

#### **Australian Government**

**Refugee Review Tribunal** 

# Country Advice Myanmar

Myanmar – MMR36666 – National League for Democracy – 2010 elections – Ethnic Chinese – Bribery – Corruption – Exit procedures 9 June 2010

## 1. Please provide information on the structure and aims of the National League for Democracy (NLD).

The latest UK Home Office country report on Burma (March 2009) has a section on the National League for Democracy (NLD). According to this collated information, "the NLD remains the most important source of political opposition to the junta", although it is noted that years of intense harassment by the junta have weakened the party. According to information in the country report, Aung San Suu Kyi leads the party, including the youth wing. (Elsewhere she is referred to as the de facto leader.) Committees exist within the NLD, including Social Welfare, Woman's Association, Medical Assistance, Adult Membership Committee, Media Committee, Legal Committee and Youth Wing. No further information was found on the structure or internal workings of the party. According to the report, meetings have not been held in many NLD offices in Burma following the September 2007 demonstrations due to restrictions placed on holding gatherings and the closure of offices across the country. One NLD member also reported that "a lack of direction from NLD headquarters has also hampered some meetings." The section follows in full:

11.09 The Economist Intelligence Unit (EIU) noted in its report on Burma, dated 9 October 2008, that:

"The NLD remains the most important source of political opposition to the junta. However, years of intense harassment by the junta have weakened the party. Most party offices have been forced to close and many members forced to resign. When NLD leaders were able to meet supporters around the country during a brief thaw in 2001-02, the massive turnout at some of these gatherings, despite intimidation by the USDA, showed that popular support for the NLD remained strong. The generals continue to see Aung San Suu Kyi as a major threat, and she has spent 12 of the past 19 years under house arrest." [46] (The National League for Democracy)

11.10 In an email response dated 5 June 2007, the UK Foreign and Commonwealth Office (FCO) stated that Aung San Suu Kyi led the whole of the National League for Democracy (NLD), including the youth wing. The NLD is only allowed to operate in Rangoon/Yangon, where the NLD's Central Executive Committee is based. All other offices in Burma have been closed. [5f]

11.11 The FCO noted in a letter dated 8 March 2007 that committees exist within the NLD, including Social Welfare, Woman's Association, Medical Assistance, Adult Membership Committee, Media Committee, Legal Committee and Youth Wing. [50]

11.12 Meetings haven't been held in many NLD offices in Burma following the September 2007 demonstrations due to restrictions placed on holding gatherings and the closure of offices across the country. According to one NLD member from Bago, a lack of direction from NLD headquarters has also hampered some meetings. (Democratic Voice of Burma, 9 October 2008).<sup>1</sup>

The Political Handbook of the World Online Edition provides the following summary of the history of the NLD up to late 2009:

**National League for Democracy** (**NLD**). Registered as a political party in September 1988, the NLD was an outgrowth of the Democracy and Peace (Interim) League (DPIL), which had been formed by a number of leading dissidents a month earlier. Its founding president, AUNG GYI, withdrew to form the Union National Democratic Party (UNDP) after having called, unsuccessfully, for the expulsion from the DPIL of a number of alleged communists. (The UNDP was deregistered in 1992.)

Following her return to Burma in April 1988, the party's first general secretary, Aung San Suu Kyi, became the regime's most vocal and effective critic. Both she and fellow NLD leader Tin Oo were arrested in July 1989 and declared ineligible to compete in the May 1990 balloting, which produced an overwhelming victory for the NLD, tacitly allied with some 21 ethnic-based regional parties. The NLD's two other principal leaders, KYI MAUNG and CHIT KHAING, were arrested in September 1990.

In April 1991 the SLORC announced that the NLD's Central Committee had been "invalidated," thus technically removing the four leaders from their party positions. Kyi Maung and Tin Oo were released from prison in March 1995, while Suu Kyi was freed from house arrest in July. Kyi Maung left the NLD in 1997, reportedly because of a dispute with Suu Kyi.

