

UN Security Council in Action for Burma?

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With the approval of the international “responsibility to protect,” a momentum has been reached for the United Nations (UN) Security Council to take meaningful action for the people of Burma. Given the fact that neither the engagement strategy of the Asian governments, nor the sanctions of the Western countries have a considerable leverage on the military regime, a joint and well-balanced international policy is urgently needed. A carrots-and-sticks approach will have far more influence on the junta, acknowledging that they already cooperate with the international community on a number of matters and at the same time it will avoid the dangerous isolationism that the generals might come to prefer as a response to pressure. Furthermore, the international community must immediately offer more humanitarian aid to the destitute Burmese population.

At the end of September 2005, Vacláv Havel, former president of the Czech Republic, and Desmond Tutu, Nobel Peace Prize laureate and Archbishop of South Africa, launched a joint appeal to the international community to place Burma on the agenda of the UN Security Council. They had good reasons to do so: despite the “Roadmap to Democracy” that was promoted since 2003 by the military State Peace and Development Council (SPDC), there has been a total lack of progress on democracy and respect for human rights. Burmese civilians still severely suffer from the widespread use of forced labor, crop destructions and forced village relocations, as well as arbitrary arrest and persecution. Not surprisingly, politicized trials are daily news. Su Su Nway, a human rights activist, was convicted to twenty months in prison “due to obstruction of the authorities” after she successfully sued these authorities for forced labor last year. It took a large media campaign and specific mentioning of this case at the annual conference of the International Labour Organisation to get the verdict reversed. The house arrest of Nobel Peace Prize Winner Aung San Suu Kyi, leader of the main opposition party, was recently extended by another year. In the *New Light of Myanmar*—the mouth piece of the junta—the international outcry for her freedom was derided as meaningless: “The days of Daw Suu Kyi and NLD are numbered. They are heading for the tragic end” (*New Light of Myanmar*, 5 July 2006).

On a regional level, Burma/Myanmar has a destabilizing influence owing to the large amount of refugees, economic migrants, and drugs flowing out of the country. Hoping to influence the regime with quiet diplomacy, the Association of South-East Asian Nations (ASEAN) has admitted Burma to the organization in 1997. However, frustration is growing due to the lack of reforms and dialogue by the country. In anticipation of the ASEAN chairmanship of Yangon in 2006, the West increased its pressure in order to force the military regime to carry out some changes, such as the release of Suu Kyi. Rather than giving in to this pressure, General Than Shwe decided to bypass the prestige of this chairmanship. Could this be understood as a victory of the international community? It certainly contributed to even less consultation and information sharing by the Burmese generals, which means that even ASEAN was left in limbo about the move of the Burmese capital in November 2005 to the fortified artificial city of Naypyidaw, some 400 kilometers north of the former capital Yangon. This unexpected decision severely annoyed Burma’s ASEAN partners. The final straw for ASEAN appears to be the fact that UN Under-Secretary General for Political Affairs, Ibrahim Gambari, was able to meet General Than Shwe in May, while the latter chose not to meet the ASEAN envoy a few weeks before. Exemplary of this increasing irritation was the speech from Syed Hamid Albar, Foreign Minister of Malaysia, which was delivered at the ASEAN Regional Forum in July.

ASEAN has reached the stage where it is not possible to defend Myanmar if it does not cooperate with us or help itself by delivering tangible progress on economic and political reforms. (*Asian Wall Street Journal*, 24 July 2006)

This changing attitude will open avenues to streamline ASEAN and Western policies towards Burma.

Nevertheless, this story is only part of the truth. Less well-known is the fact that Yangon indeed does cooperate with the international community on several matters. For example, they have signed the Convention against Transnational Organised Crime, after which laws against money laundering were formulated. On the matter of

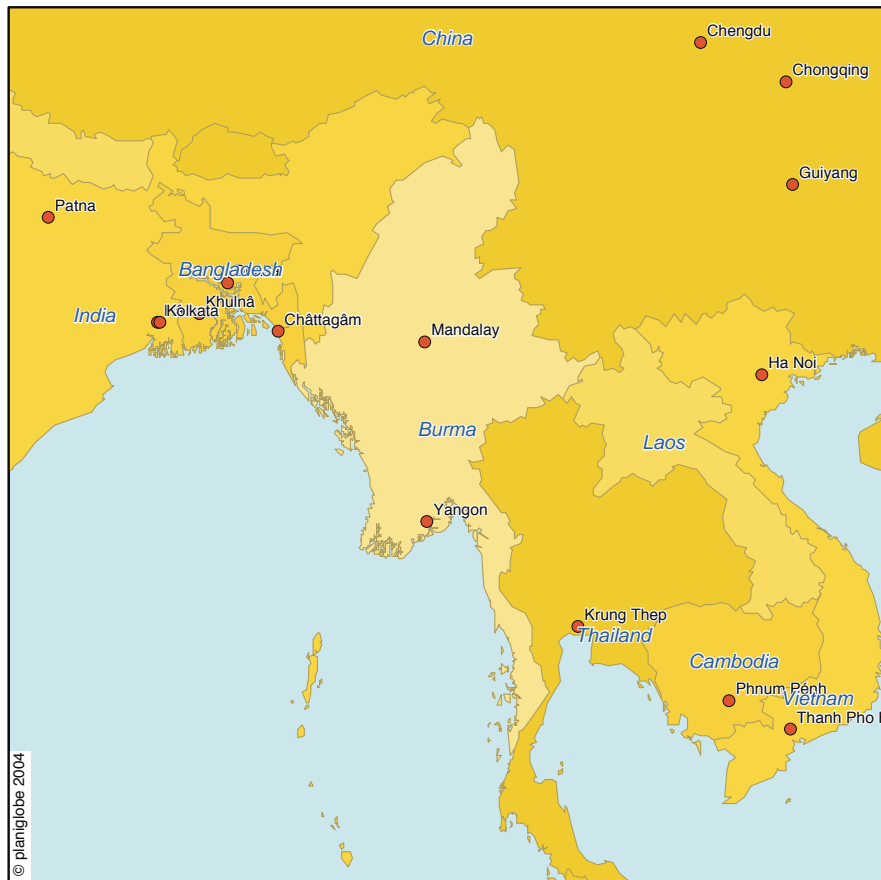
drugs, the junta cooperates well with both the United Nations Office on Drugs and Crime and the Drug Enforcement Agency of the United States. As well, the fight against HIV/AIDS was acknowledged as a top priority, even though implementation of these agreements is not easily ensured. During the recent outbreak of avian bird flu in the region in March 2006, several cases were found in the north of the country, after

