the refugees are staying.

The Thai government has denied that refugees were turned back. Earlier in March, however, many sources, including press reports, on different occasions confirmed that the Karen refugees were indeed pushed back into Burma.

Thailand is well known for its humanitarian policy. It has always sheltered refugees, from Indochina to Burma. The National Coalition Government of the Union of Burma urges the United States to request Thailand to continue that humane policy toward the Karen refugees and allow NGOs and the UNHCR to assist these refugees.

The refugee issue in Burma is the result of political problems. Without the will to resolve the existing political issues, there can never be a long-term solution to the refugee problem. The KNU and the Burmese democracy movement have on many occasions offered to hold talks with the SLORC for national reconciliation. The solution to achieve peace and harmony is already there.

The United States and the international community must step up their efforts aimed at pressuring the SLORC to enter into dialogue with the democracy movement and the ethnic nationalities. That process will resolve the refugee problem and ensure peace and harmony in Burma and the region.

Mr. Chairman, thank you for holding this hearing and for showing an interest in Burma's affairs.

HOUSE COMMITTEE ON INTERNATIONAL RELATIONS
Subcommittee on International Operations and Human Rights

DRAFT SUMMARY

TESTIMONY OF FR. RICHARD RYSCAVAGE, SJ
DIRECTOR, JESUIT REFUGEE SERVICE/USA

April 16, 1997

Jesuit Refugee Service since 1988 has been working with Burmese refugees both in Bangkok as well as along the border. This testimony is based on current reports from our field workers in Thailand. It also draws on the research of our partner agency, Human Rights Watch (HRW) (JRS funds a HRW position in London which monitors the Burmese refugee situation). We also cite the work of the Baptist World Alliance which has been intimately involved with the Karen for decades.

CURRENT CRITICAL ISSUES

As of early March, there were 114,831 refugees in more than 20 camps along the Thai-Burma border. This is an increase of more than 13,000 persons from December 1996. The exact number of camps is difficult, if not impossible, to state as they are in a constant state of flux. The actions of the Royal Thai Government (RTG) combined with those of the Burmese military government of the State Law and Order Restoration Council (SLORC) have created a very fluid situation of camp relocations.

Issues of primary concern include: security, protection, repatriation, lack of options for the refugees; and the lack of fundamental change inside Burma.

- ◆ ~~In late January, SLORC forces attacked several Karen refugee camps in Thailand and about 80% of two different camps were burned to the ground displacing thousands of refugees. The RTG is now rebuilding these camps rather than relocating them further from the border, which would provide increased security. In addition, many other camps are very close to the border and well within range of SLORC mortar fire.~~
- ◆ UNHCR has never been allowed a permanent presence at the border to provide protection or relief to the Burmese. This lack of protection has been made abundantly clear in situations ranging from the aforementioned SLORC military attacks to the forcible repatriations and denial of entry to hundreds of refugees earlier this year. In addition, the Thai authorities have not allowed NGOs access to provide building materials for the new arrivals. No permanent structures have been built in the new camps and, despite the rainy season, these refugees are sleeping on the ground sheltered only by plastic sheeting. (Several specific cases will be cited in testimony).

- ◆ Another protection issue concerns the Shan. They have traditionally been seen by the Thai as seasonal laborers entering Thailand only to work. The Shan have been denied the opportunity to establish camps and they are not considered prima facie refugees by UNHCR, as are the other ethnic minorities along the border. New arrivals belie the assumption that they are only coming to earn money: approximately 150 Shan are arriving each day, most are elderly, sick or very young and clearly not coming to find work.
- ◆ The refugees along the border have no options. They can not return to their home country. Human rights abuses continue in Burma unabated. They are not allowed access to third country resettlement and, indeed, are not even allowed access to UNHCR's protection. They have no choice but to remain in their camps, vulnerable to the SLORC's military incursions and uncertain of their future.
- ◆ While forced repatriations have stopped in the face of international pressure, there is great concern about the possibility of "voluntary" repatriation being initiated. There are reports that the Thai officials are advising refugees to return home as life in the camps is "too difficult." Yet, in an example of humane deterrence, the authorities are, in some cases, making those conditions even more difficult. This concern is exacerbated by the RTG's National Security Council resolution of March 11 which states that "Thailand will push back more than 100,000 ethnic minority refugees to Burma as soon as fighting in the country subsides."
- ◆ There is no evidence that conditions in Burma have changed or improved in any way. There continue to be credible reports of widespread human rights abuses, including executions, torture, rape and forced labor. The United Nations Special Rapporteur for Human Rights, Human Rights Watch/Asia, Amnesty International and the US Department of State have all issued reports or statements documenting and/or denouncing the human rights abuses of the SLORC.

RECOMMENDATIONS

Because of the radically changing geopolitical and economic situation along the Thai-Burmese border, the entire issue of refugee protection in Thailand needs to be revisited. Most urgently, the physical security, health, housing of the newly arrived requires attention. People should not be allowed to suffer in such extreme conditions.

- ◆ Either UNHCR should be given this protection role or the Thai government must assume its international responsibilities for protecting the people who have sought refuge.
- ◆ While refoulement and forced repatriation may have been halted under international pressure, any so called "voluntary" repatriation schemes should be thoroughly vetted. UNHCR in particular, should be careful about participating in any return program which compromises its protection role. UNHCR's approach should not mirror that of a

government which sees refugees as "problems to be solved" rather than as persons to be protected. It seems obvious to us that SLORC is still one of the world's most abusive governments. How can it be "safe" for the refugees to return?

- ◆ Pressure from the USG helped to stop forced repatriations last month. The USG now needs to monitor the situation on the border and urge the UNHCR and the Thai government to attend more effectively to the protection needs of the refugees.
- ◆ Current Thai policy seems to be based on the assumption that once the insurgency is defeated by SLORC, peace will reign in Burma and the refugees can go home. In fact the opposite may be the case: once SLORC secures the border areas, human rights violations will escalate, creating even more refugees for Thailand to contend with. It is futile to deal with the refugee crisis without ultimately addressing the human rights situation inside Burma.
- ◆ The real issue is SLORC which has created the refugee flow. It is an anti-Christian, anti-Muslim regime, concerned about maintaining its power at the expense of the people and consistently violating international law. Membership in the Association of Southeast Asian Nations (ASEAN) should be blocked until Burma has improved its human rights record. The pursuit of national economic interests should not be allowed to overshadow the human suffering that is taking place in this region. We urge Secretary of State, Madeleine Albright, to convey in the strongest possible language the fact that it is futile to try to solve the refugee crisis without ultimately addressing the root cause: the human rights abuses going on inside Burma today.

VOICES FROM THE ASHES



*COMMUNITIES SPEAK OUT
IN THE AFTERMATH OF THE DESTRUCTION
OF HUAY KALOKE AND HUAY BONE REFUGEE CAMPS*

FOREWORD TO THE ENGLISH VERSION

On the night of 28 January 1997, two Karen refugee camps in Thailand's Tak Province, adjacent to the Thai-Burma border, were attacked by a combined force of Burma army (SLORC) and Democratic Karen Buddhist Army (DKBA) troops. A cross-border raid of this magnitude and nature was virtually unprecedented, and resulted in the destruction of approximately 60% of houses in Huay Kaloke camp and 90% in Huay Bone, in total more than 1,300 dwellings. It caught the two well established communities completely off guard, and left them dazed and ill equipped to start picking up the pieces of their lives as the new day dawned.

While it may not be evident to the casual observer, humanitarian aid worker, or even journalist, there are indeed signs of new life within the shattered communities. There is a growing undercurrent of activity and a fresh sense of direction among the people. Nevertheless, they still struggle with the various powers-that-be whose domination of their lives has become an accepted and intractable 'given' for more than a decade..

This document is one reflection of the growing mood for change. In the days following the initial disaster, and with people's immediate emergency needs being met, a group of youth within the communities identified some secondary needs of the camp populates:

- to continue thinking critically about and reacting positively to the crisis.
- to be given a means to express their opinions, both among their own people and to the outside world.
- to find ways to reorganize existing and start new community structures to serve their interests more effectively.

With these concerns in mind, a questionnaire was quickly drawn up and distributed, along with writing materials, as an immediate means of responding to the circumstances. While the questions themselves may have been phrased awkwardly, betraying a lack of prior experience, of more importance is that they reflect the real issues of concern for people in the camps. More importantly still, although the questionnaires were not laden with high expectations, they have managed to provoke a wide range of serious and well considered responses at an extraordinarily difficult time for the people.

We are intentionally releasing this report exactly one month after the attacks as a reminder to all involved, at whatever level and in whatever regard, that until now the future of these people's lives remains completely unresolved. Since the advent of this arson and until the present day entire camp communities continue to house themselves in makeshift shelters affording little protection from cold nights and even less from the dreaded prospect of a second attack. Thai security forces remain negligible and serve as little more than the butt of ongoing community jokes-- dour humor concealing deep anxiety and mistrust in what the future may bring.

We offer this document with nothing but respect for all who were affected by this tragedy, particularly for all those who took the time to answer our questions and for all those who helped to collect, compile and translate the questionnaires. We hope that this will be a small step in the coming days of change, for peace in Burma, which is to say, for the people.

Note: 'Voices from the Ashes' is translated from the Sgaw Karen version of the original text.



* DRAWINGS BY HUAY KALOKE AND HUAY BONE STUDENTS.

INTRODUCTION

Voices from the Ashes was prepared by members of the public and students of our Huay Kaloke and Huay Bone camp communities, through the use of a questionnaire. The general aim of the questionnaire was to give all those who have suffered as a result of the recent destruction of our camps an opportunity to air their views in a way that allows everybody to find the means of working together for a peaceful future. We believe that at this time the people are thinking seriously about their rights and also openly want to re-identify those rights. Yet at present we are always living in fear, and our own inattentiveness has allowed for our rights to be obliterated. We want the people to wake up and regain their rights. Especially in this time of difficulty we must come together and agitate people throughout our communities, in order to find a way to free ourselves from this life as refugees.

