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The Human Rights situation in Myanmar



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1. Introduction

Myanmar, the largest mainland nation in South-East Asia and one of the world's least developed countries, has recently been back in the international spotlight following large scale protests against the military government, who have ruled the country for the past forty-five years. Triggered in the short-term by rising food costs after the government removed fuel subsidies, the demonstrations, led by students, political activists and later Buddhist monks have since escalated into widespread rallies calling for the restoration of democracy and the release of opposition leaders. At the height of the Anti-government protests between mid to late-September, thousands of citizens marched through the cities of Myanmar.

Though most rallies had ceased by the end of October, many sources claim that the ruling State Peace and Development Council (SPDC) had achieved this through the use of deadly force and intimidation, a potential abuse of human rights that has led to both unilateral and multilateral dialogue about the culpability of the SPDC and what should be done next.

Following a Security Council convention on the crisis, UN special envoy to Myanmar Ibrahim Gambari was allowed into the country to discuss the situation with military and opposition leaders, later joined by Paulo Sergio Pinheiro, the UN special rapporteur for human rights, who presented his findings to the Human Rights Council on December 11th. In the intervening period, amidst further reports of a military crackdown and detention of opposition leaders, the UN Security Council released a statement “strongly deploring the use of violence against peaceful demonstrations in Myanmar” and on October 2nd a Human Rights Council special session on the situation in Myanmar passed a resolution that “strongly deplored the continued violent repression of peaceful demonstrations in Myanmar, including through beatings, killings and enforced disappearances”, and “urged the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, to end impunity and to investigate and bring to justice perpetrators of human rights violations”.

The situation has evolved in the past two months, however, and the **Human Rights Council must now re-evaluate which action should be taken in dealing with the crisis.**



2. Historical Background

A country with a diverse ethnic background, Myanmar was united in its present form by the British in 1886. After being made a crown colony in 1937, Myanmar, or Burma as it was known in English prior to the military government's renaming in 1989, was invaded by the Japanese in the Second World War, aided by the Burma Independence Army. Led by the father of the Burmese independence movement, General Aung San, the army changed sides and resisted Japanese rule as the Anti-Fascist People's Freedom League. With help from the allies, the Nippon army was defeated and Myanmar was liberated in 1945.

A year before achieving independence from Britain in 1948, Aung San and key members of the interim government were assassinated, but the country's first Prime Minister, U Nu, inherited the richest country in South-East Asia, with a democratic model of government. Tensions were evident over the following years, however, especially in light of the Prime Minister's tolerance of separatist movements by ethnic minorities and the promotion of Buddhism as the state religion, and despite winning the election in 1960, U Nu's government was overthrown by General Ne Win's military coup d'état two years later. Democratic rule had ended in Myanmar, and the federal system of government was soon abolished in favour of the Burmese Way to Socialism. Over the next few years the junta consolidated their power by forming a single-party state, arresting dissident leaders and banning independent newspapers. Myanmar had become increasingly isolated on the international stage, though the UN, headed by the Burmese U Thant, ensured that the situation remained in the public eye. A new constitution in 1974 transferred power from the military to a new created People's Assembly led by Ne Win and other former leaders of the armed forces, but the military were soon called into action again to suppress antigovernment protests at U Thant's funeral, and political opponents were attacked, with many placed in the notorious Insein Prison.

Following a long period of economic mismanagement by the ruling party and increasing poverty amongst its people, the government announced a devaluation of the Burmese currency in 1987, which wiped out many peoples' savings and led to student-led anti-government protests in the capital. The death of one of the activists resulted in a large protest, which led to a popular uprising that began on 8th August 1988. Backed by widespread support and joined by citizens including Buddhist monks, armed forces members and teachers, the students demanded the restoration of democracy in Burma. Following the fall of General Ne Win's government, the military staged a coup d'état and formed the State Law and Order Restoration Council (SLORC). Martial law was imposed and absolute power was given to General Saw Maung to quell the unrest. In the military actions that resulted, an estimated three thousand civilians were killed,



though the government placed the number at only a few dozen. Thousands more were arrested including democracy advocates and human rights activists, most notably the leader of the National League for Democracy (NLD), Aung San Suu Kyi, who had become a national icon.

