

Burma

Burma's human rights situation remained dire in 2011 despite some significant moves by the government which formed in late March following November 2010 elections. Freedoms of expression, association, and assembly remain severely curtailed. Although some media restrictions were relaxed, including increased access to the internet and broader scope for journalists to cover formerly prohibited subjects, official censorship constrains reporting on many important national issues. In May and October the government released an estimated 316 political prisoners in amnesties, though many more remain behind bars.

Ethnic conflict escalated in 2011 as longstanding ceasefires with ethnic armed groups broke down in northern Burma. The Burmese military continues to be responsible for abuses against civilians in conflict areas, including forced labor, extrajudicial killings, sexual violence, the use of "human shields," and indiscriminate attacks on civilians. Despite support from 16 countries for a proposed United Nations commission of inquiry into serious violations of international humanitarian law by all parties to Burma's internal armed conflicts, no country took leadership at the UN to make it a reality. Foreign government officials expressed their optimism about government reforms despite abundant evidence of continuing systematic repression.

Signs of Change, But Unclear If They Will Result in Lasting Reform

Burma's national parliament and 14 regional and state assemblies convened in late January 2011. The formal transfer of power from military rule to the new government took place on March 30. Former generals hold most senior ministerial portfolios, and serving generals are constitutionally guaranteed the posts of ministers of defense, home affairs, and border affairs security. Thein Sein, a former general and prime minister, was elected president. The speaker of the lower house is also a former general, and many former military officers hold important positions in the ruling military-backed Union Solidarity and Development Party.

President Thein Sein's inaugural speech in March was notably moderate and constructive in tone and he promised more reforms than had any leader during the preceding 23 years of military rule. The government's stated priorities include economic reform, improved

education, ending corruption, and environment protection. In August senior government officials called on exiled political dissidents to return home without reprisal.

In the national parliament, members of parliament are permitted to raise issues with two weeks prior notice and upon official approval. Some previously sensitive issues have been discussed in the new parliament such as calls for a political prisoner amnesty, citizenship for the long repressed Rohingya Muslim minority, and education reform including the currently banned teaching of ethnic languages. In addition, the government worked on a bill that, if not watered down before being enacted, would liberalize citizens' ability to form unions and associations.

Reform bills have been tabled in the new parliament on forming trade unions, permitting peaceful assembly, and amending of the political party registration rules in ways that could open the way for participation by the long repressed opposition party, the National League for Democracy. These changes are encouraging on paper, but it remains to be seen how they will be implemented and the level of social participation.

Media freedoms have been relaxed in some cases, with propaganda slogans removed from magazines and newspapers; mention of Aung San Suu Kyi and display of her photo is now permitted after a long ban. Nevertheless, the censorship board continues to ban stories deemed politically sensitive, an estimated 20 media workers are in prison, including a 21-year-old videographer who received a 16-year sentence in September 2011 for taking video footage after a bomb blast in central Rangoon.

On September 5 the government formed a new National Human Rights Commission, composed of 15 former ambassadors, academics, and civil servants.

Since March Aung San Suu Kyi has been permitted much greater freedom to travel and meet her supporters in the National League for Democracy, even though the party is technically illegal under the electoral laws. Suu Kyi travelled to Naypyidaw in August to meet President Thein Sein; it was the first time she has visited the capital city, which formally opened in 2005.

In November the NLD announced the party would formally re-register as a political party, and expressed their intention to contest scheduled bi-elections in 2012, with Suu Kyi stating she would consider running as a candidate.

Ethnic Conflict and Displacement

Fighting between government forces and ethnic armed groups spread in Burma during 2011, as many longstanding ceasefire agreements unraveled. In Karen State, eastern Burma, a breakaway faction of the Democratic Karen Buddhist Army (DKBA) took up arms following the November 2010 elections. Intensified fighting along the border forced an estimated 20,000 refugees into Thailand. Most DKBA soldiers refused to complete their transformation into Burmese-army-controlled Border Guard Force units and ended their 16-year ceasefire.

In March the Burmese army attacked the Shan State Army-North, breaking a ceasefire reached in 1989, as the Shan army resisted pressure to demobilize and form a government-controlled people's militia. Fighting in northern Shan State displaced an estimated 30,000 civilians.

In June fighting broke out between Burma's second largest opposition armed group, the Kachin Independence Army (KIA), and the Burmese army in northern Burma near the Chinese border, ending a ceasefire signed in 1994. Local women's rights groups reported high levels of sexual violence with more than 35 women and girls raped in the first two months of the fighting alone. Over 30,000 civilians were internally displaced, fleeing Burmese army abuses such as forced labor, extrajudicial killings, and indiscriminate fire, with several thousand seeking refuge in China.

