

Background

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Advancing Freedom in Burma

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Burma's military junta is one of the world's most brutal authoritarian regimes. The government of Burma routinely and systematically violates the human rights and civil liberties of its citizens. Yet it would not have survived this long without assistance from other nations. The People's Republic of China, which has provided massive military and economic aid, and Russia, which has provided cover at the U.N. Security Council, are the junta's primary enablers.

In addition to strengthening U.S. unilateral sanctions against the military junta, the United States should lead an effort to isolate Burma diplomatically at the United Nations and should encourage the Association of Southeast Asian Nations (ASEAN) to act against the regime. Until China, Russia, and the ASEAN nations make democratic reconciliation in Burma a priority in their relations with the junta, the situation in Burma will not improve.

From Burmese Democracy to Myanmar's Junta

Burma reached the height of its post-colonial stature in the early 1960s. Shortly after World War II, Burma declared its independence from the United Kingdom and established a republic governed by a president and a bicameral legislature. In 1961, Burma's U Thant became the first non-Western Secretary-General of the United Nations, a post that he held for 10 years.

Burma's short history as a democratic and free nation ended in 1962 when a coup d'état deposed the

Talking Points

- Burma's military junta routinely and systematically violates the human rights and civil liberties of the Burmese people through violence and repression.
- China, Russia, and the Association of Southeast Asian Nations (ASEAN) enable the junta by providing massive military and economic aid, by giving cover for the junta at the U.N. Security Council, and by providing the junta with membership and standing in a respected regional organization.
- Burma's massive opium production and exports, rapidly escalating HIV/AIDS epidemic, and growing number of internally displaced persons threaten regional and international stability and security, and the U.N. Security Council should declare Burma a threat to international security.
- The United States should lead an effort to isolate Burma's junta diplomatically, economically, and militarily at the United Nations and within the Association of Southeast Asian Nations.

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ected government. Burma's military forces established a junta—a ruling elite composed of several hundred senior military officers that own key businesses and control state corporations—to rule Burma, which the junta renamed Myanmar in 1989. The people of Burma have lived under a repressive military regime for over 40 years.

The Burmese people demonstrated their democratic aspirations in the May 1990 elections for the Pyithu Hluttaw (People's Assembly). Given a choice between the military junta and the opposition National League for Democracy (NLD) led by democracy activist and 1991 Nobel Peace Prize recipient Aung San Suu Kyi, the people elected the NLD in a landslide, awarding the NLD 392 of 492 seats in the People's Assembly. Rather than respecting the right of the Burmese people to self-government, the junta completely ignored the election results and continued its authoritarian rule.

The Junta's Crimes

The junta is not a benign regime. Paulo Sergio Pinheiro, U.N. Special Rapporteur on the Situation of Human Rights in Myanmar,¹ recently summarized the junta's human rights record and impunity:

During the course of his mandate, the Special Rapporteur has received reports of widespread and systematic human rights violations, including summary executions, torture, forced labour practices, sexual violence and recruitment of child soldiers. These violations have not been investigated and their authors have not been prosecuted.²

Pinheiro also noted that the military has paid special attention to the ethnic minority areas in Eastern Burma, doubling the number of battalions deployed there since 1995. These battalions have

launched major attacks on ethnic minority villages, resulting in the forced eviction of over 1 million civilians. The junta does not recognize the existence of these "internally displaced persons" and therefore restricts their access to humanitarian relief.³

The junta regularly tortures and kills political prisoners, opponents of the regime, and ethnic minorities, as demonstrated by the following incidents in 2006 that were reported by the U.S. Department of State:

- "On March 17, members of the government affiliated 'fire brigade' and two police corporals...reportedly beat and killed former political prisoner Thet Naing Oo in public."⁴
- "On July 16, Saw Stin Pho of Ta Khun Seik Village...was arrested with 17 others and taken to Patheingyi Military Headquarters on suspicion of being connected to an alleged sympathizer of the Karen National Union (KNU). He died on July 19 from torture during interrogation by Military Security Affairs (MSA), which reportedly gave \$309...as compensation to his wife, Naw Htoo Bae Sae, and their six children."⁵
- "There were unverified reports of deaths and injuries caused by security forces using civilians to clear landmines, particularly in Karen State, where the army launched widespread attacks against ethnic villages."⁶

Of particular note is a 2003 attack by a government-sponsored mob on a convoy of vehicles transporting Aung San Suu Kyi and NLD supporters near the village of Depayin. Over 70 pro-democracy activists were savagely beaten to death while government forces looked on. The fate of over 30 other members of the convoy remains unknown.⁷