In July 1997 SLORC leader Khin Nyunt met with NLD chair Aung Shwe, and on September 27–28 NLD delegates were permitted to hold the group's first congress with Suu Kyi in attendance in two years. An authorized NLD Congress on May 27–28, 1998, at her residence was attended by 400 party members. In the following months, however, in response to the NLD's threat to call a "People's Parliament," the regime began a series of crackdowns against the party that included hundreds of detentions, closure of many local offices, and forced resignations. In all, tens of thousands of party members may have been forced to resign in 1998–1999. Suu Kyi was again placed under de facto house arrest from September 2000 until May 2002.

On May 30, 2003, following a violent attack on an NLD motorcade by government supporters, Suu Kyi was taken into "protective custody." An unclear number of NLD members—initial reports indicated 4, but some subsequent accounts said 60 or more—were killed by the mob. Suu Kyi's house arrest resumed on September 26. On April 13, 2004, Aung Shwe and U Lwin were released, leaving Suu Kyi and Tin Oo as the only senior NLD members in detention. A month later the NLD refused to participate in the reconvened National Convention until both were freed.

As part of a wider amnesty for 9,000 prisoners, described by Amnesty International as mostly drug dealers and petty criminals, WIN TIN, one of the founders of the NLD, was released from prison in September 2008 along with several other NLD members. Described as Myanmar's longest-serving political

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<sup>&</sup>lt;sup>1</sup> UK Border Agency 2009, 'Country of origin information report: Burma (Union of Myanmar)', UK Home Office website, 4 March, Section 11 <a href="http://www.homeoffice.gov.uk/rds/pdfs09/burma-050309.doc">http://www.homeoffice.gov.uk/rds/pdfs09/burma-050309.doc</a> – Accessed 10 March 2009 – Attachment 1.

prisoner, Win Tin had been incarcerated since 1989. Several dozen NLD members were among the 7,000 prisoners released in September 2009.

The 2008 constitution includes as a condition for presidential eligibility that a candidate as well as the individual's parents, spouse, and natural children and their spouses cannot owe allegiance to a foreign country. Because Suu Kyi's late husband, Michael Aris, was British, she would be excluded from seeking the office. Both she and Tin Oo remain under house arrest, with the latest year-long extension being given to Tin Oo in February 2009. Suu Kyi's house arrest was not renewed in May 2009. At the time, however, she was being held in a prison after being charged with harboring in her home an uninvited American. In August she was convicted, but a three-year prison sentence was commuted to another 18 months of house arrest.

In April 2009 the NLD indicated that it would participate in the 2010 elections but only if the SPDC released all political prisoners, amended the 2008 constitution to meet democratic standards, and agreed to let the international community supervise the elections.

*Leaders:* AUNG SAN SUU KYI (De Facto Leader), AUNG SHWE (Chair), TIN OO (Vice Chair), KHIN MAUNG SWE (Chair, Central Information Committee), U LWIN (General Secretary).<sup>2</sup>

The aims of the NLD are laid out in an April 2010 statement by the NLD, posted on the Burma Campaign UK website. This unofficial translation, titled "A Message to the People of Burma", gives some background as to the decision not to re-register the party for the forth-coming elections. The statement is as follows:

"A Message to the People of Burma" (Unofficial Translation)

1. The National League for Democracy (NLD) was formed with a commitment to establish democratic system in Burma, which the people of Burma demanded unanimously during the 1988 nationwide pro-democracy uprising.

Since its inception, NLD has consistently tried to: government Establish democratic (1) a true in Burma **Fully** achieve fundamental (2) human (3) Firmly lay the foundation of democracy to prevent the re-emergence of a dictatorial regime in the future (4) Perpetuate the Union with equality among all ethnic nationalities (5) Contribute for the peace in the world by improving the lives and development of the people and stability in the country of Burma

To achieve these afore-mentioned aims, the NLD leaders and members have tried to achieve national reconciliation, a necessary and fundamental requirement of democracy, through a great deal of sacrifices.