The Burmese military continues to violate international humanitarian law through the use of anti-personnel landmines, extrajudicial killings, forced labor, torture, beatings, and pillaging of property. Sexual violence against women and girls remains a serious problem and perpetrators are rarely brought to justice. The army continues to actively recruit and use child soldiers, even as the government cooperates with the International Labour Organization on demobilizing child soldiers.

In January Burmese army units in Karen State forced convicts to work as porters in ongoing operations in combat zones. This longstanding practice saw hundreds of prisoners drawn from prisons and labor camps transported to frontline units, and forced to carry military supplies and material to the frontline, often being used as "human shields" to deter attacks or clear anti-personnel landmines. Porters are often tortured, beaten, and subjected to ill-treatment during their forced service.

Ethnic armed groups have also been implicated in serious abuses, such as recruiting child soldiers, extrajudicial executions, and using antipersonnel landmines around civilian areas.

Approximately 500,000 people are internally displaced due to conflict in eastern Burma, with an additional 140,000 refugees in camps in Thailand. Thai authorities in 2011 increased calls for repatriation of the refugees, a proposal that Burmese officials welcomed, and European Union authorities gave greater priority in refugee aid allocations to preparations for repatriation despite serious security concerns about returning populations to active conflict zones. Bangladeshi authorities increased threats to close Rohingya refugee camps and drive the Rohingya minority back into Burma. Some 28,000 Rohingya refugees live in official camps in Bangladesh and another 200,000 live in makeshift settlements or mixed in with the local population in border areas.

Millions of Burmese migrant workers, refugees, and asylum seekers live in Thailand, India, Bangladesh, Malaysia, and Singapore.

Key International Actors

In 2011, 16 countries publicly supported calls for a UN-led commission of inquiry into violations of international human rights and humanitarian law in Burma, but none was prepared to lead efforts to make this a reality. Most countries adopted a “wait and see” approach to Burma, noting government pledges of reform and citing Aung San Suu Kyi’s expression of cautious optimism that there might be an “opportunity for change.”

In May Vijay Nambiar, the UN secretary-general’s special envoy on Burma, visited Burma and expressed optimism over stated reform goals, but also noted that political prisoner releases fell short of international expectations. In his August report on the human rights situation, Secretary-General Ban Ki-moon encouraged the government to turn its reform agenda into reality, but cautioned that failure to release political prisoners, seek peace with ethnic groups, and lift all restrictions on Aung San Suu Kyi would erode international confidence in the process.

Tomas Ojea Quintana, the UN special rapporteur on Burma, visited Burma in August and later stated that despite positive signs of change there remain “serious and ongoing human rights concerns,” including “continuing allegations of torture and ill-treatment during interrogation.” In his September report to the General Assembly, Quintana said

“many serious human rights issues encompassing the broad range of civil, political, economic, social and cultural rights remain and they need to be addressed.”

The United States, EU, Australia, Canada, and Switzerland continue to impose restrictive trade and financial sanctions on Burma, arguing that recent government actions are insufficient to consider lifting the sanctions. In September and November Derek Mitchell, the newly appointed US special representative and policy coordinator on Burma, made official visits to the country. Mitchell expressed cautious optimism that reforms could evolve into far-reaching change, but urged the government to “take concrete actions in a timely fashion to demonstrate its sincerity and genuine commitment to reform and national reconciliation.” US Senator John McCain visited refugee communities along the Thailand-Burma border and met government and opposition leaders inside Burma in May and June.

President Barack Obama announced in November that due to encouraging “flickers of change” in Burma, US Secretary of State Hillary Clinton would visit Burma in December, the first visit by such a senior US official in 50 years.

During the Association of Southeast Asian Nations (ASEAN) Summit in November, it was announced that Burma would become chair of the regional grouping in 2014 and host all of ASEAN’s meetings that year.

Burma’s neighbors—China, India, and Thailand—continue to invest in and trade extensively with Burma, especially in the extractive and hydro-electric energy industries. Burma continued to earn billions of US dollars in natural gas revenues, little of which is directed into social services such as health care and education.

China began construction on two energy pipelines from western Burma to Yunnan, including a planned rail link. The building of a series of massive hydro-electric dams on the Irrawaddy River in upper Burma sparked heated domestic debate over its effects on the environment and the ethnic minority population, some of whom have already been forcibly displaced by the project. In late September President Thein Sein suspended work on the Myitsone dam, the largest in a series of several planned dams. The move was received positively inside Burma, but criticized by the Chinese government.

There are negative impacts of certain other Chinese investments, including agri-business ventures in northern Burma, which have involved land seizures by Burmese authorities.

India's construction of a major infrastructure project for the Kaladan River in western Burma continued in 2011, as did Indian investments in mining projects. Sales of natural gas to Thailand still account for the largest share of the Burmese government's foreign exchange earnings, which will increase markedly when the Chinese gas pipeline project is completed in 2013.

Russia, China, and North Korea continue to sell arms to Burma, despite frequently voiced US concerns that North Korean sales could breach UN Security Council resolutions on non-proliferation.