1. The United Nations recognizes the renaming of Burma. The U.S. government still uses "Burma."
2. U.N. Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, Paulo Sergio Pinheiro, A/HRC/4/14*, 4th Sess., February 12, 2007, at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/4/14 (January 10, 2008).
3. *Ibid.*
4. U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, "Burma," *Country Reports on Human Rights Practices, 2006*, March 6, 2007, at www.state.gov/g/drl/rls/hrrpt/2006/78768.htm (January 10, 2008).
5. *Ibid.*
6. *Ibid.*
7. *Ibid.*

The Junta's Enablers

The military junta bears primary responsibility for the oppression of the Burmese people, but it would not easily have survived this long without outside assistance. At the very least, Burma would likely resemble the impoverished state of nearby North Korea if several nations had not provided the junta with economic assistance, military aid, and support and protection at the United Nations. Two countries in particular are jointly responsible with the junta for depriving Burma's people of freedom and democracy.

China. Foremost among the junta's enablers is its closest ally, the People's Republic of China. Because Burma provides an overland route to the Indian Ocean and has major natural gas resources, China's special interest in Burma is understandable.

As in China's relations with Sudan, the Chinese government has no qualms about—and perhaps even prefers—dealing with authoritarian regimes. Business deals and government-to-government relations are less complicated when conducted between two authoritarian states. Chinese economic and military aid helps the Burmese junta remain in power. At the same time, Burma profits from direct investment and robust trade relations. China's official support for the regime facilitates considerable Chinese economic interests. One expert estimates that China's economic position in Burma is so dominant that it effectively controls over 60 percent of the Burmese economy.⁸

To repress a population of 47 million continually and successfully, the military junta must be well armed, and China is Burma's primary arms supplier.⁹ The junta's violent crackdown on pro-democracy protestors in August 1988 caused international aid and development assistance to all but

dry up. With limited revenues, the regime turned to China for the arms and armor that it needs to sustain itself.¹⁰ China, which cracked down on its own pro-democracy rally in Tiananmen Square in June 1989, readily agreed and has given the junta \$2 billion to \$3 billion in military aid since the early 1990s, helping the regime to expand its army from 180,000 to 450,000 soldiers.¹¹

With its booming growth and greater economic integration throughout the world, China is theoretically in less of a position to prop up regimes like Burma's junta with impunity. With China serving as host of the 2008 Summer Olympic Games, its support for Burma (and other rogue regimes such as North Korea) should be placed in an international spotlight. The United States should use the 2008 Olympics as an opportunity to reproach China for its singularly un-Olympic policies.

Russia. The Russian Federation, together with China, aids and abets the Burmese junta by blocking any significant measures against the regime at the U.N. Security Council.

In January 2007, the United States and the United Kingdom sought to place the issue of Burma before the Security Council by circulating a draft resolution. The resolution was mild by any standard and did not threaten Burma with economic sanctions, military intervention, or any other punitive measure. Instead, it merely called on the junta to "cease military attacks against civilians," to stop the military from committing "widespread rape" against Burma's ethnic minorities, to begin a "substantive political dialogue" with Burma's political stakeholders, and to release Aung San Suu Kyi.¹²

However, the Russian delegate to the Security Council, while conceding that Burma was facing

8. Mohan Malik, "Regional Reverberations from Regime Shake-Up in Rangoon," Asia-Pacific Center for Security Studies, January 2005, at www.apcss.org/Publications/APSSS/RegionalReverberationsfromRegimeShake-upinRangoon.pdf (January 10, 2008).
9. Until recently, India also provided large quantities of arms to the junta, but it may have curtailed that practice in recent weeks. See Glenn Kessler, "India's Halt to Burma Arms Sales May Pressure Junta," *The Washington Post*, December 30, 2007, p. A29, at www.washingtonpost.com/wp-dyn/content/article/2007/12/29/AR2007122901345.html (January 10, 2008).
10. David Arnott, "Challenges to Democratization in Burma: Perspectives on Multilateral and Bilateral Responses," International Institute for Democracy and Electoral Assistance, 2001, at http://archive.idea.int/documents/Burma/BURMA_beyond_2000.pdf (January 10, 2008).
11. Larry A. Niksch, "Burma—U.S. Relations," Congressional Research Service *Report for Congress*, updated October 4, 2007, at www.fas.org/sgp/crs/row/RL33479.pdf (January 10, 2008).

