

NO WAY IN, NO WAY OUT



3/8/11

The Humanitarian Response to the Forgotten Prisoners of Burma

Erin Kesler

INTS 4493

Humanitarian Aid in Complex Emergencies

Briefing Paper II: Event Specific

No Way In, No Way Out

THE HUMANITARIAN RESPONSE TO THE FORGOTTEN PRISONERS OF BURMA

“WHEN PEOPLE GET ORDERS TO MOVE, THEY USUALLY HAVE TO LEAVE WITHIN SEVEN DAYS AT THE MOST, OR EVERYTHING THEY HAVE WILL BE BURNED. THEY CAN’T BRING MUCH WITH THEM. THE HORSE CARTS CAN’T GO, BECAUSE IT’S A MOUNTAINOUS AREA. SOON AFTER THEY ARRIVE, THEY HAVE NOTHING TO EAT, SO THEY OFTEN LIVE WITHOUT FOOD FOR DAYS. THEY GET VERY WEAK. ONE BOY CRAWLED ALL THE WAY TO OUR CENTER TO GET FOOD. HE’S 13 YEARS OLD. THERE’S ALSO NO MEDICINE OR HOUSING GIVEN TO THEM, SO THEY HAVE TO LOOK FOR IT ON THEIR OWN. SOME OF THEM BEG FOR FOOD ON THE STREET. SOME DIE. THE OTHERS, WHEN THEY CAN’T BEAR IT ANY LONGER, LEAVE FOR THAILAND.” -**AID WORKER, SHAN STATE, BURMA**¹

INTRODUCTION

The crises in Burma² represents a humanitarian conundrum – the violent junta that control the country are displacing millions of ethnic minorities, yet there is no effective response from the rest of the world. Humanitarian organizations, even the UN itself, cannot get into the country, and the suffering ethnic minorities, for the most part, cannot escape. To date, the State Peace and Development Council (SPDC), or the controlling junta, has

¹ Mason, Jana. “No Way In, No Way Out: Internal Displacement in Burma.” Washington, D.C: U.S. Committee for Refugees, 2000, pg 12.

² This report will utilize the name “Burma,” as opposed to “Myanmar,” in conjunction with the practice of the US Department of State.

displaced at least one-third of Burma's entire population, about 15 million people. Reports of killings, rapes, torture, forced relocation, and forced labor are widespread and known as routine practices by the current regime. The ultimate goal of the SPDC is to create a culturally homogenous Burman,³ Buddhist state, and they are currently succeeding. In essence, there is no way in for humanitarians and no way out for the forgotten prisoners.⁴

This report will focus on the 8888 Uprising and the ensuing arrest of Aung San Suu Kyi, a Nobel Peace Prize laureate, who remains the face of peaceful resistance in Burma and a champion of human rights. Both events triggered the onset of this complex humanitarian emergency and also represent the long-standing fight for the civil rights and liberties of the minority groups in Burma.

ONSET OF WAR: SIMMERING TENSIONS | SECTION ONE

Burma is a predominately Buddhist nation made up of about 52 million people and located in Southeast Asia, on the border of Thailand. Its proximity to Thailand, and the shared border between them, remain an important facet of the ongoing conflict. About two-thirds of the population belongs to the Burman ethnic group, historically Buddhist, while the remaining third belong to over 100 different other ethnic groups, some of which adhere to Muslim, Animist,

³ Most scholars since World War II distinguish the use of 'Burman' as an ethnic term identifying a particular group and 'Burmese' as a political term including all inhabitants of the country of Burma. The terms will be utilized as such throughout this paper.

⁴ Mason, Jana. "No Way In, No Way Out: Internal Displacement in Burma." Washington, D.C: U.S. Committee for Refugees, 2000, pg 12.

and Christian faiths. These ethnic and religious differences have not only been driving casual factors in the current crisis but have also been creating tensions for the past millennium. When the British gained control over the territory of Burma in 1884, tensions only heightened, as some ethnic groups were clearly favored over others. Led by General Aung San, Burmese nationalists engaged in a war for independence with the British during the final years of World War II. The British government acceded to their demands, and in February of 1947, both parties signed the Panglong Agreement, which led to complete Burmese independence in 1948.⁵

