



ASIA-PACIFIC

Active Inaction: How the international community is failing Burma

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In January 2008, the 'Union of Myanmar' — more commonly known as Burma — celebrated its 60th anniversary of independence from British colonial rule. Yet few Burmese people outside of the military regime, which has ruled the country with an iron fist since 1962, felt any cause to celebrate. Instead, for many Burmese, 2007 has been the worst year on record.

Amid a deepening economic crisis resulting from decades of military mismanagement, hunger, displacement and ill health have become more widespread. The situation in Burma has been exacerbated by severe civil repressions since the mass monk-led protests in September 2007 which were brutally quashed. Despite the flurry of high level activity at the United Nations over Burma recently, particularly since the crackdown, a stalemate at the Security Council means that Burma's people are alone in their long walk to freedom and the world community continues to fail them.

Behind the September 2007 uprising

On 5 September 2007, in Pakokku in upper Burma, members of the military-backed Union Solidarity and Development Association (USDA) and a civilian militia group known as the *Swann Arr Shin*¹, fired warning shots at a group of 600 monks who had added their voice to spreading activist led protests over the unaffordability of rice and cooking oil that had been taking place since late August. At this peaceful rally, junta thugs beat bystanders and made several so-called 'arrests'. Three monks were tied to wooden posts and in clear view of bystanders, taunted and beaten with rifle butts. Shortly after they were de-robed and placed in jail.

In military run Burma, this event was a turning point in the protests which until that time had been relatively small and involved people already openly active in the pro-democracy movement. For the estimated 80% of the population who are Buddhist, this act of violence by the military against respected monks was deeply shocking. The next day, monks from Pakokku's central Mahavithutarama monastery set fire to four government vehicles after locking up a group of officials who had approached the monks to apologise for the bashing, arrest and disrobing of three monks the day before. While the officials were later released, monks invoked a 2,500 year old tradition of *patam nikkujjana kamma*, a campaign of refusal to accept alms (donations) from military leaders, their families and their supporters, a boycott which has been successfully maintained by many monks to the present day.

This pattern of peaceful protest action followed by brutal crackdown at the hands of USDA and militia members along with security forces was repeated across the country, as the international community's attention finally turned to the tragedy in Burma.

Getting busy on Burma?

So what has the United Nations done to address the increasingly serious crisis in Burma? While the four United Nations initiatives described below may have provided an appearance of activity, in effect very little has been achieved. While this is partly due to the inability of the military regime to meaningfully respond to international pressure, it is also due to the Security Council's inability to address issues outside of the collective strategic interests and political motives of its permanent members (China, France, Russia, UK & the USA).

Firstly, shortly after the crackdown, the United Nations authorised a number of high level visits of key personnel to Burma. Firstly, the Secretary-General's Special Envoy to Myanmar, Ibrahim Gambari undertook two highly publicised visits to Burma during September and November 2007.² On his first visit, Gambari was effectively snubbed by top junta leaders, Senior General Than Shwe and General Maung Aye, who refused to meet with him. After arriving at the start of his second mission, Gambari was taken on a whirlwind tour of upper Burma observing military organised rallies in support of military rule and its so-called 'roadmap to democracy', before being allowed to finally meet with Nobel Laureate and General-Secretary of the National League for Democracy (NLD), Aung San Suu Kyi. During both visits the regime continued to make arrests, detain and torture activists. With a third trip planned for January 2008, Gambari's mission was dealt another blow by the regime's denial of his visa application, sources reporting he had received a letter from the regime requesting that he 'come in April'.³ At the time of writing, this meeting continues to be 'postponed'.