2. In the 1990 multi-party general election, NLD won 392 seats out of 485 contested seats. This was a mandate given by the people of Burma for the NLD to lead them toward a democratic society. Therefore, the Members of Parliament-elect of the NLD aimed to achieve national reconciliation, convene the Parliament, and solve the problems in Burma peacefully. Hoping to realize meaningful political dialogue with the regime, NLD leaders and its MPs attended the National

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<sup>&</sup>lt;sup>2</sup> 'Myanmar (Burma)' 2010, Political Handbook of the World Online Edition. Originally published in *Political Handbook of the World 2010*, edited by Arthur S. Banks, Thomas C. Muller, William R. Overstreet, and Judith F. Isacoff (Washington: CQ Press, 2010) <a href="http://library.cqpress.com/phw/pphw2010">http://library.cqpress.com/phw/pphw2010</a> MyanmarBurma – Accessed 4 June 2010 – Attachment 2.

Convention, held by then State Law and Order Restoration Council (SLORC), now called the State Peace and Development Council (SPDC). NLD MPs had participated in the National Convention process and tried hard to draft a democratic constitution. However, these attempts were not successful. SPDC refused to convene the Parliament with the elected MPs, and the rightful Parliament was never allowed to emerge.

3. Daw Aung San Suu Kyi, the leader of NLD, is deeply committed to solving the problems by peaceful means through meaningful dialogue. She has tried hard repeatedly to have a dialogue with the leaders of the military. She continues to call for a dialogue with the military regime while under house arrest. As soon as she was released from house arrest (in 1995 and 2000), she continued to call for dialogue.

Aung San Suu Kyi escaped an assassination attempt in the Depayin massacre in 2003. Even so, she didn't consider revenge and continued to call for the military regime to establish a political dialogue. In 2009, she was again given a prison sentence when an American citizen, Mr. John Yettaw, arrived at her house unwelcomed. She still continued to call for the regime to meet and discuss for the interest of the country. In her latest letter to Senior General Than Shwe, Chairman of SPDC, she wrote that "she requests Senior General to grant a meeting to discuss for the lifting of economic sanctions".

To sum up, numerous attempts by the NLD leaders, members, and MPs-elect to establish a system of democracy in Burma and for national reconciliation were obvious, fully recorded, and have been ignored by the SPDC, rendering their attempts unsuccessful.

4. Now, the SPDC issued a set of electoral laws, including the Election Commission Law, Political Parties Registration Law, Peoples' Parliament Election Law, National Parliament Election Law, Region (or) State Parliaments Election Law, and by-laws, with the aim of holding elections in 2010. These laws are unjust, undemocratic and not in line with the basic characters of the law.

Throughout history, peoples have built their associations and societies based on justice. When we compared these laws with the society of the people of Burma, we found that these laws are obviously not free and fair for our society. They are not in line with principles of democracy, such as distributive justice, natural equality, and political equality. These laws also go against universal ethics. Furthermore, forcing parties to pledge to obey and abide the 2008 Constitution is a violation of democracy and human rights. These laws ignore the demands of an all-party inclusive election made by the UN Secretary-General and the international community.

- 5. Considering these facts, the Central Committee of the NLD met on March 29, 2010, and decided without objection that the NLD shall not re-register the party at the Election Commission, as the electoral laws issued by the SPDC are unfair and unjust.
- 6. Standing by the people, the NLD has made persevering efforts for the emergence of democracy and national reconciliation while enduring arrests, punishment, intimidation, disturbances and all sorts of restrictions by the authorities. Nevertheless, all these efforts were to no avail as a result of one-sided suppression and annihilation by the authorities. The NLD would like to sincerely and earnestly apologize to the people of Burma for these vain attempts.
- 7. However, the NLD will never turn its back on the people of Burma or on its struggle for democracy. We pledge to continue to achieve our goals for democracy

through systematic, peaceful and nonviolent means, guided by Daw Aung San Suu Kyi, who said that "I would like to speak to the people of Burma that I will try as much as I can to continue an effort to achieve democracy in Burma."

As per decision made by the Central Executive Committee meeting on April 5, 2010
Central Executive Committee
National League for Democracy
Rangoon.<sup>3</sup>

An article in *The Irrawaddy* gives the history and goals of the NLD through the eyes of a long time NLD member. The article does indicate that, while offices were shut down and the party "fell silent" after the "Depayin incident" in 2003 (see above), the NLD became more active again after the release of one of the founders, Win Tin, in 2008.<sup>4</sup>

#### 2. Please provide an update of the current situation of the NLD, especially in relation to the upcoming elections.

Most recently, reports indicate that the NLD has been disbanded in May 2010 after refusing to register for the upcoming elections. (As yet there is no date for these elections.) This decision not to contest the elections was reportedly made in protest over what the party considered to be unjust and undemocratic electoral laws. There are reports that a section of former leaders have formed another party, the National Democratic Force (NDF) and registered to contest the elections. For a comprehensive overview of the leadup to the elections, see the International Crisis Group's (ICG) briefing, *The Myanmar Elections*, released on 27 May 2010. The briefing contains a section on the situation for the NLD (pp. 11-12).

