

# Myanmar needs a comprehensive international arms embargo

Amnesty International is urging the United Nations Security Council to immediately impose a mandatory arms embargo on Myanmar. States, in particular China, India, and Asean States in addition to Russia, Serbia and Ukraine, must cease forthwith the involvement of their agencies, companies and nationals in the direct or indirect supply to Myanmar of any military, police or security equipment.

Since 25 September 2007, Myanmar security forces have raided monasteries, beaten and arrested hundreds of protesters including monks and other public figures, used tear gas, baton charges and warning shots to disperse protestors and fired at fleeing protestors and journalists. At least nine people have been killed Monks were injured in the beatings and one monk suffered a gunshot wound to his head. There is a grave risk that the military and security forces will react with escalating violence to continued mass protests by those calling for democratic reforms. Such a response would aggravate an already grave human rights situation and could provoke mass refugee outflows and serious human rights violations.

China has been the principal source of arms supplies to the Myanmar security forces, followed by India, Serbia, Russia, Ukraine and other countries, as outlined below.

## 1. The risk of misuse of arms transfers

The government of Myanmar and its military, security and police forces of around 400,000 personnel have a well documented record of serious human rights violations, which the United Nations has described as widespread and systematic. Over 1,160 political prisoners are held in deteriorating prison conditions, and most senior political figures continue to be detained including Daw Aung San Suu Kyi. Abuses also include extrajudicial killings, enforced disappearances, torture, forced labour and the recruitment of child soldiers. Following military operations against the Karen National Union (KNU) in eastern Kayin (Karen) State, small arms have been used by the army to intimidate, torture and kill Karen civilians and to destroy houses and crops often as acts of collective punishment. Villagers in Eastern Kayin state have testified to widespread and systematic commission of such acts which constitute violations of international humanitarian and human rights law on a scale that amounts to crimes against humanity.

The Myanmar armed forces, officially known as *tatmadaw*, have reportedly destroyed crops and food stores and prevented farmers from leaving their villages to cultivate their land or purchase food supplies, announcing in some areas a shoot to kill policy for those found outside their villages. During 2006, farmers grazing livestock, or individuals foraging for food outside their villages in Tantabin township, Thandaung township and Papun District were shot and wounded or killed by the *tatmadaw*, with no verbal warning issued. Internally

displaced villagers, who had been hiding in the jungle from the Myanmar army told Amnesty International that the *tatmadaw* would shoot them if they were found.

## 2. Arms supplies to Myanmar

Since 1988, China has reportedly supplied the army in Myanmar with military equipment, including tanks, armoured personal carriers, military aircraft and artillery pieces such as howitzers, anti-tank guns and anti-aircraft guns.<sup>1</sup> The Chinese authorities have not reported such transfers to the UN but in 1998 China did report that it had delivered US\$5.9 million worth of military equipment to Myanmar under a trade category entitled “tanks and other armoured fighting vehicles” and US\$3.4 million of “military weapons.”<sup>2</sup> An image of a Myanmar army truck similar to other trucks used to carry troops for the current crackdown show the distinctive logo of a Chinese company, First Automobile Works. A Chinese company reportedly sold 400 military trucks to the Myanmar government in 2005.<sup>3</sup> Between 1988 and 1995, China is reported to have provided about 1,000 vehicles to the Myanmar security forces.<sup>4</sup>

In 2002, China reported to the UN that it delivered 3,200 firearms to Myanmar and between 1997 and 2004 China reported deliveries of US\$1,155,067 of parts and accessories for weapons.<sup>5</sup> A US\$1,000 million arms deal reportedly enabled the Myanmar government to buy a range of military equipment and training in China for armed forces officers.<sup>6</sup> Since 1998 at least 14 Karakorum K-8 light attack aircraft, co-developed by China and Pakistan, have been reportedly transferred to Myanmar.<sup>7</sup> The initial seven aircraft were reportedly financed by China.<sup>8</sup> The Chinese company Sang Min International Co Ltd advertised the sale of stun batons and guns to Myanmar in 2005.<sup>9</sup>

In January 2007, the Indian Foreign Minister Pranab Mukherjee promised to give a “favourable response” to the Myanmar Government’s request for military equipment<sup>10</sup> and in April 2007 it was reported that Indian and Myanmar security forces were “conducting joint military operations along the 1,643-km Indo-Myanmar border to neutralise insurgent

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<sup>1</sup> Jane’s Intelligence Review “Asia, the Burmese Army” by Andrew Selth, 1 November 1995

<sup>2</sup> UN Comtrade 1998 Classification SITC Rev 3 Codes 89111 and 89112

<sup>3</sup> *Democratic Voice of Burma*, “400 Chinese military trucks arrive at Burma Shweli”, 7 August 2005, <http://english.dvb.no/news.php?id=5343>.