We distributed our questionnaire between the two camps, according to the most commonly used languages, as follows:

- Burmese language.....	130 copies
- Sgaw Karen.....	100 copies
- Pwo Karen.....	30 copies
Total.....	260 copies

The questionnaire was anonymous, giving everybody the freedom to answer with their own genuine opinions without fear of repercussion, or to choose not to answer at all. We managed to collect responses as follows:

- Burmese.....	69 responses
- Sgaw Karen.....	59 responses
- Pwo Karen.....	6 responses
Total.....	134 responses

We plan to publish this document in five languages, initially Burmese, Sgaw Karen, and English, and later in Pwo Karen and Thai. The body of this paper has been organized according to the information received question by question, along with some supplementary information:

1. The question as it was on the question paper.
2. A summary of the overall responses to the question.
3. *Voices*, a selection of direct quotations from people's answers, indicating popular sentiment.
4. A brief reference to the UN's *Universal Declaration of Human Rights* for the reader's consideration.
5. Some concluding thoughts and words of encouragement on the way to move forward.

We thank and pay respect to everybody who gave their perspectives and opinions. Some people's writing has been directly incorporated into this document, but all answers were important and of value to us in compiling the report.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

- *Universal Declaration of Human Rights, Article 19*

Huay Kaloke Refugee Camp, 28 February 1997

Q. 1. How have you suffered as a result of this arson attack on the refugee camp?

OVERALL:

Broadly, people say that they suffer from the ongoing absence of adequate security, from the feelings of pity they experience for the miseries of the elderly and very young among the populace, whom they have failed to protect, and as a result of the general impoverishment of the community. So much is lost, so much destroyed, and so many tears have fallen. People's health is poor; the school, its related books and uniforms have all been consumed by the fire, and so people feel discouraged about the students' future. The people feel as if their lives have become like those of dogs.

VOICES:

"Regarding this arson attack on the camp, everything attractive about the camp has been destroyed, and has been turned into ash... The fire has consumed everything. Even more than that, we are like orphans without parents, as people with no security for themselves. What makes us really suffer is when we must see the children and elderly facing such poverty. We must go and sleep in the dew and cold, and in the daytime it is hot. The children can't drink good water because the water pots were destroyed by the fire."

"We are suffering terribly. I felt like I was dreaming as I ran out of my burning house. But as the sun rose we returned to look at our houses and school, which had been turned into ash, and so most villagers just sat and looked at their incinerated houses. To see this situation of ours hurt us so, and caused us to suffer greatly. We also better understood the troubled lives of our people who stay in the combat zones (within Burma)."

"Many Karens have become refugees with difficult and impoverished lives for a long time, and so it should not be that there should yet be this further misery and impoverishment. But terrible things can still be done to further degrade people. There is nothing special about suffering (for us) I can only say this one thing: that our (human) rights should absolutely not have been abused like this."

"I myself suffer as if I am a cup. When people want to have a drink they take it and drink. But when they have drunk enough they discard the cup. In the same way, we are people who are used and discarded. Other groups like the Thai Army don't perceive their duty (in relation to us), and when they must, simply run to save themselves."

"I cannot think about why they were so determined to come and burn down our camp. Their actions are like that of a farmer who in an attempt to destroy the rats eating his grain burns down the whole barn..."

"This was the first time for me in my life to witness my house being burnt down, and I believe that it will be both the first and last time. It hurts me more than anything that these people carrying weapons were our own Karen people. Why do they hate us so much that they would incinerate our houses?... Furthermore, one thing that I have thought about but do not understand is that we are civilians, so why when they came to burn our houses did they use weapons that could kill people?"

Everyone has the right to own property... no one shall be arbitrarily deprived of his property.

- Universal Declaration of Human Rights, Article 17

FROM HERE:

We have all lost our possessions, we have become impoverished and we are all suffering equally. Therefore in the current situation we should all work together in unity, and help one another, as we are taught- *If the older sibling falls, the younger helps him up; if the younger sibling falls, the older carries him* For example, if our neighbour needs rice, medicine, clothes or a blanket, then if we have something to give them we should definitely help them This would be a first step to less suffering in our community, and a first step towards real unity and strength.



Q. 2. Whose plan do you think it was to burn down the camp?

OVERALL:

The people's opinions as to who was responsible for the destruction of the camp were:

<i>The plan of the SLORC</i>	111 respondent
<i>The plan of both the SLORC and the DKBA</i>	20 respondent
<i>The plan of the SLORC, the DKBA and the Thai Army</i>	1 responden
<i>The plan of both the SLORC and the Thai Government</i>	2 respondent

VOICES:

SLORC officers gave to DKBA the duty to carry out the plan for attack. Also, on the night of the arso attack many SLORC soldiers came. If I dared to catch one of them I would like to have held him in plac for other people to see the truth. We heard their voices speaking very aggressively in Burmese, as they would even eat raw flesh."

"There is a group claiming to love their Karen people and be a Buddhist army, but they do not love their people. Those who love their people would not have come to destroy our refugee camp. As a result of their returning to the control of the SLORC government the SLORC directs them to act in a way that they cannot refuse. So following on from this, with regards to this arson attack on the refugee camp, I am of the opinion that it is the plan of the SLORC. We also believe that the Thai military and government are included among those who arranged this plan."

"This was not the plan and actions of children. It was a well conceived and significant maneuver. Therefore, this was not the plan of the DKBA. At the time that they came to destroy the camp I was only about 10 feet away from them, and among the more than 100 soldiers present there only about 30

percent would have been DKBA, the remainder being SLORC soldiers. Furthermore, according to accurate information that I received, the DKBA soldiers who came to commit the arson attack were paid 10,000 baht. Therefore this was absolutely not the plan of the DKBA and must have been the chauvinistic SLORC military government's plan."

"At the time that they came to burn the camp the Thai security forces were not present, not one was seen. The arsonists spent about 2 hours in the camp, yet not one Thai soldier materialized... not a single unit. So to state matters clearly, might it be true that the current Thai government was also involved in this plan?... this is something that must also be thought about and carefully considered."

"Why is it that the SLORC is trying to divide our Karen people into two groups, Buddhists and Christians? Because the SLORC is trying to force our people to return to Burma."

"If a key is not given for a motor vehicle, how is it able to run? The SLORC has said that this refugee camp arson had nothing to do with them, that it is a matter between Karens. Is there something among all of Burma's problems that isn't to do with the SLORC? All these are related to the SLORC and exist as a result of the SLORC. With regards to the above matter, I truly swear that this is the SLORC's plan. Those holding the key are the SLORC."

"I know that we Karens are not permitted to bring guns into the camp. But why then did the Thai Army allow a whole lot of people come in and inflict abuses upon and injure refugees this way within their own country? Do they look upon us as if we are not humans? Do they think that we don't know our rights?"

"Some Thai leaders have stated that this matter is only among we Karens, and therefore they won't do anything about it. This hurts me most of all. Those who planned and instigated this action are the military leaders of the SLORC. This plan had absolutely nothing to do with the DKBA. I dare to say that the DKBA have no greater rights than we do as refugees. What the SLORC demands of them to do they must always do."

"The SLORC military sees that the people are the strength of the KNU, and therefore planned this. The DKBA was not created to oppose the people. It was created to oppose the leadership (of KNU). But what we should know is that the KNU's enemy is the SLORC. The KNU and DKBA are as father and son. But through the SLORC the prodigal son has returned to assault the father. The two-faced SLORC makes the son do this, to destroy the people, who are the strength of the KNU. But most people have decided that they absolutely cannot do this. This is because 'a bad snake has bad poison; so a four legged animal walks on four legs.'"

All human beings are born free and equal in dignity and rights... and should act towards one another in a spirit of brotherhood.

- Universal Declaration of Human Rights, Article 1

FROM HERE:

If we say that the SLORC made the DKBA come and burn down our camp, and we become angry then we will want to blame and take revenge on the DKBA soldiers, right? Yet this would be wrong. We know that without the SLORC there could absolutely not be any DKBA. Right now the SLORC is trying to destroy the KNU. If the KNU is destroyed then the SLORC will surely destroy the DKBA likewise. Once a nail is removed the hammer can also be thrown to one side.

We must know that this matter is not a religious conflict. It is a political conflict in which the SLORC is again intending to mistreat the people. But everybody can take small steps to deal with this. For example, if you see your friends who are either Buddhist or Christian then you should speak together about this matter, such that you will develop true understanding between one another and work together for peace.



Q. 3. If the SLORC and Thai Government will forcibly repatriate you to Burma, will you go or not? For what reason/s?

OVERALL:

As a result of so many people's suffering, responses were basically divided into two groups:

People who want to go back to Burma.....	1 responden
People who will return under a precise program of repatriation.....	1 responden
People who will fight repatriation to Burma.....	102 respondent.
People who will absolutely not return.....	30 respondent.

VOICES:

"If the SLORC and Thai government forcibly repatriate us to Burma, if there is no concrete and precise plan then we certainly won't go back. Because at this time we refugees must experience oppression, so there is no plan we absolutely won't go back. If the Thai and Burmese governments arrange for repatriation without a detailed written outline, UN involvement and adequate security then we surely won't return. In this regard, if the Thai government really doesn't want us to stay in Thailand and forcibly repatriates us to Burma then my perspective is that this is truly a mistake, and that the Thai government and the SLORC are identical."