The 6 April 2010 NLD statement, quoted in full in Question 1, details the reasons for the NLD choosing not to contest the elections.<sup>7</sup>

A 6 May 2010 *BBC News* article reporting on the dissolution of the NLD as a legal entity reports comments by veteran leader Win Tin that this "was not the end of the NLD". NLD supporters were urged to boycott the election. Win Tin stated that:

"We cannot work as a political party, so we cannot make mass meetings, and put out statements and so on, but we will work among the people.

"All over the country we have about 300 offices, so in almost every town we have our offices. We don't mind working for the people as a group not as a party."

<sup>&</sup>lt;sup>3</sup> 'NLD Statement: "A Message to the People of Burma" 2010, Burma Campaign UK website, 6 April <a href="http://www.burmacampaign.org.uk/index.php/news-and-reports/news-stories/nld-statement-a-message-to-the-people-of-burma/2">http://www.burmacampaign.org.uk/index.php/news-and-reports/news-stories/nld-statement-a-message-to-the-people-of-burma/2</a> – Accessed 8 June 2010 – Attachment 3.

Oo, M. 2010, 'Remembering the NLD', *The Irrawaddy*, 6 May <a href="http://www.irrawaddy.org/election/analysis/289-remembering-the-nld.html">http://www.irrawaddy.org/election/analysis/289-remembering-the-nld.html</a> – Accessed 8 June 2010 – Attachment 4.

<sup>&</sup>lt;sup>5</sup> Kaung, B. 2010, 'NDF Responds to Suu Kyi's Criticism', *The Irrawaddy*, 17 May <a href="http://www.irrawaddy.org/article.php?artid=18487">http://www.irrawaddy.org/article.php?artid=18487</a> – Accessed 9 June 2010 – Attachment 5.

<sup>&</sup>lt;sup>6</sup> International Crisis Group 2010, *The Myanmar Elections*, Asia Briefing N° 105, UNHCR Refworld website, 27 May <a href="http://www.unhcr.org/refworld/docid/4bfe61652.html">http://www.unhcr.org/refworld/docid/4bfe61652.html</a> – Accessed 9 June 2010 – Attachment 6.

<sup>&</sup>lt;sup>7</sup> 'NLD Statement: "A Message to the People of Burma" 2010, Burma Campaign UK website, 6 April <a href="http://www.burmacampaign.org.uk/index.php/news-and-reports/news-stories/nld-statement-a-message-to-the-people-of-burma/2">http://www.burmacampaign.org.uk/index.php/news-and-reports/news-stories/nld-statement-a-message-to-the-people-of-burma/2</a> – Accessed 8 June 2010 – Attachment 3.

<sup>&</sup>lt;sup>8</sup> Jones, A. 2010, 'Senior Burma NLD leader defiant as party disbands', *BBC News*, 6 May <a href="http://news.bbc.co.uk/2/hi/asia-pacific/8664741.stm">http://news.bbc.co.uk/2/hi/asia-pacific/8664741.stm</a> – Accessed 9 June 2010 – Attachment 7.

#### 3. Please provide general information on the situation of the Chinese ethnic minority in Burma.

There are a number of different Chinese ethnic minority groups in Burma. Those people whose grandparents migrated to Burma would fall into the category described by the US Department of State (USDOS) as "native-born but so-called nonindigenous ethnic populations, such as Chinese, Indians, Bengalis, some Eurasians, and the country's Rohingya population". According to the USDOS, this group are "denied the full benefits of citizenship based on their nonindigenous ancestry". According to Burma's 1982 Citizenship Law, descendants of 'foreign' ethnic groups, whose families entered the country after 1824 are subject to different citizenship status or rights. A 2004 *Irrawaddy* article details the effects of the citizenship laws on minorities such as native-born Chinese. However, according to the 27 May 2010 ICG briefing, the new electoral laws are more inclusive than the 1990 elections, enfranchising many people of Chinese and Indian descent who have been denied citizenship.

