

**Statement by His Excellency U Wunna Maung Lwin,  
Ambassador/Permanent Representative of the Union of Myanmar  
at the 303<sup>rd</sup> Session of the ILO Governing Body  
(Geneva, 19 November 2008)**

Mr. Chairman,

Thank you for giving me the floor.

First of all, I would like to extend to you my warmest congratulations for your election as the Chairman of the Governing Body. I am fully confident that with your wisdom, knowledge and strong leadership, our deliberations will bring about a successful conclusion. Allow me to take this opportunity to extend my tribute to other members of the Bureau.

Furthermore, I am greatly honoured to have this opportunity to extend my heartiest congratulations to Mr. Juan Somavia for his well-deserved re-election for his third term as the Director-General of the International Labour Office. We are well aware of his stance on global socio-economic issues, including decent work and also matters relating to the ILO. It is very encouraging to note that Mr. Somavia is a resolute partisan of social dialogue and a dedicated defender of "tripartism." I am confident that with his perspective, wisdom and wide experience, the Organization will continue to achieve notable results in the years to come.

Mr. Chairman,

I would like to apprise the House of the political developments in Myanmar. In May 2008, Myanmar people have shown their aspirations for democratic and political reforms. The national referendum was successfully held in May to approve the new State Constitution which was drafted in accordance with the basic principles laid down by the National Convention. Thus, we have successfully completed the fourth step of the Seven- Step Road Map. The election law and regulations will be promulgated in the near future. All parties concerned will have the opportunities to participate in the general elections in accordance with the provisions of the Constitution and the election laws.

Free and fair multiparty democracy elections, the fifth step of the Road Map, will be held in 2010, The next step, the *Pyithu Hluttaw* (Parliament) will be convened with the participation of the representatives elected by the general elections. The final step of the Road Map will be to form the new Government by the Parliament in accordance with the Constitution. This important political objective of the nation is to be accomplished in a peaceful, systematic and orderly manner by observing the true values of democracy.

**Mr. Chairman,**

Let me touch upon the observance by the Government of the Union of Myanmar of the Forced Labour Convention No. 29. The Government of the Union of Myanmar has taken the following measures in observing the ILO Convention 29.

The Ministry of Home Affairs had issued an Order No. 1/99 on 14 May 1999 and the Supplementing Order 1/99 on 27 October 2000 which prohibit all concerned authorities not to exercise the provisions of the 1907 Towns Act and 1907 Village Act which have contradicted the stipulation in the ILO Convention 29. These Orders clearly stipulate that requisition of forced labour is illegal and strictly forbid such acts.

In order to implement the Resolution adopted by the 88<sup>th</sup> ILC in 2000 and in response to the recommendations made by the ILO High Level Team which visited Myanmar from 17 September to 10 October 2001, the Government of the Union of Myanmar and the International Labour Office reached an agreement on the appointment of an ILO Liaison Officer in Myanmar and the agreement was signed on 19 March 2002.

Moreover, the Government of the Union of Myanmar and the ILO have reached an agreement on 26 February 2007 on the Supplementary Understanding. The agreement sets up the necessary mechanism to deal with the complaints of forced labour. This is an important agreement which produce tangible results in the eradication of forced labour in the country.

The trial period of the Supplementary Understanding was extended in February 2008 for another one year. In March 2008 GB session, most of the GB members welcomed this extension which was reflected in the Status Report (GB.303/8/1). I will not go into details the functions and the implementation of the SU which I have mentioned time and again at the previous Governing Body sessions.

**Mr. Chairman,**

With regard to the complaint cases, I would like to state that up to the end of October 2008, the Working Group for Prevention Against Forced Labour headed by the Deputy Minister for the Ministry of Labour received (69) cases sent by the ILO Liaison Officer. Out of these, (49) cases have already been closed. Among the remaining (20) cases, (7) have been replied to the ILO Liaison Officer by the Working Group and (13) cases are under investigation and will be finalized very soon.

As to the awareness activities carried out in Myanmar, the workshop on the awareness for the eradication of the practice of forced labour was jointly organized by the Department of Labour and the ILO Liaison Officer in Myitkyina and Monywa from 27 to 31 October 2008. It

was attended by the officials from township level of the Ministry of Home Affairs, law enforcement officials, deputy township judges and officials from the armed forces. The joint field visit of the ILO Liaison Officer and the senior officials of the Ministry of Labour to Myikyinar and Monywa on 27 and 28 October 2008 had also undertaken as a part of the public awareness programme which has been reflected in the ILO Liaison Officer's Report (GB.303/8/2).

As regards the publishing of the booklet entitled "the eradication of the practice of forced labour and its related matters" suggested by the ILO Liaison Officer, the Department concerned has allowed him to translate the SU into Myanmar language together with the Understanding between the Government of the Union of Myanmar and the ILO concerning the appointment of an ILO Liaison Officer in Myanmar in 2002, the Minutes of the Meeting relating to the SU and an agreement for extension of the SU and its Minutes of the meeting.

With respect to the case of Thet Wai, I would like to reiterate that he had been charged for interruption the function of the civil servant under Section 353 of the Penal Code. It is not related to the defendant's association with the complaint mechanism. He can appeal in accordance with the procedures of the Court.

