

HUMAN RIGHTS ABUSES IN BURMA AND POSSIBLE SOLUTIONS

Prepared by the Burma Rights Movement for Action (B.U.R.M.A)
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A dictatorship is only as strong as the size of the weapons it holds and the fear those weapons provoke in the people. A democracy is only as strong as the understanding and support the grassroots people have of it.

1. Introduction

Human rights abuses, like obnoxious weeds, can not simply be wished away. Both are created and supported by roots which keep bearing new weeds as long as those roots remain intact and nourished. To eradicate both human rights abuses and obnoxious weeds, the central roots must be identified and removed.

In Burma, the decades-long experience of human rights abuses is deeply rooted in the militarization which has characterized the country since 1962. This militarization has exasperated ethnic tensions, which has, in turn, created a civil war in which human rights abuses will never abate unless the war itself is finally brought to an end.

The primary task in Burma, therefore, is the dismantling of the military system and its total control over the economic, social and political life of the country. Once this military system is

removed, the civil war can come to an end, national reconciliation begun, and human rights abuses addressed in a constructive and decisive way. Until that time, we can at best, only continue to monitor human rights abuses both within Burma and in neighboring countries, and try to pressure the military junta to diminish, at least minimally, their destruction of the life and survival of the people of Burma. This process, however, gives little encouragement to the ethnic peasants who daily face the brunt of the military's policies to harass, displace, rape, interrogate, kill and enslave them.

The hope that the people of Burma can one day soon live in an atmosphere of peace and tranquility depends on our ability to identify the root causes of their suffering, and on our creativity in finding effective ways of addressing those causes so that they can be dealt with directly

2. Causes of Human Rights Abuses in Burma

2.A Ethnic Conflicts and Civil War

The total population in Burma today is estimated to be 42 million people. The majority Burman population makes up about 32.1%, while the other ethnic groups include the Karen (20.0%), Shan (9.2%), Mon (9.0%), Rakhine (5.8%), Chin (5.7%), Palaung and WA (3.5%), and Kachin (3.5%).²

Following World War II, ethnic friction, which had been simmering for generations¹, began rapidly increasing due to the government's refusal to take seriously the demands of the ethnic minorities to exercise authority over their own lands and to be allowed to protect their traditional languages and cultures². The issue gradually escalated towards open civil war until finally, in 1949, the Karen and Mon started their armed revolutions against the central government which was predominantly ethnic Burman. Later other minority groups such as the Kachin, Shan, etc. also followed the course of armed revolution.

In 1962, a civilian government led by U Nu of the Anti Fascist People's Freedom League (AFPFL), called the minority leaders together for talks to find a solution to this nagging and divisive issue. The meeting started on February 24, 1962 and before it could conclude, Gen. Ne Win, leading the Burmese military's "Revolution Council", took over State power on March 2, 1962.

This military government consider the ethnic minorities issue as simply Burma's heritage from their British colonizer's divide and rule strategy rather than critically seeking to understand what

¹ Before British colonial days, the ethnic nationalities of Burma lived quite independently of each other in areas often very poorly defined. They engaged in many wars to expand territory, or to gain rule over another group. These conflicts were the basis of the tensions which existed when the British attempted to bring all of the groups under one common government.

² See for example Martin Smith's "Burma, Insurgency and the Politics of Ethnicity" Chapter 2

historical issues the minority groups were upset about. Thus the nation, under Ne Win, moved into a time of ever intensifying hostilities. All negotiations initiated by the military regime focused, not on developing a truly democratic process which could settle the ethnic issues facing the country, but rather only on a process of uniting the country as one single state at the expense of minority rights.

For the ethnic minorities, this concept of "national unity" by the military sounded too much like a process of "Burmanization". The Burmese language was being used as the common language for teaching in all the schools while it was forbidden to teach in the individual ethnic languages of each group. Moreover, members of the various ethnic minorities were moved out of almost all important government and military positions. Any demands by the minorities to rectify these, and many other similar issues were construed by the military as being activities to disrupted national unity. Rather than moving the country closer to national unity, Ne Win's policies actually drove the wedge of fear and suspicion even deeper between the ethnic minorities and the Burman majority.