General Aung Sun would not live to see the day of independence, as he was assassinated before the Burmese constitution took effect. The event of his assassination is a key occurrence that informs the context of the current situation. Not only was the assassination in and of itself an obvious impediment to the peacebuilding process but it also led to the erosion of Burmese autonomy, as the leaders who replaced Aung San implemented policies that were not favorable to the ethnic minorities. From 1947-1962, the state of Burma was fragile and eventually collapsed in 1962 with a coup-d'état from a rebel military group headed by General Ne Win⁶. The SLORC (now known as SPDC) replaced this regime in 1988⁷ and initiated the 'Burmese Way

⁵ Tucker, Shelby. "Burma: The Curse of Independence." Sterling, Virginia: Pluto Press, 2001, pgs 1-64.

⁶ Myint, Soe. "Burma File: A Question for Democracy." Singapore: Marshall Cavendish International, 2004.

⁷ Ibid., pg 15.

to Socialism.⁸ Currently, the SPDC represses its people with a closed (and collapsed) economy, forced labor, imprisonment, and other major human rights abuses. The economic collapse in 1987, specifically, triggered a nationwide movement for reform that culminated in one of the largest protests in Burma's history on August 8, 1988 (henceforth referred to as the 8888 Uprising). During this time, Aung San Suu Kyi, the daughter of the renowned General Aung San, emerged as a prominent leader and champion of human rights. Her arrest was the symbolic representation of the repression of human rights and the ensuing fight for freedom on behalf of the Burmese minorities.

The 8888 Uprising and the Arrest of Aung San Suu Kyi

In September of 1987, after two decades of gross mismanagement of the Burmese economy, General Ne Win ordered the demonetization of all 25, 35, and 75 Kyat bank notes as a solution to curb the growing inflation. Over 70% of the country's currency was eliminated, including the savings and livelihoods of the rich and poor alike. This event provoked a widespread protest movement culminating in the now famous Uprising of 8888 (named after the date of its occurrence on August 8th, 1988). Ultimately, the protesters called for the abolition of the one-party dictatorial system. Although Ne Win eventually resigned as the Party Chairman, he warned the protesters that if they continued to cause conflict that "the army doesn't shoot in the air, it shoots straight to the target." His words proved prophetic as over 3,000 demonstrators

⁸ "Perilous Plight: Burma's Rohingya Take to the Seas." Human Rights Watch: May 2009, pg 6.

were murdered between August 8th and 12th, 1988. Aung San Suu Kyi declared:

The present crisis is the concern of the entire nation. I could not, as my father's daughter, remain indifferent to all that was going on. This national crisis could, in fact, be called the second struggle for independence.⁹

With those words, she won the hearts and minds of the Burmese people and has continued to fight on their behalf for more than two decades. Although Aung Sung Suu Kyi has been imprisoned for 14 out of the last 20 years, she remains the symbolic expression of hope for the Burmese.¹⁰

CURRENT STATE OF AFFAIRS | SECTION TWO

Since the 8888 Uprising, the SPDC has ruled its regime with an iron fist, continuing its practices of systematically oppressing and eliminating minority groups. The supposed start of discrimination began in 1978 when the Burmese army mounted a mass ethnic cleansing campaign called "Operation Dragon King." It drove more than 200,000 Rohingya into Bangladesh. After a year in Bangladesh and in squalid conditions, more than 10,000 Rohingya died due to starvation and disease. In 1983, the government conducted a nationwide census, in which the Rohingya were not even counted.¹¹ In 1995, the ICRC announced that it would close its office in Rangoon after the failure of

⁹ Myint, Soe, op. cit., pg 28.

¹⁰ "Burma: Entrenchment or Reform? Human Rights Developments and the Need for Continued Pressure." Human Rights Watch, July 1995.

¹¹ "Perilous Plight," op. cit., pg 6.

negotiations to allow the organization access to Burma's detention centers.¹² In May of 2003, the government attempted the assassination of Aung San Suu Kyi and failed. Many more protests and demonstrations by the Burmese people have occurred since the late 1980's, including one peaceful resistance, called the Saffron Revolution in 2007. Led by monks, the nonviolent protests culminated in the death of more than 100 of the religious men. Nothing changed. According to the Thailand Burma Border Consortium, nearly 73,000 minorities were displaced in one year alone (between August 2009 and July 2010).¹³ Such a large scale of displacement is indicative of ongoing conflict and human rights abuses.