"We had to flee to free ourselves from the SLORC's oppression for many years, and finally we came to Thailand... Don't send us back to Burma. If you want to know why I say this, then my answer is that you should go to stay in Burma, then you will understand for yourself."

"If we cannot assuredly attain our human rights then we shan't return. The Thai government should provide a protected place for impoverished refugees staying on the border. The Thai government and leaders should give a little more thought to our situation."

"We absolutely won't return. We cannot go back because of the oppressive rule of our Karen people by a deceitful government, thus we cannot go back. We are unable to return. But this is not only about staying in Thailand and Burma. There are other lands... so also, if we die things won't be any different for us. (It will be because of the terrible Burmese government.) The government of Burma is a pack of thieves of the citizens' right to rule, of the people's valuable right to freedom, while terrifying the people..."

Everybody has the right to seek and enjoy in other countries asylum from persecution.
 - Universal Declaration of Human Rights, Article 14.1

FROM HERE:

Almost nobody wants to go back to Burma. We can only use our mouths to say that we don't want to return. If we combine, agitate and oppose those who will try to repatriate us then our true situation will become known and it won't be easy to repatriate us. We didn't yet think about how to agitate, and so we should discuss together about ways to do this. Everybody can start today, by meeting with friends and talking about ways to face this problem- don't just wait for it to happen.



Q. 4. Would you like to stay at the site of the old camp, or do you wish for the leaders to relocate the camp further inside Thailand, away from the assailants?

OVERALL:

As a result of the problems and other issues detailed above the people are suffering in many ways, and so the overall answer to this question is very clear:

People who want to relocate the camp..... 114 respondents
People who are willing to stay at the site of the old camp, only with the proviso of adequate security..... 20 respondents

VOICES:

"If we compare a soft mattress and a house to ash and excrement covered dirt, which of these is a more pleasant place to stay? If we relocate our place to far away from the assailants, nonetheless the day will come that events will again occur as has been the case at present. We are not necessarily saying that we will stay at the same site, nor even relocate to another site in Thailand far from the assailants... Whether in Thailand or Burma, if we can simply stay and work in tranquility with freedom from oppression and abuse then we can live anywhere."

"We hope that Thailand, in accepting refugees and as a member of the UN, will fulfill its obligations to the UN and do the best job of relocating us in accordance with UN stipulations."

"We refugees, we don't want to stay at this old camp site any longer. Why not? Because this place is close to the attackers. If possible, we desire the leaders and authorities to change people's location to far away from the assailants and immediately permit us to use wood and bamboo as needed to reconstruct our houses. In this place there is not enough water, no wood and bamboo for house reconstruction, and also the Thais do not like us to go and cut wood and bamboo elsewhere. We always have to live in fear, with our enemy on one side and the Thais on the other. There is no security for the camp site, so if we rebuild our houses and again stay at this camp then things won't be different. It would really be best if we could go back to our own land and live in tranquility."

Everyone has the right to life, liberty and security of person.
- Universal Declaration of Human Rights, Article 3

FROM HERE:

"We have to move our location to a new place far from our assailants." Will we always be left complaining about this? At this time we don't know anything exact about what is being planned for us. So if we don't agitate then what will become of our situation? For example, on February 17 we held a demonstration. This was a form of activism by the people that demonstrated our current suffering. Among the protesters were monks and many ethnic groups, unifying for the first activity of this kind ever. The people must not be denied the right to demonstrate freely the conditions of their suffering. If our stomachs are sore then we ourselves know this best of all. Likewise, the people themselves know their situation better than anybody else. They don't want other Karens trying to look after them as parents look after their children, and they don't want their work seen as if it is actually someone else's. So we should analyze our protest to judge what was good and bad about it, and we shouldn't be satisfied with only this one protest. We should agitate constantly in the future with more protests, writing, and whatever other means available to us.



Q. 5 How would you like Thailand to provide for your security?

OVERALL:

The general answer was that people want the Thai Army simply to provide adequate security, especially at night time. The people have had enough of the Thai authorities' constant demand for money, constant extortion and other abuses. Everybody is dissatisfied because the security currently on offer is totally insubstantial, and the military goings-on of the SLORC are apparently being undertaken with the approval of authorities in Thailand.

VOICES:

"In coming into Thailand we have followed the Thai's rules and laws as much as possible, and we have never created conflict. We want the Thai government to allocate enough soldiers in order to take care of our security, and also give instructions to the SLORC and DKBA to absolutely not enter and destroy the refugee camps that are in Thailand. As a UN participant, Thailand should respect us and take care of us as they do their own citizens."

"In accordance with the Convention Relating to the Status of Refugees, as per Article 43, we refugees should be given equivalent rights as those of Thais. Because we have not received these, we are suffering in many ways. If we leave the camp we must give 10 baht, and if we can't give it we have to sneak out secretly. If those who leave secretly are caught (by the police) they are beaten and abused in many ways. We also have to give the land owner 25-50 baht monthly rent (per house). Furthermore, when our wells were filled in (by the landowner) we had to buy drinking water at 2 baht per gallon. For the rice that comes as food aid, each time that we go to collect it we have to give 3-10 baht... Whatever happens, we need to be free from all this oppression and have the right to do some work for our livelihood."

"Our people suffer abuse and also death even when the Thai Army comes to take care of our security. Their security is like 'an oil coating on iron, appearing to be gold', and so we no longer want to accept this. We want the Thais to give security so that assailants can no longer come and burn down our camp. We want the Thai Army to be as determined as our Karen people, that they will bravely and fearlessly stand against strife in this time of trouble, not only that their soldiers will fulfill their duties to the bare minimum. For our security we want the Thai soldiers to reach an understanding with us and join hands with we refugees."

"What disgusts me the most is that at this time that our residences have been incinerated some of our 'countrymen' among whom we have come to stay are finding ways by which they can inflict further misery upon us. They come and frighten and subvert the people in many ways. This hurts me greatly. If I was a powerful person I would have one way of dealing with them. As for us, we are no longer much satisfied to have to accept the security arrangements of these people living out corrupted luxurious lifestyles on top of us." (This is a direct and pointed attack upon certain members of the Karen hierarchy.)

FROM HERE:

If we only think about the Thai Army giving security then that can never be enough. We ourselves must find ways to deal with our own security. All camp residents have a duty to assist in the security of us all, not only the camp security officers. For example, if you get accurate information then you should notify others, but on the other hand, don't listen to rumours and make others afraid by spreading them. We should organize ourselves and take responsibility for others security. We do not necessarily have to look for guns to improve our security. There are many ways that we can work to improve it.



Q. 6. *If the Thai Army does not adequately provide for your security, would you like the UN to arrange for the security?*

OVERALL:

There is a need for UN security involvement which could include watching over the situation and working together with the Thai military. People do not want the Thai Army to perform their duty only to the bare minimum. They want the Thai Army to cooperate with the camp residents for the security of the camp or alternatively they want the Thai Army to directly provide the community with weapons with which to defend themselves.

VOICES:

"We state that the Thai Army's security cannot be adequate. If their security was good, it follows that this situation would certainly not already exist. What can be the meaning of this, that people come into our houses, kick us in the backsides, sleep with our wives and then go away, while we merely sit and observe the whole thing? We need for the UN to come and provide adequate security and take care of that for us. This event took place as if it had nothing to do with the Thai soldiers. So we need for the UN to provide for the security themselves, and if they cannot we need them to help us with the things that we need in order to deal with the matter of security ourselves. If they cannot help us, then if they can simply give us weapons we ourselves will take care of our security."

"As to who will take care of our security, whether the Thai Army or the UN, we can't say about that. We simply need the organisation that can give the best and most adequate security. If the Thai soldiers don't give enough security then we camp members want to be given enough weapons that we will take care of the security cooperatively, along with them. If we take care of the security cooperatively then it will have to be in accordance with the rights that we want for our protection."

"If the UN doesn't come then we refugees shall surely all be lost. We don't dare to face (the SLORC's) chauvinism and so we came to be protected. While we are waiting for the UN our hearts are close to leaving us (i.e.: we'll die from fear)."

FROM HERE:

If people don't come to help us then must we not be active and agitate to get assistance for ourselves? For the UN and other independent organisations to come and help we refugees we need the people's agitation. We shouldn't only see other people's weaknesses.. we have to work off their strengths. Therefore, if we haven't yet become active, then now is the time to think about what we will do.

**Q. 7. What are your other needs?****OVERALL:**

People responded to this question from a wide range of perspectives, but most responses included the following:

- a new location to reside in
- food and clothing
- medicines
- housing materials
- education
- human rights
- the future development of our country
- peace and freedom

VOICES:

"Our other needs are that in order to rebuild a new camp we want the Thai government to assist us by way of tools and materials, such as wood, bamboo and sufficient roofing leaves such that we will be able to rebuild our village and school. We also need medicine and people to come and examine the sick. We need food: rice, fishpaste, salt etc., and also we need to be given the same kinds of rights as Thais."

"We need for the leaders of all other countries to come and help resolve the conflict between Karens and Burmans. We need to be able to return to our country and stay there in love and peace. We need mutual understanding and for our leaders to be able to return in freedom. As refugees we need for the Thai police to cease arresting and detaining us, and to stop seeking money from us. We need the UN to recognize us as refugees, and to bring to an end the time of the SLORC military government. We want to govern ourselves with unity and cooperation, for a land of peace."

"We are refugees, however we all have rights. As we are refugees, we want to stay in tranquility, free from oppression."

"We yearn for religious freedom, the development of our culture and education in our language. We also want independent organisations to give us vocational training."

Everyone has the right to a standard of living adequate for the health and wellbeing of himself and family, including food, clothing, housing and medical care... everyone has the right to education...

