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## 6. International Policies towards Burma: Western governments, NGOs and multilateral institutions

*Zunetta Liddell*

### I. Introduction

A careful and objective study will reveal that both sides have the same aim – the emergence of a democratic country. The difference is only in the tactics to reach this goal. If these nations, which are trying to exert pressure and isolate Myanmar through prejudice, adopt a positive attitude and assist Myanmar, we can achieve our common goal more quickly.

*Khin Nyunt, Secretary-1 SPDC, 10 August 1999*

In the 11 years since Burma's democracy summer, vast amounts of time, money and energy have been spent by individuals, organizations, governments and inter-governmental organizations trying to bring about the transition to democracy and protection of human rights which thousands of Burmese died for. And yet, in Burma the human rights situation has not only failed to improve, but in many respects has worsened and the political situation remains deadlocked. Internationally, there is also a sense of stasis, almost hopelessness, and a realization that while it was always assumed that change in Burma would have to come from within, efforts to assist and support that process from without have apparently achieved little thus far. At the same time, however, the search for new ideas and a fresh approach is hampered by polarized positions among activists which have become entrenched over the years, and especially since the release of Aung San Suu Kyi in 1995. Simply put, these positions can be summed up as isolation versus engagement. Isolation seeks to isolate the military in the hope that either this will lead to a collapse of the government, or at least pressure the military into having to make the required changes. Constructive engagement is a longer-term approach that tries to change the military by stealth. Neither isolation nor engagement can be said to have failed at this point, for neither has really been tried. For a synopsis of these policies,<sup>188</sup> see the Introduction to the Executive Summary.

Since 1999 there have been some attempts by governments and multilateral institutions to come out of their bunkers and adopt a more pragmatic, realistic approach which seeks to prevent a humanitarian disaster and prepare for the long-term future of Burma, whilst continuing to support the internal opposition.

#### *Aims and methods*

This chapter seeks to assess the activities and strategies of "Western" governments (which in this case is limited to the United States, the European Union and Japan); multilateral institutions; international development organizations; and the myriad voluntary organizations ranging from major foundations to small solidarity groups, that have been actively seeking change in Burma.<sup>189</sup> It is difficult, if not

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<sup>188</sup> Initially prepared by Zunetta Liddell for this chapter on international policies.

<sup>189</sup> For clarity this report will generally use the term NGO to denote those non-governmental organisations whose work is not development oriented: it includes, human rights organizations, solidarity groups, advocacy groups.

impossible, to show that a particular advocacy strategy resulted in any change in governmental policy, or that a particular policy change resulted in changes of the kind wished for in Burma. However, it is important that as far as possible, strategies and policies are assessed and reassessed as to their impact so that lessons can be learnt for the future. Few of the organizations and individuals that are the subject of this report have undertaken their own impact assessment or employed independent assessors.

Much has recently been written on methods by which the effectiveness of NGOs can be measured; this chapter will adapt the model developed by the Catholic Institute for International Relations (CIIR) in the discussion paper, *Making Solidarity Effective*.<sup>190</sup> CIIR have differentiated between several kinds of impact:

- Impact on policy in the West – including governments and multilateral institutions
- Impact on the situation in the targeted country (in this case Burma)

For both of these, CIIR lists three kinds of impact.

- Capacity-building, that is the ability of NGOs or governments to “accumulate the funding, infrastructure, policy information, contacts and allies” needed to carry out effective advocacy or policies. Within Burma, this would include the ability of groups to make contact with partner NGOs abroad, and to collect and disseminate useful and effective information;
- Declaratory impact, that is “changes in the rhetoric or legislative outputs of decision-makers” (such as UN resolutions, for example);
- Implementation impact, that is “the extent to which these measures have been translated into new administrative procedures or broader practices”, particularly by governments.

In addition, there is also a need to look at any possible negative impact foreign advocacy work has had on the overall situation in Burma.

This paper is not intended to be exhaustive. Undoubtedly much work has taken place behind the scenes, and it would not be possible or even desirable to explain or describe all of these activities. This paper is written with the intention that those of us, who have for years worked to promote a democratic transition in Burma, are able to step back and see how both the internal and international situation has changed over the years, and how we might more effectively direct our energies in the present context. It is also intended to help those interested in becoming involved in Burma for the first time to understand how we got to be where we are, and indicate some possible new strategies for the future.

### ***The international context***

Since 1988, while much in Burma has remained the same, the international community and the unspoken rules governing international relations have undergone incredible changes. In 1989, with the fall of the Berlin wall and the break-up of the Soviet Union, a new international era – the New World Order – was heralded. The days when internal abuses of human rights by governments against their own people would be ignored if the country concerned were fighting off communism, or capitalism, were over. It seemed to many at the time that Burma might benefit from the acclaimed international resolve to put concern for human rights and democratic government at the forefront of foreign policy, and create a world where dictators could find no home.

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The term International Development Organization (IDO) is used to mean non-governmental organizations that have an international coverage, and work mainly or solely on humanitarian/development projects.

<sup>190</sup> Baranyi, Kibble, Kohen and O'Neill, *Making Solidarity Effective: Northern voluntary organizations and the promotion of peace in Angola and East Timor*, London: CIIR, 1997.

By 1999, however, this New World Order had been torn apart by civil wars and the failure of interventions in Somalia, Rwanda, Angola, Sudan, Afghanistan, Yugoslavia and Chechnya. After the Balkans crisis and the military intervention in Kosovo, there is still no consensus as to the role of the United Nations or regional military or political alliances in stopping or preventing mass human rights abuses occurring within the territory of sovereign states. However, “non-interference”, which for so long held off effective intervention to prevent human rights violations, is no longer sacred. It remains to be seen what the overall impact of the disaster in East Timor will be, but one lasting legacy will surely be that in this case even ASEAN broke its own long-held agreement not to intervene in member countries, as both Thailand and Malaysia sent troops to join the UN peace-keeping mission there.

While the United Nations and regional alliances sought formulas for intervention in Europe and Africa, in Asia the end of the cold war gave rise to a new East/West divide and an ideological battle over human rights versus “Asian values”. Burma profited by this divide, seeking to ally itself with Asian powers which could, it hoped, defend the country from Western “neo-imperialist tendencies” and calls for respect for human rights and democratic change. However, the Asian economic collapse of 1997/8 exposed the long-term political tensions in many countries, and the mantra that in Asia economic development has to precede political liberalization has to be reassessed.

Short of armed intervention, measures to cajole, force or persuade governments to change their ways have also been attempted over the past years. The use of sanctions has been developed, albeit in a very ad hoc way. Since the South Africa case, the first case of UN-sponsored (voluntary) economic sanctions against a country for its denial of basic human rights, sanctions have been employed by many governments and by non-governmental actors (companies and individuals) against many regimes, with varying degrees of success. Cuba stands as an example where sanctions by one major government, the United States, have failed after nearly 40 years to have the desired effects and where even human rights organizations have called for the sanctions to be lifted.<sup>191</sup> Iraq stands as an example where near-global sanctions have also failed to remove an odious regime, or force it to get its house in order.

China is a case where limited economic sanctions by the USA were lifted when it was seen to be weakening US companies’ ability to compete in a burgeoning market. Instead, the USA employed a policy of “constructive engagement” with Beijing. Indeed, where economic or strategic concerns have taken precedence over human rights, “constructive engagement” has often been the order of the day – often no more than a scrap of loincloth to give moral cover for continued economic relations. Thus, to many observers, constructive engagement has come to be a pseudonym for an “unethical” foreign policy, and sanctions its “ethical” opposite. However, this polarization has allowed sanctioning governments to get away with policies which are morally satisfying, but can be a fig leaf to cover a lack of real political will to bring about the desired changes. It also allows “engaging” countries to avoid any concerted and detailed monitoring to ensure that they do indeed get something constructive out of their engagement with pariah states.

While Western governments grappled to find a Burma policy, there was a burgeoning of grassroots advocacy on Burma – from the work of the exiled Burmese community at the United Nations and other international forums, to the proliferation of local campaign groups calling for boycotts of companies working in Burma. When thousands died on the streets in Rangoon in 1988, there were no television cameras to record the terrible events and the waves of outrage emanating from those dreadful events barely reached the West.<sup>192</sup> By 1999, there was more global awareness of the situation

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<sup>191</sup> Jose Miguel Vivanco, Executive Director of Human Rights Watch/America in “Washington’s Embargo Feeds Castro’s Tyranny”, *New York Times*, 23 March 1998.

<sup>192</sup> A couple of amateur videos, taken by diplomats or by those participating in the demonstrations were later made available, and have since been fairly widely seen in TV documentaries.

in Burma, and of the plight of the opposition, symbolized by Aung San Suu Kyi. Throughout Western countries campaigning organizations had sprung up, many initiated by exiled Burmese students who fled in 1988. In the USA, UK, Canada and Australia in particular, these groups had pressed governments for a more active, accountable policy towards Burma, and in the USA had succeeded in the imposition of limited economic sanctions: a ban on all new investment in Burma. More recently, such groups have also begun to emerge in Asia, with non-governmental organizations in Thailand and elsewhere working to persuade their governments to press the SPDC for fundamental reforms.

That the debate on how to bring about change has become deeply polarized is clear even in the language which Burma watchers use: do you say “Burma” or “Myanmar”? Have you been “inside” Burma (never “to”)? This polarization is perhaps beginning to break down, as it surely must if there is to be internal reconciliation. If there is one thing that the international community can do for Burma now it is to show that concern for the human rights of the people of Burma, that is their health, education, development, right to life and other civil and political rights, is more important than rhetoric, or pride. Progress and reform in all aspects has long been an imperative – not a dream.

## **II. The European Union, Japan and the United States**

Western governmental policy towards Burma has gone through a number of different stages over the past 11 years, but has been dominated by a view that the only way to bring about a positive transition is by the use of sticks and carrots. The idea is that the government will rationally choose to make the reforms stipulated (directly or indirectly) in order to not be totally isolated and denied assistance (the stick approach), or to gain specified assistance for specified changes (the carrot approach). On a sliding scale, the USA has used the most sticks, followed by Europe (in the following order: Denmark, Norway, Sweden, UK, Germany, France), Canada and Australia. Japan, at the other end of the scale, has used the most carrots.

Of course, this policy would only work with a government that acts rationally in order to do the best for its people (as defined by the West). Burma however, is a country ruled by a strongly nationalistic, even xenophobic, military junta, whose understanding of what is best for its people is widely different. From the Tatmadaw’s viewpoint, the policies of the West are directed towards neo-colonial domination of Burma. At least that is what they say publicly – it can be assumed that for at least some of the members of the SPDC this is understood to be a convenient fiction which enables them to justify their continued hold on power. From the Tatmadaw’s perspective, there are only victors and the defeated in a battle, and they will not be defeated. Their overriding concern, which they repeat frequently, is not do anything that might threaten “national security”, no matter how unpopular it is with the international community.<sup>193</sup> This includes, apparently, not only things concerning human rights, such as releasing political prisoners and permitting freedom of speech and information, but also such things as regularizing the exchange rate, as advised by the World Bank and IMF.

This attitude has only relatively recently been acknowledged by Western governments, who, in cutting off diplomatic relations with the SLORC/SPDC, also cut off opportunities to meet with and understand the military leaders.<sup>194</sup> It has also only recently been acknowledged by Japan, after several carrots were

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<sup>193</sup> Thus, for example, Rachel Goldwyn, the British woman arrested in Rangoon while singing pro-democracy songs with her ankle chained to a lamp post on 7 September 1999, was sentenced to seven years’ imprisonment for threatening “national security”.

<sup>194</sup> For example, during peace talks with the KNU, Khin Nyunt is reported to have told them to stop calling for the isolation of Burma, as this was actually self-imposed.

eaten with relish, but with little sign of any real positive process of change as a result (see below).<sup>195</sup> There remains then only a very real frustration with the SPDC, and with no big ideas to replace them, the same old policies have continued regardless of their lack of impact. In part, this can be explained simply by the lack of real will to take on Burma's problems. But in part also by the popularity among the voting public of measures punishing a pariah regime, which is very important to governments that also trade and engage with states with human rights records like those of Burma.

The proponents of isolation (both governments and advocacy NGOs) would also argue that the aims of isolation have changed: the objective is no longer to try to bring the government to collapse, but to maintain a high level of pressure, so that the consequences of failing to reform are high. This is a laudable aim, but it cannot work long term, as the government finds other ways of securing the benefits that might otherwise accrue from the West, or decides it can do without them. Both these things are already happening in Burma, with the Tatmadaw relying increasingly on China, and at the same time turning inwards on itself to promote a new form of the isolationist BSPP era where self-reliance is the key to sustainable growth. In addition, maintaining a loud rhetoric of denunciation and isolation means that when new approaches emerge – such as that of UNICEF in 1992 (see below), or Australia's attempt to encourage the formation of a Myanmar Human Rights Commission in July 1999 – they are quickly shot down by knee-jerk responses from the Burmese community abroad and campaign groups. It is not only the SPDC that finds it hard to shift from entrenched positions.

There are however signs that a second rethink of Burma policy has begun. With the developments in international diplomacy and intervention in East Timor, following so soon after that in Kosovo, it was hoped that concepts such as “preventive diplomacy” and “conflict resolution” would finally be combined with political will to intervene before a crisis gets out of hand. The first review of Burma policy took place in 1993/4 when America, the EU and Australia each developed their own versions of benchmarks (critical dialogue or roadmaps) in progress in human rights and democratic reform which the SLORC would have to reach before Burma would receive any new assistance. These policies each faltered, as the SLORC showed no interest in reaching for the carrots offered. The “review” apparently underway by the EU, Australia and Canada is perhaps not so much a policy as a set of possible initiatives aimed at strengthening civil society. If any of these new ideas are to have some success, they must, as long-time Burma watcher David Steinberg put it, be “a way to deal with Burma that involves neither confrontation nor appeasement, but rather engagement. Further engagement along this line might be the only way to wrench Burma out of its political and economic morass.”<sup>196</sup>

### ***The United States***

The USA currently has the most wide-ranging economic sanctions in place against Burma, and has set the markers for the West's hardline approach. At the same time, it gives the largest amounts of assistance to promote democracy and human rights, rising from US\$ 250,000 in 1990 to US\$ 5 million in 1999.

Following the military crackdown in 1988, the USA suspended all aid and loans to the government, then about US\$ 16m. This included around US\$ 10m for an (unsuccessful) opium eradication programme. It imposed a *de facto* arms embargo, and encouraged other countries to do the same. In early 1989, it also suspended Generalized System of Preferences (GSP) benefits to Burmese imports to America under labour rights provisions of the 1974 Trade Act (it was not until 1996 that the EU enacted similar legislation). In addition, the USA also publicly reported human rights abuses from its

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<sup>195</sup> The exception to this was the release of Aung San Suu Kyi in July 1995, which was widely believed to have come after pressure and promises of aid from Japan.

<sup>196</sup> Steinberg DI, “Talk To Burma's Generals”, *Far Eastern Economic Review*, 16 September 1999.

embassy in Rangoon, and since that time the annual State Department *Country Reports on Human Rights Practices* report on Burma has been both detailed and devastating.

In 1990, Congress passed legislation calling on the President to:

...impose such economic sanctions on Burma as he determines appropriate...unless the President certifies to Congress before 1 October 1990 that all the following conditions have been met:

1. Burma has satisfied the certification requirements of the Narcotics Control Trade Act
2. national governmental legal authority in Burma has been transferred to a civilian government
3. martial law has been lifted
4. political prisoners have been released....[Including] Daw Aung San Suu Kyi and Tin Oo.<sup>197</sup>

However, the wording of the resolution did not compel the imposition of sanctions, and when October came and went the Administration said that it was considering an embargo, but that it would only take further measures if it was supported by other countries, especially the EU (EEC as it was then) and Japan.

For the next few years, policy on Burma remained largely at the level of rhetoric at home, while supporting the maintenance of the de facto sanctions imposed in 1988 with the suspension of World Bank, IMF and Asia Development Bank. Activists criticized the administration for failing to prevent investment in Burma, especially by the oil companies Unocal and Texaco. Overall, the policy, such as it was, was reactive, not proactive, with the administration responding to every new human rights crisis with loud denunciations and little action. Both the Bush and Clinton administrations were besieged on three sides: an active group of pro-democracy senators and congressmen and women who had been successfully lobbied by the NCGUB and others; powerful business lobbies who saw Burma as a potentially profitable investment and entry point to ASEAN markets; and the Drug Enforcement Agency, to whom Burma was simply the world's largest producer of narcotics, and this demanded that greater assistance be given to the SLORC to eradicate drugs.

In mid-1993, at a time when all Western governments were seeking new, more proactive policies towards Burma, Clinton ordered a review of Burma policy. The review was completed in October 1994, and essentially concluded that the USA would only countenance an improved relationship with the SLORC if there were progress on three fronts: democracy, human rights and counter-narcotics. The Deputy Assistant Secretary of State for East Asia and Pacific Affairs, Thomas Hubbard, went to Rangoon in October to present the new policy directly to Lt. Gen. Khin Nyunt. He offered the SLORC "two visions of a future relationship with the USA, either increased cooperation based on positive movement on human rights, democratization and counter-narcotics issues, or increased isolation". As a sign of things to come, Hubbard was denied access to Aung San Suu Kyi (then under house arrest) and promises given by Khin Nyunt that they would continue talks with her and would allow prison visits by the International Committee of the Red Cross (ICRC), were not fulfilled in the short term.<sup>198</sup> The only issue on which the SLORC showed cooperation was counter-narcotics, and the Drug Enforcement Agency (DEA)'s request to undertake a joint opium survey was granted.

The history of US/Burma cooperation on narcotics is instructive. Here, the SLORC's failure to prohibit the production and distribution of drugs, notably opium/heroin, had direct impact in America,

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<sup>197</sup> For the full text, see Marc Weller ed., *Democracy and Politics in Burma* (Manerplaw, National Coalition of the Government of the Union of Burma) 1993.

<sup>198</sup> Rather, there were no further meetings with Daw Aung San Suu Kyi, and the ICRC pulled out of Burma in June 1995 and publicly condemned the SLORC's refusal to enter into negotiations in good faith.

where 60% of the heroin on the streets of New York was found to originate in Burma. The USA desperately wanted to stem the flow of drugs from Burma, but far from preventing the rising opium production it appeared that SLORC was possibly profiting by it. Thus cooperation with the SLORC did not appear to offer a way forward, even without the SLORC's human rights record. Thus, every year since 1989, the administration denied counter-narcotics certification to Burma, effectively denying any counter-narcotics assistance. Following the agreement for a joint survey, which took place in December 1994, it was announced in June 1995 that the SLORC would be rewarded by new assistance for counter-narcotics. The proposal was a "compromise" between human rights and counter-narcotics policies, with the assistance being limited to discussions with SLORC officials on drug policies, in-country training to SLORC anti-drug enforcement units, an exchange of intelligence information (especially to assist SLORC's offensive against Khun Sa), and increased funding for the UN Drug Control Programme's activities in areas of Burma controlled by ethnic minority insurgents. The administration was able to enact these policies in the face of massive criticism from Congress, but in response in January 1996 when Khun Sa "surrendered" to the SLORC, even the offer of a US\$ 1 million reward could not persuade the government to hand him over to America to face a US court.