With regard to the societal situation for Chinese in Burma, the relationship between Burma and China also influences the situation for and attitudes towards Burmese Chinese. The ethnic minorities in the border regions, including Chinese ethnic minorities such as the Wa and the Kokang, are factors in this relationship. In the past China has financed the armed militia of a number of these border groups. In August 2009, a 20 year ceasefire with the Kokang in Shan state was broken by Burmese government forces. Chinese businesses were targeted during the unrest and tens of thousands of ethnic Kokang and Chinese civilians fled across the border to China. For more information on the Kokang incident, see sources in the footnote.

While the targeting of Chinese civilians and businesses in Kokang was in relation to a specific conflict, and may not be reflective of attitudes towards or treatment of Chinese in Burma generally, there has been past examples of violence towards Chinese in Burma with widespread anti-Chinese riots in the 1960s in the then-capital Rangoon (now Yangon). Aside from the Kokang incident, no current reports of anti-Chinese violence were found, although some media reports indicate that there remains a significant degree of societal hostility towards Chinese in Burma. For example, in an interview on *PBS News Hour* in October 2007 a former head of the US Embassy in Burma states: "There is a very anti-Chinese sentiment in the Burmese population." Several analysts over recent years have also expressed concerns of a possible backlash against Chinese in Burma given Burmese resentment at the growing number of Chinese migrants into Burma and Chinese control of Burma's businesses. Aside from the Kokang incident, anti-Chinese violence

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<sup>&</sup>lt;sup>9</sup> US Department of State 2010, *2009 Human Rights Report: Burma*, 11 March, Section 2.d – Attachment 8. <sup>10</sup> Smith, M. 2002, 'Burma (Myanmar): A Time for Change', Minority Rights Group International, May, pp. 15-16 – Attachment 9.

<sup>&</sup>lt;sup>11</sup> Oo, A. 2004, 'Aliens in a Bind', *The Irrawaddy*, vol. 12, no. 7, July <a href="http://www.irrawaddy.org/article.php?artid=3795">http://www.irrawaddy.org/article.php?artid=3795</a> – Accessed 8 June 2010 – Attachment 10.

<sup>&</sup>lt;sup>12</sup> International Crisis Group 2010, *The Myanmar Elections*, Asia Briefing N° 105, UNHCR Refworld website, 27 May, p. 4 <a href="http://www.unhcr.org/refworld/docid/4bfe61652.html">http://www.unhcr.org/refworld/docid/4bfe61652.html</a> – Accessed 9 June 2010 – Attachment 6.

<sup>&</sup>lt;sup>13</sup> Wines, M. 2009, 'China Fails to Prevent Myanmar's Ethnic Clashes', *New York Times*, 4 September <a href="http://www.nytimes.com/2009/09/04/world/asia/04myanmar.html">http://www.nytimes.com/2009/09/04/world/asia/04myanmar.html</a> – Accessed 8 June 2010 – Attachment 11. <sup>14</sup> Sainsbury, M. 2009, 'For China, Burma is thorny territory', *The Australian*, 8 September

http://www.theaustralian.com.au/news/opinion/for-china-burma-is-thorny-territory/story-e6frg78o-1225770378304 – Accessed 8 June 2010 – Attachment 12; Wines, M. 2009, 'China Fails to Prevent Myanmar's Ethnic Clashes', *New York Times*, 4 September

 <sup>&</sup>lt;a href="http://www.nytimes.com/2009/09/04/world/asia/04myanmar.html">http://www.nytimes.com/2009/09/04/world/asia/04myanmar.html</a> – Accessed 8 June 2010 – Attachment 11;
 Transcript: Myanmar Crisis Sheds New Light on China's Regional Influence', *PBS Newshour*, 2 October <a href="http://www.pbs.org/newshour/bb/asia/july-dec07/china\_10-02.html">http://www.pbs.org/newshour/bb/asia/july-dec07/china\_10-02.html</a> – Accessed 8 June 2010 – Attachment 13.