<sup>4</sup> Jane’s Intelligence Review, 1 November 1995

<sup>5</sup> UN Comtrade 2002 Classification SITC Rev 3 Code 89131 and 1997, 1999, 2001 and 2004 Code 89199

<sup>6</sup> *Burma: Insurgency and the Politics of Ethnicity*, Martin Smith, Zed Books, 1999, p. 426.

<sup>7</sup> ‘Myanmar’s military links with Pakistan’, Jane’s Intelligence Review 1 June 2000

<sup>8</sup> ‘Myanmar is first export customer for K-8 trainer’, Jane’s Defence Weekly (24 June 1998). Also see Amnesty International’s report, ‘Northern Ireland: Arming the World’ [http://www.amnesty.org.uk/uploads/documents/doc\\_17903.pdf](http://www.amnesty.org.uk/uploads/documents/doc_17903.pdf)

<sup>9</sup> <http://www.titansangmin.com/> Last Accessed 26 September 2007

<sup>10</sup> Bruce Loudon, ‘India to snub US on Burma arms embargo’, *The Australian*, 23 January 2007; ‘India to supply military equipment to Myanmar’, *The Hindu*, 22 January 2007

groups.”<sup>11</sup> India has not reported on any arms transfers to Myanmar to the UN. Myanmar military co-operation with the Indian Government in dealing with these groups has been reportedly linked with an Indian government offer to supply a variety of military hardware such as tanks, aircraft, artillery guns, radar, small arms and advanced light helicopters.<sup>12</sup> Amnesty International, Saferworld and a number of other non-governmental organisations in the European Union published a report in July 2007<sup>13</sup> outlining in detail concerns about the potential transfer from India to Myanmar of such attack helicopters which are highly likely to contain components, technology and munitions originating from member states of the European Union and the USA.<sup>14</sup> EU governments have apparently been reassured by the Indian government that the transfer of such helicopters will not go ahead but Amnesty International has not received such a reassurance from the Indian government.

The Russian Federation reported to the UN in 2007 that it exported 100 large calibre artillery systems to Myanmar in 2006.<sup>15</sup> The Russian MIG military aircraft company had a representative office in Myanmar in October 2006.<sup>16</sup> The purchase by Myanmar of Russian IGLA-1.9K310 man-portable air defence missile system (MANPADS) worth RM182m from Rosoboronexport was reported in June 2002.<sup>17</sup> Russia also exported ten combat aircraft in 2002 and four combat aircraft to Myanmar in 2001.<sup>18</sup>

Serbian arms exports to Myanmar are summarised in the table below. It shows the value of arms deliveries to Myanmar between 2004 and 2006.<sup>19</sup>

Commodity	Total Value (\$)	Year	Net Weight (kg)
Military Weapons (89112)	6,455,129	2006	340,632
Munitions of war and parts thereof, n.e.s.(89129)	2,491,920	2006	99,255
Military Weapons (89112)	1,467,247	2005	76,261

<sup>11</sup> ‘Defense Relations With Myanmar Surge; Progress Made During Vice Admiral Thane's Visit’, *India Defence*, 3 April 2007, <http://www.india-defence.com/reports/2996>.

<sup>12</sup> See, for example, ‘Indian Navy to Transfer BN2 Maritime Surveillance Aircraft to Myanmar’, *India Defence*, 12 May 2007, <http://www.india-defence.com/reports/3179>; Rahul Bedi, ‘Indian training missions underline desire for greater strategic influence’, *Jane's Defence Weekly*, 9 May 2007.

<sup>13</sup> ‘Indian helicopters for Myanmar: making a mockery of the EU arms embargo?’ Amnesty International Index: ASA 20/014/2007

<sup>14</sup> This potential transfer highlights the importance of ensuring an Arms Trade Treaty contains robust controls on end-user agreements and re-transfers. Such controls are critical for preventing arms transfers to states using them to seriously violate human rights and for implementing and enforcing arms embargoes.

<sup>15</sup> Reported by the Russian Federation to the United Nations Register of Conventional Arms on 24 May 2007

<sup>16</sup> RAC MiG / Russian Aircraft Company RSK (Mig Corp) <http://www.migavia.ru>; <http://www.migavia.ru/eng/contacts/23/10/2006>;

<sup>17</sup> The Malaysian Defence Industry Council Bulletin June 2002

<sup>18</sup> As reported by Russia to the UN Register of Conventional Arms on 26 June 2003 and 23 August 2002 respectively

<sup>19</sup> UN Comtrade classification SITC REV 3. Accessed 5 September 2007; the entry for 2004 was reported by Serbia and Montenegro.