After the initial trip of Hubbard to present the new policy to the SLORC, there seemed to be an impasse, with the administration having no clear idea of what to do to step up pressure after the almost total rejection of its plan. The only thing that was certain was that Clinton did not consider the imposition of economic sanctions as part of the "isolation". Since the 1990 legislation, concerted attempts by some members of Congress to introduce meaningful sanctions legislation failed to win sufficient cross-party support. By 1995, the USA was the fourth largest investor in Burma, with investment primarily in the oil sector, totalling nearly \$203 million. Instead, the administration continued to state that it would support multilateral sanctions through the UN, but could not do so without support from other governments.<sup>199</sup>

The release of Aung San Suu Kyi in July 1995 was welcomed cautiously. President Clinton issued a statement welcoming the news but expressing "concern about a number of serious and unresolved human rights problems in Burma, including the continued detention of other political opponents, the failure to permit the Red Cross to visit prisoners, and the ongoing military campaign against a number of ethnic groups."<sup>200</sup> Thus, rather than see her release as a positive change in human rights which would lead to greater US assistance to Burma, as might have been appropriate under the 1994 policy, the administration undertook a new review of policy while deciding how to react. Secretary of State Madeline Albright was sent to Rangoon to hold discussions with Aung San Suu Kyi and the SLORC. She delivered a tough message, calling for "fundamental progress towards democracy and respect for human rights" before relations with the USA could be improved or the USA would consider lifting the ban on World Bank loans to Burma imposed since 1988.

Albright made no attempt to hide her admiration for Aung San Suu Kyi and her contempt for the SLORC, in the form of Khin Nyunt, sparking off a personal animosity which was to dog US-Myanmar relations and lead to scores of denunciatory and at times abusive articles in the Burmese state newspapers. Despite the total lack of any moves towards a closer relationship, the administration still did not impose further sanctions on the SLORC, but continued its strong support of UN resolutions

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<sup>199</sup> In a letter to Lane Kirkland, president of the AFL-CIO labour confederation, who wrote to the State Department urging a trade and investment embargo against Burma, US Secretary of State Warren Christopher said on April 5, 1995, "We have regularly explored whether there would be support for such an embargo with our allies, and with Burma's major trading and investment partners in Asia. We have found no interest in a U.N. embargo."

<sup>200</sup> *The Financial Times*, London, 12 July 1994.

and the embargo on financial assistance from the World Bank and IMF. However, in October 1996, a new bill, which was introduced soon after Aung San Suu Kyi's call for international sanctions, was finally passed by the US Senate as part of the fiscal year 1998 Foreign Assistance Act. As with the 1990 legislation, the bill did not call on the President to immediately impose sanctions, but gave him the authority to do so if the Burmese government physically harmed, rearrested or exiled Daw Aung San Suu Kyi or committed "large-scale repression" against the political opposition. Another part of the bill which gave the President the authority to deny visas to Burmese officials was acted upon the following day.

For the last months of 1996, events in Rangoon where student demonstrations resulted in the detention of nearly 700 people, and where several leading members of the NLD who had been arrested during the year were given long prison terms, gave rise to a discussion on what constituted large-scale repression. The question frequently put to the President was "how many people have to be arrested, or do people also have to be killed?" Finally, on 22 April 1997, President Clinton announced his decision to impose the investment ban.

The US sanctions were hailed by the opposition and NGO community as a major step forwards. It was the first unilateral economic sanctions against Burma, and it was hoped would serve as an exemplar to other governments. In terms of the first step towards international sanctions, it was a significant step. However, as a tool by which to effect change in Burma, the legislation was greatly flawed. Little remained of the original draft after the horse trading which took place in order to get bipartisan support for such a bill (in the face of massive counter-lobbying by the business community). It did not meet any of the criteria required of effective sanctions: there was no clear objective other than punishment, and there was no "exit clause" of reforms the SLORC would have to make in order to get the sanctions lifted.

After the sanctions were imposed, the USA had no direct leverage left with Burma. As the confrontation between the NLD and SPDC reached new heights in 1997 and 1998, the USA repeatedly called on the SPDC to use restraint and not to physically harm Daw Aung San Suu Kyi. But what more could the USA do if the situation deteriorated further, into violent confrontation, for example? Further pressure could only be applied through using its influence with countries, especially ASEAN and Japan. Indeed, a key part of the US policy had always been to encourage an international consensus and a hard-line position, and to a great degree the USA was successful in this. However, the Administration now has to find ways to maintain a proactive policy towards Burma if the sanctions are to achieve anything. As highlighted by Mary Callahan, introduction of US sanctions "may help to bring down the SLORC/SPDC but because it does not address the other decades-old obstacles to democratization, it is unlikely to advance the cause of sustainable, long-term democracy in the very difficult conditions that characterize Burma today".<sup>201</sup>

### ***European countries***

The European Union, although never unified in foreign policy, has also followed policies towards Burma which are strongly supportive of the democracy movement, while falling short of economic sanctions and total isolation. In general, the Nordic countries and the UK have taken the toughest positions, with Germany and France being the most reluctant to isolate Burma. As with America, the lack of direct leverage on the SLORC/SPDC resulted in Europe seeking to use its influence with regional governments, in the hope that they in turn would bring pressure to bear on the Tatmadaw. This was especially the case in the run up to and following ASEAN's decision in 1997 to accept Burma as a full member.

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<sup>201</sup> Callahan MP, "Democracy in Burma: The Lessons of History" in *Analysis*, Seattle: The National Bureau of Asian Research, May 1998.



In 1988, all EU countries cut off aid to Burma, and shortly afterwards agreed on an arms embargo. In 1990, the European Parliament awarded Aung San Suu Kyi the Sakharov Prize for Freedom of Thought, the first international accolade she received. In the international arena, Sweden and France (later the EU presidency) took the lead in drafting resolutions at the UN General Assembly and Commission on Human Rights. The award of the Nobel Peace Prize to Aung San Suu Kyi in 1991 was very important for her own international standing, as well as bringing much needed publicity to the plight of the peoples of Burma. Following the Nobel prize, in late 1991, Norway recognized the National Coalition Government of the Union of Burma (NCGUB), and established, with initial government funds, the Norway Burma Council. In 1992, with assistance from other Western governments and foundations, the Democratic Voice of Burma was set up, a radio station run by Burmese political exiles, which broadcasts by satellite from Oslo to Burma.

In 1993/4, the EU conducted a review of its policy towards Burma. In part, this was because of the complete indifference with which the SLORC met the periodic complaints by the EU. In part though, it was because Burma's dramatic growth figures for 1992/3 (according to government figures, growth reached 10% in those years), led many business leaders to believe that Burma might have massive potential in terms not only of growth but also as an entry point to other Asian markets. It was felt that if this were going to happen, European companies should be there to profit from it. That the review was timed to coincide with the July 1994 EU–ASEAN Ministerial meeting gives some credence to NGO claims that it was their commercial interests above all that underlined the need for a new policy. In the end, the review produced a new policy, “critical dialogue”. As with the US policy review which took place at the same time, the EU came up with “benchmarks”:

- the release of Daw Aung San Suu Kyi and all other political prisoners;
- meaningful dialogue between the SLORC and the NLD;
- free access to Burma by foreign IDOs;
- the liberalization of the economy; and
- progress on the creation of democratic institutions.

In return for these reforms by the SLORC, the EU would increase support for humanitarian relief through IDOs, resume bilateral assistance to the government and encourage investment in Burma by European companies.

There was no direct response from the SLORC to the new policy. However, European efforts continued to try to engage the generals at every and any opportunity, while maintaining a tough line at the UN. The rolling EU presidency meant that at each meeting, the EU was represented not just by a different official, but a different government, making progress more difficult than it otherwise might have been. There were also some very bad judgements in terms of the timing of visits to Burma by EU ministers – for example, in February 1995, the German Deputy Foreign Minister went to Rangoon just days after a bloody attack by pro-government forces on Karen refugees in Thailand. Later the same month, the British Embassy in Rangoon launched a second “British Week” aimed at encouraging British business in Burma.

While governments pursued critical dialogue, NGOs and trade unions lobbied national parliaments and the European Parliament to strengthen the critical part of the policy. In 1995 the International Confederation of Free Trade Unions (ICFTU) introduced a complaint under the 1994 EU Council Regulations regarding the Generalised System of Preferences (GSP), and called for GSP to Burma to be cancelled because of the widespread use of forced labour. In June 1995, the European Parliament supported the ICFTU action in a resolution calling on the European Council and member governments

to “investigate possible cooperation between companies of the European Union in Burmese projects applying forced labor and examine the desirability of imposing economic sanctions”.

Later in 1995, an investigation into forced labour was initiated, and a European Commission delegation were denied entry to Burma, on the grounds that as there was no forced labour in Burma, there would be nothing for them to investigate. With the compelling testimony of human rights researchers, this response clearly angered the Commission. Finally, in December 1996, the EU withdrew GSP privileges from Burma, an act that had a far greater symbolic impact than any real economic one. At the time, EU imported only around US\$ 30 million in goods from Burma.

As the investigation into forced labour was underway, the EU continued with its policy of critical dialogue, meeting with the SLORC in the margins of meetings at the UN General Assembly and the ASEAN post-ministerial meeting in July. With the release of Aung San Suu Kyi, there remained the hope that this policy might bring about some positive change, as each meeting with the SLORC represented an opportunity to reinforce the message of UN resolutions, and the position of the NLD, that dialogue was the only way forward. In October 1996, however, after the mass detentions of NLD members and parliamentarians in May and September, the European Council announced a new common position on Burma. The paper denounced the “continuing violations of human rights” and the “failure of the SLORC to demonstrate any willingness to respond to the concerns of the United Nations General Assembly and the European Union” and established new measures intended to promote “progress towards democratization and securing the immediate and unconditional release of detained political prisoners”.<sup>202</sup> The measures included a ban on entry visas for senior members of the SLORC, their families, and “others in the Burmese security forces who formulate, implement or benefit from policies that impede Burma’s transition to democracy”. It also suspended all high-level bilateral governmental visits to Burma. This common position has been renewed every six months, unchanged despite three further European Parliament resolutions calling for sanctions, and remains in place today.<sup>203</sup>

The new measures were again largely symbolic, since not only did very few SLORC or military personnel from Burma wish to travel to the EU, but the ensuing argument within Europe over who exactly was covered by this ban meant that those who did want to often succeeded in by-passing this regulation.<sup>204</sup> They stopped way short of the economic sanctions which NGOs and the European Parliament had called for. At the same time, the new measures did not represent the abandonment of critical dialogue, and the introduction to the common position “reaffirms [the EU’s] determination to resume such dialogue at any time”.

On 6 July 1999 the EU delegation visited Rangoon in the first attempt since the common position was announced to resume dialogue. There was much press speculation about the incentives for the mission, chief among which were reported to be EU concern for greater trade links, especially after the US sanctions; an attempt to capitalize on what was seen as a softening by Daw Aung San Suu Kyi on the conditions for dialogue; and the problem which Burma’s membership of ASEAN had created for EU/ASEAN relations.<sup>205</sup> It is likely that all of these considerations prompted the EU to move, in

<sup>202</sup> 28 October 1996, The Council of the European Union, Common Position.

<sup>203</sup> European Parliament resolution of 12 June 1997, resolution 1998.

<sup>204</sup> For example, the former General Ne Win’s grandson who was studying in London was able to continue to do so, on the grounds that his grandfather was no longer an “official”. Similarly, Gen. Aye Kyaw, a serving SLORC Minister, was permitted a visa to the UK for medical treatment in July 1996. Aye Kyaw had cancer, and died in a London hospital one month after his arrival. The EU reasoned that such a humanitarian gesture would encourage the government to show similar compassion for their own people – though it seemed to have been forgotten when the SPDC refused Daw Daw Aung San Suu Kyi’s husband a visa when he was dying of cancer in March 1999.

<sup>205</sup> See for example, Nussara Sawatsawang, “EU Makes Burma An Offer”, *The Bangkok Post*.

addition to the frustration felt in all EU capitals concerning the failure of Western policies to move the SPDC in any positive way. The initiative had in fact been Germany's, during its presidency of the EU from January to June 1999, and perhaps simply resulted from the need to respond positively to the UK's initiative in holding the Chilston Park conference the preceding year (see section on the UN Secretary-Generals's Office). Solidarity groups noted that those represented on the mission included representatives of the European Commission which deals with trade and aid.<sup>206</sup> The delegation met with Khin Nyunt and Daw Aung San Suu Kyi, but there was no official comment on the trip by either side since then, except to say that the atmosphere was "cordial".

With little direct leverage on the SPDC, the EU has directed its efforts increasingly towards ASEAN in an effort to encourage Burma's neighbours to use their greater influence to press for positive changes. This assumes two things – a) that ASEAN and the EU have mutually reinforcing objectives in Burma and b) that ASEAN has, or could have, influence over the SPDC. Both of these were probably correct, to an extent, in 1999, although they were probably less true in the past. When Burma made it known to ASEAN that it wanted to become a member of the regional group, in 1992, the EU was quick to point out that it would not favour such a move. When Burma was finally admitted in 1997, it was in the face of strong European and American opposition, causing a rift which for a time prevented constructive discussion of Burma. Meetings between EU officials and their ASEAN counterparts were cancelled when ASEAN insisted, that Burma be represented. Lengthy negotiations had to take place before all ministerial level joint meetings, so that acceptable compromises could be found where Burmese ministers could be present, but not contribute. This pressure from the EU has no doubt had some influence in ASEAN relations with Burma. However, with the effects of the Asian economic crisis and the crisis in East Timor, the problems in Indonesia – which is a far more important member of ASEAN – tended to monopolize ASEAN's attention for some time.

In addition to these diplomatic initiatives, EU policy towards Burma has also included financial support for NGOs working on human rights and democratization, humanitarian aid to refugees in neighbouring countries and increasingly also for humanitarian projects in Burma, through IDOs.<sup>207</sup> Member states have also given financial assistance on a bilateral basis to these activities and to disaster relief – for example the terrible floods in August 1996 in southern Burma. The EU has also supported the US position at the World Bank and the IMF to withhold major assistance.

Recent developments are summarized in an EU document:<sup>208</sup>

There has been **some positive development on the political level** during the last months. An **EU Troika Mission** to Rangoon from 29 to 31 January 2001 was able to confirm that Aung San Suu Kyi had met with senior officials of the SPDC on a number of occasions since last October. While both sides expressed satisfaction with these contacts, they both informed the Troika that they had agreed not to give any information on the content or progress of their talks. **The Troika Mission concluded that the contacts were promising, but still at a delicate stage and not yet irreversible.**

Due to the decision of the ASSK and the SPDC to keep the contents of the talks secret it is almost impossible to predict when these initial contacts are likely to produce significant public results and there were **rumours that the talks had stalled**. There are signs of improvement, in that over 30 political prisoners have recently

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6 July 1999.

<sup>206</sup> From 1 May 1999, external affairs of the EU were the concern not of the Troika – the countries who held the past, future and present presidency (on a 6-monthly rotation) – but the present and future presidencies, plus the European Commission and European Secretariat officials responsible for common foreign policy and security.

<sup>207</sup> Among others, World Vision-Myanmar and Save the Children-UK have received some EU funding for their projects.

<sup>208</sup> This extract was retrieved from the European Commission's External Relations Directorate-General website: [http://europa.eu.int/comm/external\\_relations/index.htm](http://europa.eu.int/comm/external_relations/index.htm).

been released (at least 9 of which are high ranking members of the NLD). The prisoner releases (though limited) and the re-opening of 20 or so NLD local offices suggest that the regime may be making an effort, even if it is at present insufficient. The EU's interest in Burma/Myanmar is primarily informed by humanitarian concerns, as well as by concerns about the supply of illicit drugs. (Burma/Myanmar is, after Afghanistan, the world's second largest supplier of illicit drugs).

### ***Australia***

Following the crackdown on demonstrators by the Burmese military government in 1988 Australia, like most other donor countries, suspended bilateral aid to Burma. Beyond this however, there was little policy at all, as Australia's bid to be considered by her Asian neighbours as one of the club constrained it from being overly critical on human rights in the region.

Following the Western trend, in 1994 Australia conducted a policy review, and a conference of Burma experts led to the adoption of "benchmark diplomacy". This Australian version of the USA's three conditions and EU "critical dialogue" promised to be the closest to ASEAN's constructive engagement, with rewards offered for progress on 10 benchmarks which included not only human rights concerns, but also economic restructuring. There was, however, no clear timetable for compliance, the carrots were not specified, and there were also no sticks to punish the SLORC for failing to reach any of the benchmarks.<sup>209</sup> In common with what was then being done by the USA and EU, Australia took this new policy to the SLORC in a ministerial visit in mid-1994. There was little response. While the government continued to try and find points of dialogue with the SLORC, in 1995, the Australian Parliament's Joint Standing Committee on Foreign Affairs, Defense and Trade issued a *Report on Human Rights and the lack of progress towards democracy in Burma*. The report was long and detailed, and made 38 recommendations to the government of Burma.

The Liberal/National Coalition government (elected in March 1996) concentrated its efforts on multilateral diplomacy, aiming for the adoption of strong consensus resolutions by the UN General Assembly and the UN Commission on Human Rights. The government urged regional countries (particularly members of ASEAN) to use their influence for positive change in Burma. A humanitarian assistance programme is in place, channeled through IDOs and UN agencies. Since 1989 the government has also provided humanitarian assistance for refugees mainly along the Thai/Burma border. Despite growing pressure from NGOs and Burmese groups in Australia (which has accepted over 200 Burmese students on scholarship and refugee programmes), there has been no governmental support for sanctions. Australia said in March 1999 that as a result of the low level of trade and investment in Burma, the imposition of sanctions "would not have a practical effect on improving the situation in Burma".<sup>210</sup> Although the government suspended official Austrade visits to Rangoon, there is an active Austrade office in Burma which is locally-staffed.

A ban on defence exports to Burma remains in place along with the suspension of defence visits from Australia. The government has acknowledged that a high proportion of all narcotics entering Australia originates in Burma but has been criticized for failing to address the complicity of senior Burmese government officials in the drugs trade.<sup>211</sup>

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<sup>209</sup> For a critique see Australian Council for Overseas Aid, *Slave Labour in Burma: an examination of the SLORC's forced labour policies*, May 1996.

<sup>210</sup> Department of Foreign Affairs and Trade, *Country Brief -Burma*, 'Australia-Burma Relations'. 2 March 1999.

<sup>211</sup> See Professor Desmond Ball, *Burma and Drugs: The Regime's Complicity in the Global Drug Trade*, 1999, Strategic and Defence Studies Unit, Australian National University.

In July 1998, Foreign Affairs Minister Alexander Downer met with his Burmese counterpart U Ohn Gyaw to encourage the government to set up a national human rights commission. Australia is a member of the seven-nation Asia Pacific Forum for National Human Rights Institutions, and was interested in extending the capacity building potential of this forum to Burma. A year later in August 1999, the idea was followed up by a visit to Burma by the Australian Commissioner for Human Rights, Chris Sidoti. Sidoti met with Burmese government officials in Rangoon and had meetings which according to the SPDC were “fruitful and successful”, although there seemed no likelihood of any immediate action on Burma’s part. He was not able to meet Aung San Suu Kyi, but instead met with U Tin Oo, vice chairman of the NLD, who was reported to have expressed concern over the proposal. On 22 September in a video message to members of the Australian Parliament, Aung San Suu Kyi went further, saying that,

we think that the timing of this visit is wrong and that it was ill advised. At this time when the military authorities are at their most oppressive, the visit could be misconstrued. It could be seen as an endorsement of their policies, it could in fact, be seen as a tacit approval of what they are doing to the democratic forces in Burma. Such a misinterpretation could hurt us very badly.<sup>212</sup>

Despite the opposition of those elected in 1990, the Australian government continued to engage the military, with the plan for a human rights commission tied to a new aid package. In 2001, the SPDC announced the convening of a committee to establish a Human Rights Committee – SPDC-speak meaning that some action has been taken towards an end, though when that end might come and what the exact make-up of the final product will be is unknown. During the year, Australian academics conducted two human rights training programmes for Burmese government officials and individuals chosen by the military were held in Rangoon and Mandalay. At the same time, Downer continued to call on the Burmese to make substantive progress in the talks with Aung San Suu Kyi started in October 2000.<sup>213</sup>

### *Japan*

Japan has been one of the most important countries in the international community’s policies towards Burma. In 1987, Japan was the single largest donor to Burma, and it was Japan’s refusal to grant further loans until wide-ranging economic reforms were made that led to the demonitization later that year, the impetus behind the 1988 demonstrations.