Burmese minorities are currently experiencing ongoing torture, rape, forced labor, arbitrary killing, extortion, and seizure of their property and livestock. The systematic forced relocation of villagers in the Shan, Karen, and Karenni States has led to mass displacement of people and impoverishment. Starvation, malnutrition, and death from contagious diseases are common among the one million internally displaced persons in non-Burman ethnic areas,¹⁴ and they have nowhere to go. Thailand does not view the Burmese minorities as refugees but rather, more attuned to economic migrants. Camps have been closed on and off for decades for new arrivals, so most of the population lives "unofficially" in or around the camps, migrating back and forth

¹² "Burma: Entrenchment or Reform?," *op. cit.*

¹³ Thailand Burma Border Consortium. "Protracted Displacement and Chronic Poverty in Easter Burma/Myanmar." Mai, Thailand: Wanidapress, 2010, pg 25.

¹⁴ Myint, Soe, *op. cit.*, pg 16.

along the border. Therefore, the potential of this floating population to be subject to human trafficking is substantially increased, as well.

On August 13, 2010, the government of Burma announced that it would hold national elections (on November 7th of that year) for the first time in over 20 years. According to the Universal Declaration of Human Rights, “the will of the people shall be the basis for the authority of the government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”¹⁵ While holding elections in the first place was a step in the right direction for Burma, the elections were certainly not genuine and also did not include free and equal voting procedures. Aung San Suu Kyi was released soon after the announcement of the fixed election “results;” it was surely not a coincidence that she was released *after*, and not before, the election. The Burmese government is still fully complicit in major human rights abuses and continues its policies of mass displacement regardless of economic sanction and/or pressure from the United Nations or other governments.¹⁶ Now, the question remains: what is the humanitarian response?

THE HUMANITARIAN RESPONSE | SECTION THREE

To say that the international community has been slow in its response to the humanitarian crises in Burma would be an understatement. Although the

¹⁵ “Situation of Human Rights in Myanmar.” United Nations General Assembly, September 2010.

¹⁶ Nicksch, Larry and Martin Weiss. “Burma: Economic Sanctions.” Congressional Research Service, 2009.

first widely-known massacre occurred in 1988 (the 8888 Uprising), the United Nations has only recently (since 2007) been interested in establishing a Commission of Inquiry to study the human rights abuses and potential crimes against humanity that have been occurring in Burma for at least thirty years. Too much emphasis has been placed on Aung San Suu Kyi as the leader of the peaceful resistance, and not enough concrete action has occurred on behalf of the suffering minorities. Both the European Union and the United States have enacted and enforced various sanctions and embargoes against Burma. In fact, there is almost universal agreement among major bilateral donors that “human rights and political issues, as well as limitations on military expenditures, should and will play a role in the allocation of foreign aid.”¹⁷ Although donor agencies and governments continue to enforce measures to punish the Burmese government for its actions, the sanctions have had little effect to sway political reform and change in the nation. Due to the lack of effectiveness, the Obama administration has recently altered its policy towards Burma. The United States, under the current administration, is willing to engage in direct dialogue with the SPDC on how to promote democracy and human rights in Burma. They are still enforcing sanctions but are willing to ease the measures if there are signs of progress in the area of human rights.¹⁸ As one senior journalist at the Irrawaddy News Magazine reported, “I don’t think it is

¹⁷ Steinberg, David. Peter Cary, ed. “Burma: The Challenge of Change in a Divided Society.” New York: St Martin’s Press, Inc, 1997, pg 165.

¹⁸ Niksch, Larry and Martin Weiss, op. cit.

important now to debate whether to keep sanctions or lift them. It is time to topple the dictatorial system and get rid of a sham democracy.”¹⁹

The international community and Burmese people should recognize that the fight is greater than Aun San Suu Kyi, that stricter measures should be enacted, that open dialogue should be encouraged, and that a Commission of Inquiry should be established immediately. Only these actions can begin a progression to democracy for a country that has been stilted and a people that has been oppressed for the past thirty years.