In November 2007, the United Nations also dispatched Special Rapporteur on the Situation of Human Rights in Myanmar, Paulo Sergio Pinheiro. His subsequent report to the Human Rights Council confirmed the death of at least 31 people at the hands of the state or its agents, and the arbitrary arrest and detention of between 3000 and 4000 people. He also noted more than 74 disappearances.⁴ While a large number of protesters and supporters were released after a period of interrogation and detention, more than 600 protesters remain in jail. This number is in addition to

REFERENCES

1. According to the United Nations Special Rapporteur on Human Rights in Myanmar the *Swan Arr Shin* 'which has no legal status, is a grassroots force composed of civilians who reportedly assist the authorities in providing law enforcement, paramilitary services and military intelligence without being on the payroll of the Government. It includes members of the fire brigades, first aid organizations, women's organizations and USDA, as well as criminals/convicts released from jails, members of local gangs and the very poor and unemployed'. Paulo Sérgio Pinheiro, *Report of the Special Rapporteur on the situation of human rights in Myanmar, mandated by resolution S-5/1 adopted by the Human Rights Council at its 5th Special Session, A/HRC/6/14* (7 December 2007).
2. First visit was 29 September to 2 October 2007. For the official record of his briefing to the UNSC, see <http://www.un.org/news/dh/infocus/myanmar/gambaricouncil.htm> at 22 January 2008.
3. Wai Moe, *Security Council to Meet Again on Burma (2008) The Irrawaddy* http://www.irrawaddy.org/article.php?art_id=9965 at 25 February 2008.
4. UNSC briefing, above n 2.
5. United Nations Office at Geneva, 'Human Rights Council concludes Sixth Session' (Press Release, 14 December 2007) [http://www.unog.ch/80256EDD0006B9C2E/\(httpNewsByYear_en\)/E6E04B0F3C120F04C12573B000609E9A?OpenDocument](http://www.unog.ch/80256EDD0006B9C2E/(httpNewsByYear_en)/E6E04B0F3C120F04C12573B000609E9A?OpenDocument) at 8 February 2008.
6. The first ever debate on Burma was held at the Security Council in December 2005 with a second briefing on Burma occurring in May 2006.
7. United Nations Security Council, Presidential Statement S/PRST/2007/37, 11 October 2007 <http://www.un.org/News/Press/docs/2007/sc9139.doc.htm> at 8 February 2008.

8. In December, the Security Council Working Group on Children in Armed Conflict considered Myanmar, which has the world's largest number of child soldiers. The Working Group was established pursuant to Security Council Resolution 1612 (2005) to promote the protection of children in armed conflict through a monitoring and reporting mechanism, and to make appropriate recommendations to the Security Council and other UN system bodies.

9. In July 2007, the UN Working Group on Arbitrary Detention considered Aung San Suu Kyi's case for a fourth time concluding that '[t]he deprivation of liberty of Ms Aung San Suu Kyi is arbitrary being in contravention of Articles 9, 10 and 19 of the Universal Declaration of Human Rights and falls under category II and III of the categories applicable to the consideration of cases submitted to the Working Group' and called for her immediate and unconditional release. See United Nations Working Group on Arbitrary Detention, Opinion No 2/2007, (MYANMAR) 'Communication addressed to the Government on 10 July 2006. Concerning Ms. Aung San Suu Kyi' <http://www.freedom-now.org/documents/WorkingGroupOpinionNo.2-2007.pdf> at 25 February 2008.

10. Editorial, 'A forgotten crisis', Washington Post (Washington), 21 January 2008 <http://www.burmanet.org/news/2008/01/21/washington-post-a-forgotten-crisis-editorial/> at 22 January 2008

11. Vijay Joshi, *Gambari to Meet with Asian Leaders despite Cancelled Address before Annual Summit* (2007) The Irrawaddy http://www.irrawaddy.org/article.php?art_id=9368 at 28 January 2008