Like other Western governments, Japan cut off all Overseas Development Aid in 1988, but with so much invested in Burma in the past, and with a powerful business lobby pushing for a renewal of ODA, Japan has tried to tread a fine line between encouragement and appeasement. More than Western countries, Japan stands to gain a lot from a stable and economically developed Burma, but it has nevertheless also maintained a concern for human rights and good governance (if not democracy). Indeed, on paper, Japan’s policy looks rather like that of the EU and Australia after 1994, the main difference being that whereas other countries have offered the possibility of increased assistance, Japan has actually given it; and whereas other countries make their condemnations of human rights

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<sup>212</sup> Daw Aung San Suu Kyi, “Message to Australian Parliament”, 22 September 1999. Quoted in BurmaNet News, 23 September 1999.

<sup>213</sup> Five workshops have been delivered since July 2000 on Human Rights and Responsibilities and International Law to middle level civil servants. “Australia’s immediate objective with the initiative for a human rights institution in Burma is the engagement of the regime’s key figures in a process of dialogue...Our assessment of these first workshops concluded they had achieved their modest objectives, in that Burmese participants freely discussed human rights issues and international law.” (letter from the Australian Department of Foreign Affairs, 10 May 2001). The programme has faced criticism from the Australian opposition because of Aung San Suu Kyi’s opposition to it.

violations more loudly and more regularly, Japan favours quiet diplomacy. Japan has never sponsored a UN resolution, for example, and frequently lobbied for drafts to be toned down.

At times, it seemed that Japan's policy was having success, but at others it appeared that SLORC simply took the money and ran. As noted below (under the UN Commission on Human Rights), Japan played an important role in negotiating with the SLORC to ensure the acceptance of a UN Commission on Human Rights special rapporteur. Likewise, the release of Aung San Suu Kyi in July 1995 was widely credited to the persistent efforts of Japan. In the months before Aung San Suu Kyi was due to be released, Japan gave the first handful of ODA assistance, US\$ 11 million for "agricultural development" in ethnic minority areas. The following month Burma was granted debt relief worth US\$ 4 million. At the time, Khin Nyunt dismissed the deputy foreign minister's call for the release of Daw Aung San Suu Kyi, but she was nevertheless released, against the expectations of most observers. Soon after, Japan gave US\$ 13 million to pay for an extension and improvements to the Rangoon Nurses College.

In March 1998, an ODA grant of US\$ 25 million was released for a project to extend Rangoon airport (part of a £274 million project which had been started by Japan in early 1988). A further US\$ 800,000 was given for anti-narcotics programmes, and Japan also suggested an international conference on narcotics be held in Burma. There was strong opposition to the award of both these grants from parliamentarians of all parties, and the airport money was only released after the parliament was convinced that the extension was a humanitarian necessity. Shortly after this, as tensions rose in Rangoon for the eighth anniversary of the general election, Japanese deputy foreign minister Koichi Haraguchi visited Rangoon on 27 May 1998 to deliver a letter to the SPDC. The letter, from the Prime Minister, urged the SPDC to take positive steps on human rights and democratization, including access by the ICRC to prisoners and opening a dialogue with the NLD. Economic cooperation issues were also discussed.

As these requests were apparently ignored, Japan in July granted US\$ 75,000 in aid to Burmese refugees in Thailand, for the first time. While Japanese governments attempted to use their influence in Burma constructively, but somewhat recklessly, Japanese businesses were becoming increasingly active and visible in Rangoon. During 1998, economic cooperation between the two countries continued, with training programmes for Burmese businessmen and government officials culminating in the establishment of the Japan–Myanmar Business Cooperation Committee in November. In a speech opening the Committee, Khin Nyunt stated that "(t)he relations between Myanmar and Japan have been characterized by close friendship, mutual understanding and genuine goodwill. It is based on this firm foundation that concerted efforts should be made for long lasting friendship between the peoples of Myanmar and Japan."<sup>214</sup>

It remains to be seen whether Japan's business community will finally be able to convince the government to release the reins and offer full ODA assistance, or whether Japan will continue to use the small sums of aid, and the prospect of much larger amounts, as a means of influencing the SPDC. Whichever, Japan will always be a key player in the international effort to promote transition in Burma, even if the tactics employed differ from those of other Western countries.<sup>215</sup>

<sup>214</sup> Khin Nyunt, 20 November 1998. Reported on [www.myanmar.com](http://www.myanmar.com).

<sup>215</sup> Subsequent to the writing of this chapter, Japan announced it would provide more than US\$ 28 million to rehabilitate the Lapida hydroelectric project in Kayah State that the Japanese had built in the late 1950s. David Steinberg commented:

"The Japanese government has informally justified this measure as humanitarian assistance, because the people need electricity. Yet that is a rationalization implying more than is stated. Electricity is important, but Japan has been looking for excuses to restart its foreign assistance program in Burma for a variety of reasons, including the

### III. Multilateral organizations

Burma has been the subject of UN resolutions in the Commission on Human Rights since 1989 and the General Assembly since 1991. Despite the increasingly tough wording of these resolutions, virtually none of the operative paragraphs has been implemented. Where implementation has taken place, such as the release of Aung San Suu Kyi from house arrest in 1995, or granting the ICRC access to prisoners in 1999, it has not been as a direct result of the resolutions. Indeed, it would appear that as the language of each resolution has been strengthened, so too the SLORC/SPDC has strengthened its resolve to ignore the will of the international community. This was most graphically illustrated with the refusal of the government to allow the second Special Rapporteur of the Commission on Human Rights access to Burma after his appointment in 1994.<sup>216</sup> Nevertheless, the resolutions remain as the key benchmarks of reforms that the international community requires of the Burmese government. The importance of the resolutions has at times been reinforced by the repetition of key human rights clauses in policy statements from Western governments. However, despite the fact that the resolutions have each year been passed by consensus at the UN, and thus have the tacit support of all member states, only two regional governments, India (in 1991) and Korea (since 1998), have ever sponsored a resolution.

Other than resolutions at the General Assembly's third committee and the Commission on Human Rights, there has been little activity at the UN. In an effort to encourage greater political dialogue both within Burma and between the Burmese government and the UN, in 1993 the Secretary-General was asked to use his good offices to assist in the implementation of the General Assembly resolution. However, contact with the government by the Secretary General's office has been only sporadic at best, with the Burmese government several times denying or postponing planned missions. More recently, the Secretary-General's office has attempted to form an informal consultative group of governments concerned about the situation to try and ensure greater international coordination in policies towards Burma.

In addition, in the early 1990s, the government-in-exile and support groups discussed with friendly governments the idea of trying to remove the military government from its seat at the UN, on the grounds that, after the 1990 election, it no longer had any national or international legitimacy. There was not enough support even among Western governments for this plan and it was dropped. There have also been some initiatives to bring Burma before the Security Council (as in early 1992 after the exodus of 265,000 Rohingya Muslims from Burma's Arakan state), but none were followed through.

With the crisis in East Timor, a crisis for the UN as much as for East Timor and Indonesia, it was difficult to see where further action at the UN should be directed. Clearly, continuing the annual passing of resolutions is not enough; it may also be actually having a negative impact, as the government continues to ignore them as mere rhetoric. The failure of the UN and the international community more generally (including companies, NGOs and UN agencies) to ensure the implementation of the resolutions has negative consequences in Burma. The people of Burma, aware

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opportunities for business, contracts to Japanese companies for infrastructure construction, interest in the exploitation of Burmese natural resources, strong emotional attachments and the strategic concern to counter the growing Chinese presence in Burma. The informal ongoing dialogue between Daw Aung San Suu Kyi and the military junta and the easing, even if only temporarily, of tensions between the two groups provide a good excuse." Steinberg D, "Burma Has Done Nothing to Deserve Japan's Aid Reward", *International Herald Tribune*, 28 April 2001.

<sup>216</sup> The Special Rapporteur of the Commission on Human Rights on the situation in Myanmar, Paulo Sergio Pinheiro, has just concluded his first fact-finding mission to that country. According to a UN press release of 18 October 2001: the Special Rapporteur said he had received full and unhindered cooperation on the part of the Myanmar Government during this mission.

of the resolutions through the international media, realise the weakness of the UN, the hollowness of Western statements about rights in Burma, and the robustness of the military government in resisting these calls for change.

The visit by the United Nations envoy for Burma, Ismail Razali, to Rangoon during June and July 2000, after a long delay, was expected to have a positive impact on the national reconciliation process because Razali's government, Malaysia, was instrumental in supporting Burma's admission to ASEAN. Razali met with the junta leaders and Aung San Suu Kyi and he reiterated the importance of holding political dialogue in the near future. Razali also conveyed a message from Malaysian Prime Minister Mahathir Mohamad urging the junta leaders to change so that the country could join the mainstream development.

Some modest improvements were summed up in a UN resolution in April 2001, which at the same time expressed grave concern over continuing abuse of human rights (see the section on UN Commission on Human Rights, below).

### ***The UN Commission on Human Rights***

Burma first came under scrutiny at the United Nations under the confidential 1503 procedure of the UN Commission on Human Rights in 1989 (Burma had previously been investigated under this procedure after complaints were received in 1979 and 1980). Under this procedure, an Independent Expert was appointed in 1990, Sagato Ogata, who visited Burma with limited governmental cooperation, in November 1990. Her report (which remains confidential) and further complaints against Burma the following year, lead to another mission by new independent expert, Prof. Yozo Yokota (appointed after Ogata was appointed UN High Commissioner for Refugees) in 1991. The nationality of the independent expert was no accident: Japan had mediated between Burma and the UN to ensure that Burma accepted visits by the expert, the kind of bargaining which is ostensibly outlawed in the UN system, but nevertheless is the backbone of its *modus operandi*.

Later in 1991, in December, the UN General Assembly passed the first resolution criticising the human rights situation and calling for a transfer of power to a civilian government (see below). When the Commission next met, in March 1992, the seriousness of the human rights situation, and the potential for it to cause regional instability was apparent following the exodus of some 265,000 Rohingya Muslims from Burma's Arakan State to Bangladesh. The refugees arrived within a four-month period, from November 1991 to March 1992 and reported a pattern of gross violations specifically intended to force this ethnic group to flee, violations that today would be called "ethnic cleansing".<sup>217</sup> During the period of this flight, the Tatmadaw significantly increased its presence along its border with Bangladesh, and there were several clashes between Burmese and Bangladesh forces, leading Bangladesh to discuss the possibility of bringing the matter to the UN Security Council in New York.<sup>218</sup> At the same time, the presence of a US naval vessel in the Bay of Bengal lead some members of the Tatmadaw to believe that a US invasion might be imminent (this was not long after the Kuwait war).

In response to these events, the Commission resolved to take consideration of Burma's human rights situation out of the confidential procedures and into a public domain. Thus, a resolution (1992/58) was passed which expressed concern at the situation in Burma and decided,

to nominate a special rapporteur for the purpose of establishing direct contacts with the Government of Myanmar and with the people of Myanmar, including political leaders deprived of their liberty, their families

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<sup>217</sup> See Amnesty International, Human Rights Watch, etc.,

<sup>218</sup> The Bangladesh Government actually brought a draft resolution to the Security Council but failed to get support for it.



and lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar, and to report to the General Assembly at its forty-seventh session and to the Commission on Human Rights at its forty-ninth session;

This resolution was drafted by France and co-sponsored not only by all EC countries, Australia, Canada, and the USA, but also by India (the first and last time India sponsored a resolution on Burma), as well as Chile and Senegal. The resolution was adopted without a vote.

It is important to note that the rapporteur's mandate refers explicitly to access to political leaders in detention and to monitoring progress towards a transfer of power. In response, in statements to the Commission, the SLORC denied *any* human rights violations in Burma, and stated that "these allegations invariably originate from armed terrorists groups, their supporters and sympathizers, both within and without the country. Their sole purpose in spreading these lies is to vilify the Myanmar Government."<sup>219</sup> The statement went on to say that,

Commission resolution No. 1992/58 is not a human rights resolution, but a political resolution through and through – political in its motivation and thrust, political in its object, political in its tone and language. As such it is totally one-sided and unjust, highly intrusive and interventionist. It makes short shrift of the basic principles underlying the United Nations human rights mechanism, namely, objectivity, fair-play, good faith and goodwill. In a word, it is irrelevant.

This response is quoted in full here because it is an example of the responses made by the government over the following years and established a pattern of denial and counter-allegations. It also touches upon the non-intervention argument which was to have increasing importance in subsequent years. In 1993 and subsequently, a further element was added to the simple denials – that the rapporteur and all those who reported human rights violations in Burma, failed to understand the culture of Burma. Being a Buddhist country, it could not countenance the kinds of abuse reported, and therefore they simply could not have occurred. This argument went hand in hand with the developing economic confidence among Asian, notably ASEAN countries. This in turn fuelled the "Asian human rights debate", a posture taken by governments, but notably not taken by many sectors of Asian civil society, that notions of universal human rights were an entirely Western invention, designed to give a moral *raison d'être* to aggressive intervention.

The independent expert, Yokota, became the Special Rapporteur, and he visited Burma under the mandate of this resolution in December 1992. For the next three years, Yokota undertook annual visits to Burma, and reported both to the General Assembly (a preliminary report) and the Commission (the full report based on his visits to Burma and neighbouring countries). The extent of governmental cooperation during the visits of the rapporteur was always in doubt. Although the SLORC wanted to be seen as somewhat responsive to the UN's concerns, it nevertheless attempted to control every movement of the rapporteur, attend every meeting he had, and intimidate or harass those who attempted to give him truly independent information.<sup>220</sup>

In addition to these reports, reports on Burma were also issued by the following: the Special Rapporteur on Religious Intolerance and Discrimination; the Special Rapporteur Concerning Extrajudicial, Summary, or Arbitrary Executions; the Special Rapporteur on Torture and other Cruel,

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<sup>219</sup> Statement by U Kyaw Win, Permanent Representative Of Myanmar To The UN In The Social Committee Of The Substantive Session Of The Economic And Social Council of 1992 (Geneva, July 17, 1992).

<sup>220</sup> See for example, Professor Yokota, " Report on the Situation of Human Rights in Myanmar", E/CN.4/1995/65 (New York: United Nations), January 12, 1995, pp.28-29 in which he complains of the harassment of some individuals.

Inhuman and Degrading Treatment or Punishment; the Special Rapporteur Concerning Persons Subjected to any Form of Detention or Imprisonment; and the Working Groups on Arbitrary Detention and Fundamental Freedoms.

In April 1995, however, Yokota resigned, citing a lack of institutional and financial support for his work and that of the Centre for Human Rights. He was replaced by Rajsoomer Lallah, a former Chief Justice of Mauritius. Apparently, unlike the appointment of Yokota, the nomination of Lallah did not have the prior approval of the SLORC, who had backed a candidate from the Philippines. The SLORC used the opportunity of this change in rapporteur to reject the appointment and have never allowed Lallah to fulfil his mandate and visit Burma. In March 1998, the SPDC justified the continued exclusion of Lallah, saying that because the “situation in Myanmar was unjustly and negatively portrayed” by the former Special Rapporteur who was able to visit the country on four occasions, it was considering “whether such visits are really beneficial to the country at this juncture”.<sup>221</sup> Thus, while continuing to report to both the Commission and the General Assembly, Lallah has had to write these on the basis of information gained in refugee camps on the Thai border, and reports forwarded to him by governmental, non-governmental, UN and other sources.

The reports by both Yokota and Lallah set the tone, and often established the language, for all subsequent resolutions by the Commission. Each year, the resolution became a description of events of the previous year in Burma, and gave increasing detail of the kinds of abuses perpetrated in Burma, and the kinds of remedies the international community sought. Once language has passed into a resolution, it tends to be reproduced in subsequent resolutions, unless there is a change in the situation. In a situation such as Burma where the government does nothing to implement the resolution, if the language in resolutions does change, it is to make it stronger.

All Commission resolutions on Burma have passed without a vote. Initially, the desire for a consensus resolution tended to mean that tough language was ruled out, in order to ensure that Burma’s allies (Japan, ASEAN – especially Singapore, China and Pakistan) did not back a possible call by Burma for a vote. Once an initial draft was written (by France until 1996, and after that by the EU presidency) it would be circulated among friendly governments, and then to Burma’s allies before finally being tabled. During this process government delegations of all persuasions would be pursued by concerned advocates, NGOs, the NCGUB, and representatives of ethnic minority groups sponsored to attend the sessions by Western NGOs, to ensure that the resolution would be as tough as possible. The final draft was always a compromise, and very much dependent not only on the international mood towards Burma, but also on matters which had nothing to do with Burma, such as what other pressing resolutions were tabled at the Commission, which governments were prepared to play off what in order to give support to which resolutions, the skill of the officials charged by the drafting government with tackling the negotiations, the tenacity of advocacy groups and so on.

In 1997, however, following Burma’s entry into ASEAN, this usual process was curtailed by the total lack of support among any of the SPDC’s erstwhile allies, and the resolution passed through by consensus with scarcely any changes to the original EU draft, except one proposed by Denmark, which toughened the resolution.<sup>222</sup> This may have been the result of several factors, high among which was the general sense of frustration at the continued violations in Burma and the political stasis, exemplified in 1997 by the re-arrest of an NLD MP, Daw San San, for an interview she gave to the BBC.

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<sup>221</sup> Statement by the Permanent Mission of Burma to the U.N. in Geneva at the Commission on Human Rights, 27 March 1998.

<sup>222</sup> For a detailed (and amusing) account of the 1997 Commission deliberations, see David Arnott, “Junta’s Triumph: the Department of Shooting Itself in the Foot Triumphs in Geneva”, BurmaNet, <apc.reg.burma>, 28 April 1997.

The resolutions have been longer and stronger each year, but the SLORC/SPDC government has learnt that there is little sanction for ignoring the recommendations, and therefore it does. By the time the 55<sup>th</sup> Commission met, in 1999, the resolution was five pages long and “called upon”, “urged” and “strongly urged” the government to implement a total of no less than 17 operative paragraphs. Thus, while UN resolutions retain their importance as indicators of international consensus on Burma and maintain a degree of pressure on the SPDC, they have to an extent become an annual exercise in which no one has much faith any longer. The isolationist policy of Western governments has removed whatever levers they might have had, while ASEAN was prepared to accept Burma as a full member even while signing the resolutions passed against Burma at the UN.

In November 2000, Lallah resigned, and was replaced in February 2001 by Paulo Sergio Pinheiro. It was a sign of the changes within Burma since talks with Aung San Suu Kyi that Pinheiro was allowed to visit Burma in March and again in October. His subsequent verbal report to the UN General Assembly included praise of “positive initiatives” taken by the government, including the release of political prisoners, talks with Aung San Suu Kyi and the establishment of the Human Rights Committee, and was welcomed by the Burmese government. The Burmese ambassador to the UK, Dr Kyaw Win, said that “For the first time in several years there was no need to make a rebuttal of the human rights report on Myanmar.” Thus, a process which had somewhat stalled for five years may have a new lease of life, and perhaps some genuine progress can be achieved if Pinheiro continues to be granted access. At the very least, confidence and trust between some members of the SPDC and the UN mechanisms may be established.