After controversially changing the title of the country to the Union of Myanmar in 1989, a name still not recognised by the USA and UK who refute the legitimacy of the military's rule, free multi-party elections were held for the first time in thirty years in 1990. The NLD secured 82% of the vote and won 392 out of 489 seats, but the results were annulled by the SLORC, and Suu Kyi was placed under house arrest again, where she has spent much of the past seventeen years.

In 1997, she was awarded the Nobel Peace Prize for commitment to peaceful democracy and human rights promotion. However, the resulting spotlight on the government and lobbying from the international community have failed to bring about the termination of such arrest.

Over the next few years many political prisoners were freed, though accounts many of them gave of their time in custody, including episodes of physical violence and starvation, were in breach of the Geneva Conventions. Nevertheless, after improving neighbourhood relations Myanmar was invited to join the Association of South East Asian Nations (ASEAN) in 1997, the same year the USA imposed an import ban and an arms embargo. In subsequent years the UK, EU and Canada imposed their own unilateral sanctions. Myanmar's neighbours and important trading partners China, India and Thailand maintained close relations, however, and insisted that progress in promoting human rights was being made, and that sanctions were having a negative impact in this regard.

After some years of cycles of release and re-arrest of human rights activists and pro-democracy campaigners, Myanmar and its human rights situation were again in the spotlight in 2007. Myanmar has currently only acceded to the Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW), and to the Convention on the Rights of the Child 1989 (CRC).

3. Recent developments

The current year started with the veto by Russia and China of a US draft resolution at the UN Security Council that urged Myanmar to stop prosecuting minority and opposition groups. A few months later and while Aung San Suu Kyi saw her house arrest sentence extended, more Human Rights groups denounced repeated violations of international humanitarian law taking place in



the country. Particularly remarkable was the public statement issued by the International Committee of the Red Cross, where Human Rights abuses such as the destruction of food supplies and means of production of the communities living in the Thai-Myanmar border, coupled with the forceful use of detainees as army personnel in conflict areas, were made public because of the “continuing deadlock with the authorities”.

The immediate cause of the current unrest was the decision on August 15th to remove subsidies on fuel. With a monopoly on fuel sales, the junta’s declaration resulted in petrol prices increasing by as much as 100%, which led to a corresponding increase in the cost of food. With a quarter of the population living below the poverty line, the rising living costs triggered civil protests within a week. Many blamed the conditions on the “inept leadership of the military junta”, which maintained one of the world’s largest armies but failed to control rampant corruption which has seen much of Myanmar’s wealth concentrated in high-ranking army officers. The government response to the “undermining [of] peace and security of the State and disrupting the ongoing National Convention” was to arrest the most prominent demonstrators.. By the beginning of September unrest had spread. Increasing numbers of people took to the streets, and religious services for the military were withdrawn, a decision of huge significance in a land where both civilians and the military hold monks in great reverence. Marches were held in major metropolises throughout the country, and on September 24th between 30.000 to 100.000 people protested in Yangon (Rangoon). Dusk till dawn curfews were imposed in Yangon and Mandalay. The crackdown intensified on September 26th, with further arrests and the confirmation in the junta’s official newspaper organ of the deaths of at least three Buddhist monks. The following day securities forces were reported to have raided monasteries across the country and begun arresting monks leading the protests. Despite this, and the confirmation of the death of Japanese photographer Kenji Nagai, apparently shot at by an army member, marches continued. In response to international pressure and following an emergency Security Council convention to debate the issue, the UN special envoy to Myanmar, Ibrahim Gambari, was allowed into the country on September 27th. Gambari held meetings with the junta leaders and was eventually allowed to meet the opposition leader Aung San Suu Kyi. This period also saw the efforts of the military junta to restrict internet access and the issue of a statement from China that urged Myanmar to “promote domestic reconciliation and achieve democracy and development”.