The Fight is Bigger Than Suu Kyi

Aung San Suu Kyi has served as a beacon of hope, an advocate for the suffering masses in Burma. However, not even the Burmese people know her politics. The government has silenced her voice for 14 out of the last 20 years. She has been a symbol of peaceful resistance and a champion of human rights, but even then, “it can’t just be Suu Kyi and other Burmese figures who chart a new course: the international community, including Burma's plundering neighbors-China, India, Thailand, and others-must all take part.”²⁰ Suu Kyi remains unquestionably a crucial element in Burma's future, especially as a hope for their future. However, it is also important to realize that one woman, in and out of house arrest, can only do so much. The United States and the

¹⁹ “Military Rule, Not Sanctions, Cause of Hardship: Survey.” Irrawaddy News Magazine, February 15, 2011.

²⁰ Mathieson, David. “Burma: Does Suu Kyi Still Matter?” Human Rights Watch, November 2010. <http://www.hrw.org/en/news/2010/11/20/burma-does-suu-kyi-still-matter> [accessed March 1, 2011]

rest of the international community must take the burden of the Burmese people and make it their own.

Establish a Commission of Inquiry

In March of 2010, the UN special rapporteur on human rights in Burma called upon the UN to consider the possibility of establishing a Commission of Inquiry into the serious crimes against humanity committed by the Burmese SPDC and in violation of international law.²¹ One month later, the European Parliament passed a resolution that publicly supported the request. The victims of serious international crimes in Burma deserve not only the advocacy they receive but also international recognition and justice. The reports on serious, widespread, and systemic violations of international human rights and humanitarian law in Burma have been widely reported by various government agencies, as well as news stations. Kenneth Roth, the Executive Director of Human Rights Watch states that “it is time for the EU and other like-minded states to ensure that these crimes will be subject to greater international scrutiny and take steps to halt the cycle of impunity in Burma.”²² The establishment of an international Commission of Inquiry would be an important first step; in fact, the commission should have been established twenty years ago, if not more.

²¹ Roth, Kenneth. “Open Letter to EU Foreign Ministers Supporting an International Commission of Inquiry for Burma.” Human Rights Watch, August 2010. <http://www.hrw.org/en/news/2010/08/10/open-letter-eu-foreign-ministers-supporting-international-commission-inquiry-burma> [accessed March 1, 2011]

²² Ibid.

Because the actual lessons learned from this protracted situation will be gleaned in the coming years, this section of the report will also address key (and ongoing) recommendations.

Continued Recommendations

To the State Peace and Development Council (SPDC):

- To “ensure the timely, safe, full and unhindered access to all parts of Burma, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners and to fully cooperate with those actors to ensure that humanitarian assistance is delivered to all persons in need throughout the country, including displaced persons.”²³
- To immediately end all violation of international human rights and humanitarian law, including the targeting of person belonging to particular ethnic groups.
- To create the necessary conditions for genuine dialogue with Aung San Suu Kyi, other international actors, and all concerned parties in order to achieve an inclusive national reconciliation plan.

To the United Nations, Association of South East Asian Nations, & the international community:

- To continue to increase pressure on the Burman Army to stop their human rights abuses such as forced labor and forced displacement.
- To fully support and move forward with a Commission of Inquiry into crimes against humanity taking place in Burma.
- To offer greater humanitarian assistance so that poorer countries in the region do not have to bear the entire cost of providing basic needs to the refugee groups.

²³ “Situation of Human Rights in Myanmar: Resolution 64/238.” United Nations General Assembly, December 2009, paragraph 22.

- To continue to implement sanctions against the corrupt regime until progress is made toward human rights in Burma.

CONCLUSION

More than 14 countries now officially support a Commission of Inquiry into the Burmese government's actions and alleged crimes against humanity. Because sanctions have had little effect on good governance or the protection of human rights in Burma, a Commission of Inquiry, apart from direct military intervention, might be the only means of bringing freedom to the displaced, repressed and enslaved minority groups. The 8888 Uprising, the ensuing massacre of 3,000 innocent civilians, and the arrest of a peaceful civil rights leader first brought Burma to the world's attention in 1988. Even though Aung San Suu Kyi has been the face of peaceful resistance for her people, her fight alone will not bring freedom to the millions of "forgotten prisoners" currently in Burma today. There is no safety in Burma, no sanctuary in Thailand, and nowhere else to turn. The time for a Commission of Inquiry is now.