



SEVENTH ITEM ON THE AGENDA

Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)**Further action taken pursuant to the resolution of the International Labour Conference regarding forced labour in Myanmar**

1. The resolution adopted in 2000 under article 33 of the Constitution by the International Labour Conference called on the Organization's constituents to "review, in the light of the conclusions of the Commission of Inquiry, the relations that they may have with [Myanmar] and take appropriate measures to ensure that [Myanmar] cannot take advantage of such relations to perpetuate or extend the system of forced or compulsory labour referred to by the Commission of Inquiry, and to contribute as far as possible to the implementation of its recommendations". A similar call was made to international organizations. The resolution invited the Director-General to report to the Governing Body on the outcome of the measures undertaken by the member States and international organizations.
2. The initial responses received by the Director-General from the constituents and international organizations were summarized in an interim report to the March 2001 session of the Governing Body.¹ Later that year negotiations between the Office and the Government of Myanmar led into the visit of the High-level Team and subsequent negotiations for, first, the understanding on a liaison officer and then the different elements of a joint Plan of Action. The Office has continued to monitor developments without, however, specifically approaching the constituents and international organizations.
3. In his report concerning Myanmar to the November 2004 session of the Governing Body,² the Director-General noted that, although no formal request had been made to the constituents for updated information on action taken under the 2000 resolution, this did not mean that no further action had been taken directly or indirectly on the basis of the resolution. While it was difficult to have a comprehensive picture, the Director-General indicated some subsequent actions of which the Office was aware. In the conclusions on

¹ GB.280/6.

² GB.291/5/2.

this item at its November 2004 session, the Governing Body requested the Office to provide further information for its March 2005 session on the actions taken on the basis of the 2000 resolution, to complement that already provided. The Office therefore requested the assistance of all field offices in obtaining information on action taken by governments or non-state entities, including employers' and workers' organizations and bodies at all levels, and by NGOs and civil society actors more generally.

4. The present paper reflects responses to that request, along with other information obtained concerning action referring specifically to either the 2000 International Labour Conference resolution or the problem of forced labour in Myanmar. However, it cannot be exhaustive. Moreover, it does not cover a variety of actions taken by governments, trade unions, business or intergovernmental or non-governmental organizations in relation to Myanmar which do not ostensibly fall within the remit of the 2000 resolution.
5. As intimated in November, certain governments have acted individually as well as through international organizations to which they belong. In the United States, in accordance with the 2003 Burmese Freedom and Democracy Act, import restrictions have been renewed annually (most recently in July 2004); assets of members of that Government's regime in the United States have been frozen and their travel banned; the award of funds by international financial institutions to which the United States belongs is opposed; and there is regular reporting by the State Department on the effect of trade sanctions on the country. Specific reference is made in the legislation to forced labour and the ILO. There is also information as to legislative or administrative measures taken by some individual states of the United States (California, Massachusetts, New York, Vermont) concerning particular business disinvestment.
6. The Government of Japan has withheld new economic cooperation with Myanmar, except for humanitarian assistance impacting directly on poor living conditions. Following the events of May 2003, it suspended all economic cooperation for several months. The Government of Australia is reported to have deferred its recurring human rights training programme and frozen certain agricultural assistance. The United Kingdom has called on UK companies to review investments in Myanmar; and it has frozen certain assets. Canada imposed in 2003 tighter restrictions on visas and travel and on exports to Myanmar. In October 2003, Switzerland extended the measures first taken in October 2000, by tightening its arms embargo and extending financial and travel restrictions.
7. Among workers' organizations, the International Confederation of Free Trade Unions (ICFTU) has led an active campaign with Global Union Federations and many national workers' organizations to promote the implementation of the 2000 International Labour Conference resolution. Since 2001, it has targeted the withdrawal of multinational companies from Myanmar. This has been done by contacting them directly, citing the 2000 International Labour Conference resolution, and publishing an updated list of those doing business there. The ICFTU has, together with the European Trade Union Confederation, presented arguments to institutions of the European Union, to international financial institutions, and to countries in the Asia-Pacific region and elsewhere. Trade unions in several countries have campaigned for individual companies to cease activities in Myanmar, or for individual governments to adopt sanctions similar to those described above.
8. As regards measures taken by employers' organizations in relation to follow-up to the 2000 resolution or concerning forced labour in Myanmar, no specific information is available. In respect of multinational businesses, as mentioned in the November 2004 paper to the Governing Body, the campaigns run by trade unions as well as by various non-governmental organizations (for instance Burma Campaign, Actions Birmanie, Clean Clothes Campaign, Earth Rights International), have in some cases referred directly to the

resolution. One such campaign, endorsed recently by the Prime Minister of the United Kingdom, has focused on tourism. As one object of a trade union-led campaign, the only major long haul airline service to Yangon (Lauda Air) has been singled out.

9. Where disinvestment action by individual companies has followed, this has often been as the result of a broader campaign in the context of human rights issues and corporate social responsibility. In one reported case (the American Apparel and Footwear Association), a 2003 call for a ban on imports of textiles, apparel and footwear from Myanmar cited the ILO resolution as one of its justifications. In another, the Triumph International garment manufacturer announced in January 2002 the closure of its manufacturing site in Myanmar, following a campaign which had drawn attention to forced labour in the country. In December 2004, an oil company (Unocal) is reported to have reached agreement to settle a human rights lawsuit in California (United States), in which forced labour in the construction of the Yadana pipeline was alleged. The company was said to have agreed to compensate 14 Burmese villagers.
10. In the United Nations, further to the information provided in November 2004, the Special Rapporteur on Myanmar referred in August 2004 to the special sitting of the Committee on the Application of Standards of the 2004 International Labour Conference, noting that agreement on implementation of the joint Plan of Action was not yet possible. More recently, the General Assembly adopted a resolution,³ noting the conclusions of the 2004 International Labour Conference Application Committee and asking the Government of Myanmar, among other things, to take immediate action to implement the recommendations of the Commission of Inquiry concerning Convention No. 29.
11. Action taken in the OECD context was included in the November paper. Among the international financial institutions, neither the Asian Development Bank nor the World Bank has provided any new lending to Myanmar since 1987. Most recent news from ASEAN is that in May 2004, labour ministers noted with satisfaction the pledge made by Myanmar for continued cooperation with the ILO in their efforts to abolish forced labour practices. They expressed their optimism as to the removal of obstacles to implementation of the joint Plan of Action.
12. On the other hand, in the European Union, as well as the measures indicated in November to deny Myanmar access to generalized tariff preferences and renew the Common Position on Myanmar deploring the practice of forced labour, reference is made by the European Council in this context to the failure of the Myanmar authorities “to take action to eradicate the use of forced labour in accordance with the recommendations of the International Labour Organization’s High-level Team Report of 2001”. The aim has been to tighten the measures already taken by, for instance, extending the scope of the visa ban and asset freeze; maintaining the arms embargo; and adding a prohibition on making financial loans or credits available to, and acquiring or extend participation in, listed Myanmar state-owned enterprises.
13. The European Parliament has adopted several resolutions condemning the lack of democratic process, human rights abuses in general and the use of forced labour in particular, the latest dated 16 September 2004. Resolutions adopted in 2002 and 2003 expressly refer to the ILO in terms of urging the Government of Myanmar to authorize the opening of an ILO Liaison Office (11 April 2002) and giving access to the ILO without limit to areas of the country where the use of forced labour was reported (13 March 2003).

Geneva, 18 February 2005.

³ A/RES/59/263, 23 Dec. 2004.