- Universal Declaration of Human Rights, Articles 25.1, 26.1

FROM HERE:

Again, we have to find ways to help ourselves. For example, we say that there is no more school, therefore our children can no longer study, but is that so? If we ourselves can read and write, what is to stop us from taking the children to learn underneath the melon vines? What do we need a school building for? If we think that we can do it, do it now! Take a group of children, and instead of letting them get dirty in the ashes all morning, why not change this situation? Teach them for one or two hours every day!

We are always calling out for help, and organisations from other places can always bring household items, food and medicines as assistance. But as for the freedom that we want and the peace that we yearn for, we ourselves must work for that. Nobody else can help. Everything that we need we have to try to get ourselves. If we can do more, we can help ourselves.



Q. 8. Why did you come and stay in a border refugee camp?

OVERALL:

The people responded that they came as a result of the experience of suffering at the hands of the oppressive military government, which:

- forces the people to work as slaves, on constructions of roads; railways; bridges, etc.
- fails to provide for people's even most basic needs, such as food and medicines.
- divides people ethnically.
- creates an environment lacking in security, leading to executions, rape and the like.
- collects enormous taxes.
- causes massive inflation.
- forces relocations of villages.
- obliterates ethnic groups' distinct cultures and histories.

VOICES:

"We haven't come to stay in this border camp because we only want to get free rice and happily sleep whenever we please. We come and stay in order to protect ourselves such that we can be free from oppression, because the government of Burma is terrible. There, we have to go to construct roads and bridges, and we have no more time to work for our own livelihoods. We have to face sickness, but there are no cures available."

"(In Burma) citizens of various ethnic groups cannot study their own languages, cultures and histories, and so our ancient Karen culture has been incorporated into Burman culture. Our villagers are executed, and have to relocate their villages. Also, they don't give people the right to work as they need to do."

"For the things that we must sell (to the army) we receive low prices, and they then resell them at high prices. They take enormous taxes and, what's more, they force us to work as slaves. There is constant inflation, and if we can get 3-400 kyat per day it's not even enough for the food for that day. Attractive young women and teenagers are molested and raped and once they become pregnant attention is no longer paid to them... We couldn't bear all this any longer, and therefore we came to stay in a refugee camp"

The will of the people shall be the basis of the authority of government..

- Universal Declaration of Human Rights, Article 21.3

FROM HERE:

As long as the military government exists we can't eliminate these conditions. Although the SLORC is not afraid of international organisations it is afraid of the unification of the people. If all of the people across Burma were to combine and oppose the military leadership in unity then they would surely be overthrown and at last the wishes of the people could be satisfied. We hope that the people will understand that the steps to take are small, but the ultimate hope is great. We believe that the people can reach this eventual aim, of genuine peace and tranquility in Burma.



OTHER VOICES:

The following also gave us cause for reflection:

"In the daytime my heart is the size of a melon, in the evening time the size of a betel nut, and at nighttime the size of a bean."

"We request the UNHCR to monitor the refugee situation in Karen camps, not only from Bangkok.. We are not refugees according to Thai law. Is international law the same?"

"The people who came to burn our camp to the ground did not have human hearts."

"Most of the refugees are having bad dreams now. They dream that the SLORC and DKBA will come back again."

CONCLUSION

We can see that the people all have fundamentally the same perspective on the current situation, and therefore many ways exist for us to plan, in unity, to achieve success. Firstly, we must once and for all do away with infighting, and the sense of inferiority that exists among our people. Furthermore, at this time we all suffer equally from military oppression and corruption, therefore we must cease to differentiate between people according to ethnicity, skin colour or religion. Real peace can begin in Burma only if it is started by and relies upon the people. Then how great might the peace be? But how much must we first give of ourselves to achieve this?

Are we going to drag our lives and hopes from these ashes? The frog is a small animal, but if many combine their sound and call for rain then the winds will stir and be followed by rain and thunder, even to the point of a flood. In the same way, if the people combine the sound of their voices from among these ashes and call out in protest, where will those people who bear arms to oppress the people be able to hide? The soldiers who came to burn down our camps are soldiers whom the people gave birth to. Without the people, likewise there would be no soldiers. So why did the people give the soldiers the power to come and burn down our houses? A dog that bites its master is considered a crazy dog. Likewise, how should we call these soldiers who oppose the people? How must we act to deal with them?

If the public uses the power and common sense available to it, the people can remove this military government from power. The people really have enough power to fight for peace and freedom. The people's strength is the nation's strength; the people's need is the nation's need; the people's victory is the nation's victory. So let us start this process. Make a first step to the people's victory, the nation's victory.





THE GOVERNMENT OF KARENNI
KARENNI INDEPENDENCE

PROFILE

Date: January 20, 1997.

HISTORY OF KARENNI INDEPENDENCE.

KARENNI DEMOGRAPHICS

Population: 300,000 approx. Age distribution: 0-14 yrs 50%, 15-59 yrs 45%, 60 + yrs 5%. Population density: 62 per square mile. Ethnic Groups: The Karenni are a sub-group of the Karen race. Tribal groups include: Kayah, Kayan (Padaung), Kayaw, Yang Talaing, Paku, Bre, Yinbaw, Manu-Manaw, Kaekho-kaeba, Pa-oh and Shan.

Geography: The Karenni States are land-locked on Thailand's north-east border with the Shan State to the north, and the Karen State of Kawthoolei to the west and the south. Situated between latitudes 18' 50" to 19' 55", and longitudes 97' 10" to 97' 50", they have a total area of some 4,800 square miles.

Government: Governance is by parliamentary democracy. The elections of 20th December, 1996, Khu Plyar Reh elected as Head of State (President), and Khu Hte Bu Peh as Head of Government (Prime Minister). The nation is divided into 3 districts with 17 townships. The Burmese Military Junta has illegal charge of 6 Hydro-electric generators which supply Burma with electricity worth 3,300,000 Kyats per hour.

Education: 2,200 students are taught by 150 teachers at 13 Primary Schools, two Middle Schools and a High School, all of which are under Karenni Government management. There are also as many as 30 village Primary Schools managed by Christian Church Establishments.

Health: Nearly all the inhabitants of both the country and urban areas live in fear, and always flee/ hide on the approach of Burmese soldiers. The main causes of death in children are malaria and poor nutrition, in middle age, death due to enemy torture is often and common, while a natural death is observed in old age.

Current Status: Karenni is not represented in any International Organisation, with the exception of the International Council of Independent States, Unrepresented Nations and Peoples Organization (UNPO), and currently has an application pending before the UN's Security Council for international community protection and admission to the United Nations Organisation.

History: Karenni was an Independent State when Colonial Britain annexed Burma in 1381. the British didn't annex the Karenni States, and recognised their sovereign status by treating them as a Feudatory state allied to Britain in various conflicts up to and including World War II. When Britain granted Burma independence in 1948 Karenni was illegally incorporated into Burma without the consent of the Karenni people. When Burma failed to win over the consent of the Karenni People, Thakin Nu, the head of the Burmese government, sent his police auxiliary force to invade Karenni. The Karenni armed themselves with available weapons left over after World War II and resisted the alien intruders. The fight continues to this day.

At the end World War II, Karenni people were politically enlightened and the three States, namely, Kantarawaddy, Bawleke and Kyetpogyi, established one political party, designated as the Karenni National Association (KNA). From this political platform, a national convention was held on September 11, 1946 and all the Chiefs and elders of the three States unanimously agreed to unite under the formation of the United Karenni Independent State (UKIS). (Copy attached.)

The Karenni first became known to the British Government in the year 1836, when the commissioner of Tenasserim Provinces deputed Dr. Richardson to visit them and make arrangements with Karenni Chief, Pa Paw Gyi to give permission and protection to trade caravans to Yunnan. It was agreed and granted.

In reply, the commissioner referred Government to the correspondence of 1856 and to Mr. O'Riley's Report of 1857. In regard to the degree of real independence of which the Red Karens had of late years enjoyed, he wrote: "the Red Karen country was twice visited by Dr. Richardson in the years 1835 and 1837 the states were than undoubtedly independent. From that time up to the period when we occupied Pegu, that is, in the year 1852, our traders constantly went to Karenni for teak timber, and I never heard a word to induce a suspicion that the Karenni country was subject to the Burmese Government."

In the years following upto the time the British Government had no inclination to annex the Karenni states.

"The Chief of that country have always been friendly, and have made friendly engagements with the British Government, while the Burmese Government have given assurances of non-interference there."

To further confirm the Burmese Government assurances, in 1875. treaty between British Government and the Burmese Government is produced below:

"Agreement - It is hereby agreed between the British and Burmese Governments that the state of Western Karenni shall remain separate and independent, and that no sovereignty or governing authority of any description shall be claimed or exercised over the state

"Whereunto we have on this day, the 21st day of June 1875, corresponding with the 3rd day of the Waning Moon of Nayong 1237 B.E. affixed our seals and signatures." --- Ref: Burmah - Question of Karenni (Confidential); 10R L/P+S/ 18 B 20.

In 1886, Karenni chiefs were told they would be treated in the same manner as the Shan Sawbwas.

In 1890, the Eastern Karenni chief was granted a Sanad on the model of that issued to the Kengtung Sawbwa. The question of whether Eastern Karen should be annexed was discussed but turned down by the chief Commissioner.

In 1891, the Local Government, represented to the Government of India that "it was impossible to maintain any longer the fiction of independence" of the Western Karenni states and suggested the issue of Sanads to the chief. The Government of India approved and Sanads were issued. No one seems to have noticed that this action constituted a breach of the 1875 agreement in respect of the words "neither side would exercise or claim sovereignty or governing authority." The Western Karenni chiefs were then termed "feudatories of the British Government." but remained outside British India. The fiction of their independence was thus made doubly fictitious.

In 1918, it was again proposed to put the states into British India as member states of the Shan states Federation. Mr. Sterling was consulted and as he opposed the idea the matter was dropped.