While imprisoned monks continued to show their opposition to the regime by going on food strike, the UN Human Rights Council passed a resolution, on the 2nd of October, “strongly deploring the continued violent repression of peaceful demonstrations in Myanmar, including through beatings, killings and enforced disappearances”. A few days later, amid the arrest and conviction of some protesters and the release of others, the Security Council issued a statement



“emphasizing the importance of the early release of all political prisoners and remaining detainees”. While the USA considered intensifying economic sanctions against the regime and Japan withdrew funding from Myanmar, the ASEAN rejected the idea of suspending Myanmar as a member. Meanwhile, India and China were accused of allowing business interests to prevail in the relationship with Myanmar. At the end of October, 100 monks took to the streets again, just before a visit by the UN Human Rights Envoy, Paulo Sérgio Pinheiro, and the expulsion of Charles Petrie, the UN’s top diplomat in the country. According to Pinheiro, over the course of the protests there have been in the region of 80 to 110 casualties with hundreds more beaten and arrested. Official estimates are far lower, in contradiction to the numbers forwarded by Human Rights groups, contributing to world wide street protests against Myanmar’s military regime.

4. Key Problems

The current dictatorship has over the years committed human rights violations against its people in multiple forms. Included in such a list are: forced labour, summary executions, torture, sexual violence, forced displacement and the forced recruitment of child soldiers. To these, one might add the violation of the freedom of expression in view of the brutal repression of the monks’ peaceful protests.

The key problems encountered when attempting to solve the Human Rights situation in Myanmar are not necessarily a debate on whether human rights violations are in fact taking place. Rather, the difficulties in addressing the abuse of the human rights of the Burmese people stem in large part from the fact that investment has, up to date, sustained the SPDC military expenditure.

Myanmar is a country rich in oil, timber and natural gas. Foreign companies, thus continue to invest in Myanmar as it is in their economic and financial interests to do so.¹⁹ When confronted with human rights issues, these companies shy away, claiming that ‘their presence is constructive and will benefit the Burmese people’²⁰ as they generate employment opportunities. Nevertheless, it is without doubt that they benefit from the cheap labour, which represents an important abuse of the Burmese people’s human rights.

A resolution by the Human Rights Council ThessISMUN 2008 should seek to address potential avenues to end the abuse of human rights. Considerations should look at what available sanctions will be sufficiently coercive to force the military junta to cease such abuses, with particular regard to investment and energy. A consideration of intervention during the committee sessions



would also be appropriate; therefore it is important to do the necessary background research. Also, what role will the Asian nations play? These are all elements which merit discussion and thought.

5. Countries Outlined Positions:

ASEAN nations (Brunei, Cambodia, Indonesia, Lao, Malaysia, Philippines, Singapore, Thailand, Vietnam):

Myanmar acceded to ASEAN a decade ago in 1997. The controversial move was justified by ASEAN members by arguing this would be ‘an engine for positive change through “constructive engagement”’²¹. Ten years later, Myanmar’s human rights violations have continued in large part due to the fact that it is able to hide behind ASEAN. The Association itself advocates a principle of non-intervention in the domestic concerns of States. The most potent engine for a reform of the situation through pressure on the military junta has therefore chosen to diplomatically abstain from the situation. The Philippines is the sole exception to this, with President Gloria Macapagal Arroyo, indicating the possibility that the Philippine Senate might not ratify ASEAN’s charter of the 20th November 2007 ‘unless Myanmar made progress on democracy and released its opposition leader, Aung San Suu Kyi’²².

United States of America:

The USA insists upon the military junta’s duty to honour the 1990 elections which gave a clear victory to the democrat Aung San Suu Kyi, currently under house arrest. Economic sanctions have been imposed, with Myanmar receiving only \$2.5 per head in contrast to its neighbour Laos who receives up to \$63 per head from the USA. The US has also blocked aid coming from the World Bank, the IMF and the Asian Monetary Fund.

European Union:

The EU, although clearly against the dictatorship upheld by the military junta has adopted a somewhat different approach. In contrast to the US, European nations see the transition into democracy possible through new free elections. It nevertheless maintains its demands for the greater respect and protection of human rights in Myanmar.

The EU and US have recently demonstrated their intention to follow a common approach in the sanctions they will impose on Myanmar’s military junta, including banning expanded visas of Burmese rulers and freezing assets of the military.

China:



China has maintained a policy of diplomatic support for the military junta in Myanmar. Repeated attempts of the Security Council to pass a resolution condemning Myanmar for its human rights abuses have ended in frustration over a veto from China (or threat to veto). China's economic relations with Myanmar preclude it from pressuring the military junta to cease human rights violations and restore democracy. The export of arms from China in exchange for access to Myanmar's timber, oil, gas and minerals are of greater concern to the Asian giant.