The nation's second constitution, drawn up in 1974 by Gen. Ne Win and his Revolutionary Council, created the Burma Socialist Program Party (BSPP) as the country's only legal party, without consulting with the ethnic minorities. The BSPP was simply a military party in civilian dress. All other parties, unions, and people's

organizations were banned. The nation was geographically divided into seven states and seven divisions. The seven states represented the seven largest ethnic groups, and the seven divisions made up the areas where ethnic Burmans were the majority population. Although these divisions were meant to give the appearance of at least some ethnic minority autonomy, the representatives from these states were in fact drafted by the BSPP and did not represent the ethnic minorities at all.

At the same time Ne Win transferred many ex-soldiers into the BSPP and thus the country came under an extremely strong centralized military control policy. The ethnic minorities and their concerns were even further alienated.

Although several "new" governments have come and gone, the issue of the ethnic conflict and the resulting civil war remains untouched. This war continues to result in a multiplicity of human rights abuses which can never be brought under control as long as the war and its causes are not dealt with directly and with the utmost urgency.

2.B Militarization

As mentioned above, the militarization of Burma began in 1962. During the period from 1962 to 1974, the country was ruled by Gen. Ne Win's Revolutionary Council. During this time key leaders from

the previous AFPFL ruling party were imprisoned. The military also initiated political suppression against all types of anti-military/government activists including rightist, leftist and nationalist throughout the country.

In those days, the Revolutionary Council targeted two major groups for suppression whom they considered to be a danger to their rule. These were the ethnic minority insurgencies and the Communist Party of Burma (CPB). Many people were accused of being communist and arbitrarily arrested. The number of political prisoners abruptly increased.

On July 7, 1962, students from Rangoon University who were participating in anti-militarization protests were gunned down. Hundreds were killed.

During the 1960s, the Revolution Council concluded that communist activities were becoming a serious threat in the towns because of communist infiltration into the working classes. Trade unions, student unions and farmer's organizations were accused of being a political front for the communists and so were systematically persecuted.

Following the military coup in 1962, the military consolidated their control over public administrative and economic affairs. Industries were nationalized and all import and export businesses

were placed under the unskilled administration of military officials. The BSPP, which was suppose to be a civilian government, was placed under the control of ex-soldiers who continued to carry strong influence in the military. Under the administration of these unskilled military people, the nation's economic, political and social existence declined until presently the country is considered one of the **10** poorest nations in the world.

The people of Burma have never accepted this military mis-rule and so the military has had to invest an every greater amount of the national budget into building up a military strong enough to keep the population under control. Even though ever aspect of life in Burma today needs to be developed, there is little money to do so because at least **50%** of the national income is used for internal security as well as to continue the civil war. Burma has little to fear from it neighbors, yet today has an army of over **300,000** people. Military leaders have called for an increase in the strength of the military to at least **500,000** men. The only purpose of having such a large military is to keep control over every economic, political and social aspect of life within the country.

Militarization in the country has resulted in increased poverty and political repression among the middle class and poor classes. The country's upper class of military officers and collaborators has

been the only groups to share the benefits in the country. Such a clear class division has resulted in eleven major anti government strikes by the working class since 1962. All strikes were ended when the military gunned down strikers in the streets. Underground activities continue to be the only way people can express their dislike for the continuing militarization which affects almost every moment of their lives.

3. Types of Human Rights Abuses

3.A Human Rights Abuses in Urban Areas

Common types of human rights abuses in the urban areas are extrajudicial sentences, arbitrary arrests, physical and psychological torture in the prisons and during investigation periods, and the restriction of all types of rights and freedoms. A large number of dissidents have already disappeared or died mysteriously while in the prisons. There is no legal recourse for their families. Presently Amnesty International believes that there are still thousands of political prisoners in Burma's notorious prisons'¹.

Under such relentless militarization, dissidents seem to have no alternative to work for change within the legal process, and have little reason to believe that the present "National Convention" will truly pave the way towards a democratic system independent of military manipulation⁴. Therefore, many have left Burma for other countries either legally or illegally. A large majority of them have resorted to armed revolt as the only way left to respond.