“certain problems,” stated that the situation in Burma did not pose any threat to international or regional peace. It was sufficient for the Russian delegate that Burma’s problems were being addressed by other organs of the U.N., such as the Human Rights Council and the World Health Organization. The Russian delegate argued that the draft resolution raised issues that were outside the purview of the Security Council, and Russia exercised its veto against the draft resolution.¹³

China’s delegate also vetoed the draft resolution and commented in regard to Burma that “no country is perfect.” The delegate stated that the matters raised in the draft resolution—supposedly the military’s widespread rape of ethnic minorities and attacks against civilians—are an “internal affair” that poses no threat to international or regional peace or security. The delegate further stated that undeniable progress was being made in regard to Burma’s political process.¹⁴

After the violent crackdown on Buddhist monks and pro-democracy protesters in September 2007, neither Russia nor China could credibly object to a Security Council statement condemning Burma,¹⁵ but the statement is non-binding and has no legal force or effect.

Banishing Burma from the United Nations

Responsible members of the international community have the duty and ability to show their collective displeasure toward Burma’s military junta by suspending Burma’s membership in the United Nations or expelling the country outright. Despite the junta’s abhorrent practices, it enjoys full privileges at the United Nations, votes in the General Assembly, and serves in high-level positions in

U.N. funds and programs.¹⁶ Burma should not be allowed the privileges of U.N. membership, which gives the junta a stamp of legitimacy that it does not deserve.

As a membership organization, the United Nations has the authority to determine which countries are admitted to membership and which countries may be suspended or even expelled. The U.N. Charter specifically permits suspending a member state if the Security Council has taken a “preventive or enforcement action” against it:

A Member of the United Nations against which preventive or enforcement action has been taken may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council.¹⁷

Moreover, a member state that has “persistently violated” the principles of the U.N. Charter may be expelled.¹⁸

Despite the junta’s abhorrent behavior, suspending or expelling Burma from the United Nations would be very difficult. The Security Council has never recommended suspending (much less expelling) any member state. Furthermore, two veto-wielding members of the Security Council—China and Russia—oppose placing economic sanctions on Burma, which is the very type of preventative action that is a prerequisite to suspension. Nothing indicates that either China or Russia would be amenable to supporting sanctions against Burma in the near term.

However, the Security Council’s inaction is not a barrier to the U.N. General Assembly’s taking punitive measures against the junta. It may act on its

12. U.N. Security Council, draft resolution S/2007/14, January 12, 2007, at www.un.org/depts/dhl/resguide/scact2007.htm (January 10, 2008).

13. U.N. Security Council, provisional minutes of the 5619th Meeting, S/PV.5619, January 12, 2007, p. 6, at www.un.org/depts/dhl/resguide/scact2007.htm (January 10, 2008).

14. *Ibid.*, pp. 2–3.

15. U.N. Security Council, “Statement by the President of the Security Council,” S/PRST/2007/37, October 11, 2007, at www.un.org/Docs/sc/unsc_pres_statements07.htm (January 10, 2008).

16. Brett Schaefer, “The U.N. Must Stop Enabling the Burmese Regime,” Heritage Foundation *WebMemo* No. 1710, November 27, 2007, at www.heritage.org/Research/AsiaandthePacific/wm1710.cfm.

17. Charter of the United Nations, Art. 5, at www.un.org/aboutun/charter (January 10, 2008).

18. *Ibid.*, Art. 6.

own to suspend Burma's participation in the United Nations (although not its membership) by refusing to allow the junta's U.N. delegation to participate in U.N. activities.

There is precedent for such an action. In 1974, after the Security Council refused to act against South Africa's apartheid government, the General Assembly prohibited South Africa from participating in the General Assembly by refusing to issue credentials to its delegation. The General Assembly's justification was that South Africa's apartheid government represented "a flagrant violation of the principles of the Charter of the United Nations and the Universal Declaration of Human Rights."¹⁹

The junta's violations of the Universal Declaration of Human Rights are similar to those committed by apartheid South Africa, and they certainly qualify Burma for the same disenfranchisement from the United Nations. Like South Africa's apartheid regime, the Burmese junta systematically ignores basic tenets of the Universal Declaration, such as the right to freedom of expression and the right to freedom of peaceful assembly and association.²⁰

The Burmese people have suffered under the military junta for 45 years—three years longer than apartheid lasted (1948–1990)—yet the Burmese junta's credentials are regularly approved by the United Nations. Due to its repressive policies, South Africa was not allowed to participate in General Assembly activities for 20 years, until apartheid was ended and free elections were held.²¹

What the United States Should Do

The United States has limited unilateral options to improve the situation in Burma. However, as U.S. Under Secretary of State for Political Affairs Nicholas Burns recently stated, the United States and its

allies "must apply sustained and strong pressure" on the junta to effect a political transition that would allow Burma to return to the international community.²² To that end, the United States should:

- **Seek international support to suspend Burma's U.N. credentials.** According to the U.N. Charter, U.N. membership is open only to "peace-loving states which accept the obligations contained in the present Charter."²³ While Burma is clearly not the only U.N. member state to be in blatant violation of the U.N. Charter and the Universal Declaration of Human Rights, this should not excuse the General Assembly from acting against the brutal junta.

