Counting heads in Burma is a vexing operation. The Census which is due to take place on March 30th 2014 is already creating grave concerns about who will be in and who will be out of the Burmese citizenship lottery. Ethnicity and politics in Burma are inextricably intertwined, with the result that one could justifiably assert that there are literally thousands of political prisoners in Burma, mostly Rohingya in Rakhine state (Arakan). In a recent report, the BBC claims that the Muslim area in the centre of Sittwe has become ‘an open-air prison’ with over 4,000 people trapped in it. They receive no medical assistance now that the Burmese government has banned Medecins sans Frontieres (MSF) from working in Rakhine, and they cannot buy food unless they pay substantial sums to the Army officers confining them, for the privilege of doing a little shopping outside the area once a week.

On the other hand, the Association for the Assistance of Political Prisoners (Burma), which has kept watch over the numbers of political prisoners since the 1988 Uprising, equally justifiably says that there are thirty-three political prisoners remaining in Burmese jails. Many of these should have been released in the promised amnesties by the pseudo-civilian government, but they have either been rearrested on new charges or else they have apparently not qualified for release. As usual, obscurity surrounds the reasons for their continuing detention. Furthermore, the AAPBP also asserts that there are about 150 prisoners who are awaiting trial on charges which make the political nature of the imprisonment clear.

The International Crisis Group, based in Brussels, believes that the forthcoming Census in Burma is likely to inflame ethnic tensions, and it is calling urgently for the Census forms to be amended. The 41 questions in the Census are much too complicated and fraught with danger. Because Burma is one of the most ethnically diverse countries in the region, where ethnicity is a complex, contested and politically sensitive issue, ethnic communities have long believed that the government manipulates ethnic categories for its own political purposes. The European Burma Network (EBN), of which Burma Action Ireland is a member, has called upon the Government of Burma, the United Nations Population Fund, and international donors, to postpone the upcoming census in Burma. The EBN believes that carrying out the census at the current time will exacerbate ethnic and religious tensions in the country.

The ethnic classification system being used for the Census is based on an old and much-criticized list of 135 groups produced in the 1980s, when the military dictator Ne Win was still in power. In some cases, it creates far too many ethnic subdivisions, as for example, in dividing the Chin people into 53 different categories. In many cases, these are village or clan names, with no justification on ethnic or linguistic grounds. In other cases, groups are lumped together who have separate ethnic identities; for example, several groups in Shan State such as the Palaung, Lahu and Intha, are included as subdivisions of the Shan, when they are not related in any way ethnically or linguistically. Worse still is the recently announced exclusion of over 80,000 Kachin people from the Census. They live in areas controlled by the Kachin Independence Army and are in conflict with the Burmese Army. The Kachin National Council said in a statement that ‘the Census procedure is seen as alienating and breaking up ethnic national identity,’ as it names 12 sub-groups as Kachin, and this is incorrect. Similarly, the Ta’ang National Liberation Army said they will not allow the government to conduct the Census in areas under their control. Their spokesman said, ‘If a census is conducted in an unpeaceful land, it will end up with inaccurate data. That’s why we have also called for the postponement of 2014 census until a genuine peace plan has been made.’

If counting heads for the Census is fraught with difficulties, how much more problematic is the counting of Political Prisoners. The government body set up to manage this arithmetic is the Remaining Political Prisoners Scrutinizing Committee (RPPSC), consisting of government officials, rights group advocates and former political prisoners. They propose lists of political prisoners to the President’s Office for their approval and amnesty. But arriving at an agreed list has been hampered by the competing views of the committee’s members about who qualifies as a political prisoner. Scores of Rohingya Muslims still languish in prison in Rakhine State but they are not considered political prisoners. In an ironic twist, an opposition parliamentarian, Then Nyunt, proposed a motion to include 21 former military intelligence officers, who were incarcerated during an internal power struggle in 2004. This bizarre move was blocked by both rights groups and government members on the committee, leaving the former military officers with no avenue for appeal.

It cannot escape the notice of any detached observer that the wheel has turned full circle; but all the same, the political prisoners are all still liable to be tortured and incarcerated sine die. The current political prisoner scrutiny committee established by President Thein Sein has not brought an end to the problem of political prisoners in Burma. The promise by President Thein Sein to release all political prisoners by the end of 2013 was not met. There should be a permanent independent political prisoner review mechanism involving international expertise established in Burma (see action alert on back page).
According to a report from the Asian Legal Rights Commission, Burma is experiencing an epidemic of land-grabbing. Some cases on which the ALRC has collected information include the giving over of agricultural land cultivated by people in New Dagon, near the commercial capital of Rangoon (Yangon) to government officials; the forcing out of 212 households from an area in Chaungthar, a tourist town on the western coastline of the delta, for planned township redevelopment; and, the theft of the smallholdings of an entire village in Bago Region, already decimated by the construction of a dam nearby in 1999, so that a company can plant teak.

People who refuse to move risk prosecution and jail. In one case, the Naypyidaw municipal council prosecuted 21 householders for refusing to vacate their village when ordered in 2011: in March 2012 a court sentenced six of the group to three months in jail each, and in April it sentenced another three to jail terms; the others demolished their houses and left after the court gave its first sentences, out of legitimate fear that they would also go to jail. Only about one third of the approximately 150 households evicted were given land on which to resettle. According to a lawyer working on the cases, some of those who left under threat of imprisonment deposited their property at a local Buddhist temple and have been struggling to eke out a living in nearby hills and forests. He added that the municipality did not bother to produce evidence that it had obtained the requisite approval to seize the land.

Under Burma’s 2008 constitution, the state is the ultimate owner of all land as well as the natural resources above and below it. Land rights exist only in the form of leasehold rights, user rights, or the right to cultivate a certain plot of land. These rights are granted on the approval of local government bodies appointed by the central government.