³ "No Law At all, Human Rights Violations under Military Rule", Amnesty International report page 6

⁴ The major opposition groups along the border areas of Burma are not allowed to participate in the "National Convention". Without their full participation, most people believe that the convention can not result in a process which will truly bring about national reconciliation, nor deal effectively with the ethnic issues facing the country.

Hostilities have thus intensified resulting in even more human rights abuses throughout the country.

2.B Civil War & Human Rights Abuses

Many of the most serious human rights violations are committed in the ethnic minority areas during the Burmese military's counter insurgency operations. In some ethnic minority areas, a large number of ethnic Burmans have also lived for a long time, and they suffer as well¹.

Common types of human rights violations in the minority areas include massacres, executions, physical tortures, rapes, conscripted labor and massive forced relocations. These human rights violations are generally committed by the armed forces of the military regime during dry season operations from October to May⁵.

Massacres, executions and torture are a common occurrence for the civilians living in the minority areas who are accused by the military of collaborating with the insurgents.

⁵ See "A Statement by International Work Group for Indigenous Affairs" presented to the United Nations Commission on Human Rights, 48th Session, and "Burma's Will to Survive", the 1992 annual report of the Burma Rights Movement for Action (B.U.R.M.A.)

Following the collapse of the Communist of Party of Burma in 1989, the most serious human rights violations began happening in the ethnic Karen and the Kachin States which presently represent Burma's two strongest ethnic minority revolutions. Other areas of severe human rights violations by the military include the Karenni and Mon States. All of these areas exist on Burma's eastern boundary.

Probably, the most extensive human rights violations have been happening in the northwest area of the Karen State where the defence lines for the Mannerplaw Headquarters is located. Mannerplaw is the headquarters for the Karen National Union (KNU) as well as for most of the other opposition groups. It has become the focal point for the opposition's contact with the international world. Therefore Slorc wants to occupy Manerplaw in order to destroy this symbol of strong opposition. In order to cut the opposition off from people living in the area, the Burmese military has initiated massive relocation programs which move villagers into controlled camps within military control. From these camps, people can also be recruited for forced labor to build roads, railways, and to serve as porters. Over 1.5 million people throughout Burma have probably already been displaced in these military operations.

In the Arakan State, there is no very active guerrilla activity, but the local minority Muslim population, known as Rohingyas, is suffering severely from the military's systematic suppression

policy. Nearly 300,000 fled to neighboring Bangladesh to seek refuge, and are now facing repatriation. There is presently no way the international community can be assured that these Rohingyas will be safe if sent home⁰.

2.C Human Rights Violations in Thailand

Citizens fleeing from Burma to avoid political persecution, civil war or economic poverty, have crossed into Thailand to seek refuge or jobs. They now number nearly 80,000 living in refugee camps along the Thai/Burma border. Another large group live illegally in the urban areas of Thailand with over 2,000 recognized by the UNHCR as "persons of concern". Here they also face human rights abuses.

The most notorious abuses for Burmese citizens takes place in the Immigration Detention Center (IDC) in Bangkok. Physical torture in the IDC is common. Security personnel reportedly often rape female inmates, and corruption is rampant.⁷

Thousands of Burmese women have come to Thailand for economic reasons. While seeking jobs they are lured into prostitution. Other women in the refugee camps on the Thai-Burma border feel that

^b For details, see Amnesty International's report "Human Rights Violations Against Muslims in the Rakhine (Arakan) State, May 1992

⁷ For details see "Asia Watch Concerned About 'Safe Area'¹ for Burmese" Asia Watch report September 21, 1992

their future is hopeless. The country's civil war continues without an end in sight so they decide to abandon the refugee camps to seek jobs in the towns. Some of them also turn to prostitution, or are forced against their will into this dehumanizing slavery. They are often arrested by the Thai police and put into the IDC. A large number of the women who have been rescued have tested HIV positive. Often, after being abused even more while in detention, they are repatriated to an unknown future in Burma.