<sup>&</sup>lt;sup>16</sup> 'Transcript: Myanmar Crisis Sheds New Light on China's Regional Influence', *PBS Newshour*, 2 October <a href="http://www.pbs.org/newshour/bb/asia/july-dec07/china\_10-02.html">http://www.pbs.org/newshour/bb/asia/july-dec07/china\_10-02.html</a> – Accessed 8 June 2010 – Attachment 13;

has not yet eventuated as such, but according to recent media analysis there are some recent indications that the China-Burma relationship is worsening.<sup>17</sup>

A 2002 Minority Rights Group International report gives the following background information on Chinese populations in Burma:

There are no accurate figures for the Chinese population in Burma, but it is generally considered to be in excess of half a million and growing rapidly. Historically, Chinese populations – especially Yunnanese – have lived in several parts of north-east Burma, but it is only in the former Kokang sub-state that Chinese-speakers have been granted a 'Kokang' or 'national race' status. Most other Chinese are descendants of Fukienese and Cantonese immigrants during British rule, with further incomers during both the KMT and CPB invasions of the 1950s and 1960s. More recently, a new generation of migrants has crossed the border, many illegally, in the wake of the CPB's 1989 collapse and the government's closer relations with China. Most have moved to Mandalay and the north-east of the country, where many have settled in Kachin, Shan and Wainhabited regions. Chinese today is a lingua franca in many areas near the Chinese border in the Shan state.

The increase in the Chinese population has attracted critical comment, especially over the predominant role played by many Chinese in business. This has put Chinese communities in an ambiguous position. In the past, many Chinese have intermarried; Ne Win himself is of mixed Sino-Burman ancestry. But despite the traditional paukphaw ('kinship') relationship between the two countries, there has historically been much nervousness in Burma about the influence of its powerful neighbour. Over 100,000 Chinese left Burma after Ne Win seized power in 1962, and anti-Chinese violence has broken out several times, most notably during the 1967 anti-Chinese riots that started in Rangoon (see 'The Burmese Way to Socialism', p. 9). In particular, many Chinese inhabitants face discrimination under the 1982 Citizenship Law, by which the rights and privileges of full citizenship are allowed only to recognized 'national races' and those who can prove they had ancestors in the country before 1824. On this basis, Chinese men and women who hold Foreign Registration Cards are barred from many occupations and, under the Ministry of Education's 1980–1 regulations, they are unable to study 'professional' subjects such as technology and medicine at university.<sup>18</sup>

Wikipedia provides some information on Burmese Chinese. <sup>19</sup> This information is included here for background on the different groups and the stereotypes associated with the Chinese in Burma (Please note: Wikipedia is a Web-based free-content encylopaedia which is compiled collaboratively by volunteers. Wikipedia articles can be useful introductory reading for a new topic, and the list of references in Wikipedia articles can provide useful leads to reliable sources. Many Wikipedia articles can be highly reliable, especially in regards to non-controversial historical or factual matters, and Wikipedia uses

Sainsbury, M. 2009, 'Threat of attack raises Burma-China border tension', *The Australian*, 2 September <a href="http://www.theaustralian.com.au/news/world/threat-of-attack-raises-burma-china-border-tension/story-e6frg6so-1225768793829">http://www.theaustralian.com.au/news/world/threat-of-attack-raises-burma-china-border-tension/story-e6frg6so-1225768793829</a> – Accessed 8 June 2010 – Attachment 14.

Myint-U, T. 2007, 'From Bad to Worse', Time Magazine, 30 August

http://www.time.com/time/magazine/article/0,9171,1657582,00.html – Accessed 8 June 2010 – Attachment. <sup>17</sup> Moxley M. 2010, 'Rising Border Tension Threatens China-Burma Relations', 20 May

http://www.ipsnews.net/news.asp?idnews=51508 – Accessed 8 June 2010 – Attachment 16; Wines, M. 2009, 'China Fails to Prevent Myanmar's Ethnic Clashes', *New York Times*, 4 September

http://www.nytimes.com/2009/09/04/world/asia/04myanmar.html – Accessed 8 June 2010 – Attachment 11.