Some modest improvements were summed up in a resolution in April 2001, which at the same time expressed grave concern over abuse of human rights, including,

the systematic policy of the Government of Myanmar of persecuting the democratic opposition, National League for Democracy members and their families, as well as ethnic opposition parties, and at the use by the Government of intimidatory methods such as arbitrary arrest and detention, abuse of the legal system, including harsh long-term prison sentences, which has forced many to refrain from exercising their legitimate political rights; continuing human rights abuses, including torture, rape, extrajudicial arrests and executions and forced relocation of ethnic minorities.<sup>223</sup>

On the positive side, the Commission welcomed:

- (a) The interim report of the former Special Rapporteur on the situation of human rights in Myanmar (A/55/359), the observations on the situation and the recommendations contained therein;
- (b) The initial observations presented to the Commission by the newly appointed Special Rapporteur on the situation of human rights in Myanmar;
- (c) The assistance of the Government of Myanmar in facilitating the recent exploratory visit by the newly appointed Special Rapporteur to Myanmar, and hopes that the Special Rapporteur soon will be able to return to Myanmar in order to discharge his mandate fully;
- (d) The report of the Secretary-General on the visit of his Special Envoy to Myanmar (A/55/509), and endorses the appeal of the Special Envoy for the initiation of a process of dialogue that would lead to national reconciliation and supports his efforts to achieve such a dialogue;
- (e) The initiation of contacts between the Government and Aung San Suu Kyi, Secretary-General of the National League for Democracy, and hopes that such talks will be extended at an appropriate time to include, among others, representatives of ethnic minorities and thereby will facilitate broad-based and inclusive national reconciliation and the restoration of democracy;

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<sup>223</sup> United Nations Economic and Social Council, E/CN.4/2001/L.20, 12 April 2001, Commission on Human Rights, Fifty-seventh session, Agenda item 9.

- (f) The release from detention of a number of democratic political activists;
  - (g) The continued cooperation with the International Committee of the Red Cross, allowing the Committee to communicate with and visit detainees in accordance with its modalities of work, and hopes that the programme will be pursued further;
  - (h) The reopening of some university courses, but remains concerned that the right to education continues to be a right that is exercised only by those willing to refrain from exercising their civil and political rights and concerned at the reduction in the length of the academic year, the division and separation of the student population to distant campuses, and inadequate allocation of resources;
2. Notes the establishment by the Government of Myanmar of a preparatory process for a human rights committee and encourages it to continue this process in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 of 28 December 1993...

### ***The UN General Assembly***

The first General Assembly resolution on Burma was passed, without a vote, in December 1991. It was a mild resolution, with just four operative paragraphs:

1. Notes the assurances of the Government of Myanmar to take firm steps towards the establishment of a democratic State and looks forward to the early implementation of this commitment;
2. Expresses its concern at the information on the grave human rights situation and stresses the need for an early improvement in this situation;
3. Urges the government of Myanmar to allow citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights;
4. Decides to continue its consideration of this question at its 47<sup>th</sup> session.<sup>224</sup>

As this shows, it was the elections of 1990, and the governments' failure to transfer power to the victors, which brought Burma to the General Assembly's attention. By coincidence, in the same year, the General Assembly was actively considering new measures to enhance "the effectiveness of the principle of periodic and genuine elections". In a resolution (46/137) the General Assembly stressed that

periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that...the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms.

The following year, deliberations at the General Assembly were started with the preliminary report of the special rapporteur, who had yet to visit Burma under his new mandate. He had nevertheless received copious amounts of information from NGOs, governments and individuals, which was reflected in his preliminary report. Much of this concerned a pattern of systematic gross human rights abuses of the Rohingya minority group by Burmese authorities.

The 1992 resolution (47/144) set the tone for all subsequent General Assembly resolutions. It called for the release of Daw Aung San Suu Kyi by name, and also urged the government to cooperate with UN organs in respect of the repatriation of the Rohingya refugees. However, while the resolution passed without a vote, it was not sponsored by any regional or developing countries, a problem which

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<sup>224</sup> UN General Assembly resolution 46/132, 17 December 1991.

continued throughout the 1990s. The government's response was equally emblematic of what it would say for the next few years. The SLORC ambassador to the UN said,

The overall *rationale* of the draft resolution...is fallacious. The *rationale* assumes that the recent measures taken by the Myanmar government, some of which the paragraph notes grudgingly and without a hint of commendation, are the result of external pressure and that therefore such measures must be maintained or even increased. This reveals a singular lack of understanding of the Myanmar mind and the Myanmar national character. Never in our long and proud history have our people given in to outside pressure.

And as a conclusion he added;

Let me add that this resolution will in no way influence the measures which my government is committed to implementing with a view to establishing a strong and constitutional democracy in Myanmar. Others may make distracting noises, but the caravan of Myanmar's political and constitutional process will roll along its set course and at its pace until it reaches its goal.<sup>225</sup>

Time has shown that the only thing he got wrong in this statement is the alleged commitment of the government to establishing democracy.

In response to events in Burma, the Commission resolutions and Special Rapporteur's reports, General Assembly resolutions became progressively tougher. Lobbying for resolutions was given a major boost in 1994 when the opposition government in exile, the NCGUB, was enabled through funding from donor foundations to open an office in New York. This office, run by former student Thaung Htun, has very successfully run lobbying campaigns and hosted visits by Burman and ethnic opposition leaders to assist in the final run-up to the General Assembly's third committee deliberations each year. The work of this office has improved greatly over the years, with Thaung Htun and his colleagues becoming skilled diplomats and negotiators. Combined with the lobbying efforts of international human rights organizations and others, there have been significant breakthroughs with the language of the resolutions each year, although key wording on the role of the national convention, for example, remains weak.<sup>226</sup>

In December 1994, the resolution called for the first time for the government to "engage in substantive political dialogue with Daw Aung San Suu Kyi and other political leaders, including representatives of ethnic groups, as the best means of promoting national reconciliation and the full and early restoration of democracy". Coming as it did shortly after the SLORC held its first contact meetings with Daw Aung San Suu Kyi (in November 1994, while Suu Kyi was still under house arrest), the clause was intended to both welcome this contact, and serve as encouragement for future meetings. However, it goes further than that, in calling for tripartite dialogue, and as such is perhaps the single most important clause in the resolution, acknowledging for the first time the need to resolve the long-standing state of ethnic conflict and opposition in Burma. This clause has been included in all subsequent resolutions, as well as in virtually every statement on Burma by Western governments.

The UN resolutions on Burma thus represent the only international consensus there is: an agreement at least on the problems in Burma, and some of the steps the government needs to take to remedy the situation.

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<sup>225</sup> "Statement by the Representative of Myanmar", Third Committee, New York: UN General Assembly, 4 December 1992.

<sup>226</sup> Since the National Convention first met in 1993, there have been attempts to include wording in resolutions which would condemn it as not being part of a process towards democracy.

### ***The UN Secretary-General's Office***

The 1993 General Assembly resolution called on the Secretary-General to “assist in the implementation of the present resolution” and report to the General Assembly the following year. In that report (A/49/716, 25 November 1994), the Secretary-General stated that since the Commission on Human Rights had already appointed a special rapporteur to Burma, “I have interpreted my role as being not one of fact-finding, but rather one of good offices in assisting the government of Myanmar to respond to the concerns of other member states”. The Secretary General’s envoy, initially Marrack Goulding and then after 1995, Alvaro de Soto, has made several missions to Burma and held dozens of meetings with Burmese Ministers in New York and elsewhere. In the reports to the General Assembly and Commission on Human Rights, however, the general tone is of increasing frustration at the lack of genuine cooperation from the government, let alone any commitment to the process of political reform through the tripartite dialogue called for by the UN. In the report to the Commission on Human Rights in April 1998, the Secretary-General concluded with the following observations,

I welcome the opportunity I had to discuss the situation in Myanmar with the Chairman of the State Peace and Development Council and the reception accorded to my envoy during his visit in January. It is important that contacts with the Government of Myanmar and with other political personalities continue, which it is my wish to do. I regret however, that I am not in a position to report substantive progress on any of the matters on which the Commission has repeatedly raised concern and that the contacts I have had directly and through my envoy with the Myanmar authorities have yet to produce progress towards meeting these concerns.

That the Secretary-General’s representative is not given due respect by the SPDC is clear in the number of times promised meetings with the governmental representatives or missions to Burma have been cancelled or refused. A visit by de Soto to Burma due to take place in early September 1999 was cancelled at the last minute by the SPDC, who used the excuse that internal security was jeopardised by the 9.9.99 protest movement.

Only after the appointment in 2000 of Ismail Razali as a special envoy of the Secretary-General was it possible for real progress to be made in engaging both the SPDC and the opposition. Razali is an advisor to the Malaysian government on foreign affairs, and a former president of the UN General Assembly. As such, he has the weight not only of the UN but crucially of Malaysia, a key partner in ASEAN and one of the main supporters of Burma’s entry to the association. It was first requested by the Secretary-General that he visit Burma in August 1998, as the stand-off between the SPDC and Aung San Suu Kyi reached its height and she began her second hunger strike locked in a car while trying to visit NLD members outside Rangoon. Though he was denied entry at that time, the Secretary-General continued to request access, and Razali was accepted in early 2000. His first visit was in June 2000, when he met with Aung San Suu Kyi as well as the military and ethnic military leaders. He has also met with neighbouring countries, notably China. Razali embarked on his role as special envoy with the intention of establishing whether positive change were possible in a short time; if he had discovered that all sides were too entrenched in their positions for movement to be impossible, he would have quit. Thus, when it was announced in October 2000, that the SPDC has resumed talks with Aung San Suu Kyi, there were great expectations both in Burma and internationally that perhaps a breakthrough would come about. In November 2001, as Razali prepared to make yet another trip to Rangoon, those expectations were rather more cautious, and Razali’s continued involvement is perhaps more important than ever.

Given the initial refusal to co-operate with the Secretary General’s office by the SLORC, de Soto and his team worked to influence and co-ordinate international governmental and UN agencies’ policies toward Burma. In 1994 an informal “contact group” was established at the UN in New York which was focused mainly on trying to bring together the governments of western and Asian countries to enable more effective and stronger UN resolutions. It was hoped that the resolutions would thus be

strengthened by having implementation of key clauses become a central focus of government policies. Since then the contact group has met regularly in New York and at various conferences organized by governments and NGOs.<sup>227</sup>

### ***The International Labour Organisation (ILO)***

Burma joined the ILO in 1948 and has ratified 21 Conventions, of which 19 are still in force, including the Forced Labour Convention (1930) No. 29, and the Freedom of Association and Protection of the Right to Organise Convention (1948), No. 87 (both of which it ratified in 1955).

Burma was consistently criticized by the ILO Committee of Experts, the body which monitors adherence by member states of conventions they have ratified, for persistent failure over many years to meet its obligations under both Convention No. 29 and Convention No. 87. Following a series of complaints by member governments, notably the USA and UK, and by Trade Unions represented by the International Confederation of Free Trade Unions (ICFTU), in 1997 a Commission of Inquiry was established to look into forced labour in Burma. This is the strongest mechanism available to the ILO, and this was only the tenth time it had been resorted to in the history of the organization. The Commission's report, based on the testimony of scores of NGOs, trade unions and individuals as well as a month-long visit to Bangladesh, India and Thailand, was published in July 1998. The Commission expressed regret that it had not been permitted to visit Burma, but found that forced labour was carried out "in a widespread and systematic manner, with total disregard for the human dignity, safety and health and basic needs of the people". It concluded that the actions of the Burmese authorities "gravely offend human dignity". The Commission also made a number of recommendations to the Government of Burma on the steps it should take to bring its legislation and practice into line with the Convention.

In June 1999, having failed to secure compliance with these recommendations within the time-frame specified by the Commission, the International Labour Conference (ILC) resolved:

- a) that the attitude and behaviour of the Government of Myanmar are grossly incompatible with the conditions and principles governing membership of the Organisation;
- b) that the Government of Myanmar should cease to benefit from any technical co-operation or assistance from the ILO, except for the purpose of direct assistance to implement immediately the recommendations of the Commission of Inquiry, until such time as it has implemented the said recommendations;
- c) that the Government of Myanmar should henceforth not receive any invitation to attend meetings, symposia and seminars organised by the ILO, except such meetings that have the sole purpose of securing immediate and full compliance with the said recommendations, until such time as it has implemented the recommendations of the Commission of Inquiry.

Effectively, this resolution meant that Burma was expelled from the ILO, the first time ever that such a step had been taken. That the ILO should have taken such a strong measure was recognition not only of the seriousness of the forced labour situation in Burma, but also of the governments' complete refusal to accept any responsibility for the problem, or undertake any measures to remedy the situation. However, the governments' response to this step was almost disdainful. Just a month before the ILO meeting, SPDC Secretary-1, Lt. Gen. Khin Nyunt, in an opening address to an ASEAN Labour Ministers meeting in Rangoon, stated,

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<sup>227</sup> For example, the Chilton Park conference hosted by the UK government in 1998, a conference hosted by the International Peace Association in New York in January 2000, a conference hosted by the Korean government in Seoul in February 2000 and a second UK-based conference held in November 2001.

If one is to believe some of the allegations found in the Western media, the picture will be rather somber indeed. We feel very strongly that these allegations were largely a result of misperception and misunderstanding of the situation and the mentality of our people... International organizations should not be used as a forum to put pressure on member states by the powerful and influential quarters to fit their own political agenda.<sup>228</sup>

In June 2000 the Conference adopted a further resolution with a view to implementation of the Commission of Inquiry's recommendations which requested ILO members (workers, employers and governments) to review their relations with Burma and take appropriate measures to ensure these did not contribute to forced labour – a clear endorsement of sanctions. Following this, a Technical Mission of the ILO visited Rangoon, and sought an agreement by the SPDC for a visit by the High Level Team to the country, as a sign of increased cooperation by the government and a recognition of the need to work with the ILO to show that the use of forced labour was or would be outlawed in paper and in practice. While the SPDC did agree to such a visit, this alone was not considered sufficient to have the measures lifted, and indeed the ILO generally felt that the measures should not be lifted until all three of the main recommendations of the Inquiry were met. In September 2001 the High Level Team visited Burma and were given good access – unusually, and a clear sign of the commitment of the ILO to the process – while in Burma the Team hired airplanes to transport them to difficult areas. The Team concluded in its report that while some progress had been made, forced labour continued to be practiced, especially in areas under direct military control. It also recommended that the ILO be given long-term access to Burma, in the form of representatives based in Rangoon. On 20 November, the SPDC issued a statement saying that this would not be possible, but that they would continue to cooperate with the ILO.<sup>229</sup>

The willingness of the SPDC to cooperate with the ILO at all is a measure not only of the weight it attaches to ILO resolutions, but also of the concerted effort of the ILO to engage with the military since 1997. It is to be hoped that the ILO will not take “no” for an answer, and will continue to seek measures by which it can monitor compliance with what is a fundamental Convention and human right.

### ***UN development agencies***

It is generally agreed that the seriousness of the humanitarian situation in Burma cannot be ignored. However, as with Iraq, attempts to use aid as a bargaining chip or “carrot” have largely failed because, as many observers have noted, the prime consideration for the Tatmadaw is always its own survival. This view extends to the health sector, where over 15,000 doctors were sacked in the first two years of the SLORC's term of office for having “incorrectly” answered questionnaires about their political opinions.<sup>230</sup> In education too, demonstrations by students led to the closure of schools and universities for long periods: all high schools and universities were closed for most of 1988, all of 1989–90 and again in December 1991 for three months. When they reopened the university academic year was reduced to three months, and students completed three-year courses in only one year. In December 1996, demonstrations again led to the closure of all universities, colleges and high schools, with only the high schools and some technical colleges open again by August 1999.

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<sup>228</sup> Quoted in [www.myanmar.com](http://www.myanmar.com), Information Sheet N0. A-0909(1), 15 May 1999.

<sup>229</sup> Reported by *Reuters* “Myanmar rejects ILO call for permanent presence” November 20, 2001.

<sup>230</sup> All civil servants were ordered to fill in a series of questionnaires between 1989 and 1991, see Martin Smith *State of Fear*, London: Article 19, December 1991, and *Fatal Silence? Freedom of Expression and the Right to Health in Burma*, London: Article 19, July 1996.



There is another argument in favour of withdrawing aid, despite its lack of success in driving the government to the negotiating table. Any aid given to the government or spent in Burma to alleviate the humanitarian crisis is money which the government would otherwise have to spend out of its own budget: thus it frees up money for spending on the military. At the same time, by not providing aid, the international community may drive the people of Burma into such desperation that they once again take to the streets. However, the fact is that, even without international aid, it is unlikely that the government would spend more on education, health and social welfare. Since 1988 the government has spent an average of just under 2% of GDP on the social sector, while military expenditure has topped 40% over the same period.<sup>231</sup>

Fortunately, there are grey areas within the aid debate, and the past 10 years have shown that it is possible to give aid to Burma in ways which maximize the positive impact on Burmese people and communities, and minimize the benefits which the government might accrue. This has only been possible because people have not forgotten the very real needs of the Burmese people, and the urgent desire of many for international assistance. UN staff, IDO workers and even casual visitors to Burma have long noted how many talented and selfless people there are in Burma, especially in the social service sectors, desperate for a chance to do more. The real obstacle to effective aid programmes in Burma is the political culture, which is essentially military and authoritarian, a top-down approach inimical to modern notions of development. However, as a former UNICEF resident representative noted, “humanitarian relief and development assistance can improve the lives of Myanmar’s people, but it requires a resident presence, pragmatism, persistent advocacy, social vision and, above all, patience.”

Despite being classified a Least Developed Country in 1987, there were few UN agencies operating in Burma in 1988. While UNICEF, UNDP, WHO, UNESCO and FAO all had offices in Rangoon, they had only small programmes and their work was confined to “white” areas, that is areas fully under government control. Indeed, most of these agencies only had projects in Rangoon and central Burma; little effort was made to extend programmes to the neediest in the ethnic minority states. During the “democracy summer” most expatriate staff were evacuated, and with the withdrawal of bilateral and multilateral funding for aid work in Burma following the Tatmadaw resumption of power, only skeletal staff returned in 1988/89.

From the beginning, and especially after the general election in Burma in 1990, UN agencies resuming work in Burma were put under close scrutiny by Burmese exiles<sup>232</sup> and NGOs. Their main objections to UN operations were:

- Given the withdrawal of international support for the newly-created SLORC, UN agencies, which are constitutionally obliged to work with governments rather than NGOs or other sectors of civil society, would give the Tatmadaw recognition and international legitimacy, which was being denied elsewhere. This concern was made all the more pressing by the Tatmadaw’s use of any visit by expatriate UN staff, who were always shown on the front pages of the government-controlled newspapers and television news.<sup>233</sup>

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<sup>231</sup> The SLORC’s own 1996 “Myanmar Health Facts” (Department of Planning and Statistics, Rangoon, 1996) states that in 1992 health expenditure was 0.83% of GDP, whereas in 1995 it was 0.45%. It is also important to note that since 1962 the government had refused to allocate ANY of its foreign exchange earnings to the social sector.

<sup>232</sup> See for example, “Position on Humanitarian Assistance to Burma”, National Coalition Government of the Union of Burma (NCGUB), May 1995.

<sup>233</sup> For example, a UNCDF consultant, Doug J. Porter noted that “SLORC squeezes the UN commitment to the Border Areas for every ounce of legitimacy it can gain”. Doug J. Porter, “A Note on UN involvement in the Border Areas Development Program” *Thai-Yunnan Project Newsletter*, (ANU, Canberra) September 1992.