which the SPDC fulfilled its international obligation to inform the Food and Agricultural Organization and intensively collaborated with them. This proves that the junta does cooperate on several subjects with the international community, which could be a window of opportunity to enhance their collaboration on other domains as well, such as increasing the budget for public health care and education.

These positive steps hardly get attention in the international press. Certainly in the West, the pressure of the Burmese opposition lobby does not leave any space open for more positive remarks or a questioning of the Western sanctions policy. And the fact that sanctions are imposed seems to make any move justifiable. Therefore the international community hardly reacts when the United States convicts the

leaders of an ethnic minority group in Burma, the Wa, for heroin trade. The Wa are said to be conducting a major drug trafficking circuit in a climate of impunity; a substantial bounty was put on the head of the Wa leader.

But this event happened only a few months before this ethnic group would implement an internationally desirable opium ban. And given the heavily armed Wa army, this decision of the United States was a very dangerous move that had the potential to further destabilize



the country. Not knowing how the SPDC would react on this conviction, all staff of the development agencies in the region suddenly had to be pulled back, with severe consequences for their preparations of the opium ban as a consequence. In the end, the Wa leader was not extradited, but this action did reinforce the hostile world view of the Burmese generals, which is rooted in the colonization era and the Chinese-

American actions on Burmese territory in the fifties. There is therefore a real danger that the xenophobic generals will want to keep out any external interference and return to the isolationism of the former decennia, in which even less engagement than today will be the rule. First proof of this policy is the government's withdrawal to Naypyidaw.

Inside the lobby for sanctions, there is a hard-line movement that wants to curtail the amount of humanitarian aid to the country until a regime change has been accomplished. However, given the decennia-long underdevelopment and oppression, the needs of the Burmese population are huge. The 129th place of the country in the 2005 Human Development Report of UNDP, out of 177 countries, is but one indicator of this. Therefore humanitarian aid must continuously

be offered to these people, through the UN and genuine NGOs, who can ensure that the budget is well spent. In this light, the decision of the Global Fund to fight AIDS, Tuberculosis, and Malaria to withdraw the promised 98.4 million dollars, after alleged pressure from the U.S., has disastrous consequences for the country. The Global Fund officially legitimized this decision by referring to the difficult working conditions in the country, but it is obvious that the countries with the largest needs are not ones

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with good governance—not in Burma or anywhere else in the world. Does this mean that a people should even be denied external assistance, because they are so unfortunate as to be oppressed by a military regime? Or should it be recognized that both revealing problematic freedom restrictions and abuses in the country as well as achieving as much as possible for the Burmese population within the current limitations are necessary? Regrettably, human suffering will not wait until the political ideal has been achieved. This decision of the Global Fund ensures that a momentum to limit the spread of HIV/AIDS is gone, again with far reaching consequences, both for the Burmese population and for the entire region.

This is not to say that the military regime should not be condemned for their human rights abuses and disastrous policies. The fact of the matter is that they do not care about the current pressure from the West, because the generals themselves do not feel the consequences of the sanctions. They have been criticized for decades, and if they do not get a meaningful incentive to improve the situation, and do not get any recognition for the positive developments that have occurred, why would they respond to pressure? The only way to escape this deadlock is a carrots-and-sticks approach, in which positive actions of the junta would be acknowledged and awarded by a positive reaction the international community. This policy needs to be agreed upon by both the Western and Asian countries, since neither Asian diplomacy nor Western sanctions have attained the intended effects.

Such a diplomatic initiative should be worked out in the preeminent international forum: the UN Security Council. This will not be an easy discussion because of the economic and geo-strategic interests of several permanent members of the Security Council, such as China

and Russia. But to convince these countries, one should use less politically sensitive instruments than the “threat-to-peace” resolution which the report of Tutu and Havel lobbies for. A better option would be to adopt resolutions that are not based on Chapter VII of the UN Charter, and are therefore less politically sensitive, but still carry the legitimacy of the UN Security Council.

Moreover, the time for action is now, since the UN Security Council very recently confirmed the collective “responsibility to protect”:

We are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organisations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity... (UN Security Council, Resolution 1674, 28 April 2006).

In light of this historic resolution, the arguments of China, Japan, and others that Burma is not a threat to international peace and security will no longer be decisive in refraining from taking up UN responsibility. A momentum has thus been reached for the entire UN Security Council to take meaningful action, which for the first time would have the real potential of influencing the Burmese junta’s policy.

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