In 1920, the chiefs were asked if they would join the Federation and they declined. At this stage the first threat of financial starvations as a coercive measure was introduced and the chiefs were told that existing medical and educational grants would cease after ten years. They did so cease and Karenni continued to exist without any financial support from the British Burma Government and still continue to fight against the colonizers - the Burmese regimes to this day.

Ref: 10R M/4/3023 and 10Rm/4/3026

Secret: Relation of the Karenni States to Burma.

The British diplomats and statesman in the 19th century were men of integrity with moral courage and gave protection to Karenni against the Burmese incursion into their territories.

It was not so with those in the 20th century. They used coercive measure as stated earlier and when they failed to have Karenni chiefs bent to their design, they resort to Burmese ways of achieving their ulterior needs, because the Karenni is not a party to the Panglong Agreement, concluded on February 12, 1947.

In 1964, Tawplo, the president of UKIS convened a congress of Karenni National Association (KNA) and this congress promoted the Karenni National Progressive Party (KNPP) to lead the resistance as a vanguard against the racist invaders. It is functioning as such today. The government of Karenni will function a democratic parliament system but in practice will encourage an open government system.

In 1992, in the fourth Congress, Karenni Government is officially declared and confirmed with the following designations. Kaw Kasa Saw Maw Reh as the president of the State and Mahn Aung Than Lay as the Prime Minister of the government. The charter of Karenni was written, then agreements to all international treaties and Geneva conventions were officially signed by the President of Karenni. (Charter of Karenni is attach)

In post war years, thrice the Burmese Anti-Fascist Peoples' Freedom League (AFPFL) persuaded Karenni to join them in the demand for independence, while the Shan Sawbwas pleaded them to join the Frontier Areas Administration. Karenni stood firm as a neutral state. It was then that the British resorted to the implementation of the Aung San - Atee Agreement on independence and unification, and allowed the Karenni state to be ceded to the independent Burma, without the knowledge of the Karenni Independent States Council and the consent of the Karenni people. This action is amount to the violation of International Human Rights Laws.

Because Karenni people refused to be the subordinate to the neighboring Burmese nation which, through out the Burmese history, had ever overlorded Karenni. Karenni had always successfully repulsed all Burmese incursions.

It was the British Government that committed a political crime in which it ceded Karenni to the newly independent Burma in 1948.

Karenni Government and Karenni people make one manifestation in "Karenni Seek Justice and Legitimacy." (Copy attached)

Part One

Karenni Independence

1. Supporters are Karenni people and its Military Wing.
2. Under Karenni Independence the Karenni people are equal in political status to every other peoples.
3. The Karenni people have inalienable rights to claim ownership of their ancestral domain which is handed from generation to generation; the right to own, exploit and work on the resources within the boundary of their ancestral domain.
4. With the above right of claims, the Karenni people and its military wing, determined to develop its society to the full enjoyment of a prosperous and affluent nation State where Karenni people can live in peace, secured freedom of fear from any hostile intervention of the Burmese racist regime.
5. From the above, Karenni people recognize the Burmese regime to be a foreign colonial power -- fascist and racist.
6. For the accomplishment of the above 2,3,4, the Karenni people seek support from foreign powers of neutral states to recognize Karenni land to be a primary neutral area in South-East Asia Region.
7. Karenni Land was and is not a part of Burma. In 1898 when the British and Siam Governments demarcated of Burma their common boundary, they put Karenni within the geographical boundary of Burma for the purpose of protecting Karenni land from the intervention of French expansionist.

Karenni land was recognized and acknowledged in the past a separate state from the British Burma and is the same today - The support and recognition of Karenni land as a primary "Neutral Area" in S.E Asia is to the cognizance of Karenni land as one legitimate Nation-State.

Part Two

The Development of Karenni Nation-State.

In pursuance of diplomatic relation with neutral foreign powers:

The purposes are to receive aids on the following agenda:
Humanitarian assistance.

(a) medical assistance.

- by providing doctors and nurses
- to set up base hospital
- to give training to the locals.
- to do research with mobile medical teams.
- to give adequate medical supplies and clinical equipments

- to finance and support the medical staff.

(b) Educational assistance.

- to provide educators, teachers and scientists.
- to standardize educational system (formal, non-formal and normal)
- to train the locals for educational expansion.
- to provide teaching materials.
- to open a teachers' training course for non-English speaking teachers how to teach English to non-English speaking students.
- to finance and support the teachers and staff.

(c) Agricultural assistance

Through out the five decades under the successive Burmese regimes, the rural country areas rendered to be desolate; farmlands are laid waste with destitute inhabitants; rainforests are depleted of valuable teak and hard woods; wild lives are in danger of extinction.

With this precarious condition, only proper and systematic rehabilitation would revitalize the Karenni rural population to be once again self-independent and self-sufficient as of old when they enjoy the fruits of their toils, live and laugh in contentment.

The Karenni people needs expertise, expert technologists, agriculturalists and foresters to invest capitals for the rehabilitation of the rural areas.

Training centers should be set up to give training to rural workers for extension rural developments.

Workshops should be set up to teach and train the inveterate farmers the knowledge of agro-forestry techniques and the understanding that alley farming is best suited for their local environment, conservation of soil, control of corrosion and reforestation; the only recovery from the fifty years of destruction caused of the ravage of war.

(d) Civil service assistance.

The needs for Civil Service Training is essential in the development of a democratic nation-state in which the society should be molded by a well groomed career official trained in civil services, who are dedicated to maintain the civil administration controlled under the rule of law and order.

Part Three

The people posture

The Karenni people, in nature, are modest with peace loving tendency. The outstanding characteristic of tenacity and steadfastness is manifested in their struggle for their birth rights of sovereignty and independence. They are nationalists but not racist and therefore they

present no threat to the neighbouring peoples who are the Shan, the Thai and the Karen. The Burmans who presently predominant in proper Burma but with the Karen Kawthoolei served as a buffer state, present no threat when Burma has restored democracy and civil government.

Our neutrality is manifested in its stance taken against the Slorc - single-handed, alone with its military wing, built up for internal security of its steadfastness in the neutrality constitutes the fact that it can only afford a small military force - not strong enough to defend and protect its population against the ravage of the racist regime.

Part Four

Aids and Loans.

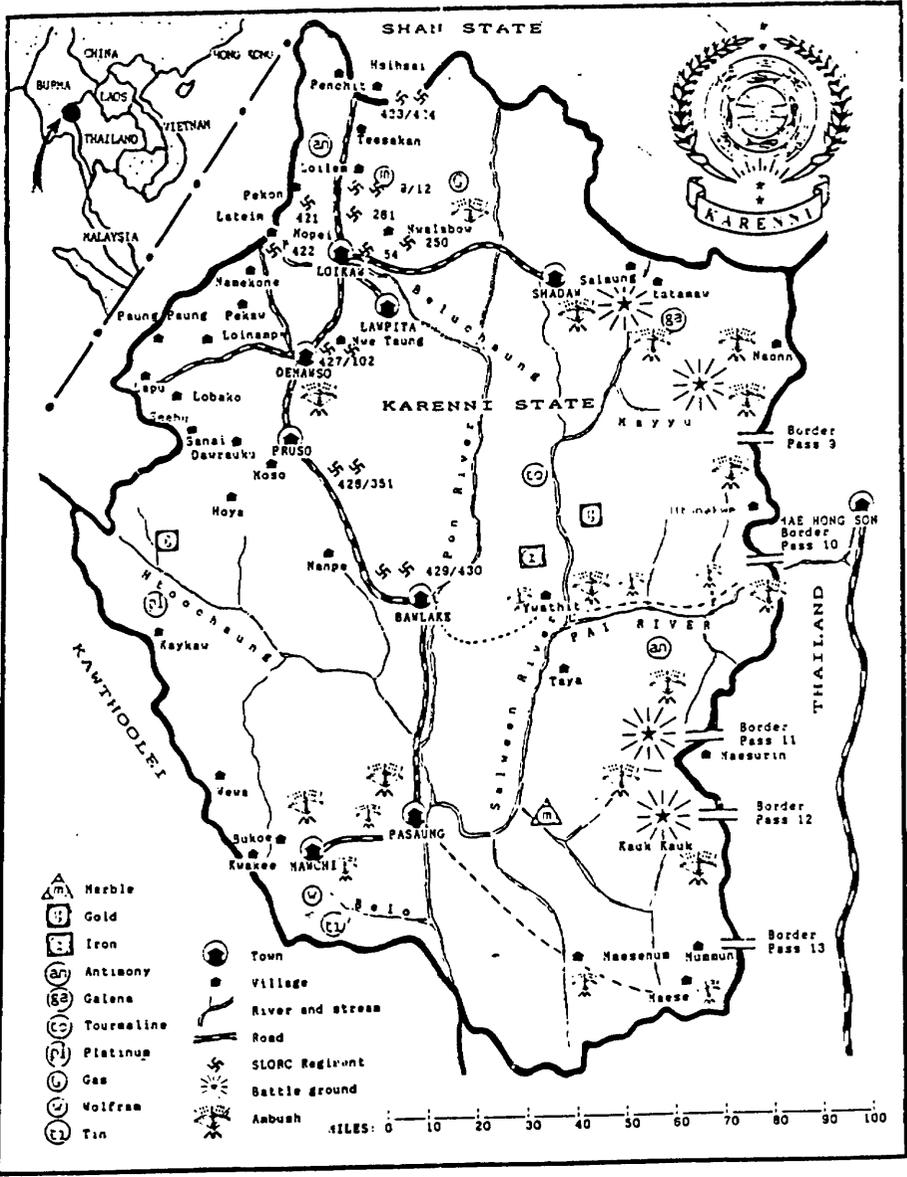
The rape of Karenni is conducted systematically. The Mawchi Mines is nationalized in 1962, the management of the Mine is under the Slorc's selected persons and labourers are brought in from Proper Burma. The Lawpita Hydro-power plant is installed in 1958 and by 1962, it is supplying cheap electricity to the whole Burma, while the towns in Karenni remain partially in Semi-darkness. The returns from this Lawpita Hydro-power plant is estimated to be 2,000 billion Kyats monthly while not a single Kyat is returned to the treasury of (Kayah) State.