The thousands of refugees living along the Thai/Burma border also face the constant threat of forced repatriation. As long as the civil war continues, and the Burmese military carries out their operations along the borders, these villagers will not be safe.

4. Actions to Pursue

Since human rights abuses in Burma can not be isolated from the country's militarization, ethnic tensions and civil war, it stands to reason that all actions relating to human rights in Burma must also directly and effectively confront these root issues. The point which needs to be emphasized over and over again is that human rights abuses will continue unabated as long as the present military structure remains unchanged, as long as the reasons for ethnic tensions are not identified and dealt with, and as long as the civil war rages on. Within this context, it is not sufficient

to simply be busy doing good and useful things, but rather it is imperative to be doing things which will effectively bring positive change to Burma i.e. an end to the civil war, ethnic tensions and military rule.

Several areas need special attention in relation to human rights work.

1. Human Rights Education

Human rights education in Burma must not become an academic exercise aimed simply at holding formal discussions in seminar style. A program of human rights education must be developed which carries out three major objectives.

a) It must provide basic human rights education in a simple and understandable way to the most distant village and peasant. This human rights education must be done in such a way that it empowers these villagers through providing them with the tools to document the human rights abuses which they experience daily, and providing them a clear understanding of how such documentation can help in the struggle for national liberation and reconciliation. The actual documentation of human rights abuses must not be left

only to the "experts" to do. Village peasants can and must be involved in this process as it is an important part of the democratization process, and the only way to help safeguard the human rights of these peasants for the long term.

An educational process of this kind will not only provide the peasants with knowledge of the Universal Declaration of Human Rights, but will also help them study their own history and traditions in order to articulate their own cultural understanding of human rights, decision making, and power sharing. If these traditional village-level economic, political, and social systems can be integrated into the national-level structures, a democratic constitution and federal system can be developed which these peasants can both understand easily, and participate in without confusion. This is one of the most secure assurances of the protection of basic human rights they can obtain.

b) Grassroots-level human rights education must also provide a platform from which the people themselves can define their understanding of human rights. Basic human rights as defined in the UN Charter, is not an alien concept to village people, but if it is "taught" to them, it may appear to them as such. Allowing the people to create their own definition of human rights based on their own experiences is also the only way to move human rights out of the hands of those in power, and into the hands of those who are powerless.

At the recent Asian-Pacific Conference on Human Rights held in Bangkok, Thailand, U Win Mra, the Burmese military's representative to the meeting said that Asian countries with their own norms and standards of human rights should not be dictated to by a group of other countries who are far distant geographically, politically, economically and culturally. He further added,

"In considering human rights, it is most important to take into consideration differences in political, economic social and cultural conditions. If judgement is pronounced without taking into consideration these differences, it is bound to be erroneous and counter-productive." (The Nation, April 1,)

U Win Mra's comments echoed the concerns of the ASEAN nations who claim that the West's understanding of human rights is not the same as the Asian understanding. If that truly were the case, (and we believe it is not) who in Asia has the right and the ability to define an Asian concept of human rights? Is it the wealthy and powerful ruling class who benefit from a country's policies? Is it the middle class and NGO's who are also in a situation of privilege? Or is it the poor of the nation who must suffer, usually without much international attention, the indignities of daily human rights abuses?

We need to provide these grassroots people a forum in which they can tell the world; Is forced service to build roads or carry heavy weapons for the military a violation of basic human rights? Is being raped and watching your children slowly starve to death a violation of basic human rights? Is living for over forty years with the fear of having your home burned and your crops destroyed and your culture erased a violation of basic human rights? Is constantly having to flee for your life a violation of basic human rights? Is being arrested, tortured, imprisoned and murdered a violation of basic human rights?

The poorest people in Burma can today give us a definition of an Asian concept of human rights if they are given a chance. Our human rights education with them must not, therefore, be something given to them, but rather something learned from them.

c) Documents such as the UN Declaration of Human Rights and the ICRC Conventions should be printed in simple Burmese language and ways found to get it into the hands of the SLORC soldiers. Many of them are young and poorly educated so are unaware of such documents. By making these documents available in a form which is very easy to read and understand, some of these young soldiers might become aware and sensitized more to human rights issues.