Munitions of war and parts thereof, n.e.s (89129)	4,205,102	2005	230,322
Military Weapons (89112)	1,260,000	2004	76,261

In addition, Serbia and Montenegro exported 36 large artillery calibre systems (105mm M56 Howitzers) to Myanmar in 2004.<sup>20</sup>

The Ukrainian state owned arms company, UkrpetsExport, announced in April 2004 that it had agreed a ten year contract to supply 1000 armoured personnel carriers to be assembled in Myanmar as part of a deal worth reportedly in excess of US\$500 million<sup>21</sup> and in 2004 Ukraine told the UN that it had exported 10 BTR-3U armoured combat vehicles to Myanmar in 2003.<sup>22</sup> The Ukraine also reported to the UN that it exported ten R-27 missiles to Myanmar in 2003.<sup>23</sup> According to an Irrawaddy newspaper report, the Ukraine in 2003 also shipped more than 50 T-72S main battle tanks to Myanmar.<sup>24</sup> There is no data recorded by Ukraine in its submission to the UN Register on Conventional Arms to confirm this report of exports in 2003, but there is, however, an entry in 2002 for the export of 14 T-72C battle tanks.<sup>25</sup>

In addition there have been allegations about Myanmar's military relations with Singapore. According to Jane's Intelligence Review, in 1998 Singapore supplied Myanmar with a purpose-built factory to manufacture assault rifles and ammunition.<sup>26</sup> The plant was designed and built by a state owned Singapore company with assistance from Israeli consultants, then dismantled and re-assembled in Myanmar.<sup>27</sup>

The local company in Myanmar controlled by the Myanmar government produces a range of small arms and light weapons for the Myanmar armed forces. The company reportedly has several factories throughout the country. Another local government controlled company was established with assistance from Ukraine and China to assemble armoured personnel carriers for the Myanmar army.

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<sup>20</sup> Reported by Serbia-Montenegro to the UN Register of Conventional Arms on 18 May 2005

<sup>21</sup> 'Junta failing to pay for military facilities', 18 May 2006, the Irrawaddy Online Edition; 'The Kiev Connection', 1 April 2004, the Irrawaddy Online Edition

<sup>22</sup> As reported by the Ukraine to the UN Register of Conventional Arms on 24 May 2004

<sup>23</sup> As reported by the Ukraine to the UN Register of Conventional Arms on 24 May 2004

<sup>24</sup> 'The Kiev Connection', 1 April 2004, the Irrawaddy Online Edition. The newspaper claims that this story is corroborated by an advert in the Kiev press for Ukrainian-to-English translators to work on a 'Myanmar-Ukrainian tank project that involved "combat usage, operation and maintenance of tank T-72S"'. The article also cites that "the Democratic Voice of Burma...claimed that a Ukrainian flagged ship docked in Rangoon port on February 25 [2004] and its cargo unloaded at night. It also report in July last year that Burma had taken delivery of 52 T-72 tanks from the Ukraine."

<sup>25</sup> As reported by the Ukraine on 16 June 2003.

<sup>26</sup> 'Expose Burma's Weapon Industry', Jane's Intelligence Review, December 1998; 'Singapore weapons factory for junta', South china Morning Post, Wednesday 22 July 1998.

<sup>27</sup> 'Expose Burma's Weapon Industry', Jane's Intelligence Review, December 1998; 'Singapore weapons factory for junta', South china Morning Post, Wednesday 22 July 1998.

### 3. Existing arms embargoes on Myanmar

The European Union (EU) and the USA imposed arms embargoes on Myanmar in 1988 and 1993 respectively. In 1996, the EU strengthened its arms embargo on Myanmar to become an EU Common Position, and noted with concern “the absence of progress towards democratization and at the continuing violation of human rights in Burma/Myanmar”.<sup>28</sup> The embargo was renewed in 2002 and again in 2006<sup>29</sup>, when the EU noted “continuing serious human rights violations including the failure to take action to eradicate forced labour...the Council considers it fully justified to maintain the restrictive measures against the military regime in Burma/Myanmar”.<sup>30</sup>

The EU arms embargo is legally-binding and requires all EU Member States to implement and enforce its provisions at the national level.<sup>31</sup> The EU embargo also bans the direct and indirect provision of technical or financial assistance, brokering and other services related to military activities and military and related material.<sup>32</sup> Indirect transfers of military components are covered within the scope of the EU embargo, yet there is no comprehensive EU-wide control system in place to ensure that governments can effectively implement and enforce their embargo commitments.