India:

India maintains an equal interest in the resources that Myanmar possesses. However, alike the EU analysts, Indian analysts have of late expressed a concern over the growing incorporation of Myanmar into China's sphere of influence. Not necessarily grounded on concerns of human rights issues, its dissatisfaction for any such developments stem from the increasing power that this would give China in the region, and in the world. In particular, fear has been expressed from India at the number of Chinese naval and military bases being built across the Indian Ocean ("string of pearls" policy).

Delegations should look at the existing diplomatic relations between their country and Myanmar when formulating and developing their policies. It might be useful to compare the forms of government as well as foreign relations with other nations, in particular, what position they have adopted with regards to human rights. In addition, trade agreements will help shed light on the nature of relations, and what position they might adopt in a resolution.

Delegates should not forget to see what human rights treaties their countries have ratified as this will give a clear outline of the legal human rights obligations each country has assumed, and therefore will push to see observed by other member states.

4. Key Documents

The Human Rights Situation in Myanmar

-United Nations Charter 1945

-Universal Declaration of Human Rights 1948

-International Covenant on Civil and Political Rights 1966



- International Covenant on Economic, Cultural and Social Rights 1966
- Convention on the Elimination of All Forms of Discrimination Against Women 1979
- Convention on the Rights of the Child 1989
- United Nations, “Human Rights Council 5th Special Session. Resolution S-5/1: Situation of the human rights in Myanmar”, Human Rights Council, 2 October 2007
<http://www2.ohchr.org/english/bodies/hrcouncil/docs/specialsession/A.HRC.RES.S.5-1.pdf>
- United Nations General Assembly, Human Rights Council, “Report of the Special Rapporteur on the situation of human rights in Myanmar, Paulo Sérgio Pinheiro, mandated by resolution S-5/1 by the Human Rights Council at its fifth Special Session”,
- Human Rights Council Sixth Session A/HRC/6/14, 7 December 2007
<http://www2.ohchr.org/english/bodies/hrcouncil/docs/6session/A.HRC.6.14new.pdf>
- United Nations General Assembly, Human Rights Council, “Follow-up to the report of the Special Rapporteur on the situation of human rights in Myanmar”, Human Rights Council Sixth Session A/HRC/6/L.38, 11 December 2007
http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/6/L.38
- United Nations General Assembly, Human Rights Council, “Report of the Special Rapporteur on the situation of human rights in Myanmar, Mr. Paulo Sergio Pinheiro (A/HRC/4/14)”, Human Rights Council Fourth Session, A/HRC/4/14, 12 February 2007
<http://daccessdds.un.org/doc/UNDOC/GEN/G07/107/31/PDF/G0710731.pdf?OpenElement>
- United Nations General Assembly, Human Rights Council, “Resolution of the General Assembly on the Human Rights Situation in Myanmar on the report of the Third Committee (A/60/509/Add.3 and Corr.1), General Assembly Sixtieth Session, A/RES/60/233, 23 March 2006
<http://daccessdds.un.org/doc/UNDOC/GEN/N05/501/58/PDF/N0550158.pdf?OpenElement>

5. Links for Further Research



-The Official United Nations Website

www.un.org

-Office for the High Commissioner of Human Rights, Myanmar Homepage:

<http://www.ohchr.org/EN/countries/AsiaRegion/Pages/MMIndex.aspx> ~ *very useful for links and essential reports.*

-Human Rights Council, “5th Special session of the Human Rights Council on the human rights situation in Myanmar, Geneva, 2 October 2007”.

<http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/5/index.htm>

-UNSC Burma: Support the Call for UN Security Council Action on Burma!, “Past resolutions”

<http://www.unscburma.org/Past%20resolutions.htm>

-Human Rights Watch ~ *provides a critical account of the situation and can help when clarifying country positions*

www.hrw.org

-Department of Public Information, News and Media Division (New York), “Press Conference on Myanmar”, United Nations (5 September 2007).

http://www.un.org/News/briefings/docs/2007/070905_Gambari.doc.htm

-The Economist (newspaper for updates on events)

www.economist.com

-The United Nations New Centre

<http://www.un.org/News/>

-Amnesty International

www.amnesty.org