12. 'Prime Minister General Khin Nyunt explains future policies and programmes of the State' *New Light of Myanmar* (Burma) 31 August 2003, including the 7-step roadmap to democracy: 1 Reconvening of the National Convention that has been adjourned since 1996; 2 After the successful holding of the National Convention, step by step implementation of the process necessary for the emergence of a genuine and disciplined democratic system; 3 Drafting of a new constitution in accordance with basic principles and detailed basic principles laid down by the National Convention; 4 Adoption of the constitution through national referendum; 5 Holding of free and fair elections for Pyithu Hluttaws (Legislative bodies) according to the new constitution; 6 Convening of Hluttaws attended by Hluttaw members in accordance with the new constitution; 7 Building a modern, developed and democratic nation by the state leaders elected by the Hluttaw; and the government and other central organs formed by the Hluttaw. For a detailed description and analysis of the roadmap, see *National Convention: Roadmap to Instability* (2007) Alternative ASEAN Network on Burma <http://www.altsean.org/Reports/NCRoadmaptoinstability.php> at 25 February 2008.

13. Lieutenant General Khin Nyunt fell from grace by being allowed to retire for health reasons in October 2004, and is currently being detained in Burma's notorious Insein Prison, the detention centre to which he sent thousands of political activists and students over his many years as head of Burma's military intelligence apparatus.

the more than 1500 political prisoners in detention prior to September 2007. In typical fashion, the military regime's UN representative refuted and dismissed his findings. As the UN's Human Rights Council concluded its sixth session on 14 December in Geneva, it adopted 13 resolutions and decisions, including a request that Pinheiro return to the South-East Asian nation to 'assess in greater detail the human rights violations that have occurred and are occurring as a result of the continued violent repression of recent peaceful demonstrations'.⁵

Thirdly, the United Nations Security Council has convened a number of meetings on Burma.⁶ Yet the Security Council only held its first formal discussion on Burma in September 2006. By January 2007, the campaign for Security Council action on Burma suffered a setback when China and Russia vetoed a resolution requiring the restoration of democracy to Burma. At a later meeting in October 2007, the following presidential statement (a non-binding resolution) was issued: 'The Security Council strongly deplores the use of violence against peaceful demonstrations in Myanmar [Burma]', emphasising the importance of 'the early release of all political prisoners and remaining detainees'.⁷ A further UN Security Council meeting on Burma was scheduled for late January 2008 — proposed as the fourth session since the Burmese regime's brutal crackdown on demonstrations in September 2007. But in the face of deepening ideological divisions between China and Russia on the one hand (who are against sanctions and strong international pressure) and Western nations who favour strong sanctions on the other, there remains little hope for a meaningful and binding resolution.

Fourthly, during 2007, numerous other United Nations procedures were in motion on Burma during 2007, notably the International Labour Organisation over Burma's use of forced labour, the Security Council's Working Group on Children in Armed Conflict over the recruitment and use of child soldiers,⁸ and the Working Group on Arbitrary Detention, who heard a complaint brought on behalf of Aung San Suu Kyi for the fourth time.⁹ But aside from making a number of clear recommendations for action, these procedures can only make recommendations to the Security Council to take concrete measures. And as long as the Security Council lacks the ability to secure a binding resolution and therefore coordinate strong action on Burma, it will remain unable to wield much influence. Until this situation changes, organs of the United Nations can do little more than issue strongly worded statements and damning reports.

A recent *Washington Post* editorial lambasted the United Nations over its pledge to act on Burma saying it has 'allowed itself to be bullied and shamed'¹⁰ by the Burmese military and a number of Asian governments who have worked to shield it from international pressure. The most significant slap in the face for the United Nations came as Ibrahim Gambari's scheduled address on Burma to Asian leaders attending an ASEAN meeting in Singapore in November was abruptly cancelled mid-flight. His trip was salvaged by holding private meetings to brief the Asian leaders on

his negotiations with the military Junta. A Singaporean spokesperson told reporters:

We live to fight another day. We don't want to come across as being too confrontational in a situation like this... What is important is that we want to focus on our summit ... we don't want [Burma] to be a big distraction'.¹¹

The long & winding roadmap

The military regime in Burma has, for many years, deflected international criticism of its rule and civilian repression with the use of one major argument — that it is doing the country a favour by holding its fragile, ethnically-diverse state together as it steers its people through a seven step roadmap 'towards democracy'. The first steps in this process include convening a National Convention, drafting a constitution and moving to eventual elections and the convening of a Parliament. The roadmap has been highly criticised by opposition groups and some members of the international community, although the United Nations has cautiously welcomed it.