Since the Karenni people do not bow in submission to the Slorc, the Slorc's present military offensive is to exterminate the population by any subtle means. The population is relocated by force to designated locations; the Karenni people who refused to obey the Slorc's orders of relocation, sought refuge in the deep jungles where they lived on wild yams and edible leaves. With the exception of the populations in the towns and the urban areas, 70% of Karenni people are refugees in their homeland. Their villages and churches are burnt - an action of total devastation without mentioning, rapes, looting, killing and extra-judicial execution. The Slorc know they would be able to claim victory in Karenni only when not a single soul of Karenni people is alive to resist it.

The Prolonged duress of abjugation of foreign colonizers necessitates that Karenni peoples seek aids and loans.

Monetary aids will enable Karenni people to delegate their representatives to attend conferences convened by international communities: to send envoys to arrange trade agreements on mutual benefits. Loans are necessary in the construction of national security. Loans shall be arranged and concluded on promissory notes, if necessary witnessed by the third party.

MAP OF KARENNI



- Merble
- Gold
- Iron
- Antimony
- Galena
- Tourmaline
- Platinum
- Gas
- Wolfram
- Tin
- Town
- Village
- River and stream
- Road
- SLORC Regiment
- Battle ground
- Ambush

11LES: 0 10 20 30 40 50 60 70 80 90 100

THE FORMATION OF UNITED KARENNI INDEPENDENT STATE.

SEPTEMBER 11, 1946.

The following statement issued over the signature of Ko Bee Tu Reh President of the United Karenni Independent State Council, deals with the formation of the UKIS council on September, 1946 and the resolutions passed by the council at its second meeting held on the following day at Loikaw:

At a meeting convened about a year ago by the SCAO, Karenni in which all the chiefs and Elders of Karenni and Padaung States were present a very senior B.Fr.S. officer reminded us in a casual remark that our independence was in theory only and not in practice. A retrospective survey of the past administration of our states lead us to meant regrettable incidence which justify his remark. We are therefore resolved to establish immediately a centralize form of administration which will bring all the States altogether and promote better mutual understanding, closer co-operation and effective administration and thereby achieve the real essence of independence within our states.

With this object in view, we have on this day, September 11th 1946, unanimously resolved to form a Council of the United Karenni Independent States with chief and elders from Kantarawaddy, Kyetpogyi, Bawlake and Mangpai States.

The following Chiefs and Elders were duly nominated executive members of the Council. These executive members shall be know as Councillors of the United Karenni Independent States.

President Ko Bee Turee; Vice President Loa Thein; Secretary Saw Ba; Treasurer Saw Hla U; councillors Saw Shwe; Sao Shwe Hone; Sao Hla We; Saw Mya Lay; Saw Purel; Sao Nge Du; Saw Lwi Zi; Thai Ba Han; Saw Hla Pin; Saw Than Tin; Saw To Bi Yuu.

The councillors took this oath: I do solemnly swear on this day, September 11th 1946, before the Divine Power that I shall henceforth Jedicate my life towards the attainment of peace and prosperity in this free land of my forefathers and justice to the best of my ability. If at any time I should fail, through negligence or cowardice to fulfil this solemn promise may the curse of God and my forebears descend on me. so help me God.

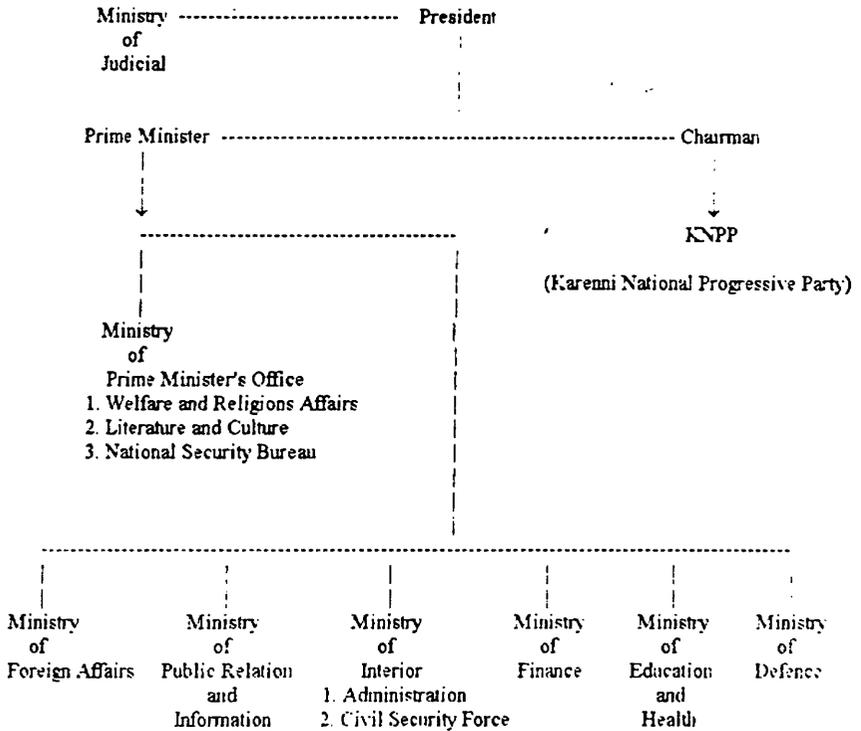
The following resolutions were passed by the council at its second meeting held on September 12th, 1946, at Kantarawaddy State Office, Loi Kaw.

1. To form a system of government (with the modification of our customary laws) that will have the powers to enforce laws and orders and impose taxes uniformly through out the United Karenni States.
2. To present a united front whenever occasion demands.
3. To improve trade, agriculture, communication, health, education, finance, internal security and defence.
4. To foster mutual understanding in all matters relating to inter-state affair.
5. To request the renewal of leases (mine and forest) within our states and jointly control them henceforth.
6. To form Federal Police Force for our internal security.
7. To negotiate with Mawchi Mine Ltd, regrading the Mawchi Toungoo Road to the public.
8. To assess taxes and impose custom duties in consultation with the neighbouring countries and the British Government.
9. To request the British Government to release State investments and form a Bank where state revenue, investment, taxes, royalties, savings etc, will be deposited.
10. To include into the minds of people the spirit of patriotism by having a Karenni National flag, composing and singing a national song, and encouraging the wearing of national dress on all occasions.
11. To allow freedom of speech and worship within the United Karenni Independent States.
12. All Karen tribes and nationalized other races residing within UKIS shall be governed by our customary laws.
13. The council of UKIS shall deal with appeals of undesirable characters expelled by the States.
14. The Council shall have freedom of negotiation with the British Government in connection with its national security and with other Government regrading its prosperity.
15. To publish the forming of UKIS Council and its resolution in newspapers and submit a copy of these resolutions through the A.S. Karenni to His Excellency the Governor of Burma.



THE GOVERNMENT OF KARENNI

THE STRUCTURE OF THE KARENNI'S GOVERNMENT





THE GOVERNMENT OF KARENNI

CHARTER OF THE KARENNI STATES.

We, the peoples of Karenni determined:

To save succeeding generations from the scourge of war which in our lifetime, since 1948, has brought untold suffering to us, and

to reaffirm faith in fundamental human rights, in the dignity and worth of human person the equal rights of men and women and of communities large or small, and

to establish condition under which justice and respect can be maintained amongst the inhabitants in the country, and

to endorse non-exploitation of man over man, non-tolerance of chauvinism and non-encouragement of ethno-centrism, and

to promote social progress and better standard of life in total freedom, and for these ends,

to practice tolerance and to live together in peace with one another as good neighbours, and

to unite our strength to maintain peace and security, and

to ensure, by the acceptance of principles and the institution of UNO, that armed shall not be used, save in the common defence, and

to employ international machinery for the promotion of the economic and social advancement of all our people and so doing,

to develop a prosperous society, and by which the guarantee of social security is assured to everyone domiciled in our motherland from cradle to graveyard, and therefore

have resolved to combine our efforts

to accomplish these aims.



THE GOVERNMENT OF KARENNI

KARENNI SEEK JUSTICE AND LEGITIMACY.

The few authoritative persons who have read the several documents relating to the Karenni people, their past history and their political status, agreed that the Karenni people have been politically wronged by the British Government when it allowed Karenni to be ceded to the independent Burma. It is the British Government which refused to admit the injustice fraudulently committed by the Labour Government which passed the Burma Independent Bill knowing the 1947 constitution was criminally fabricated and was not complete where the Karenni state was not correctly constituted. Many scholars who studies the 1947 constitution, in the full text, would agree that it was not complete when it was sent to the House of Commons.

The latest document uncovered was the testimony of Justice Myint Thein endorsed 14.6.1992. He implicitly testified that U Nu called him, on December 27, 1947, to his office and asked him to write the constitution of Karenni State so that it could be ready for adoption on January 4, 1948, when HMG would hand over the independence to Burma.

By passing the Burma Independence Bill on the deliberation of the incomplete 1947 constitution, HMG became an accomplice to the Burmese fraud. Added to this complicity of Burma's fraud, HMG helped Burma to colonize Karenni by aiding it with military arms and ammunition without which Burma could not protracted the war on Karenni.

The Maori Struggle For Their Sovereignty.