- Because they have to work through the government, UN agencies would directly support the Tatmadaw financially at all levels of their operations, through having to use the official exchange rate,<sup>234</sup> to having money and equipment “procured” by Tatmadaw where there were no expatriate staff to ensure protection. All financial grants for work in Burma were seen as relieving the SLORC of its social responsibilities, and freeing up those funds for further military spending.
- Because UN agencies tend to work with long-term, large-scale programmes (usually five-year plans), new programmes agreed with the Tatmadaw gave it a sense of legitimacy and longevity that undermined the results of the 1990 elections. In this, the UN agencies were considered to also undermine the work of the UN system, which since November 1990 had called for the results of the election to be honoured.
- Following the 1989 cease-fire agreements with the former Communist Party of Burma ethnic groups,<sup>235</sup> UN agencies, especially UNDP, sought to work with the newly created Central Committee for the Development of Border Areas (later upgraded to the Ministry for the Development of Border Areas and National Races in 1993). This work was criticized as being supportive of what was seen as a divide and rule policy by the Tatmadaw, enabling the infiltration and “Burmanization” of areas where the Burmese army had previously had no access.
- Where UN agencies targeted capacity building of local NGOs, and had partnerships with local NGOs to implement some projects, it was noted that these NGOs, initially the Myanmar Maternal & Child Welfare Association and the Myanmar Red Cross, were semi-official agencies of the regime.<sup>236</sup>

Following the May 1990 election in Burma, and subsequent UN General Assembly resolutions, there was renewed demand by the exiled opposition to ensure that UN agencies in Burma did not undermine or contradict the work of the UN system. In addition, UN agencies working in Burma were handicapped by the dire lack of reliable information about all areas of the country, including those areas which had always been under Tatmadaw control. Access by expatriate and local UN staff alike was, and remains, severely curtailed by what the Tatmadaw term security considerations. Thus, when refugees brought stories of tens of thousands of people being forcibly relocated in Karenni (Kayah) state in 1992, and Shan state in 1996/7, no UN agencies were permitted access to the affected areas. Even when natural disasters occurred, such as flooding in the Irrawaddy delta in 1992, and severe floods in northeast Burma in 1998, access was only won after protracted negotiations. By 1999 the situation has improved somewhat, but remains largely as it was in 1995, when a UN consultant berated the “acute shortage of information for designing and targeting programmes”.<sup>237</sup>

UN agencies have as a result been caught in a dilemma: wanting to assist the neediest people of Burma, but at times being prevented by the Tatmadaw; and at all times not wanting to (be seen to) assist an abusive and illegitimate military government. In the first years of SLORC rule, as the attention of solidarity groups was focused on their work, the resident representatives of UNICEF and

<sup>234</sup> The official exchange rate in Burma has remained at a rate of 6 Kyat = \$1 since the 1970s. In 1988, the unofficial rate was around 150 Kyats = \$1; in 1999 it runs at around 300 – 350 Kyats. Thus, any payments in the official rate, such as for telephones and electricity, are hugely profitable for the government.

<sup>235</sup> These included the United Wa State Army and Myanmar National Democratic Alliance Army. For a full discussion of the cease-fires and UN involvement see Porter, 1992 op cit., and Porter DJ, “Prospects for International Aid to Myanmar: Lessons from the Shan state Border Areas Development Program”, paper delivered at the *State, Order and Prospects for Change in Burma* conference in Australia, December 1992. See also Smith M, *Burma: Insurgency and the Politics of Ethnicity*, London: Zed Press, 1999.

<sup>236</sup> NCGUB, 1995, op. cit.

<sup>237</sup> Serrato CA, “Targeting Development Assistance to the Lowest-Income Populations of Myanmar”, UNDP, Rangoon 1995.

UNDP were active in attending conferences and NGO forums to discuss their positions and share information about the situation in Burma as they found it. This dialogue produced positive results, and with advocacy campaigns directed at the Governing Council of the UN Development Programme in particular, a framework was established under which UN agencies could operate in ways which would be least beneficial to the SLORC and most beneficial to the joint aims of development assistance and supporting the development of civil society organizations in Burma. However, the attention of solidarity groups has somewhat been deflected away from the work of UN agencies, and in 1999 there was much less contact with UN resident representatives, consultants and policy-makers. At the same time, since the release of Daw Aung San Suu Kyi, the political opposition has voiced its disquiet at UN programmes, even calling for all UN funding to be withdrawn. Solidarity groups have failed to closely monitor and maintain a dialogue with UN agencies working in Burma. As a result, the debate has become more ideological and less based on an informed position.

In the meantime, the humanitarian situation in Burma has continued to worsen. So much so that in June 2001 all the UN agencies in Rangoon sent out an urgent appeal to governments to give increased assistance to Burma immediately, warning that “The cost of neglecting assistance will be substantially higher if delayed, as the magnitude of problems escalates (e.g., HIV/AIDS), human capital disintegrates (e.g., increasing illiteracy, low completion rates in primary school), natural resources diminish and disparities widen (e.g., among geographical regions and among ethnic minorities).” The appeal also notes that current development assistance to Burma is only about \$1 per capita, whereas Cambodia receives US\$ 35 and Laos US\$ 68.

### **The United Nations Development Programme**

The UNDP has itself undergone some fairly dramatic changes in the past 10 years, especially under James Gustav Speth and the current Administrator, Mark Malloch Brown. Along with many other international bodies, such as the World Bank, the UNDP has recognized the importance of respect for human rights as a fundamental condition for sustainable development. This is reflected in the 1998 policy document, *Integrating Human Rights with Sustainable Human Development*, in which the UNDP commits itself to the protection and promotion of civil and political as well as social, economic and cultural rights.<sup>238</sup>

The resident representative of the UNDP represents the entire UN system, including the office of the Secretary-General and the Commission on Human Rights. As such, it is the most important UN agency on the ground. This has meant that the UNDP was also the main focus for scrutiny and attack by solidarity groups and the internal opposition. In addition to the general concerns about UN agencies listed above, there was also a concern that the UNDP’s operations in Burma lacked transparency, and were not continually monitored and assessed as to their impact. There were stories, for example, of agricultural projects funded by the UNDP to assist the farmers in improving their yields, where the Tatmadaw appropriated the land as soon as the project had ended. Over and above these considerations, however, was the general perception that, unlike UNICEF (in the early years at least), civil and political rights were very low on UNDP’s agenda. Abuses such as forced relocations, forced labour and the lack of rule of law, especially pertaining to such things as land ownership, were never addressed directly by UNDP programmes, or mentioned as aggravating problems in documents about specific UNDP projects.

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<sup>238</sup> “Integrating human rights with sustainable human development”, United Nations Development Programme January 1998.

In 1988, the UNDP was in the second year of a five-year programme, of which only US\$ 52.8 million was finally spent. In 1989, after the SLORC signed cease-fire agreements with the ethnic breakaway CPB armies in northern Shan state, UNDP was one of seven agencies approached by the SLORC to give support to the new Border Areas Development Programme. All the agencies announced a commitment to work with the government to secure the peace by a host of development initiatives, all of which had been proposed by the Tatmadaw.<sup>239</sup> On paper, without any background information on the political situation in the country, the planned projects seemed undeniably necessary and well thought out. In its report of 1991, UN System Agencies in Burma noted that,

The grave predicaments for the area go well beyond the national impact, reflecting vital concerns of the international community at large, with respect to eradication of poppy cultivation, salvaging and preservation of the environment and creation of peaceful conditions along national frontiers.<sup>240</sup>

The report also included operational prerequisites, which had already been agreed with the SLORC, among which were,

- Project areas are secure to enable project staff to work without military escort. (This will not preclude assigning military escort when travelling from one destination to another destination).
- Necessary access to local communities, village leaders, farmers etc.,
- Community participation in project design and implementation
- Access to project sites for UNDP to observe and collect necessary information on extent and progress in reduction of poppy cultivation...

However, despite the evident and undeniable need for development in these areas, the political implications of such aid were far reaching. Development projects in ethnic minority areas that for years had been off-limits to the government were inevitably controversial, bringing with them Burmese staff and an increased military presence. Where opium is the main source of income, and where the military cease-fires had permitted the ethnic armies to retain their arms and a blind eye was turned to continued drug trafficking, UN agencies were perhaps being politically naïve.<sup>241</sup> Some of the ethnic armies were still supporting students and other exiles. Immediately Burmese exiles and solidarity groups who considered the cease-fires to be a betrayal of the democratic movement and a ploy to divide the ethnic minority armies, began campaigning against the UNDP projects. These groups lobbied Western governments, and in 1991, when the next five year plan was to be drawn up by the UNDP's Governing Council, Canada, Britain and the USA called for a halt to the funding of new projects, and a review of all UNDP programmes in Burma. Specific points raised included: the use of UNDP funds in a road building scheme in the Shan State which was reported to have been undertaken with forced labour; and reported corruption and collusion with the Tatmadaw offices by UN personnel Rangoon.<sup>242</sup> The review took place at the end of 1992.<sup>243</sup>

<sup>239</sup> See Porter, op. cit.,

<sup>240</sup> "Border Areas Needs Assessment and Preliminary Programming Mission Report", UN System Agencies, Myanmar, June 1991.

<sup>241</sup> For a full discussion of the political context of the cease fires, see Lintner B, *Burma in Revolt: Opium and Insurgency Since 1948*, Colorado: Westview Press, 1995.

<sup>242</sup> Corruption and collusion charges focused on the Food and Agriculture Organisation, but more general concerns were expressed over the use of the Burmese military or other government agents as implementing partners in some programmes. This was especially true of the road building projects, where the army had been reportedly using UNDP money to build roads, and then using forcing civilians to do the work for no pay.

<sup>243</sup> Kapur SS and Priestly M, "Myanmar Fifth Country Programme: A Review", New York: UNDP. n.d. The review was conducted during October – December 1992.

At the next UNDP Governing Council meeting in June 1993, a resolution (Resolution 93/21) was passed which stated that future assistance must be “clearly targeted towards programmes having grassroots-level impact in a sustainable manner, particularly in the areas of primary health care, the environment, HIV/AIDS, training and education and food security”. The Governing Council allowed the release of only US\$ 25.5 million (a tiny amount for a country acknowledged as an LDC) for a 1.5-year UNDP programme, called a Human Development Initiative (HDI). Any additional UNDP projects were to be assessed on a project-by-project basis. For now, there would be no more five-year plans.

In 1995, a second assessment was undertaken to see whether resolution 93/21 had been followed on the ground, and what progress had been made in achieving the objectives of the projects. However, in Burma, the devil definitely lies in the detail, and the report lacked basic information about the reality of how projects were implemented, who actually received the help, and what the wider economic and political implications were. For example, some of the projects were undertaken in ethnic minority areas (Shan State, Arakan State, Chin State and Kachin State) but it was not reported whether the population assisted were ethnic minority or Burman, or whether the political/military representatives of those people were involved in the planning of the programmes with UNDP. There was also no discussion of the nature of the relationship between the “community-based organizations” and the local administrative bodies, whereas activists suspected that in some cases at least, the so-called community-based organizations were actually the local Law and Order Restoration Councils. In addition, the report, and all other reports by the UNDP, failed to establish the rights of the people working on and affected by the projects: for example, land rights, freedom of movement and freedom to remain, the rights of “volunteer labourers”, and so on. For these reasons, solidarity groups and other advocacy NGOs continued to be critical of even these small-scale projects.

In America, the NCGUB and solidarity groups consistently and effectively lobbied Congress to include an amendment to the 1994/5 Foreign Relations Authorization Act which stated that,

(b) Of the funds made available to the UNDP for fiscal year 1994, \$11m may be available only if the President certifies to Congress that the UNDP’s programs and activities in and for Burma promote the enjoyment of internationally guaranteed human rights in Burma and do not benefit the SLORC military regime.

(3) Of the funds made available to the UNDP for fiscal year 1995, \$27.6m may only be payable if the President certifies to the Congress that:

- (A) the UNDP has initiated no new programs and no new funding for existing programs in or for Burma since the UNDP Governing Council meeting of June 1993,
- (B) such programs address unforeseen urgent humanitarian concerns, or
- (C) a democratically elected government in Burma has agreed to such programs.

When the Department of State then issued the necessary certification, on the basis that there had been no new projects *beyond* those contemplated in the June 1993 GC decision, there was a huge row in Washington between the supporters of the amendment (Congressman Ben Gilman), the Department of State and the UNDP. In the end, the Department of State won out, and the money was released.

In January 1996, just before the GC decision on programmes in Burma, the UNDP Administrator, James Gustav Speth and his Executive Board were sent a letter from Aung San Suu Kyi and the NLD which criticized “inadvertent political bias” in the execution of UNDP programmes. In the letter, Aung San Suu Kyi pointed out the need for UN agencies operating in Burma to “assist towards the implementation” of successive resolutions of the UN General Assembly and Commission on Human Rights. To do so, the UN agencies would be obliged to work “in close cooperation with the NLD

which is the only organization which effectively represents the will of the people”. The main complaint was that, while the HDIs look great on paper, the reality of how they were executed on the ground was very different and that little information was available for those not involved in the projects themselves to assess such things as “community participation”, for example. In the letter, there are examples of how NLD members and supporters were deliberately not chosen to be the beneficiaries of training or other programmes, and of UNDP work in politically sensitive areas, which had the effect of further increasing tension there. In conclusion, the NLD requested that “formal provisions be made for it to be closely and actively engaged in the planning and implementation of UNDP projects, including evaluation and monitoring in the field, to ensure that the aid provided reaches the right people in the right way”.

Despite this pressure, the UNDP leaned on the fact that the 1995 review was overwhelmingly positive, and in 1996 and 1998 HDI projects were approved by the Governing Council.<sup>244</sup> By now, however, the changes at the UNDP detailed in the 1998 mission statement quoted above had filtered through to its work in Burma. At least on paper, the UNDP was actively pursuing rights-based work and no longer hesitant to be critical of SPDC’s policies that directly impeded development. For example, the 1998 UNDP report, *Human Development in Myanmar*, states in the Forward,

Myanmar's recent experience in implementing development tasks to improve the conditions of the poor, and of vulnerable groups, has positive and negative aspects. On the positive side have been the high economic growth rates recorded, and the entry of Myanmar into ASEAN, enabling the country to be incorporated in the mainstream regional economy. Economic growth has, however, not been translated into any significant improvement in the conditions of the poor, and the remote regions. The international community has expressed its concern on the human rights situation, as recently as December 1997 and April 1998, in resolutions respectively adopted by the UN General Assembly and the Commission on Human Rights...Uncertainties created by these problems have resulted in slowing down the pace of national development, and have also discouraged potential external partners, both bilateral and multilateral.<sup>245</sup>

### **The United Nations Children’s Fund (UNICEF)**

UNICEF is undoubtedly the world’s favourite UN agency. Having an age group related mandate, rather than a focus of a particular field, such as health, it is uniquely flexible in its approach. With an executive board on which 30 countries are represented, it is also the only UN agency able to work in countries when other governments do not approve of working there, or where the government of the country has not been recognized by the UN.

In Burma, UNICEF took a forceful and creative lead in drawing international attention to the humanitarian needs post-1988 under the direction of the then resident representative, Rolf Carriere. When Carriere joined the UNICEF team in Burma in 1989, he was appalled by the situation in which children were living, and amazed at the lack of international awareness of it. While Burma watchers and analysts talked of political prisoners, the failure of the government to transfer power post the 1990 election and the increasing numbers of ethnic minority refugees in Thailand, Carriere drew their attention to the “silent emergency” occurring in Burma on a daily basis. Putting the rights and needs of children above all other considerations, Carriere persuaded the SLORC to accede to the Convention on the Rights of the Child (CRC) in August 1991: the first UN convention to be signed by the SLORC. The CRC has an in-built mechanism for monitoring compliance, and, with the benefit of hindsight,

<sup>244</sup> The 1994-1996 HDI cost \$25.6m and assisted “approximately a million people” through community development interventions such as improved access to basic education, and better drinking water supplies. The 1996-1998 budget was \$52.1m, extending the project areas from 14 to 23 townships – 3 townships in the Irrawaddy delta, 3 in central Burma, 5 in Arakan state, 5 in Chin state, 2 in Kachin state and 5 in Shan state (UNDP, *The Human Development Initiative 1996-1998*, Rangoon n.d.)

<sup>245</sup> UNDP Yangon, *Human Development in Myanmar*, July 1998.

this represented a major coup. At the time however, solidarity groups were appalled by the credibility this gave the SLORC, who without having improved the rights of the child a jot, had become one of the growing community of nations allegedly committed to children's rights. However, SLORC shot itself in the foot by entering reservations on Articles 15 and 37 of the CRC, which relate to freedom of association and a child's right not to be tortured.<sup>246</sup> By the time the SLORC removed these reservations in October 1993, it had already been labelled the government that reserved the right to torture children.

In December 1991 Carriere attended a conference in Oxford,<sup>247</sup> and submitted a paper in which he set out the humanitarian needs in Burma which constitute the "silent emergency". He also berated the embargo on bilateral and multilateral development assistance to Burma, and the drive towards conditions on aid generally, which is a "blunt foreign policy instrument bound to victimize the innocent majority, at least in the short run".<sup>248</sup> Instead, he insisted that "the child cannot wait until the 'right' government comes to power". He did not ignore the SLORC's (and the BSPP's) responsibility for the current crisis, rather he was very critical of its "distorted priorities" which not only created many of the problems, but would also ensure they continued without international assistance.<sup>249</sup>

This paper later became the basis for a 1992 UNICEF initiative on emergency humanitarian intervention that was to have been put to the SLORC. However, the paper in draft form was leaked to a Thai newspaper before it had been signed off by the UNICEF Administrator James Grant.<sup>250</sup> This leak effectively scuppered the project, and shortly afterwards reportedly in response to the SLORC's outrage at the press report, Rolf Carriere was moved from his post in Burma. The leak was deliberate sabotage, by opposition forces on the Thai border, and was extremely unfortunate. The interventions Carriere proposed could have had a lasting impact in Burma, not only on the health and wellbeing of children, but also on the political deadlock, prioritizing as it did humanitarian needs over political considerations. It called for:

- The appointment of a UN envoy whose job it would be to oversee and coordinate all UN aid to Burma.
- The development of low-level, unofficial diplomacy to compliment official diplomatic moves, through Foundations using conflict resolution methods to break down the barriers to dialogue.
- Reconvene the Aid Burma Consortium, the international governmental forum on aid to Burma which was disbanded in 1988.
- Establish an international forum of IDOs working on Burma, to coordinate projects and funding.

The leaked report also called for humanitarian cease-fires, short breaks in fighting during which time medical staff could access and immunize children living in the war zone. The idea was that not only would this improve the life chances of millions of children, it would also allow for political space in which discussions on a permanent peace might be entered into.

<sup>246</sup> Article 15, recognizes the right "to freedom of association and of peaceful assembly"; and Article 37, states that "No child shall be subjected to torture or other cruel, degrading and inhuman treatment or punishment".

<sup>247</sup> "Burma/Myanmar: Challenges and Opportunities for the 1990s" a joint Foreign Office and Asian Studies Centre Conference, Oxford, December 1991. An edited version is published in the Oxford University Press book of the same name, published in 1998.

<sup>248</sup> Rolf Carriere, "Responding to Myanmar's Silent Emergency: The Urgent Case of International Humanitarian Relief and Development Assistance, 1991.

<sup>249</sup> These he identified as being 1. The government's low allocation for human development; 2. Its reportedly high military spending; 3. Its inadequate efforts on behalf of children; 4. Its curtailment of the activities of NGOs; 5. Its refusal to allocate foreign exchange from its export revenues for social sector development.

<sup>250</sup> News of the initiative was reported in *The Nation* under the heading "Burma – a New Test Case for the UN", 30 March 1993.

Following the media report, UNICEF appeared to drop any notion of seeking to influence the situation in Burma beyond their more focused work with the social and economic rights of children. The leak had further repercussions in that no UN senior staff members would ever be as open with the Burmese opposition and solidarity groups again. In Burma, although there appeared to be no specific new restrictions on UNICEF imposed by the government – belying the frequently heard justification for lack of UN agency action on civil and political rights issues: that if they went too far the government would ask them to leave – self-censorship and a new conservatism seeped into the UNICEF office. This was best reflected in UNICEF’s follow-up with the government on the implementation of the Convention on the Rights of the Child (CRC).