<sup>&</sup>lt;sup>18</sup> Smith, M. 2002, 'Burma (Myanmar): A Time for Change', Minority Rights Group International, May, pp. 15-16 – Attachment 9.

<sup>&</sup>lt;sup>19</sup> 'Burmese Chinese' 2010, Wikipedia, last modified 8 May <a href="http://en.wikipedia.org/wiki/Burmese">http://en.wikipedia.org/wiki/Burmese</a> Chinese – Accessed 8 June 2010 – Attachment 17.

preventative measures against vandalism, bias and inaccuracy. However, the collaborative nature of Wikipedia makes it vulnerable to contributors with overt or covert agendas, and Wikipedia articles are thus prone to unacknowledged bias.)

### 4. Please provide brief information on bribery/corruption, especially in relation to exit procedures.

Information in the latest UK Home Office country information report notes the "rampant corruption" in passport and visa issuance in Burma and states that applicants for passports are forced to pay bribes of up to 300,000 kyat (approximately \$230), roughly equivalent to the average annual salary of a skilled worker. The report also notes the use of agents to obtain a passport. The report states:

16.14 In a letter dated 11 January 2008, the FCO stated that although officially it is not permitted, about one quarter of applicants apply for a Burmese passport using an agent or broker. A passport officially costs 20,000 Burmese kyat (approximately £8). Using an agent or broker increased the price to 70,000 kyat (£28) but significantly speeded up the application process. [51]

16.15 As recorded in an interview with a Mon woman in May 2008, the Women's League of Burma stated in its report 'In the Shadow of the Junta', dated 2008, that their were two ways to obtain a passport:

"One is going through an agent. You can just go to the office and take a photo, then give it to the agent and she/he will do everything for you. She/he will directly deal with the official for you. You just go to the Passport office at the final stage, when it is time to pick up the passport. It costs 100,000 Kyat if the waiting period is one month, but if you want it within 7 days, it costs 300,000 Kyat.

"The other process is doing it by yourself, which costs about 30,000 Kyat. It takes about one month to get the passport. You have to fill in several forms including Form No. 17, a document for Tax clearance, and Form No. 19 for the Departure document. These costs do not include traveling expenses and some 'tea-money' to speed up the process."

In June 2009, Transparency International (TI) provided an overview of corruption in Burma. This states:

Due to the closed nature of the military dictatorship, there are very few independent sources of data on the state of governance and corruption in Burma (Myanmar).

However, all sources and observers agree that rampant corruption pervades all levels of the political and administrative systems. The country has consistently ranked among the world's most corrupt countries in **TI'Corruption Perceptions Index**.<sup>21</sup>

<sup>21</sup> 'Overview of corruption in Burma (Myanmar)' 2009, The U4 Anti-Corruption Resource Centre and Helpdesk, Transparency International website, June <a href="http://www.u4.no/helpdesk/helpdesk/query.cfm?id=205">http://www.u4.no/helpdesk/helpdesk/query.cfm?id=205</a> – Accessed 8 June 2010 – Attachment 18.

<sup>&</sup>lt;sup>20</sup> UK Border Agency 2009, 'Country of origin information report: Burma (Union of Myanmar)', UK Home Office website, 4 March, Section 16 <a href="http://www.homeoffice.gov.uk/rds/pdfs09/burma-050309.doc">http://www.homeoffice.gov.uk/rds/pdfs09/burma-050309.doc</a> – Accessed 10 March 2009 – Attachment 1.

#### **Attachments**

- UK Border Agency 2009, 'Country of origin information report: Burma (Union of Myanmar)', UK Home Office website, 4 March, Section 11 <a href="http://www.homeoffice.gov.uk/rds/pdfs09/burma-050309.doc">http://www.homeoffice.gov.uk/rds/pdfs09/burma-050309.doc</a> – Accessed 10 March 2009.
- 2. 'Myanmar (Burma)' 2010, Political Handbook of the World Online Edition. Originally published in *Political Handbook of the World 2010*, edited by Arthur S. Banks, Thomas C. Muller, William R. Overstreet, and Judith F. Isacoff (Washington: CQ Press, 2010) <a href="http://library.cqpress.com/phw/pphw2010">http://library.cqpress.com/phw/pphw2010</a> MyanmarBurma Accessed 4 June 2010.
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