The case of the Maori produced here is to reveal how HMG made restitution to the injured Maori families when the British colonizers looted their holdings and HM Queen Elizabeth made a public apology to the Maori people.

"The Maori settled in these rich Islands which they called Aotearoa and developed a culture where lineage was reckoned from the woman's side of the family, there was no concept of private ownership. Men involved themselves in occasional tribal warfare to prove their potency. They respect the other's word of honour and everyone was happy.

"Then, hundreds of years later, the white men (Pakeha) arrived in their tall ships, saw what a lovely place New Zealand was. Because they were vastly outnumbered by the Maori, the British Queen Victoria made a treaty which guaranteed the Maori their sovereign rights in return for the protection of the British settlers. This was the Treaty of Waitangi.

As soon as there were enough settlers, British made fool of the Maori by disregarding the honour of the treaty, taking the land and ignoring Maori sovereignty. Because they had been made fools of in their own eyes, many Maori lost their pride, and their culture went into decline as Maori intermarried with the Pakehas (British settlers). Today there are few full-blooded Maori left and we are all "Kiwi" with the division between Maori and Pakeha being more of a state of mind than different in blood. Maori ideals tend to support the community, while Pakeha ideals tend to support the individuals. Pakeha held power and the community suffered so that individuals could prosper. Nevertheless, the Treaty of Waitangi existed, and from the earliest of times some Maori were determined that it should be recognised and even went to England to see the King about it.

"For small beginnings in last century the protest movement built in strength until in the early 1980s when Maori occupied disputed land, the NZ Government could no longer ignore the dishonour heaped on Maori and the Court (sometimes the Privy Council) started to order that the land be returned and compensation made for other dishonours. The Maori have use the court system very successfully and have great experience with treaty issues:

"Today much of the disputed land has been returned and vast amounts of money has been paid to the Maori tribes as compensation. The money has been invested in forestry and fisheries, etc, and the profits are being used to fund Maori education, language schools, etc. This year Queen Elizabeth made a formal apology to the Maori to restore Maori pride and dignity. Even though the process of conciliation isn't finished yet, it is obvious that wounds are well on the way to being healed although the question of Maori Sovereignty has still to be resolved."

The case of the Maori people is the British settlers who violated the sovereignty of the Maori and not IMG.

Whereas, the case of Karenni people is not of the people of a foreign nation that committed a violation of another people's sovereignty, but one government-the British Government that breached the treaty made by its own past Government and then contravened the fundamental Humanitarian Law and abetted the Burman's fraud in accepting the unfinished, and incomplete 1947 constitution drafted for the independent Burma.

The testimony of Justice Myint Thein explicitly cited in his witness that U Nu asked him to write the unfinished 1947 constitution the section relating to the constitution of Karenni State, on December 27, 1947, for the purpose of the adoption of the constitution on January 4, 1948, when the British Government handed over governance of Burma to the Burman. This testified the 1947 constitution was not complete.

In the process of the drafting of the 1947 constitution, the reports of the proceeding fact-finding of the Frontier Areas Commission of Enquiry (FACE) was fraudulently ratified by HMG, knowing it was a farce. When the reports of FACE met with protests from the Karen National Union (KNU) and Karenni, HMG washed her hands and allowed U Nu, the Prime Minister, who reported by A.A. Rabida, US. Attache, American Embassy told the gathering of Karen elders at Thaton that he would, " personally see all Karens in Burma were killed."

Research And Analysis By Harold E. Klein

" - - Her Majesty's Government's position as abandoning them in spite of what they construe as a moral obligation for all of the sacrifices which the Karens went through on behalf of His Majesty's Government. The Karen view of the Burmans is more predictable as their mutual history is so antagonistic. Karens would interpret the AFPFL position as power grabbing to dominate everyone. This was easier to understand than that of Her Majesty's Government, which they felt could have done better by them but would not.

To whom could the Karens appeal in 1947? Certainly not Her Majesty's Government, whose very commission headed by Rees Williams had just disenfranchised them. To the US which apparently only learned about the duplicity in 1947, but for whom Burma was not within its sphere of influence the problem being one for the British government, as Burma was their colonial headache? That seemed unlikely.

The only recourse left would be to appeal to the Burman government that happened a new complication arose.

The fragile fabric of society in Burma in its political, social and economic weave was so delicate, that underlying tensions of prewar Burma now became even more strained in post-war Burma. The fears expressed by the Karens and the Karennis in the FACE Report and ignored by Rees-Williams in the final version which accepted the minority position of a Karens faction (KYO) was now expanded to include manoeuvres to negate the Karenni position.

According to the FACE transcript the Karennis had expressed much distrust of the Burmans and they believed the Union of Burma would do to them under a political regime dominated by Burmans as had been expressed by the Karens earlier. The Karenni claims, however, had a further element to them which the KNU did not have.

Karenniland, now called Kayah State, had for many years had special relationship to HMG and the Colonial government of Burma which had arisen in 1875 by virtue of the acceptance by both HMG and King Mindon Min of Burma that Karenniland was independent and sovereign, but was under the protection of HMG. The Forsoyth Agreement as this is called was well understood by both

the Karenni Council in 1947 and the Colonial Administration and HMCG, London. Thus, the refusal of the Karenni in the FACE hearing to clearly opt to join with the proposed Union of Burma, and to hold back their support until they could be assured of Burman intentions and programs, represented a similar threat to the establishment of a unified nation-- The Union of Burma, as envisioned by the proceedings of the Constituent Assembly then meeting in Rangoon. Both the KNU and the Karenni positions, based as they were on distrust of a government dominated by Burmans, especially of the AFPFL under the control of ultra-nationalists, posed a threat to unified Burma envisioned by the London Agreement of January 1947 which was also based upon HMCG's agreement to grant Burma complete independence outside of the Commonwealth.

The Karenni position could not have been misunderstood. In a circular issued by the Karenni Minister from Loikaw, 26 June 1947, the Karenni States position was crystal clear. It read in part, "The Karenni States cannot take part in the Constituent Assembly discussions of the future constitution of Burma because Burma and the Shan States are not of the same status as the Karenni States". The circular continued, "At Government House at 3:30 pm on 26.6.47 (26 June 1947) the Governor informed the Karenni delegation that as Karenni was independent with full sovereign rights the British Government could do nothing about Karenni without the consent of the inhabitants themselves. The circular concludes: "When Burma has achieved independence Karenni will be prepared to enter into a treaty of alliance with her (Burma) or with whatever party is in power at that time," signed by U Bee Tu Ree and Saw Thein. The Karen and Karenni at this point in time were in agreement as to autonomy and independence.

Yet, by mid-September 1947 the positions of both the Karens and Karennis had been dramatically altered. The Karen position had by the end of April 1947 been altered by the substitution of the KYO position contrary to their acceptance to joining the proposed Union of Burma, a position contrary to the expressed testimony given by Karens at the FACE hearings. The Karenni position was also altered beginning on September 17, 1947 when Saw Bee Tu Ree and Saw Thein were replaced by U Sein and U A. Mya Lay, AFPFL members, leading a new Karenni delegation to sign the new constitution which included provisions to hold a plebiscite according to the Panglong Agreement, 10 years hence.

What had happened with the Karenni situation is clear from the record, but who was responsible for the change is not so clear. The Rangoon Town Police, Daily Intelligence Summary for noon 17 September 1947, shows that the name of Saw Bee and Saw Thein, MCA's of the Karenni States, had been struck from the membership list of the Constituent Assembly as of 16th September

This report also goes on to all Karen leaders urging them to attend the Karen Leader's meeting to be held at Moulmein on 3rd and 4th October 1947

While the Police Intelligence Summary cited above is factually correct as to the events it reports, it is disingenuous to the extent that no legal foundation is cited for the dismissal of U Bee Tu Ree and Saw Thein. In fact, the only reference of any sort of legal status for the new delegation headed by U Sein and U A. Mya Lay comes a week later in several telegrams sent by R.E. McGuire to Sir Gilbert Lathwaite dated 22 September 1947 setting forth what he officially knew of the change. In the first telegram (#1015) McGuire alerts Sir Gilbert to his more extensive telegram following the same day (22 September 1947). However, in the first telegram (#1015) McGuire notes, "Karen Affairs-- There is considerable coming and going in the Karenni camp including negotiation-- apparently without knowledge of other Karen Parties."

What these comings and goings were is not spelled out though in the following telegram #1016 of the same day, 22 Sept. 1947, the details of the change reported as a fait accompli, are laid out. According to this telegram a new delegation was headed by U Sein and U A. Mya Lay. There were seven other members listed and according to the telegram these had been conducting negotiations with the Burmese government for the past four days (i.e. from 18 Sept. 1947 to 22 Sept. 1947). But according to Karenni records Tan Ba Han could not have arrived at Pruso, Karenni Land, until 21 September 1947 at which time he met with Saw Shwe, A. Mya Lay, U Sein and others and drew up a protest to the proposed Art. 180 (1) of the new constitution. Art. 180 (1) would incorporate Karenni as well as Karen territory into the Union of Burma with the proviso that the incorporation was for 10 years and there was to be a vote as to whether these areas as in the case of the Shan States and Kachin Land et al were to stay within the Union. This travel time problem contradicts the minutes of the Constituent Assembly, 19 September 1947, which has a meeting of U Nu, Bo Mu Aung, and Tha Kin Pe Kin with U Sein and A. Mya Lay.

It is possible for U Sein and A. Mya Lay to have reached Rangoon by the 19th September 1947 if they leave immediately from Toungoo for Rangoon as soon as U Bee Tu Re and Saw Thein are removed from the list of Constituent members on 16 September 1947, but it is not possible for the minutes of the Constituent Assembly to be correct if they are in a meeting on the 18 September 1947 at Pruso with U Bee Tu Re and Saw Thein. Even if one were to assume that the minutes of the Constituent Assembly were correct, the question which is raised by that is that no change is allowed under that scenario for a new authorization from the Karenni Council to occur.