The CRC came into force in 1990, and was devised to recognize and protect the economic, civil, cultural, political and social rights of children. Within its articles, the CRC includes a requirement for states to report to the Committee on the Rights of the Child in Geneva, detailing progress towards implementation of the CRC. The committee can then make recommendations directly to the State Party and may invite other specialized agencies, such as UNICEF and NGOs, to provide expert advice. In many countries, UNICEF had assisted governments in writing their report to the committee and assisted NGOs to submit alternative reports on their views of the government’s progress in implementation, which are also submitted to the committee.

When Burma came up for discussion by the Committee, in January 1997, neither UNICEF Rangoon nor any local NGOs or IDOs operating in Burma submitted reports to the committee. UNICEF Rangoon did not even send an observer to the committee’s hearing on Burma. By contrast, the SLORC sent a seven-member delegation, and several European governments and NGOs were also present. Some NGOs and representatives of the Burmese opposition had submitted reports and were present at the hearing.<sup>251</sup> While some members of the government team showed a willingness to learn and a genuine confusion as to critical remarks made by the Committee, the government’s diplomatic representatives were obdurate. The hearing revealed an apparently unbridgeable cultural gap in the understanding of the fundamentals of the rights of the child. At the end of the hearing, one Committee member stated that,

she had received the impression from the report and the written replies that the whole concept of participation of children was unclear to the Myanmar authorities. For instance, reference had been made to activities being assigned to children. The whole point was that children should have a say in their own associations so that they could express their views both individually and collectively. That was an important preparation for life in a democratic society.<sup>252</sup>

Apparently, attempts have been made to try and bridge this cultural gap through increased engagement with government departments on some of the less politically sensitive areas,<sup>253</sup> though there is clearly a long way to go.

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<sup>251</sup> See Human Rights Watch/Asia “Burma: Children’s Rights and the Rule of Law” (HRW, New York, January 1997); Images Asia “Child Soldiers in Burma”, January 1997.

<sup>252</sup> Mrs. Badran in Committee of the Rights of the Child, “Summary record of the 358<sup>th</sup> meeting” (Geneva, CRC/C/SR.358, 15 January 1997).

<sup>253</sup> UNICEF report “Country Programme of Cooperation, 1996-2000: Master Plan of Operation”.



## IV. Western NGOs, foundations, IDOs and exiled groups

How Some Western Powers Have Been Aiding and Abetting Terrorism Committed By Certain Organisations Operating Under The Guise Of Democracy and Human Rights By Giving Them Assistance in Both Cash and in Kind.

*Lt. Gen. Khin Nyunt, Press Release, 27 June 1997.*

### ***Burma-focused NGOs***

Prior to 1988 there were few, if any, non-governmental organizations working on Burma. The first report by an international human rights organization was by Amnesty International, the result of a mission to the Thai/Burma border in May 1988. It reported the human rights abuses of ethnic minority groups, mainly the Karen, Kachin and Mon by the Tatmadaw.<sup>254</sup> It was indicative of the climate that then surrounded Burma that this report was widely dismissed, and then ignored in diplomatic circles. The prevailing view of Burma was a romantic fiction: a country untouched by Western contact, which, although it had some “problems” with ethnic minority groups and was in sharp decline economically, was nevertheless run by a relatively benign military party. That at least was the view of those few people who took any interest: to most of the world, Burma was a forgotten backwater. Only in 1987 did representative delegations of ethnic minority leaders make a visit to lobby the United Nations Human Rights Commission, sponsored by a UK NGO Anti-Slavery International.<sup>255</sup> While many church-based organizations had for many years assisted the Christian minority groups to whom they had access through Thailand, the first non-Christian NGO, Health Unlimited (also UK-based) started a programme to give medical assistance to internally displaced Karens in Burma’s Tenasserim Division that same year. Also in 1987, Burma Peace Foundation (based in the UK), lead by Burmese monk U Rewata Dhamma, commenced tentative plans to encourage ethnic minority-Burman dialogue along the Thai/Burma border.

By 1999, hundreds of NGOs had formed to support Burma’s peoples in the struggle for human rights and democracy. These ranged from small, voluntary university campus-based student bodies in America, to Thai-based groups run mainly by Westerners, exiled Burmese magazine publishers, and large foundations, such as the Open Society Institute’s, Burma Project with annual budgets running to millions of dollars. In all but a few cases, Single Issue NGOs focused on Burma were established by young, idealistic and enthusiastic Westerners fired up by a moral indignation at such a clear injustice, often “discovering” Burma through encounters with Burmese students or ethnic minorities either in Thailand or abroad. Most had little or no training or experience, and most started out as volunteers. Some remained in Thailand, while others returned to their own countries to form solidarity groups there. This burgeoning of NGOs was made possible by a coincidence of several factors among which were: the decreasing cost of intercontinental transport to Thailand; ease of access from Thailand to the “liberated areas” of Burma; the lack of any real restrictions (although legal restrictions did exist, these were rarely enforced) on Western groups operating out of Thailand (the same was not true of Thai groups working on Burma issues); from 1991 onwards, the earmarking of Western government

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<sup>254</sup> Amnesty International, “Burma: extrajudicial execution and torture of members of ethnic minorities”, London: Amnesty International.

<sup>255</sup> The leader of the delegation was Saw Has Ta Nor, a central committee member of the KNU, who also addressed the Foreign Affairs Committee of the British House of Parliament. The same year, another National Democratic Front delegation, headed by the Kachin Independence Organisation President, Brang Seng also visited the UK and Germany, as well as several Asian countries, to discuss their situation with NGOs and policy-makers.

funds (often through secondary donor groups and foundations) to support the Burmese pro-democracy movement; and the arrival of scores of 1988 veterans on campuses in the USA, Australia and Canada.

The NGO world working on Burma has become a minor industry; if it were possible to quantify the amount of time, energy and money spent by these NGOs since 1988, it would run into billions of dollars. The strength of these groups as a network has been important in ensuring that Burma does not slip off the agenda of Western governments. In some cases, such as the US city and state-level selective purchasing campaigns, these activists shook not only companies working in Burma, but, by their success, threatened an international trade war. However, the impact on capacity building among the Burmese opposition has been patchy at best. Despite the presence of many self-styled human rights workers among the armed opposition, human rights abuses by those groups have continued. At the same time, hardly any of the NGOs working on Burma are run by Burmese or have Burmese staff in high positions. The impact on civil society in Burma has been just as mixed: on the one hand, the international campaign has given moral support to the internal opposition, but at the same time opposition groups have been weakened by SLORC/SPDC accusations of links with and funding from Western governments. Finally, NGOs outside the country have an extremely limited circle of influence, which does not extend to the Burmese government at all. They have to find ways of working through other bodies, be they companies, national governments or UN agencies, to try and effect change by the military. But even here, it is doubtful if their campaigns, no matter how successful in their stated objectives, actually have any impact at all on the primary objective: that is, change in Burma.

### ***Information and awareness raising***

#### **Exile groups and NGOs**

It was the 1988 uprising that saw the birth of a new international band of Burmese and international activists. Burmese exiles had already held demonstrations outside embassies in the UK, Germany and USA following the demonitization in November 1987. As dissidents escaped to Thailand after the September 1988 re-assumption of power by the military, these groups grew and sought to provide assistance to the new arrivals. This movement became the Committee for the Restoration of Democracy in Burma (CRDB). With member organizations in Australia, Germany, Thailand, the UK, the USA, and elsewhere, the CRDB initially appeared to be the main focus of overseas activism and was admitted into the newly-formed Democratic Alliance of Burma (DAB). Formed in November 1988, this was an umbrella group including the majority of ethnic minority-armed groups as well as the All Burma Students' Democratic Front (ABSDF). The history of the CRDB was to precursor that of many other exile organizations, as by 1991, internal divisions and squabbles had split the CRDB in several countries. Some members were accused of being SLORC spies, others of embezzling funds. The new groups created by the splits vied with each other to retain the CRDB name and be known as the DAB representative in their country, a situation that inevitably severely weakened the movement. Even as the CRDB split, it began to be eclipsed by new groups formed by newly exiled veterans of the 1988 movement in Burma, and solidarity NGOs set up by foreign supporters.

Initially, the main aim of most Burma-focused NGOs, both Burmese and non-Burmese groups, was awareness raising and information dissemination. There was at the time a dire shortage of information about the situation in Burma, and it was believed that, with the dawn of the New World Order in international politics, once the world was alerted to the terrible abuses in Burma, policy-makers would find both the will and the means to take effective action. The strength of the internal opposition, which had acted with such courage and tenacity during 1988, combined with the clear moral imperative to remove a government which had killed so many unarmed demonstrators, led most supporters to believe that the SLORC would not be able to retain power for long. At the time, the SLORC seemed

very weak, with a leader famous for his five-hour long rambling lectures on national television, precious little foreign exchange, no international support and no internal legitimacy. If the supporters of Burmese democracy abroad could just maintain the isolation of the SLORC, surely it could not survive! International human rights organizations, Amnesty International, Human Rights Watch, Article 19, US Committee for Refugees, International Lawyers Committee for Human Rights, International Commission of Jurists, among others, all produced damning reports from 1988 onwards. In 1990 Amnesty launched an international campaign on Burma, which successfully introduced many people, most of whom had never even heard of “Burma/Myanmar”, to the human rights situation there. The campaign led to the formation of a number of new single-issue NGOs in Europe and the US, such as the Burma Action Group (UK), who determined to continue the campaign further and make policy recommendations beyond Amnesty’s remit.

### **Academics**

While dozens of human rights reports were produced every year by these international organizations and some of the newly-formed NGOs published their own newsletters, other sources of information on Burma remained few and far between. There were very few academics and journalists with any Burma specialization, still less with knowledge of contemporary Burmese politics and/or contacts with the new government. In the West, only a couple of Universities taught the Burmese language – London University’s School of Oriental and African Studies, the University of Paris, La Trobe University in Australia and Illinois and Cornell Universities in America – and only one University, Cornell, had a Burmese Studies programme. In political science, scholars like Robert Taylor (SOAS), David Steinberg and Josef Silverstein, all of whom had studied in Burma in the 1950s, were the only experts around. The isolationism of the 1960s–1980s which stopped all access by scholars to Burma, had all but wiped out academic interest in Burma and the only scholars to gain permission to do research from 1984 onwards were all confined by the government to the study of archaeology or religion.

### **Journalists and authors**

Among journalists and authors, Martin Smith and Bertil Lintner were alone in having extensively travelled in ethnic minority areas in the years prior to 1988, and for several years after 1988 their articles and books were the only reliable sources of information on post-independence and contemporary events.<sup>256</sup> Both wrote accessible, informative and compelling stories, and it was largely due to their efforts, in combination with the spate of human rights reports, that brought ethnic minority rights to the international stage, which until then had been monopolized by a Rangoon-centred diplomatic perspective.

While much of the information produced by NGOs is intended for use in particular campaigns, or to address international forums,<sup>257</sup> analysis of actors and events in Burma itself are often ignored. For these reasons, the above authors have retained their almost exclusive roles as Burma specialists.<sup>258</sup> In

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<sup>256</sup> Smith M, *Ethnic Groups in Burma: Development, Democracy and Human Rights* (London, Anti-Slavery International), 1994, *Burma: Insurgency and the Politics of Ethnicity*, London: Zed Press, 1991, updated 1999. Lintner B, *Land of Jade: A Journey Through Insurgent Burma*, Bangkok: Kiscadale Publications, 1990, *Outrage: Burma’s Struggle for Democracy*, London: White Lotus Press, 1990; *Burma in Revolt: Opium and Insurgency Since 1948*, Colorado: Westview Press, 1994. Lintner was also a correspondent for the *Far Eastern Economic Review*. Martin Smith was also involved in the production of several TV documentaries, notably BBC TV’s *40 Million Hostages* in 1989 and Channel 4’s *Dispatches* in 1991 that were very influential in the UK. He has also written several reports for NGOs, including Article 19, Anti-Slavery International and World University Service.

<sup>257</sup> E.g. the Beijing UN Women’s Conference in 1995, the UN report on child soldiers in 1997.

<sup>258</sup> But it is still Steinberg, Silverstein, Smith and Lintner – none of whom are Burmese speakers – who top the invitation lists for most international conferences on Burma. As such they are unusually influential despite the fact that each maintains an academic distance and tries to describe rather than proscribe.

the USA, Japan and Europe, a few academics and others have emerged, such as Mary Callahan, Kei Nemoto and Gustaaf Houtmann (all of whom speak Burmese and conducted their research in Burma in the 1980s and 1990s).

### **Daw Aung San Suu Kyi**

Given this dearth of information, both popular and academic, the publication in 1991 by Penguin Books of Daw Aung San Suu Kyi's essays *Freedom from Fear*, timed to coincide with the award of the Nobel Peace Prize, was instantly successful and quickly became the most well-known book on Burma. Some of the quotes in the book, notably "freedom from fear" itself, and "fear is a habit", entered into the daily phraseology of newscasters and politicians, launching Aung San Suu Kyi as a respected political figure beyond Burma and Asia.

The Nobel Prize, the writings of Aung San Suu Kyi and the image created of a beautiful, charismatic woman who voluntarily sacrificed her life in England with her husband and teenage sons in order to "save" Burma were a powerful boost to the awareness campaigns in the West. Both exiled Burmese and foreign organizations capitalized on Aung San Suu Kyi's growing international popularity. The arrival of Burmese student exiles who, from 1989 onwards took up government-sponsored scholarships and refugee programmes in America, Australia and Canada in increasing numbers, and others who were involuntarily exiled in Europe, gave further fuel to the growing international movement. Finding themselves among a sympathetic student body, these exiles formed the core of new solidarity groups and campaigns across northern America and Australia. By the time Daw Aung San Suu Kyi was released from house arrest in July 1995, the general public in most countries already knew where Burma was, and that it was ruled by a military dictatorship. However, it was her release, and access to her by the international media, that really set alight the international media attention and reinvigorated NGOs and solidarity groups.

### **The internet**

On the information front, Burmese activists and supporters had in the early 1990s found a new ally in the rapidly developing communication system, the internet. In 1994, the Soros Foundation funded the development of BurmaNet, a news and information listserver providing the BurmaNet News (started in 1997), an electronic newsletter available to subscribers and members of the APC network. The BurmaNet News carries articles on Burma in the Thai and international press as well as information from opposition groups, human rights organizations and campaigning groups. Currently there are in excess of 100 internet sites on Burma, including websites for the NLD and the recently-convened Committee to Represent the People's Parliament as well as the government in exile, the NCGUB. The number of Burma-related sites are testimony not only to the importance of the Internet to the democracy movement but also indicate how much it is relied upon as a tool by activists. Increasingly journalists reporting on Burma as well as Western diplomats and UN agency staff also use internet sources on Burma.

The SLORC/SPDC quickly caught on to the importance of the internet and has developed an increasingly sophisticated website [www.myanmar.com](http://www.myanmar.com). This is mainly intended to promote business and tourism to Burma, but also carries the daily Information Sheets of the Information Committee, as well as newspapers and magazines.

As a tool for activists the Internet has many advantages – it is relatively inexpensive and accessible, and information distribution is almost instant. For organizations that have limited staff and/or limited funding, this has meant both time and cost efficiency. For campaign groups it has resulted in increased effectiveness by improving coordination of campaign efforts but also by gaining a whole new audience. Sites vary from providing extremely detailed information of the current political situation to

more general information. For example, the Free Burma Coalition provides examples of legislation related to selective purchasing, updates of states or cities who have adopted investment laws, lists of companies investing in Burma and so on.

Unfortunately, but not surprisingly, the Internet remains inaccessible for most Burmese. Even for those with access to computers, the possession of an unregistered modem can entail a penalty of up to 15 years imprisonment under the 1996 Computer Science Development Law (chapter XX, paras 31 and 32). However, news from the Internet is frequently picked up by radio stations such as VOA, the BBC and Democratic Voice of Burma (an exile radio station in Oslo part-funded by the Norwegian government) and broadcast back into Burma. This makes the internet, as one analyst puts it, “a critical, if indirect link in channelling information from remote areas of Burma back into the rest of the country”.<sup>259</sup>

While the internet has given access to and created a wealth of resources on Burma, the reliability and credibility of some of the news stories presented on the various websites in question. With no way of checking sources, stories often circulate on the net which are no more than often repeated and re-circulated rumours. The internet has not replaced the need for accurate on the ground reporting by established journalists and analysts, although it has increased the speed and spread of news on Burma.

### ***Advocacy campaigns and sanctions***

Already by 1991, when the National Coalition Government of the Union of Burma (NCGUB) found its political feet, political advocacy had begun to be of increasing concern to Burma-focused NGOs. In part, this arose naturally out of the growing capacity of the new Burmese-focused NGOs, and in part out of the growing realization that positive change in Burma was going to take longer than was first considered. This was especially true of the ABSDF and other Burman political dissidents who arrived in Thailand from 1988 onwards. As the first and second anniversaries of the uprising came and went, some became disillusioned and returned to Burma, while others had to re-evaluate their ability to effect change from Burma’s borders. For these exiles, the decision as to whether to take up arms against the government, whether to go into exile abroad, or whether to seek UN assistance as refugees in Bangkok, had to be constantly re-appraised over the following years.

For those Burmese who were already in third countries, there remained irreconcilable splits and in-fighting was rife. While the overall objective – to “get rid” of the SLORC and ensure a transfer of power to the victors of the 1990 election – remained the same for all exile and foreign NGOs, arguments arose over campaign strategies: whether or not to call for full economic sanctions; whether sanctions should also include sanctions on humanitarian aid; whether to focus instead/as well on boycotts of national companies investing in Burma; how to support the Burmese opposition in Burma without compromising them; how to solicit support among Asian countries and so on. In part this was because of the near silence from the National League for Democracy and ethnic minority groups in Burma as to what they would like to see happen, and in part because of internal differences between the opposition in exile and NGOs and in the ranks. Even among international human rights organizations, beyond the obvious recommendations to the Burmese government, there were considerable differences in focus and objectives.

During this period, there were a whole range of strategies and campaigns used by different NGOs to try to influence the situation in Burma in every possible way. Information and awareness raising remained for some groups the cornerstone of their work, and increasingly big and extravagant media-seeking demonstrations and exhibitions were organized throughout the West. While there was no consensus on sanctions, for example, it meant that NGOs could approach UN agencies, IDOs,

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<sup>259</sup> Fink C, “Burma: Constructive Engagement in Cyberspace?”, *Burma Debate*, Winter 1997.

governments and even companies to exchange information and views in a fairly non-confrontational way. Conferences organized by NGOs were attended not just by the converted, but sometimes also by diplomats, Burmese and non-Burmese supporters of the military, and even in one case, in Malaysia in 1990, by SLORC representatives.<sup>260</sup> In the UK, it was possible for the Burma Action Group to write a paper calling for a reconsideration not just of constructive engagement, but also of blind isolationism in international policies.<sup>261</sup> In the USA, President Jimmy Carter had become involved through his foundation (the Carter Center) and was looking at “confidence-building measures” which could draw the SLORC out of their shell and have them attend international meetings. Although this initiative was not followed through, it was only one of many attempts to find ways of making contact with the government, which at the time was showing a degree of response to international pressure, not least in allowing the UN special rapporteur continued access (see below).

In 1993, a Canadian foundation, the International Centre for Human Rights and Democratic Development (ICHRDD), organized a campaign by several Nobel Laureates who were to try and travel to Burma to visit Aung San Suu Kyi, then still under house arrest. Denied entry to Burma, the laureates, among whom were Archbishop Desmond Tutu, Rigoberta Menchu and Oscar Arias, made international headlines when they visited refugee camps in Thailand and held a press conference in Geneva demanding Aung San Suu Kyi’s release and that of all other political prisoners. Most of the laureates called also for international sanctions against Burma, lead especially by Archbishop Tutu who called Burma “the South Africa of the 1990s”.

