

## Burma and the Biological Weapons Convention

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*President Thein Sein's announcement in September 2014 that Myanmar would ratify the Biological Weapons Convention was widely welcomed. It also prompted a look at the historical record and claims by some members of the activist community that the former military government had developed and possibly even used biological weapons against its own citizens.*

It was announced last month<sup>1</sup> that Burma's parliament had approved President Thein Sein's request for the country to become a state party to the 1972 Biological Weapons Convention.<sup>2</sup> While in some respects a symbolic gesture, this was an important step that promises to close the book on a security issue that for decades has been mired in controversy.

Burma's position regarding various biological weapons (BW) conventions has long been unclear. According to some sources,<sup>3</sup> upon regaining its independence from the UK in 1948, Burma automatically became a state

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1 'Myanmar Set to Ratify Biological Weapons Convention', *Eleven*, 30 September 2014, [cbrn.dfns.net/2014/09/30/myanmar-set-to-ratify-biological-weapons-convention/](http://cbrn.dfns.net/2014/09/30/myanmar-set-to-ratify-biological-weapons-convention/) [page discontinued] [now at [www.cbrneportal.com/myanmar-set-to-ratify-biological-weapons-convention/](http://www.cbrneportal.com/myanmar-set-to-ratify-biological-weapons-convention/)].

2 Khin Maung Soe, 'Myanmar Prepares to Ratify Chemical, Biological Weapons Treaties', *Radio Free Asia*, [Washington, DC], 11 December 2013, [www.rfa.org/english/news/myanmar/weapons-12112013192030.html/](http://www.rfa.org/english/news/myanmar/weapons-12112013192030.html/).

3 'Myanmar Special Weapons', *GlobalSecurity.org*, [www.globalsecurity.org/wmd/world/myanmar/](http://www.globalsecurity.org/wmd/world/myanmar/).

party to the 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare.<sup>4</sup>

This view is based on the fact that the UK signed the protocol in 1925 and deposited the necessary legal instruments in 1930, while Burma was still a province of British India. Thus, in 1948, Burma was deemed to have inherited the same obligations. No authorities support this view, however, and Burma has never been listed by the UN as a signatory or a state party to the Geneva Protocol (as it became known).<sup>5</sup>

In 1972, Burma signed the Bacteriological (Biological) and Toxin Weapons Convention.<sup>6</sup> This went further than the 1925 protocol and banned the development, production, stockpiling and acquisition of such weapons. It entered into force in 1975. The Burmese Government did not ratify the convention, but it acknowledged its legal responsibilities and even attended meetings in Geneva to discuss ways to strengthen measures against BW.

After the dissolution of Burma's bicameral parliament in 1988 and the creation of the State Law and Order Restoration Council (SLORC), some military officers claimed Burma had automatically become a state party to the 1972 convention. They felt that, as Burma then had only a single ruling body, it did not need to both sign and ratify such international legal agreements. One formal act of endorsement was considered sufficient.

This position, however, was not accepted by the international community, which pressed the new Burmese Government to ratify the 1972 convention. This pressure mounted as suspicions grew that the regime was secretly developing other WMD, and calls were made for Burma to accede to, or abide by, other multilateral agreements.

Complicating consideration of this issue were accusations that the SLORC had developed and employed BW against its domestic opponents. In 1993, there were reports of unidentified aircraft dropping mysterious

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4 *Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare* (New York: United Nations Office for Disarmament Affairs, 1925), [disarmament.un.org/treaties/t/1925/text](http://disarmament.un.org/treaties/t/1925/text).

5 *ibid.*

6 *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction* (New York: United Nations Office for Disarmament Affairs, 1972), [disarmament.un.org/treaties/t/bwc/text](http://disarmament.un.org/treaties/t/bwc/text).

devices, resembling white boxes, on Karen villages along the Thailand–Burma border.<sup>7</sup> A few weeks later, more than 300 people in the area died after displaying symptoms resembling those of cholera.

In 1994, these claims were investigated by a team from the British human rights group Christian Solidarity International (CSI).<sup>8</sup> It concluded that there was very strong circumstantial evidence that the SLORC had used biological agents against Karen villagers. CSI linked the ‘attacks’ to BW training reportedly given to the Burmese armed forces by Germany.

The CSI’s findings were challenged by the Burmese Government, but the international news media seemed to accept them at face value. In 1998, the defence publisher *Jane’s* went as far as to state, with regard to Burma, that ‘a biological warfare capability appears to exist, a fact supported by various well-documented reports, including photographs of air-dropped weapons.’<sup>9</sup>

This assessment has been cited in several publications, including a few academic studies. Also, in 2004, one British MP (apparently misquoting a US think tank) stated that Burma ‘probably’ had BW.<sup>10</sup> Most analysts were more cautious. However, such was the reputation of Burma’s military regime that its possession of BW became widely accepted.

A few activists also claimed that the regime was allowing HIV/AIDS to spread through Burma’s frontier areas as a form of ‘germ warfare’. In reports reminiscent of stories that used to circulate around Africa, it was said that the virus was being used not only to weaken resistance to military rule, but also as a way of eliminating minority ethnic groups.