Two new land laws passed on March 30, 2012 - the Farmland Law and the Vacant, Fallow, and Virgin Land Management Law - were intended to clarify ownership under the constitution and provide protections to land owners. While the laws guaranteed more individual ownership rights, to date big businesses have profited most from the legislation. Under the Cantonment Municipalities Law, No. 32/2010, the armed forces can establish bodies for the management of land designated as being part of cantonment towns. Under the Facilities and Operations for National Defence Law 2010, the armed forces can issue designations concerning land under or adjacent to their facilities. Nearly 70% of Burma’s population of some 60 million live in rural areas. The customary rights held by millions of agrarians, land labourers, and contract farmers, including shifting cultivators and pastoralists, are not recognized within the current legal framework. Without land tenure security, small landowners are particularly vulnerable to speculators and corporate agri-businesses.

The Vacant, Fallow, and Virgin Land Management Law vests an enormous amount of power in a central committee appointed by the President. The committee is empowered to grant permission to use vacant land, set taxes, and request security fees for land use as well as monitor compliance with the law. Additionally, central committees determine whether land is unused, a particular concern for farmers practicing the traditional taungya form of shifting upland cultivation in which crops are rotated with some fields left fallow for certain periods of time. Much of the land seized and given to private companies is classified by the Ministry of Agriculture and Irrigation as fallow, vacant, or virgin land without registered owners. However, this is not just a rural issue. In February this year, 80,000 shantytown-dwellers in Rangoon’s Dagon Port Township, one of the poorest neighbourhoods in the former capital, were declared illegal squatters and face eviction. A notice issued by the township directive said residents who failed to leave their homes face legal action and a potential month-long prison sentence as per the Lower Burma Town and Village Lands Act of 1898. 1,000 families were also displaced in Rangoon’s Hlegu Township when bulldozers razed homes on what the government has declared to be an illegal settlement.

The Burmese government has only acknowledged a fraction of more than 6,000 land-grab complaints filed with a parliamentary committee, according to Mi Myint Than from the All Mon Region Democracy Party. Ohn Than, the deputy minister for agriculture and irrigation, told Parliament that there were only 745 cases of land rights abuses, and claimed that the government had already resolved some 423 of the complaints. However, members of a parliamentary land investigation committee were highly dissatisfied with Ohn Than’s arithmetic.
Change is certainly happening in Burma at a rapid pace, but real progress is impeded by structural problems, including the country’s administrative inexperience after sixty years of military rule, a massive shortage of the necessary skills for international business, and the deeply-entrenched cronyism whereby business interests are still linked to the military. In fact, it is reported that the catchphrase ‘the three Ls – Look, Learn and Leave’. Among many international potential investors is the Burma now based in Thailand, the biggest challenge to the process of reform is the lack of actual human capacity to carry it out. Corruption and lack of rule of law are common problems in many emerging markets, he said, but by far the biggest challenge he sees in Burma is over disputed land rights. The reform process lacks any real strategy, and there is a risk that popular dissatisfaction could lead to widespread social unrest and instability, which in turn could bring about a backlash from the military. Already there have been street protests over rising utility costs, and sectarian unrest between Buddhist and Muslim communities in some parts of the country is another issue that could trigger the army reasserting its authority. The key, Jagan says, will be whether the government can move beyond the current adhoc-ism and translate its commitment to reform into a coordinated national plan to prioritise development.

BOOK REVIEW

This is a charming and delightful memoir, written with grace and clarity. The author, Wendy Law-Yone, is the daughter of Edward Michael Law-Yone who was the founding Editor of The Nation, and the book is mainly about him. It is full of affection and humour; and it is also very plain that she remains an admirer of this courageous, irrepressible man. Forgiving towards his unsatisfactory aspects as a husband and father; she delights in telling anecdotes about his editorial career which show his qualities to great advantage. For instance, there is a wonderful account of his visit to the USSR following the Bandung Conference of 1955. The group of Burmese journalists, accompanying the Burmese Prime Minister (U Nu) to Moscow, are described as typically Burmese in their irreverent approach and continual jokey behaviour.

“Their schedule had to be altered at every turn. Dinners had to be cut short to forestall the bizarre Burmese after-dinner speeches…” And when the Burmese visited the opera, “Some more! Tell him to sing more too! The Prime Minister cried out after a particularly rousing aria from Fidelio… One of the journalists was so moved that he proclaimed Fidelio his favourite Beethoven opera. Informed that it was Beethoven’s only opera, he insisted that it was still his favourite.”

However, the background of her early days and her father’s editorship is really very dark. The horrific death of his boss, the editor of the New Times in 1948, and Ed Law-Yone’s creation of his opera, he insisted that it was still his favourite.

Fidelio...
CAKE SALE FOR BURMESE ORPHANS

Congratulations to our colleague, Aung San Phyo and his family, who raised €2,140 at their cake sale in St. Mary’s, Sandyford, Co. Dublin in March.

‘All the money will be sent to the orphanage in Mandalay to provide nutritious foods for the orphans. The project is being run by a Buddhist monastery, and co-ordinated by Sister Kathleen from Ireland. The monastery provides rice every day and Sister Kathleen is providing one egg per week for about 6-700 children. We are raising funds to provide more eggs and other nutritious food for them. The orphans live in the monastery compound and receive free education up to 4th class, free health care and library. It also caters for poor children from the surrounding areas where people earn €2 per week and most of the children cannot afford to go to school. They stay home to look after the other siblings while their mother and father go to work. Some children have only one parent. We are trying to help improve the lives of those children as much as we can by the help of friends and family in Ireland.

We thank all of you for your support.’

Mandalay orphans to benefit from the Cake Sale. Photo: A.S. Phyo.