Once Aung San Suu Kyi was released, and journalists and activists were allowed to meet her freely, the opposition suddenly had a forthright and clear spokesperson. Her authority, as the leader of the victorious party in the 1990 election, was unquestionable. Initially Daw Aung San Suu Kyi was equivocal about sanctions, but even as she and the NLD took time to evaluate what might be best for the country, she was constantly pressed by reporters and activists who visited her at her home in Rangoon for a one line answer. Finally, in August 1996 she gave an interview to a reporter from the Thai newspaper, *The Nation* in which she said,

(W)e now endorse the idea of international sanctions because we have come to the conclusion that investments in Burma have not in any way helped the people in general nor has it helped the course of democracy... There are few people who have benefited from these investments. In fact, it has only made the privileged elite even wealthier. So we do not think that sanctions will hurt the people and that is why we support the idea of sanctions.<sup>262</sup>

Thus, those NGOs abroad already working on disinvestment campaigns were boosted by this support for their work and from 1996 onwards the focus of solidarity groups, exiles and Burma-specific NGOs shifted to advocating economic sanctions. Given recent events in South Africa, where a real transition was taking place with the release in 1990 of Nelson Mandela and the first truly general election in 1994, the timing was dramatic.

In the USA, there was already a major campaign, emulating the success of a similar campaign against businesses operating in South Africa in the 1970s and 1980s. Spurred on by articles by Archbishop Tutu, it urged “selective purchasing” legislation in US cities and states. This legislation would make it impossible for the state or city council to purchase goods or services from any American or foreign owned company that was working in Burma. At the same time, other groups launched campaigns

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<sup>260</sup> This was a conference held in Kuala Lumpur and organised by German political foundations aimed at fostering dialogue not only between the SLORC and opposition leaders, but also among Western and Asian governments.

<sup>261</sup> Burma Action Group, “Burma and the United Nations: A Proposal for Constructive Involvement” (London) November 1992.

<sup>262</sup> *The Nation* (Bangkok), 14 August 1996.

against individual companies which sourced their products in Burma, or otherwise had investments there. Both of these campaigns were remarkably successful.

The first selective purchasing law in the USA was passed by the state of Massachusetts in 1996. By 1999, a further 22 local authorities in New York City and San Francisco had passed similar laws prohibiting the purchasing of goods from companies trading with Burma. However, the legislation directly affected European and Japanese companies working in Burma and trading in Massachusetts, and these countries brought a complaint to the World Trade Organisation, arguing the legislation was a barrier to free trade. At the same time, US companies called for a review of the legislation, and in June 1999 a federal appeals court – upholding an earlier ruling – declared that the Massachusetts legislation interfered with the central government's right to decide foreign policy. The Massachusetts attorney general announced his intention to take the case to the US Supreme Court.<sup>263</sup>

Corporate withdrawal of investment in Burma has indeed been significant. Levi Strauss was one of the earliest companies to withdraw from Burma citing concerns over human rights issues. By 1995 Eddie Bauer had withdrawn from Burma and the following year in 1996 at least a dozen companies had withdrawn from Burma, some citing human rights concerns although the majority cited unfavourable conditions, 'general uncertainties' or 'potential threats' to future business operations. Some of these companies include J Crew Clothing, Motorola, Hewlett Packard, Phillips Electronics, Wente Vineyards, Apple Computers, Carlsberg, OshKosh B'Gosh Inc, Liz Clairbourne and Amoco, amongst others. In Europe, Heineken and British Home Stores were among companies targeted by highly successful publicity campaigns, and as result withdrew from Burma.

Results from a survey conducted by Control Risks amongst European businessmen in 1997 indicated that some 57% expected the risks posed by pressure groups to increase within the next five years.<sup>264</sup> In 1996 a group of lawyers in the USA started a law suit against Unocal on behalf of a dozen Burmese villagers who had allegedly been made to work as forced labourers on that company's gas pipeline in southeastern Burma. This raised the stakes for investing in Burma from bad publicity and consumer boycotts, to the possibility of being embroiled in expensive and protracted legal battles.

Following the imposition of unilateral sanctions on all new investment in Burma in the USA in April 1997 (see below), the campaign for international sanctions gained new momentum. However, it has always been acknowledged that truly international, UN-sponsored sanctions would never be possible against Burma (without Western consensus on the effectiveness of sanctions in this case, and with the strong likelihood that China would use its veto).

In addition, it has been recognized that Western sanctions would only ever have a moral, symbolic effect, to signal to the SLORC/SPDC that their behaviour is repugnant and show solidarity with the democratic opposition. Asian businesses would be more than willing to take the place of Western companies in Burma's economy.<sup>265</sup>

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<sup>263</sup> The Associated Press on 19 June 2000 reported that "The court on Monday threw out a Massachusetts law that limits state purchases from companies doing business with Myanmar, also known as Burma. The law is pre-empted by the federal government's own sanctions against Myanmar, the justices said... Several months after the Massachusetts law was enacted, Congress imposed its own sanctions on Myanmar. Under the law, President Clinton in 1997 barred new U.S. investments in that country...": <http://www.globalexchange.org/economy/rulemakers/ap061900.html>.

<sup>264</sup> Northedge R, Inter Press Service, "Pressure Groups Squeeze Companies", 13 January 1997.

<sup>265</sup> In September 1999, ASEAN was reported to be the largest investor in Burma. While major financial assistance (from the World Bank or IMF, for example) is necessary for Burma's long term development, denial of it does not appear to be as economically devastating as predicted. At the same time, China (and Thailand) has given millions of dollars of assistance in cash and kind.

In addition, a major failure of those groups calling for sanctions the absence of any detailed analysis of what *kind* of sanctions would be required to have maximum impact on the Tatmadaw, while at the same time minimizing the impact on the poor. Sanctions, if they are to work at all, must have a clearly defined purpose and explicit criteria for determining when they should be lifted. As UN Secretary-General Boutros Boutros Ghali said in his *Agenda for Peace* (1995),

If general support for the use of sanctions is to be maintained, care should be taken to avoid the impression that the purpose of imposing sanctions is punishment rather than the modification of political behaviour or that criteria are being changed in order to serve purposes other than those which motivated the original decision to impose sanctions.

The economic sanctions imposed thus far, the withdrawal of Western companies and the denial of international financial assistance, has certainly had an impact on the economy. The government decided not to release economic statistics for the 1998/99 financial year.<sup>266</sup> However, there was still no sign that the SPDC would make the required changes. The NLD's continued calls for sanctions were beginning to cause dissent within its ranks, further weakening a party already under severe pressure from constant attacks and arrests by the government.<sup>267</sup> Although not publicly expressed, the opinion among some Burmese exiles and foreign NGOs alike is that further isolation of the SPDC might not be the ultimate means of supporting a transition.

### ***Capacity building and support for the Burmese opposition***

Then there is also that small group of national traitors who for their livelihood report to their masters abroad. They shed tears and give false information about things happening in Myanmar and beg for dollars. They are using politics to earn their living. I do not even dare to think what will happen if Myanmar accidentally gets into their hands. I shudder with fear for harboring that thought.

*New Light of Myanmar, Burmese official newspaper, 12 July 1999.*

In 1987, the ethnic Karen and Mon refugees in Thailand, who then numbered around 9,000, received humanitarian assistance from a consortium of aid agencies in Bangkok.<sup>268</sup> Other than this assistance, some funds were granted by a German foundation to engender discussion of a federal solution to Burma's political crisis and the drafting of a federal constitution by ethnic minority leaders. Soon after the students fleeing the military crackdown in Burma in September 1988 arrived in Thailand, Burmese political dissidents and others who had long been exiles took steps to create a support network for them.

Initially, humanitarian needs were paramount, but as the months went by, the students asked for assistance in education and training. A "federal university" network was founded with its headquarters at Manerplaw, where the students could learn English and other skills. Initially the university and other such centres were funded by donations from the Burmese community abroad, although these funds were quickly surpassed by grants from international development organizations and foundations. The scale rocketed in the 1990s and by 1999, Burmese political dissidents and other Burmese activists received US\$ 5 million in from the US State Department's Bureau of Democracy, Human Rights and Labor alone.<sup>269</sup> The European Union, Australia, Canada and Norway also had government budgets for

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<sup>266</sup> "Go Figure", article in the *Far Eastern Economic Review*, 16 September 1999.

<sup>267</sup> See Smith M, *Burma*, 1999, pp.434-440, and Ma Thanegi, "Fifth Column", *Far Eastern Economic Review*, 19 February 1998.

<sup>268</sup> For details of the history of Burmese refugees in Thailand, see Human Rights Watch/Asia, "Unwanted and Unprotected, Burmese Refugees in Thailand", New York: Human Rights Watch, September 1998.

<sup>269</sup> This money is mainly dispersed by the National Endowment for Democracy (NED). According to the NED's literature, it mainly funds: *information and documentation*, (including radio and print media) such as those carried out by the Democratic Voice of Burma, Burma Information Group, Karen Information Center, NCGUB Human Rights Documentation Unit, the New Era Journal and several others; *political activities* (including labour



the “empowerment” of Burma’s democratic forces (see below). Additional funds were also available from major foundations, such as the Open Society Institute’s Burma Project which in 1997 had a budget of US\$ 1.5 million.<sup>270</sup> Smaller grants for further education were also made by Western governments, the UK charity Prospect Burma and some international development organizations which funded travel by Burmese activists to UN meetings or training seminars. Other key groups were the Norway Burma Council and the International Centre for Human Rights and Democratic Development in Canada, both of which were mainly funded by their respective governments.

As a result of these funds, the exiled opposition has developed hugely its capacity to lobby Western governments and inform the world of the situation in Burma. Grants have also enabled many Burmese students to continue their education and start new lives abroad, while continuing to work in whatever ways they can to support the democracy movement.

However, there have also been negative consequences, the most important of which is the dependence of these groups on their Western donors and the advent of donor-led agendas which meant many groups lost contact with the people inside Burma who should be their main supporters. Once it became clear that money was available from these agencies, the dilemma facing many opposition groups, including the ethnic minorities on the Thai border, was whether to apply for grants and abide by the restrictions of the funders, or to continue with their own political agendas, relying on whatever monies they could secure from supporters inside Burma. As the SLORC gradually succeeded in removing all means of financial support from the ethnic minority armies by, for example, legalizing border trade and taking military bases on former trade routes,<sup>271</sup> the opposition was left with little choice. For those groups, such as the NCGUB and NLD-Liberated Areas, which had not taken up arms, it was not possible to remain as “guests” of the ethnic minority armies, and they had no option but to seek Western support. As a result, the members of the NCGUB are today able to make great speeches at international conferences abroad where the audience may pledge its support for the cause of democracy in Burma; but can they still make equally convincing speeches to people on the streets of Rangoon or in Burma’s villages?

International support to the opposition was intended to develop the capacity of the opposition to conduct advocacy campaigns abroad, and to try to maintain and strengthen anti-government activities within Burma. In the first instance, the money has been well spent. There are now many Burmese and ethnic minorities with good English, able to operate in the complex and challenging world of international diplomacy. However, even here there are inevitably caveats.

- The focus on UN and Western advocacy meant that very few Burmese dissidents developed relationships with Thai or other Asian NGOs, indeed, despite living there for 10 years, few if any of the Burmese speak Thai. The impact of this failure was felt when Burma was able to join ASEAN.
- The manner in which aid was given inadvertently exacerbated the factionalism and in-fighting among the opposition. When the ABSDF split in 1991, it was in part due to pressure from their international supporters to renounce the armed struggle so that they could give financial and humanitarian assistance. The (often very deliberate) lack of transparency about the amounts of assistance given by some groups, and the lack of monitoring of how it was spent, generated

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rights issues, Burmese law, political defiance); and *promotion of ethnic equality* such as those carried out by: Human Rights Foundation of Monland, Lahu National Development Organisation, Karen Information Center.

<sup>270</sup> The Burma Project funds individuals and organizations which undertake such activities as humanitarian aid to refugees; providing opportunities for refugees for education, job training and communication; radio, print media, internet and television; supplementary educational grants for Burmese students; an internship programme for Burmese students in the US in workplaces including the US Senate and NGOs.

<sup>271</sup> See Human Rights Watch/Asia, “Unwanted and Unprotected...”

distrust among some dissidents, as well as the ugly rumours about misappropriation of funds and the character assassinations that appear all too regularly on the [apc.reg.burma](mailto:apc.reg.burma) listserve and other internet sites.

- Many of the rights and concepts which the donors sought to foster in Burma were not adopted by the opposition groups that were to be the main vehicles for their transportation to Burma. In particular, although there was discussion in 1993 of the KNU and other DAB members becoming a party to the UN Geneva Conventions, human rights abuses by those organizations frequently occurred, although they were usually unreported.<sup>272</sup> Equally, while groups campaigned for democracy, they showed little evidence of developing an understanding of the democratic principles of toleration of dissent, and open discussion, but rather tended to coalesce around strong, charismatic leaders whose word could not be challenged. This failure to tolerate an open discussion of different viewpoints frequently led to splits and the creation of new groups, and the ossification of those groups that remained.<sup>273</sup>

More contentious however are the efforts to support the ongoing struggle for democracy and human rights within Burma. Much of the funding given to groups is explicitly for this type of work.<sup>274</sup> It must therefore be assumed that there are still existent underground networks in contact with the external opposition. But it is hard to imagine them being very strong, given the pressures on those dissidents who remain in Burma, and on the families of those who have fled. Every recent demonstration has been met with renewed crackdowns by the military, and mass arrests. Demonstrations by students in December 1996 resulted in nearly 900 people being rounded up, nearly 100 of whom were later sentenced to long prison terms. In 1998, over 1,000 supporters of the NLD were detained for trying to attend NLD meetings. In March the same year, six students were given life sentences for alleged plots involving explosives, while 33 others also received long jail terms. In this climate, fear reigns and the NLD has been severely weakened by resignations (often forced) and new opposition movements, especially among students, are nipped in the bud.

### 9.9.99

The events of 9.9.99 can be examined as an indicator of the current state of the Burmese opposition externally and internally. For months beforehand, external opposition groups, notably the NCUB and ABSDF, had let it be known that 9 being an auspicious number in Burmese numerology, 9.9.99 would see demonstrations in Rangoon and elsewhere by students and others opposed to the SPDC. In Burma, the NLD took great pains to distance themselves from the so-called 9.9.99 movement, with Aung San Suu Kyi in a video-taped message to The Burma Campaign's 9.9.99 event saying, "I myself am not aware why the 9th of September should be a special day for democracy. For us, every day is a special day for democracy."<sup>275</sup> Nevertheless, internationally Burma solidarity groups around the world took up the "9.9.99" day of action, and successfully raised media expectations of what might happen.

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<sup>272</sup> The most notorious was the 1992 killing by the ABSDF (northern command) of 15 of its own members, after torturing 60 accused of being government spies.

<sup>273</sup> For example, the ABSDF split in 1992, and the continued authoritarian rule of Gen. Bo Mya of the KNU.

<sup>274</sup> For example, some of the US\$ 300,000 given to the Federation of Trade Unions Burma (FTUB) in 1998 from the National Endowment for Democracy (US state department funds) was to "support the activities of the FTUB as it works inside Burma to educate, organize, and strengthen Burmese workers and other pro-democracy groups to assert their rights and push the State Law and Order Restoration Council (SLORC) to enter substantive tripartite negotiations with the National League for Democracy and the leaders of Burma's ethnic peoples". [Moe@interport.net](mailto:Moe@interport.net) (quoting NED), [apc.reg.burma](mailto:apc.reg.burma) newserver, 8 March 1999.

<sup>275</sup> NLD, "For Us Every Day is a Day for Democracy", released by TBC and World Voices Campaign and reported in *BurmaNet News*, 13 September 1999.

In Burma, from July onwards, there were reports of the arrest of students and others with leaflets about the symbolism of 9.9.99 or kyat notes with 9.9.99 printed on them. By August the NCUB was saying that some 500 people had been arrested, whereas the SPDC admitted the arrests of 43 people in connection with attempts to create unrest. In Rangoon prices of basic commodities soared as people hoarded food in anticipation of civil unrest. The military were reported to have increased their presence in Rangoon and other cities as tension rose, and rumours that plastic rice had been mixed into rice supplies in Rangoon echoed the many conspiracy rumours which had circulated during 1988. On the day itself, there were small scale “hit and run” demonstrations in some areas of Rangoon, but otherwise the city remained quiet. The NCUB reported demonstrations by school children in Ye, Mergui and Tavoy, towns in Mon State and Tenasserim division close to the Thai border.

Whatever the internal opposition did on 9.9.99, it went largely unreported by the international media, as attention was fixed on the arrest of two Britons, James Mawdsley and Rachel Goldwyn. Mawdsley was arrested in early September as he crossed into Burma from Thailand carrying stacks of leaflets calling for an uprising. As it was the third time he had been arrested for similar offenses, he was sentenced to 14 years’ imprisonment. Goldwyn was arrested on 7 September in Rangoon as she tied herself to a post and sang pro-democracy songs in Burmese, and she was sentenced to seven years. She had learned some Burmese while working in Karenni refugee camps in Thailand.<sup>276</sup>

It is not hard to understand why 9.9.99 did not produce a major uprising in Burma – 8.8.88 was not so long ago, and since then the ability of the Tatmadaw and all-pervasive Military Intelligence Service to pluck out anyone even thinking of demonstrating against the government has only improved. But it is hard also not to agree with the government view, as expressed in the Burmese language newspaper, Myanmar Alin, that the exiled opposition is clutching at straws:

They may spread rumors by radio transmitters, through satellites, via the Internet, or by fax but very few people in this world will believe them...Yes, my friend, if rumors are being spread by political organizations or by individuals, it only goes to show that those organizations and individuals no longer have the ability to do politics and have to resort to lowly rumor spreading as a means to conduct politics.<sup>277</sup>

The fact is that the exiled opposition has very little influence over events in Burma. It is naïve in the extreme for groups outside the country to signal to the international community the “spontaneous uprisings” which will take place on a certain date, and very dangerous for those in Burma who supported this movement. That it was only the arrest of the two foreigners that gave 9.9.99 any international impact, also shows the extent to which the external opposition has failed to take root in international consciousness. Despite the millions that have been spent on capacity building, lack of unity among the external opposition and absence of charismatic leaders has meant that, unlike the PLO (Palestine Liberation Organisation) or the ANC (African National Congress), there is no public recognition of any of the many Burmese acronyms. However, the negative consequences of the assistance provided for underground work is not just the arrests of Burmese and now even foreigners. It also plays into the hands of those within the Tatmadaw who see Western conspiracies everywhere.

### **The SLORC/SPDC perspective**

From 1989 when the Lt. Gen. Khin Nyunt gave his famous press conferences denouncing the “treasonous minions within...and traitorous cohorts abroad” who were, he alleged, responsible for the

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<sup>276</sup> The Burmese Ambassador to the UK was reported on 27 September 1999 on BBC Radio as saying that it was likely that she would be released after an appeal, as it was a first offense, but that Mawdsley, as a persistent offender, would not be released soon.

<sup>277</sup> Sein Gyi Tu, “Jokes By Dim-Witted Rumormongers” *Myanmar Alin* 14-15 August, 1999 as quoted in *BurmaNet News*, 16 September 1999.

1988 uprising,<sup>278</sup> the SLORC/SPDC has denounced all internal opposition as either puppets of the “Western neo-imperialists” or as (sometimes unwitting) communists. Appealing to the deeply ingrained xenophobia of the military in particular and national pride in general, the SLORC/SPDC regularly condemned Aung San Suu Kyi personally as a “stooge” or “lackey” of the USA or UK, and denounced her late (British) husband Michael Aris denounced as a CIA spy. They also sought to reveal alleged links between Aung San Suu Kyi herself or her party and the armed opposition groups on the Thai border, links which could lead to long jail sentences under the frequently used 1957 Unlawful Associations Act and possibly treason charges in the Penal Code.