Furthermore, under what pretence of authority would U Sein and A Mya Lay be operation, if the Karenni Council had not first issued new instructions to them? The only hint that new instructions and a new delegation had been chosen

lies in telegram # 1016 listing the 9 new delegates and that for the past four days negotiations had been going on from 18 September to 22 September 1947. More confusion exists as to the whereabouts of U Bee Tu Re as McGuire notes that the delegation had been trying to contact U Bee Tu Re who was supposed to be in Rangoon!!! If U Bee Tu Re had been in Rangoon, he would have been apprehended. (There was no optima reason U Bee Tu Re would stay in Rangoon after he had talked to Lord Listowel on 8 September 1947)

For the two accounts to be rectified with each other one has to assume that the "coming and going in the Karenni camp- - ' refer to political manoeuvring prior to the actual removal of the names of U Bee Tu Re and Saw Thein on the 16th of September and that all telegrams from 17 September 1947 through 22 September 1947, summarize the results of plotting to reverse the Karenni position. With the added notation in telegram #1015 this plotting was done " --- without the knowledge of other Karen Parties" (Karenni) and that this plotting was done without first obtaining the Karenni Council approval. These telegrams and the motive for them are best seen by referring to a note by W B I Ledwidge, Burma Office 23 September 1947.

This note acknowledges that there had been secret negotiations going on and these "have now reached agreement of a draft to be put before the Constituent Assembly." This coupled with McGuire's statement in telegram # 1016 of 27 September 1947, item #6 "The settlement above recorded (putting Karenni land into the same package as the Shan States et al ai the Panglong Agreement) complete the Karen Problem in the Frontier Area. The removal of these two areas from the disputes ought, I feel, to clear the atmosphere for the settlement of the Plains (the other area of Karen concentration in the Irrawaddy River delta) dispute and disharmony."

In the light of these secret negotiations one has to ask the questions who was conducting the negotiations and to what purpose had the negotiations been seen as necessary and for what reasons?

In answer to who had been conducting the negotiations, there is no reliable evidence as to the names of the participants, but the resultant agreements embodied in Art. 180 ff. of the new constitution can only be the result of tri-party involvement. On the one hand, there is HMG which was trying to find a solution to the dilemma posed by the Karens and Karenni demands for autonomy and HMG's responsibility as the Colonial power to find a way to fulfil both AFPFL aspirations for and independent Burma outside of the Commonwealth and to somehow satisfy the Karens and the Karennis desire for autonomy

Another clear party was the AFPFL which wanted an independent and unified Burma without the possibility that somewhere down the road the minority areas of the Frontier Administration might opt out of the Union. Upon

his return from the England after concluding the London Agreement in January 1947, Aung San clearly opted to modify and finally persuade the AFPFL that the minorities should be allowed some form of self-determination which had been set forth originally in the AFPFL's first party program but which had increasingly been overlooked since Jan. 1946 when it was first drawn up. The result of this shift was the Panglong Agreement signed by the Shan States and the Kachins but which Karennis would have no part and they were not present.

The third party in this triangle are the Karens and the Karennis who had consistently maintained their demand for autonomy or to be independent of Burma but under the protection of HMG. As far as KNU was concerned, since they represented the Irrawaddy Delta Karens as well as those of the eastern hills, the basis for this demand was the very real fear that once the steady hand of the British were removed and Burmans gained control of all of Burma the atrocities which had characterized Burma during the Japanese occupation, perpetrated by the BIA would result and that further there would never be sufficient voting power by the minorities in any proposed constitutional set-up that would guarantee their safety of their rights.

Karenni motivation stemmed from their desire to re-establish their independence and sovereignty as stated in the Forsyth Agreement of 1875. While the motivations for both resulted in the same objectives cooperation between the Karen groups was not as solid as it would at first appear to be secret negotiations which started some time shortly after the assassination of Aung San and his cabinet and mid- September 1947, enabled the AFPFL and HMG to accomplish their objectives. That the inclusion of the Panglong Agreement in the constitution would not be observed no one could foretell, except those in control of the AFPFL.

The one purpose of "Karenni Seek Justice and Legitimacy" is to solicit legal advisory opinion from any person, agency, Human Right Groups or NGOs, and the right process to be taken in the retrieval of our dignity, honour and fortune which are denied to us as political injustice meted out to us.

We apply Geneva Convention of 1949, article 1, 1125 U.N.I.D. (1977), expanding the rules of International Armed Conflicts to include "Peoples fighting against colonial domination and alien occupation and against racist regimes is the exercise of their right to self-determination."

Political Rights:

The first element is the right of peoples freely to determine their political status. Mr. Gritescu states that "the principal meaning of self-determination is the establishment of a sovereign and independent state-- the right to independence of peoples which aspire it but do not possess it." The right to independence has two components: "The right of every people not to be exchanged or ceded

against its will, and the positive rights of peoples to form part of the State of its choice or to form an independent state."

Herein lies the blatant political injustice committed when Her Majesty's Government of Great Britain betrayed the trust of Karenni People by flagrant abrogation of International Law as stated above.

We, the Karenni Peoples, are betrayed by the British and as a result we refused to be subordinate to the Burman. We refused to be incorporated to the newly independent Burma. Burma invaded Karenni since 1948. Burma military strategy was to subjugate us to submission. We refused submission and resisted staunchly from 1948 to this day. The escalation of Burma's military was mainly to pulverize our national spirit and our will to survive. When this failed, militarization and politicization was adopted; followed with Burmanization to forcefully assimilate us. But the result is more alienation toward the Burman. When the cease-fire agreement collapsed and belligerency renewed, the State Law and Order Restoration Council (SLORC) imposed military administration in Karenni and made war on us- the defenceless civilians.

The Karenni wrote to the British Government to intervene in 1995 but the reply said the Karenni affairs is Burma internal affairs.

We, therefore, now request the Indigenous People's Working Groups to resolve the following:

I. To recommend to the British Government.

- (1) to review the Reports to the Frontier Areas Committee of Enquiry and the Burma Independence Bill.
- (2) to honour Karenni right of legitimacy
- (3) to consider indemnity, and
- (4) to recognize Karenni sovereignty and independence

II To recommend and urge SLORC to withdraw their troops, and to stop their forced relocation in Karenni.

Our letters dated 1st October, 1995, to the speakers of the House of Commons and the House of Lords, are acknowledged and noted. We find this as a break-through and we are encouraged to avail ourselves to the two Houses and seek consolation. By the Consolation we mean the House of Commons and the House of Lords would commission a committee to review:

- (1) The Reports of the Frontier Areas Committee of Enquiry-which was a fraud.
- (2) The 1947 constitution which was not complete, and
- (3) The Burma Independence Bill which was passed on the above (1) (2)

We do not intend to treat the above to be the last straw and look outward for an alternative.



OFFICE OF THE GENERAL SECRETARY

Unrepresented
Nations and Peoples
Organization

RESOLUTION OF
THE GENERAL ASSEMBLY
OF THE UNREPRESENTED NATIONS
AND PEOPLES ORGANIZATION

FOURTH GENERAL ASSEMBLY
Fifth Session
The Hague, 20-26 January, 1995
General Assembly Resolution

**UNANIMOUSLY CONDEMNING THE BURMESE "SLORC"
GOVERNMENT AND MILITARY FOR THEIR OCCUPATION OF
KARENNI STATE**

The General Assembly,

RECOGNIZING the right of the Karenni people to self-determination and independence, their right to choose and elect their own government and the illegality of occupation by the Burmese SLORC Army of the major part of the territory of the Karenni State;

DEEPLY CONCERNED about the atrocities committed in the Karenni State by the Burmese SLORC Army;

THEREFORE,

1. STRONGLY CONDEMNNS the Burmese SLORC government and military for their occupation of the Karenni State and for their rampant violations of the Karenni people's right to self-determination and national independence.
2. CALLS ON the Burmese SLORC government and military to stop human rights violations in the Karenni State and unconditionally to start negotiations with the Karenni Government regarding the restoration of the independence of the Karenni State.
3. APPEALS to the international community to take steps urgently to end the occupation of the Karenni State by the Burmese SLORC Army.
4. CALLS ON all UNPO members to organize activities in their own regions in support of the Karenni people.
5. VOWS to continue its support for the Karenni people.

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GAZETTEER OF UPPER BURMA AND THE SHAN STATE
Compiled From Official Papers

by - J. George Scott

Treaty

AGREEMENT REGARDING THE INDEPENDENCE OF WESTERN KARENNI 1875

In according with the request of His Excellency the Viceroy of India that Western Karenni should be allowed to remain separate and independent, His Majesty the King of Burma, taking into consideration the great friendship existing between the two great countries and the desire that the friendship may be lasting and permanent, agrees that no sovereignty or governing authority of any description shall be exercised or claimed in Western Karenni and His Excellency the King Kinwoon Mingyee, Minister of Foreign Affairs, on the part of His Majesty the King of Burma, and the Honorable Sir Douglas Forsyth, C.B.K.C.S.I. envoy on the part of His Excellency the Viceroy and Governor General of India, execute the following agreement.

Agreement it is hereby agreed between the British and Burmese Government that the state of Western Karenni shall remain separate and independent and that no sovereignty or governing authority of any description shall claimed or exercised over that State.

Whereunto we have on this day, the 21st day on June 1875 corresponding with the 3rd day of the waning moon of Nayoung 1237 B.E., affixed our seals and signature.

Seal (Sd) T.D.Forsyth.

Seal (Sd) Kin-Woon Mingyee