2. Regional Campaign

An active regional campaign must be developed which will challenge the constructive engagement policy of the Asean nations and will also call to task China and Singapore for providing military support to the Burmese military. As long as China and Asean deal with the Burmese military, they ignore the 1990 elections in which the people ousted the military from any political role in the country and voted in a civilian government led by the National League for Democracy and Daw Aung San Suu Kyi. By taking such a position, both China and Asean are insulting the people's endeavor for democracy and thus intensifying the military's hold over the people and prolonging the civil war. Until China and Asean respect the people of Burma by recognizing the results of the 1990 elections, there can be no end to the civil war in the country and thus no end to human rights abuses as well.

A regional campaign must be built up in each Asean country which will focus on:

a) Ending all investments with Slorc. This especially involves Thailand which has massive logging and fishing concessions, and which is discussing plans to build dams along the Salween and Moei Rivers in Burma for hydroelectric power needed in

Thailand. The Thai government will never change this policy without first of all a local Thai initiative to actively pressure for change, and then international support for that initiative.

b) Challenging the Asean governments to recognize the elected representatives of the people rather than the Slorc. Presently Slorc's only claim to power is their military might which is actively supported by China, Singapore and several other arms-producing countries. Does Asean, indeed does the world, take seriously a people's voice expressed through an election? If so, then Slorc can no longer be accepted by the international community as the accepted government of Burma. If not, then the world should no longer encourage a democratization process which involves elections by the people.

c) Challenging the Asean policy of "constructive engagement" as well as their claim that the Asian view of human rights is not the same as that of the West. On this point, Asean governments must be challenged to allow the grassroots people of their countries to identify exactly what is an Asian concept of human rights.

To develop a regional campaign to challenge the Asean "constructive engagement" policy will require more than meetings and written statements. It will require an on-going active movement which provides weekly, if not daily, pressure on the governments through

the use of the mass media, rallies, posters, pamphlets, letter writing and telephone campaigns to government offices, etc. The campaign must also provide non-Asean countries with guidelines on how they can support this regional campaign.

d) Pressure the governments of Burma's neighboring countries to develop a more humanitarian policy towards those people who are seeking refuge from the Burmese military's onslaughts. In Thailand, many refugees who have fled across the border have been forcibly repatriated by the Thai military and Border Patrol Police. These refugees face possible arrest, and use as porters by the Burmese military after they are pushed back. Many of them will surely die in this situation.

In order to help provide these people with some protection, NGOs in these countries should establish "watchdog" committees which stay with the refugees and monitor their situation. These NGOs can also form a pressure group which will push the national authorities to change their relationship towards Slorc. Through this process, Slorc's war against its own people can be challenged.

e) All organizations and individuals wishing to become involved with support for the democratic struggle in Burma should first of all try to familiarize themselves with Burma's history and the complexity of the ethnic tensions which determine so much of what has happened and continues to happen in the country today.

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e) All organizations and individuals wishing to become involved with support for the democratic struggle in Burma should first of all try to familiarize themselves with Burma's history and the complexity of the ethnic tensions which determine so much of what has happened and continues to happen in the country today.

Without at least some understanding of this deeply rooted problem, they may contribute to the tensions without intending to. Support for human rights and democracy in Burma today requires extremely sensitive dealings with these issues so as to not exacerbate them even further.

f) International support for the democratic struggle in Burma is extremely important, but needs to be done with caution. All groups wishing to become involved should first survey carefully what is already being done so as not to compete, interfere, duplicate or negate efforts which other groups are taking responsibility for. It is especially important that efforts by international groups do not stifle initiatives being made by Burmese groups as these local efforts represent the energy and creativity which is necessary to work for long-term positive change in Burma. Great care should be taken to become involved in a way which helps lead the country towards a solution to the civil war rather than to simply be busy, or worse yet, to compete with others.