Some of these stories are easily dismissed. Without more information, the truth or otherwise of other claims is difficult to determine. However, the case for Burmese possession and use of BW has never been very persuasive.

No hard evidence has ever been produced of a Burmese BW program. Even the Bush administration, which was highly critical of the military government and which had sophisticated intelligence gathering capabilities,

7 ‘Is the SLORC Using Bacteriological Warfare?’, *Karen Human Rights Group*, 15 March 1994, [www.khr.org/2014/07/940315/slorc-using-bacteriological-warfare-preliminary-report-based-information](http://www.khr.org/2014/07/940315/slorc-using-bacteriological-warfare-preliminary-report-based-information).

8 ‘British Experts Investigating Possible Germ Warfare in Burma’, *Associated Press*, 14 November 1994, [www.apnewsarchive.com/1994/British-Experts-Investigating-Possible-Germ-Warfare-in-Burma/id-f7f2030f726aea7922ecef6eadcd8b7](http://www.apnewsarchive.com/1994/British-Experts-Investigating-Possible-Germ-Warfare-in-Burma/id-f7f2030f726aea7922ecef6eadcd8b7).

9 ‘NBC Inventories: Burma (Myanmar)’, *Jane’s NBC Protection Equipment, 1997–98* (London: Jane’s Information Group, 1998).

10 ‘Mr John Bercow (Buckingham) (Con.)’, *Parliamentary Business, Hansard*, 24 November 2004 (London: House of Commons), [www.publications.parliament.uk/pa/cm200405/cmhansrd/vo041124/debtext/41124-19.htm](http://www.publications.parliament.uk/pa/cm200405/cmhansrd/vo041124/debtext/41124-19.htm).

never accused the regime of engaging in such activities. There was no strategic logic to the claimed attacks in 1993. In any case, it was unlikely that BW would ever be employed so close to an international border.

More to the point, independent investigators, including the UK's Porton Down defence establishment, have been unable to confirm any claims of BW use.<sup>11</sup> The 'white boxes' were found to be harmless radiosondes—routinely used in meteorological surveys. Also, in 1992, a virulent, previously unknown strain of cholera was spreading east from India. This was considered the most likely cause of the deaths reported along the Burma–Thailand border.

Granted, some questions surrounding these issues remain unanswered. However, the rash of reports in the 1990s about a clandestine Burmese BW program appears to be another example of activists and journalists seizing on unconfirmed claims and drawing dire conclusions, knowing that Burma's military regime was capable of terrible human rights abuses and assuming it was prepared to do anything to remain in power.

In a message to parliament prior to the vote last month, President Thein Sein emphasised that Burma was the last member of ASEAN to ratify the BW Convention. He felt it was important that the country not be isolated on such an important matter. He also expressed the hope that ratification would 'head off any suggestions that [Burma] has or is developing biological weapons'.<sup>12</sup>

Whether the recent decision in Naypyidaw puts all suspicions to rest remains to be seen. Burma does not have an unblemished record of abiding by its international obligations, and doubtless there will be some who will remain sceptical of the government's bona fides. Foreign governments and international organisations, however, will welcome this step as another sign of Burma's wish to be accepted as a respectable international citizen.<sup>13</sup>

11 'Burma: Attacks on the Karen People', Written Answers, *Lords Hansard*, Vol.561, No.43 (London: House of Lords, 20 February 1995), [www.parliament.the-stationery-office.co.uk/pa/ld199495/ldhansrd/vo950220/text/50220w01.htm](http://www.parliament.the-stationery-office.co.uk/pa/ld199495/ldhansrd/vo950220/text/50220w01.htm) [page discontinued] [now at [publications.parliament.uk/pa/ld199495/ldhansrd/vo950220/index/50220-x.htm](http://publications.parliament.uk/pa/ld199495/ldhansrd/vo950220/index/50220-x.htm)].

12 Pyae Thet Phyo, 'MPs Agree to Join Arms Convention', *Myanmar Times*, [Yangon], 10 October 2014, [www.mmtimes.com/index.php/national-news/11904-hluttaw-makes-moves-to-join-bioweapons-accord.html](http://www.mmtimes.com/index.php/national-news/11904-hluttaw-makes-moves-to-join-bioweapons-accord.html).

13 Elliot Brennan, 'Why Myanmar Needs to Ratify the Weapons Conventions', *The Interpreter*, 7 February 2014, [www.lowyinterpreter.org/post/2014/02/07/Why-Myanmar-needs-to-ratify-the-Weapons-Conventions.aspx?COLLCC=4216145380&](http://www.lowyinterpreter.org/post/2014/02/07/Why-Myanmar-needs-to-ratify-the-Weapons-Conventions.aspx?COLLCC=4216145380&) [page discontinued] [now at [www.lowyinterpreter.org/the-interpreter/why-myanmar-needs-ratify-weapons-conventions](http://www.lowyinterpreter.org/the-interpreter/why-myanmar-needs-ratify-weapons-conventions)].

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