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<sup>28</sup> Common Position of 28 October 1996 defined by the Council on the basis of Article J.2 of the Treaty on European Union, on Burma/Myanmar (96/635/CFSP). “The aforementioned embargo covers weapons designed to kill and their ammunition, weapon platforms, non-weapon platforms and ancillary equipment. The embargo also covers spare parts, repairs, maintenance and transfer of military technology. Contracts entered into prior to the date of entry into force of the embargo are not affected by this Common Position.” 96/635/CFSP: Common Position of 28 October 1996 defined by the Council on the basis of Article J.2 of the Treaty on European Union, on Burma/Myanmar . <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31996E0635:EN:HTML>.

<sup>29</sup> To strengthen the Council Common Position, the European Council on 22 May 2000 agreed the Council Regulation (EC) No 1081/2000 prohibiting the sales, supplies and exports by an EU Member State of equipment which might be used for internal repression or terrorism as listed under Annex 1 of the Regulation. Both instruments were renewed recently: the Council Common Position (2006/318/CFSP) on 27 April 2006 and the Council Regulation (No 817/2006) on 29 May 2006.

For the text of the Common Position see: [http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l\\_116/l\\_11620060429en00770097.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_116/l_11620060429en00770097.pdf).

For the text of the Regulation see: [http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l\\_148/l\\_14820060602en00010029.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_148/l_14820060602en00010029.pdf).

<sup>30</sup> Council Common Position 2006/318/CFSP of 27 April 2006.

<sup>31</sup> “The sale, supply, transfer or export of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, as well as equipment which might be used for internal repression, to Burma/Myanmar by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft shall be prohibited whether originating or not in their territories.” Article 1 of the Common Position 2006/318/CFSP.

<sup>32</sup> “military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned directly or indirectly to any natural or legal person, entity or body in, or for use in Burma/Myanmar.” Article 2 of the Regulation No 817/2006.

The indirect transfer of **dual-use items and technology** by EU Member States is also controlled by the EC Regulation on Dual-Use Items and Technology adopted 22 June 2000.<sup>33</sup> This Regulation was also renewed on the 11 April 2006<sup>34</sup> and includes an updated list of dual-use items and technology subject to control.<sup>35</sup>

On 16 June 1993 the US government imposed an arms embargo on Myanmar “*in light of the human rights abuses being committed by the current Government of Burma.*”<sup>36</sup> The US embargo requires the administration to refuse all licences and approvals to export or transfer defence articles or defence services by US manufacturers and exporters including “[m]anufacturing licenses, technical assistance agreements, technical data, and commercial-military exports of any kind subject to the Arms Export Control Act.”<sup>37</sup> US export control regulations specify that re-export controls apply to all US supplied military components.<sup>38</sup> Therefore, before any state could re-export US-made weapons or munitions to Myanmar, any licensable US components originally imported from the US, would require a further US export licence. Under the US arms embargo on Myanmar, such licences would almost certainly be refused.

#### **4. Amnesty International calls on:**

- The UN Security Council to impose a comprehensive mandatory arms embargo on Myanmar. The UN arms embargo should cover the direct and indirect supply of military and security equipment, munitions and expertise, including transfers claimed to be ‘non-lethal’.
- All governments to immediately suspend the supply to Myanmar of all direct and indirect transfers of military and security equipment, munitions and expertise, including transfers claimed to be ‘non-lethal’.
- All governments to maintain these cessations until the Government of Myanmar takes concrete independently verified steps to improve the human rights protection of all, including the release of all prisoners of conscience.
- All Governments to actively support the UN process to establish a global Arms Trade Treaty with strong provisions requiring full respect for international human rights law

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<sup>33</sup> Council Regulation (EC) No 1334/2000 of 22 June 2000.

<sup>34</sup> Council Regulation (EC) No 394/2006 of 27 February 2006, <http://www.dti.gov.uk/files/file26940.pdf>.

<sup>35</sup> [http://trade.ec.europa.eu/doclib/docs/2006/december/tradoc\\_131576.pdf](http://trade.ec.europa.eu/doclib/docs/2006/december/tradoc_131576.pdf).

<sup>36</sup> US Department of State Public Notice, 16 June 1993 available at:

<http://www.pmddtc.state.gov/docs/frnotices/58FR33293.pdf>.

<sup>37</sup> *Ibid.*

<sup>38</sup> The US International Traffic in Arms Regulations (§123.9) explicitly requires that re-exports or re-transfers of US-origin defence articles or components must obtain written approval from the Directorate of Defense Trade Controls. Without prior written approval, India would be in breach of US regulations and potentially subject to penalties.

and international humanitarian law when considering transfers of conventional arms, so as to prevent arms transfers from contributing to violations of such law.

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