Until the junta respects its obligations under those core U.N. documents, the United States should pressure the U.N. credentials committee to deny U.N. credentials to any Burmese delegation to the United Nations. The United States should use the example of General Assembly action against apartheid South Africa to build support for this effort.

- **Urge the Association of Southeast Asian Nations to act.** When ASEAN invited Burma to join its ranks in 1997, it accepted the responsibilities that came with that nation. While ASEAN member states are clearly taking note of the junta's violent actions—Burma was recently persuaded not to take its turn as the host of the ASEAN annual meeting—the organization has failed to compel internal reform within Burma.

Despite the junta's horrible human rights record, and even after the most recent violent crackdown on monks and pro-democracy protesters, ASEAN has refused to consider suspending Burma's membership and has opposed placing sanctions on the regime. In November 2007,

19. U.N. General Assembly, "Relationship Between the United Nations and South Africa," Resolution 3207 (XXIX), September 30, 1974, at www.un.org/documents/ga/res/29/ares29.htm (January 10, 2008).

20. Universal Declaration of Human Rights, Arts. 4, 19, and 20, December 10, 1948, at www.un.org/Overview/rights.html (January 10, 2008).

21. Reuters, "South African Vote Is First in 20 Years," *The New York Times*, July 29, 1994, p. A6, at <http://query.nytimes.com/gst/fullpage.html?res=9C04EFD91739F93AA15754C0A962958260> (January 10, 2008).

22. R. Nicholas Burns, "Decision Time in Burma," *The Washington Post*, January 8, 2008, p. A19, at www.washingtonpost.com/wp-dyn/content/article/2008/01/07/AR2008010702259.html (January 10, 2008).

23. Charter of the United Nations, Art. 4, Para. 1.

ASEAN allowed Burma to dominate the agenda of its annual summit and thereby the image that it presents to the world. The United States should persuade its allies in ASEAN, especially Indonesia and the Philippines, to lead an effort within ASEAN to bring about internal democratic change in Burma.

- **Declare Burma to be a threat to international security.** Both China and Russia have objected to Security Council action, including diplomatic and economic sanctions, on the basis that the situation in Burma does not pose a threat to regional or international security. Until Burma is considered such a threat, it will be difficult for the Security Council to impose international sanctions (e.g., an arms embargo) on the military junta. Some progress was recently made on this front when ASEAN declared that the situation in Burma could affect regional stability.

The United States should continue to press the case that Burma poses a threat to regional and international stability and security due to its massive opium production and exports, rapidly escalating HIV/AIDS epidemic, and growing number of internally displaced persons. Achieving a consensus in the Security Council (or at least abstentions from China and Russia) that Burma represents such a threat would pave the way for binding sanctions targeting the military junta and its affiliated businesses. Two ASEAN countries, Indonesia and Vietnam, currently serve on the Security Council and will be critical to any Security Council action.

- **Initiate an international inquiry into the Depayin massacre.** The brazen, government-sponsored ambush and slaughter of at least 70 pro-democracy civilians at Depayin is a heinous crime that has gone unpunished. The United States should initiate action at the Security Council to create a special ad hoc international

tribunal to try the culprits responsible for the massacre and should request that the Secretary-General negotiate an agreement with the Burmese junta aimed at establishing such a tribunal.

Conclusion

The United States should lead a broad international effort to isolate the Burmese junta economically, militarily, and diplomatically.

Burma's massive opium exports and growing number of displaced persons are threats to regional and international security. The U.S. should lead an effort to declare Burma a threat, which would pave the way for an international arms embargo and economic sanctions targeting the junta.

Because the junta does not adhere to the most basic tenets of the U.N. Charter or the Universal Declaration of Human Rights, its U.N. membership should be suspended until it commits to true democratic reconciliation. If the junta continues to refuse to adhere to the U.N.'s basic principles, it should be expelled from the United Nations. Also, the massacre at Depayin was a direct assault on democratic reconciliation in Burma and must be confronted. An international tribunal should be established to address this crime.

While the United States has limited options in affecting the situation in Burma, this does not relieve the United States and its allies of the responsibility to attempt to bring about change. By persistently placing the matter of Burma before the Security Council, the General Assembly, and ASEAN and raising the matter in its bilateral relations with China, the United States may still improve the situation of the Burmese people.

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