Mr. Chairman,

The right of the citizens to express freely their convictions and opinion to assemble peacefully and to form associations and unions and to prohibit any form of forced labour are enshrined in the newly adopted State Constitution. It clearly shows the prominent evidence of the Government of the Union of Myanmar's political will for the application of the ratified Convention No.(29). Since the State Constitution is the basic principles and laws of a nation and the State, that determine the powers and duties of the government and guarantee certain rights to the people in it, the said stipulation can be seen as a high-level statement.

In order to send the tripartite delegation to the upcoming 98th Session of the International Labour Conference to be held in June 2009, the Working Group meeting was held on 11 September 2008 in Naypyitaw. The meeting was attended by the Deputy Minister for Labour, the Deputy Attorney General, the Director General of the Department of Labour and the ILO Liaison Officer and members of Working Group. Based on the suggestions made by the ILO Liaison Officer, coordinating meetings were held on 4 November 2008 and 7 November 2008 respectively in Yangon. The (22) representatives of Employers and Workers from (11) Industrial Sectors participated in these meetings. The ILO Liaison Officer himself attended the first coordinating meeting. Consequently, the Consultative Committee for the Election of Workers' Delegate to the 98th Session of the International Labour Conference has been formed for further process in accordance with the ILO Constitution.

**Mr. Chairman,**

**If you compare the situation at the end of the year 1999 and the current situation, you will noticeably recognize that cooperation between Myanmar and the ILO is progressing substantially and significantly.**

**Mr. Chairman,**

**Another area where we have made the significant progress is the relief and the rehabilitation efforts undertaken in the Post-cyclone Nargis measures. As you are well aware, on 2nd and 3rd May 2008, powerful Cyclone Nargis had severely hit Ayeyarwaddy Division, Yangon Division, Bago Division, Mon State and Kayin State. Cyclone Nargis left unprecedented death and destruction in its wake. The Myanmar people was united in response to the natural disaster.**

**The United Nations, the ASEAN Members, donor countries, NGOs and individuals from all over the world responded generously. We have been able to demonstrate our willingness and ability to work with the international community by establishing the Tripartite Core Group (TCG) composed of the Government of Myanmar, ASEAN and the United Nations. We have been able to rebuild better and stronger homes, schools and monasteries. The paddy fields destroyed by the storm have been replanted systematically.**

**The Department concerned and the local authorities have been working together in the cyclone-affected areas as part of the awareness raising measures aimed at not to exercise the use the forced labour and assisting the necessary guidance to genuine voluntary work. As a result, there have been no reports of the forced labour on the ground. The facts have been demonstrated in the report (GB.303/8/2).**

**In order to fulfill the para (1) of the conclusion of the 97th ILC, the Director General of the Department of Labour on behalf of the Ministry of Labour and the Liaison Officer on behalf of the ILO have signed an agreement on 27 October 2008 on the Work Plan for implementing the pilot projects aimed at creating job opportunities in Mawlamyine Gyun Township, one of the areas affected by the cyclone. The activities of the project have been undertaken smoothly.**

**Mr. Chairman,**

**In pursuant to our policy of cooperation with the United Nations, the Government of the Union of Myanmar has welcomed the visit of Mr. Tomas Ojea Quintana, the Special Rapporteur on human rights situation on Myanmar from 3 to 7 August 2008. The Minister for Labour received Mr. Tomas Quintana on 7 August 2008 and the Human Rights Body headed by Deputy Attorney General received the Special Rapporteur two times in Nay Pyi Taw. At the request of Mr. Quintana,**

the authorities allowed him to meet with Thurain Aung, Kyaw Kyaw and Su Su Ngwe at the Insein Prison on 5th August 2008.

Mr. Chairman,

The Government of the Union of Myanmar gives top priority to the rights of the child as a matter of policy. Since Myanmar acceded to the Convention on the Rights of the Child, Myanmar has steadfastly implemented a series of national level measures for the well-being of the children. The Child Law was enacted and a National Committee on the Rights of the Child was formed in 1993.

In fact, the Myanmar Armed Forces is an all-volunteer force, and those entering military service are on their own free will. A person can enlist in the armed forces only on attainment of the age of 18. In this regard, I should like to draw your attention to the fact that Myanmar has established domestic legal legislation to prevent recruitment of child soldiers under the Myanmar Defence Services Act of 1947. The War Office Council's instruction No. 13/73 dated 3 January 1974, unambiguously stipulated that new recruits into military service must attain the age of 18 and not exceed the age of 25. Forced conscription in any form is strictly prohibited.

The Government has been working closely with the UN Country Team including UNICEF for public awareness training programmes for Myanmar officials in this regard.

Finally, in light of the positive developments taken place in Myanmar, I would like to call upon the distinguished Members of the Governing Body to kindly give the positive consideration for reviewing and withdrawing the Emergency Resolution adopted by the 87th ILC in 1999 and the Resolution adopted by the 88th ILC in 2000 concerning Myanmar.

Mr. Chairman,

In conclusion, I would like to state that Myanmar has shown its political will and flexibility and cooperation, which I believe, are the best solution to resolve the forced labour issue in Myanmar. I, therefore, wish to reiterate that Myanmar has been cooperating and continue to do so in a constructive and transparent manner with the ILO in the future with a view to eradicating the practice of forced labour in the country.

I thank you.