Originally formulated by the military regime as a measure to avoid convening Parliament after it lost multiparty elections won by Aung San Suu Kyi's party in 1990, the regime's National Convention and so-called constitution drafting process was halted in March 1996 only to be revived in 2004 as part of a '7-point roadmap to democracy',¹² the brain-child of Lieutenant General Khin Nyunt, Burma's former Prime Minister and Intelligence Chief.¹³ Under the roadmap the National Convention was no longer a constituent assembly responsible for drafting Burma's new constitution, but a mere body for drafting 'principles' that would be used by the military in drafting a constitution.¹⁴ Many observers saw the revival of Khin Nyunt's initiative in the guise of Senior General Than Shwe's 'roadmap' as a response to heightened regional and international outcry and pressure following the military's role in a massacre of pro-democracy supporters in which an attempt was made on Aung San Suu Kyi's life.¹⁵ It was also seen as a measure of the military regimes' determination to retain control of government.¹⁶ In early September 2007, the regime imposed 104 'basic principles' which guarantee military domination of government and dictate the proceedings of the National Convention in minute detail, bringing the Convention to a close.¹⁷

The regime has used the process as little more than a sideshow event for the international community to deflect criticism that it appears to be making no progress towards transfer to civilian rule. However, with the population still reeling from the September 2007 attacks, it may prove difficult for the military to advance its political aspirations for the USDA as a military controlled political party, and complete its 7-point roadmap.

China and Russia, both permanent members of the Security Council who have used their veto power to block a binding resolution on Burma, are relying on the regime being able to complete the 7-step roadmap to democracy. They appear to continue to support Burma



in its efforts to deflect unwanted international attention to its human rights record.

Collecting frogs

While the world argues and debates, considers and convenes, Burmese people — angry and exasperated — are getting on with the business of regrouping and reorganising a more vibrant and active national movement. Monks, in particular, continue to work to keep their alms boycott in place. Although the crackdown was a terrifying and violent experience for many, one of the positive outcomes was the many people brought out into the open. Those willing to commit to the struggle were connected with each other, including monks and laypeople, former and current activists, business people, housewives and shop owners. Although jail has been a physical and mental challenge for detainees, it has also provided old and new activists with a means of connecting and a venue for strategising. It has also given the space and opportunity for new, younger activists to form groups and undertake protest actions and join the growing movement. Indicators point to increasing civilian unrest in 2008. All the while, in the background, the international community — in the words of a Burmese

proverb — goes about 'collecting frogs with a hole in its bucket'.

For information about Burma's ongoing struggle for human rights and ways in which you can support it, please visit the Burma Partnerships blog <http://www.apppb.blogspot.com/> or the Australia Burma Network website www.australiaburmanetwork.org

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14. 'Prime Minister General Khin Nyunt explains future policies and programmes of the State', above n 12.

15. This massacre had occurred on the 30 May 2003, resulted in the death of least 70 people associated with the National League for Democracy and the arrest and detention of hundreds of Aung San Suu Kyi supporters and was widely condemned by the international community.

16. *National Convention: Roadmap to Instability* (2007), above n 12.

17. Ethnic nationality groups including those who had entered into ceasefire agreements with the military, as well as the winner of the 1990 multi-party elections, Aung San Suu Kyi's National League for Democracy (NLD), have repeatedly proposed steps to salvage the National Convention along the way and transform it into a venue for genuine dialogue. However these recommendations have been rejected by the regime at each and every step.