3. International Campaign

The international campaign to protect the human rights of the people of Burma must focus on several primary issues:

a) The international campaign must focus on ending all foreign investments with the Burmese military regime. These investments help provide the funds which the Burmese military needs to continue the war. Once the funds are cut, the confidence of the military will be shaken and they may be convinced that a nation wide cease fire is essential. Such a cease fire can ease the pressure on those suffering so much from military abuses, and pave the way for a long term solution.

b) An international campaign must also be launched to question what, if any, legitimacy the Slorc has to rule the country. If there is no legal grounds for their remaining in power, countries should be encouraged to withdraw any recognition of them as legitimate, and rather focus on the democratically elected government and opposition forces. International pressure can then also be put on the United Nations to remove Slorc from the Burma UN seat and either leave it vacant temporarily, or allow a member of the elected government to occupy it. It has also be suggested that the UN Secretary General could actually appoint a temporary Burmese envoy to the UN until the situation in the country stabilizes.

c) International pressure needs to be placed on organizations such as the UNHCR and the ICRC to do something about the hundreds of thousands of displaced persons inside Burma. They should not avoid this issue until the situation is as desperate as it became in Somalia. Hundreds of thousands of lives could be spared if these organizations moved with authority and determination. The international community should give them the mandate to do so with the approval and coordination of the opposition groups in Burma. This can also help lead to the dismantling of the military dictatorship in the country and a move towards national reconciliation

4. United Nations Actions

The United Nations must play a more critical role in helping bring the war in Burma to an end and thus ensuring the protection of human rights in the country. This could be facilitated in the following ways:

a) The UN Security Council must consider the Burma issue as quickly as possible. Over three hundred thousand people are now living as refugees in Burma's neighboring countries, and the number could increase drastically if Slorc carries out another dry season offensive later this year. More than 1.5 million have probably been displaced within the country, and many of them could also flee to the borders in the near future. This constitutes a threat to

regional security not to mention a very serious human tragedy. The sooner the Security Council takes up this issue, the sooner the rights of the refugees and internally displaced people can be dealt with appropriately.

The Security Council must place an arms embargo on Burma to encourage an end to the militarization of the country and pave the way for national reconciliation . An arms embargo would challenge the present position of China, and Asean, and would also make it more difficult for international countries producing military weapons and equipment to export their goods to the Burmese military.

b) The UN Security Council could also consider enforcing a trade embargo against Burma until such time as the military stepped down and allowed the elected government to take over State power. Present trade with Burma is not bringing benefits to the hundreds of thousands of displaced persons throughout the country, nor to those who are being held for political reasons in the country's numerous prisons. Thus a trade embargo would not harm them, but would, instead, provide an opportunity for a change in the country which would bring about a more positive human rights atmosphere for those who are now suffering the most.

c) The UN should investigate very carefully the work being done by UNDP, UNICEF and other UN agencies in Burma presently. The UN must be able to assure the people of Burma that these organizations are not helping legitimize the Burmese military regime, and are not simply supporting the military's plans to eradicate ethnic minority opposition.

5. Conclusion

The Burma Rights Movement for Action (B.U.R.M.,A.) believes strongly that a comprehensive strategy which can focus all of the local and international energy is essential if enough power is going to be generated to force Slorc to heed the will of the people of Burma. Every action, and every involvement in this struggle must be thought through carefully, and must be integrated into the overall plan for change. Without this comprehensive strategy and the cooperation of all friends in such a strategy, the struggle in Burma may continue for many more decades.

We further believe that for true democracy to finally flourish in Burma, the poorest and most oppressed people in Burma must be allowed full participation in designing the future of the nation and the constitution which will hold that nation together. We urge everyone to take seriously this most basic issue in the democratization process, for if these people do not play a very significant role in designing the shape of the future Burma, they

will once again become the outcasts and victims of society. They have suffered so much for so long. It is time that they be allowed to enjoy a time of peace and prosperity. For them the issues are extremely basic; to have food to eat, to be safe from rape and slavery, to be assured of good health and education for their children. Only when they can participate fully and equally, can they every have the hope of enjoying these simply and basic rights.

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