In a press briefing on 27 June 1997, Lt. Gen. Khin Nyunt gave a detailed denunciation of the support given by the West to the opposition, reporting the uncovering of an alleged conspiracy to overthrow the government involving the ABSDF, KNU, NLD and “Western powers”.<sup>279</sup> In the briefing Khin Nyunt gave details, much of which was publicly available, of funding from the National Endowment for Democracy and International Republican Institute, including the names and addresses of some of the staff of these organizations. More seriously, he alleged that they had funded terrorists “for the purpose of launching terrorist attacks, causing disturbances and exploding bombs”. The SLORC had arrested two members of the illegal Free Trade Union of Burma who were alleged to have brought in bomb making equipment to Burma in a rice cooker, as well as satellite telephones (transcripts of intercepted calls from these were displayed at the press conference). They and several others, including a cousin of Aung San Suu Kyi, were later sentenced to long prison terms. At the end of a 15-page statement, Khin Nyunt charged that America had broken national and international laws in funding terrorist organizations.

The speech was the usual SLORC/SPDC mix of truth and lies, with no way of distinguishing between them, but the accusation that foreign funding had been used to buy bomb-making equipment was made the more convincing by the fact that in December 1996 a bomb had exploded at a pagoda near the Ministry of Religious Affairs, narrowly missing SLORC Secretary-2, and Commander-in-Chief of the army, Gen. Tin Oo, but killing five others. This was followed on 7 April 1997 by a parcel bomb which exploded in Gen. Tin Oo’s house, killing his daughter. At the time the SLORC blamed both attacks on the ABSDF and the KNU, and implicated the NLD as an “above-ground destructive element” with whom these groups were alleged to have contact, although no arrests were made. These groups all denied the charges.

In anticipation of 9.9.99, the SPDC held three press conferences, on 13, 19 and 30 August, in each of which great detail is given of the manner in which leaflets or other materials (badges, magazines, videos) entered Burma from the NCUB in Thailand. Who had handled the materials, who had used them and in which towns (Mandalay, Pegu and Moulmein), and so on. It can be assumed that all of those named, and who lived in Burma, were arrested. In conclusion, Col. Than Tun of the Office of Strategic Studies, said,

It is found that every time the acts of expatriate destructive elements resident abroad conspiring to cause destruction to the country in violation of the law occurs, there is the linkage between the incident and the National League for Democracy inside the country... They are acting in a synchronized manner. They are

<sup>278</sup> These press conferences in September 1989 were later published as *The Conspiracy of Treasonous Minions Within the Myanmar Naing-Ngan and Traitorous Cohorts Abroad*. They have retained their importance to the SPDC, and are currently available on the government website [www.myanmar.com](http://www.myanmar.com).

<sup>279</sup> Lt. Gen. Khin Nyunt How Some Western Powers Have Been Aiding and Abetting Terrorism Committed By Certain Organisations Operating Under The Guise Of Democracy and Human Rights By Giving Them Assistance in Both Cash and in Kind. June 27, 1997. See also Lt. Col. Hla Min, Clarification On How The NLD Party In The Country Has Been Conspiring With Myanmar Expatriate Groups And Some International Organizations To Destabilize The Situation And Incite Anarchy And Uprising in Myanmar, Press statement, October 7, 1998.

heading for internal riots. Most obviously, they are doing so after accepting material and moral support from outside.<sup>280</sup>

Over the years, the SLORC/SPDC has repeatedly claimed links between the NLD and the ethnic minority and Burman insurgents on the Thai border. In particular, as in these press briefings, they have made the allegation that Aung San Suu Kyi herself is in regular contact with such groups, all of whom are illegal organizations. In recent years and months these allegations have occurred more regularly and in more detail. The SPDC have also indicated that in doing so, and in working with them to undermine state security, she is guilty of treason. For these offences, Aung San Suu Kyi could be charged under the 1908 Unlawful Associations Act and the Penal Code, carrying sentences of up to 38 years' imprisonment. A clear warning to her that, as they see it, their tolerance will only stretch so far, and she could be arrested at any time.

Western funding of Burmese opposition groups, as well as Western sponsorship of UN resolutions and the denial of international aid, has enabled the Tatmadaw to identify a new enemy on which all its failings can be blamed. Through the direct connections between Daw Aung San Suu Kyi and Western policy, it also has another tool with which to try and weaken and split the internal opposition. A recent article in the *New Light of Myanmar* defended the failure of the government to hand over power in these terms,

The Tatmadaw, which is a responsible force for the national cause, cannot ignore the fact that the godmother of NLD is going to govern the nation under the advises, orders and directives of the Western group. The Tatmadaw cannot transfer the power to her.<sup>281</sup>

Thus, for example, when discussing the economic situation, while always giving unrealistically upbeat descriptions of economic growth, all failures, such as the failure of the 1996 Tourism Year, are blamed on Western pressure. The failure to eradicate drugs is likewise blamed on a lack of support by the West, and a lack of recognition of efforts undertaken by the government so far.

### ***International development organizations***

All of the arguments in respect of UN agencies working in Burma have been cited in the debate about whether international development organizations (IDOs)<sup>282</sup> should operate there. In general, there was an acknowledgement that IDOs give less credibility to the SLORC, have more opportunity and capacity to work with non-governmental actors in Burma, and could be effective in not only delivering assistance, but also supporting fledgling civil society groups in Burma. In relative terms, there has been somewhat less opposition to IDOs working in Burma, but this is only in relative terms. For example, the NCGUB in their statement on humanitarian aid to Burma, wrote that,

In general, NGOs that can implement projects directly with well-informed and trained foreign staff are preferable to NGOs that need national NGOs as implementing partners or have only national staff.<sup>283</sup>

However, these organizations strongly urged IDOs to work instead with Burmese student and ethnic minority refugees in Thailand, and the refugees who in 1991/2 arrived in Bangladesh.

Prior to 1988, few aid agencies were able to work in Burma. Some church-based organizations having partners in Burma had supported pastoral and educational work for decades, on a small scale, but generally the BSPP discouraged international development organizations from working in the country,

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<sup>280</sup> "Internal and external anti-government groups' conspiracy to cause unrest in September 1999", Yangon: Myanmar Information Committee, 19 August 1999. Reported on [www.myanmar.com](http://www.myanmar.com).

<sup>281</sup> Maung Tin Aye, "Reasons for Not Transferring Power", *New Light of Myanmar*, 1 September 1999.

<sup>282</sup> Also known as INGOs, international NGOs.

<sup>283</sup> NCGUB, May 1995, op. cit.,

despite the great needs already apparent from the late 1970s onwards. Even after being classified as a “Least Developed Country” by the UN, a status which brings with it an opportunity for greater international assistance on favourable terms, the government was still reluctant to allow IDOs to operate. Following 1988, with increasing evidence of the dire humanitarian situation in the country, IDOs found themselves caught between wanting to assist the people of Burma, and not wanting to legitimize or give succour to the Tatmadaw. Ten years on, despite the ever-worsening situation in the country,<sup>284</sup> only 17 IDOs were working there among a population of 47 million. Each of them operate under their own *ethical* guidelines, although they generally share similar criteria, and are designed to make it possible to work in Burma without undermining their operational integrity. This compares to the 50-plus IDOs and NGOs working to assist 100,000 Burmese refugees in Thailand.

The consequences of the presence of many IDOs and local but usually foreign-staffed NGOs assisting refugees in Thailand has had repercussions on the Burmese political scene. In Thailand, there was little debate on the long-term consequences of supporting ethnic minority and student armies, or their families and supporters. For Western NGOs, these groups were the “good guys”, opposing an illegitimate and brutal Tatmadaw. Now, however, an assessment of the effectiveness and political results of that support is long overdue.<sup>285</sup>

In the past, the refugees’ presence in Thailand has been crucial to those IDOs and NGOs seeking to support change in Burma. Human rights groups, such as Amnesty International and Human Rights Watch, were denied access to Burma, and found the only way to document abuses in Burma was through interviews with newly arrived refugees. Likewise, the UN Special Rapporteur to Burma regularly made trips to the refugee camps, where he could interview without hindrance, victims of Tatmadaw abuses. In addition, educational and training programmes, and other capacity-building initiatives could be conducted among the exiled student and ethnic minority community. The role of the camps was exemplified in 1993 when a group of Nobel Laureates that had been denied permission to enter Burma visited the refugees. In a sense, the camps became an international window into the sufferings of Burma.

However, there were drawbacks. As already examined above, ironically “empowerment” of the exiled community created a dependency culture often witnessed in refugee situations. This was not just dependency on humanitarian aid, but also a dependency for political direction. This culture grew in correlation with the amount of money available. The need for secrecy in some areas also lead to a

<sup>284</sup> For an overview of the health situation in Burma, see Martin Smith *Fatal Silence? Freedom of Expression and the Right to Health in Burma* (Article 19, London, 1996)

<sup>285</sup> When the ethnic minority refugees first began to arrive in Thailand in 1984, the Thai Government allowed them to stay in temporary camps. The government also allowed the refugees to organize their own Relief Committees, which could receive humanitarian assistance from a consortium of NGOs. At the time, the ethnic minority armies were considered by Thailand to provide a useful “buffer zone” between Thailand and the Burmese government. They held significant territory inside Burma adjacent to the border and controlled valuable logging concessions there as well as all cross-border trade in the region. From an economic and strategic point of view, then, the Thai military had an interest to support or accept the ethnic minority armies. After years of playing reluctant host to thousands of Cambodian, Laotian and Vietnamese refugees, Thailand was also wary of internationalizing the situation along another difficult frontier. Thailand hoped that the Burmese refugees would return if they did not get too much international aid, and if the armies which protected them from Tatmadaw excesses continued to control territory.

After 1988, when the ethnic minority refugees were joined by 10,000 students and other political dissidents from Burma’s towns and cities, the Thai attitude towards Burmese refugees began to change. From 1992 onwards, when economic relations between Bangkok and Rangoon, lucrative for Thai companies, were jeopardized by Thai support of the refugees, the refugees and ethnic minority armies had become an impediment to trade, rather than a useful buffer. For a full discussion of the history of Thai/Burma relations and refugees, see *Human Rights Watch/Asia*, “Unwanted and Unprotected: Burmese refugees in Thailand”, New York: HRW, 1998.

general lack of transparency in the operation of NGOs and political groups, and rumours over how much money each group or individual received created deep splits in the movement. In addition, the failure of the donor NGOs and foundations to have in-built project assessments – such as they had demanded for UN projects in Burma – resulted in many proposed projects for which funding had been dispersed being abandoned, or in some cases never started.

While aid to refugees went unmonitored and unquestioned, the question of whether or not IDOs should seek to work in Burma became deeply politicized. On the one hand, solidarity groups and exiled Burmese groups considered any development assistance work in Burma to be supporting the SLORC. On the other hand, IDOs who had visited Burma were alarmed by the humanitarian situation there and took the view that working to give assistance was a moral imperative.

For two years following the events of 1988, IDOs held off from applying to assist a country in such political turmoil and where human rights abuses were so appalling. Many were waiting to see what would happen after the 1990 elections. In the UK, a roundtable of NGOs and IDOs was formed, called the Burma Briefing, as a forum where information about the humanitarian situation in Burma and for Burmese refugees could be exchanged.<sup>286</sup> The Burma Briefing also frequently discussed the difficult issue of whether aid should be delivered through Rangoon, and if so, how. In November 1991, a draft set of Guidelines for NGOs in Burma was produced which became the basis for further discussion internationally. These were followed by guidelines produced by the Burma Peace Foundation and the Australian Council for Burma.<sup>287</sup> All of these guidelines agreed on the main points, that IDOs working in Burma should,

- Open a local office, staffed by an expatriate, and monitor all programmes closely;
- Provide assistance in goods and services, not cash;
- Negotiate a realistic exchange rate for the payment of all services and other bills;
- Focus on health, social welfare, water supply and education;
- Always work with local staff, at the lowest community or official level, and this support grass-roots empowerment;
- In any project involving HIV/AIDS, IDOs must ensure that exhaustive efforts are undertaken to ensure complete confidentiality;
- No local governmental organization should be involved in the implementation of projects.

After the UNICEF initiative (see section on UN agencies) to raise the alarm over the “silent emergency” in Burma, in January 1992 Médecins Sans Frontières, Holland (MSF-H) appointed a Dutch national to work in Rangoon to negotiate a Memorandum of Understanding with the Health Ministry.<sup>288</sup> It was 13 months of long and difficult negotiations before this MoU was finally signed. Those 13 months were crucial for the future of IDOs in Burma. MSF-H liaised closely with other NGOs, including Burma solidarity groups to establish its own bottom line for working in Burma. In doing so it paved the way for other IDOs in seeing through an MoU which permitted them to have expatriate staff with direct access to the populations to be assisted and open access to monitor and

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<sup>286</sup> Similar Burma “roundtables” and discussion groups also later emerged in the US and Australia.

<sup>287</sup> Australian Burma Council, “Operational Strategies for Australian NGOs in Burma”, draft October 1994, and June 1995; Burma Peace Foundation, “Caveats, Cautions and Stringent Conditions (On the Suggestion that NGOs Should Go Into Burma)”, October 1995.

<sup>288</sup> MSF-H had first undertaken an exploratory mission to Burma in late 1989.

evaluate programmes. MSF-H first worked in new towns outside of Rangoon, places to which vast numbers of urban poor had been moved, often forcibly, in an effort to clean up the city's image.

In 1993, in response mainly to the UNICEF paper on the "silent emergency" the International Council of Voluntary Agencies (an umbrella organization of IDOs, based in Geneva) decided to send a mission to Burma. The intention was to assess the humanitarian needs and make recommendations to IDOs who had not yet sought to work in Burma or with Burmese refugees in Thailand and Bangladesh. The mission was led by Russell Rollason, head of the Australian Council for Overseas Aid, and returned with a clear call to IDOs to respond to the emergency in Burma. The report, however, also established some guidelines for IDOs to work in Burma in ways which would give least benefit to the Tatmadaw, and maximize the capacity of IDOs.<sup>289</sup>

In Australia and elsewhere the report caused a storm: solidarity groups widely denounced Rollason for white-washing the political and human rights situation in Burma in order to attract IDOs to work there. However, the die was cast: it was no longer possible to protest outright that NGOs should not work in Burma, the only question was *how* they should work there. Thus, the Australia Burma Council drafted its own "Operational Strategies" for NGOs in Burma. In part, organizations that had previously objected to IDOs being in Burma at all were swayed by lack of political progress and the worsening humanitarian situation, especially in the field of HIV/AIDS. World Vision UK, for example, which had once opposed World Vision Australia's involvement in Burma, decided in 1993 that,

the Burma situation was likely to be prolonged and intractable problem. The ability of any form of boycott to affect local realities seemed to be diminishing just as social and economic needs within Burma were becoming better understood by those agencies operating in Burma.<sup>290</sup>

During 1994 and 1996 an unprecedented number of IDOs began to explore the possibility of working in Burma, encouraged and assisted by UNICEF and UNDP. This was also the period when Western governments had announced their new strategies towards Burma, with the USA, Australia and the EU each offering some form of limited engagement.

From 1996, onwards however, IDOs were again under attack, this time both from the government and the opposition. Two NGOs were summarily refused permission to extend their MoUs.<sup>291</sup> Some four or five IDOs who applied to work in Burma were refused MoUs. One IDO worker was refused permission to work in Burma because he had the same name, "Alan Smith", as someone working in Thailand with Karen political organizations. Others were refused because they had programmes to assist refugees in Thailand. NGOs working in Thailand were roundly pilloried in the Burmese media. It seemed that the government had realised and objected to the role which IDOs could play in supporting the development of local NGOs and thus, engendering civil society in Burma. Certainly even those IDOs who had worked there for some time reported a tightening of the net around their projects, and monitoring of their daily movements was increased.

Another problem for IDOs in Burma is the lack of truly independent indigenous NGOs. Many Western development agencies prefer to work with local partners, or develop the capacity of local groups, in order to ensure the sustainability of projects. In Burma, such groups are sorely lacking after decades of military-dominated government. The SLORC/SPDC has sought to severely restrict the ability of civil society organizations to have any role beyond the strictly local level or for ephemeral events – such as temple festivals, or emergency relief work. All other organizations with a national

<sup>289</sup> Russell Rollason ed., "Mission to Burma Report" (ICVA, Canberra) 1993. See also "Burma: The Silent Emergency – Report of a Conference held in Sydney on May 28, 1993", Sydney: ACFOA and Australian Burma Council, 1993).

<sup>290</sup> *The Role of NGOs in Burma*, World Vision UK, June 1995.

<sup>291</sup> One of the two was later able to negotiate a new MoU, but the other left.



remit are either founded by the state, or co-opted by the military. Thus, the Myanmar Maternal and Child Welfare Association (MMCWA) which is the largest indigenous NGO in Burma, has the wife of the SPDC Secretary-1 on its board, and at the local level the secretary of each village MMCWA must be the wife of the village Council leader (Village Peace and Development Council).<sup>292</sup> Every other “NGO” in Burma, from the Myanmar Red Cross to the Myanmar Medial Association are largely GONGOs, that is, government-organized non-governmental organizations. In addition, some IDOs found that representatives of the SPDC’s mass political organization, the Union Solidarity Development Association (USDA) would turn up in uniform and without invitation to local consultations.<sup>293</sup>

### ***International Financial Institutions***

All assistance from the International Monetary Fund and the World Bank was cut off in 1988, and there have been no new loans since then. In large part this has been the result of international pressure, notably from the USA where legislation prohibits the administration from agreeing to any such loans. The USA has used its influence with other governments, including the EU and Japan, to maintain this position. In addition, a recognition of the importance of “good governance” conditions to the success of development programmes – especially since the Asian economic collapse and criticism levelled at the IMF for its part in propping up unrepresentative governments – made it difficult to pass any new projects in Burma. Furthermore, loans were blocked on account of the total failure of the SLORC/SPDC to show any willingness to cooperate with either institution in the collection of data and with recommendations made in a series of reports.

Both the World Bank and IMF continued shadow programmes on Burma since 1988. The World Bank undertook research for country reports in 1988, 1993/4 and 1999. The IMF has had annual discussions with the government under Article 4 of its institution, and provided technical assistance, especially in the field of data collection. But there has been no consensus by the governing board to allow anything more than that. Nevertheless, the IMF report of May 1998 noted that, “economic and financial statistics suffer from serious deficiencies that hinder the ability of the staff and the authorities to monitor and assess economic developments”.<sup>294</sup>

In September 1998, the World Bank announced that, under its own rules, it would not be giving any future loans to Burma because it had failed to pay back loans of around US\$ 14 million. Subsequently, the WB sent a team to investigate further the situation in Burma in mid-1999, which resulted in a detailed report the Bank presented in October of that year. In the usual course of events, the report would have to be agreed on by the government before it could be made public, but in this case its main findings were widely leaked. The Bank found that major policy and insitutional reform would be necessary for Burma to achieve its potential in five main areas: the exchange rate; rice procurement, distribution and export; development of the private sector; reform of state economic enterprises; and allocation of state spending where currently military expenditure per capita is nine times that spent on the health sector. Significantly the Bank emphasized a need to work in partnership with the UN, especially the Secretary-Generals office, to help promote social justice and poverty alleviation.

The Banks report was welcomed by all, barring the SPDC. Despite being desperate for international development assistance, the SPDC declined to respond to the report, preventing the Bank from making it public, and likewise declined the advice and thus the financial assistance which might have been

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<sup>292</sup> For more on restrictions on NGOs and GONGOs in Burma see BCN and TNI *Strengthening Civil Society in Burma: Possibilities and Dilemmas for International NGOs*, Bangkok: Silkworm books, 1999.

<sup>293</sup> The USDA was founded in 1993 – just weeks after the National Convention began – by the SLORC with the explicit aim to support the activities and policies of the Tatmadaw.

<sup>294</sup> IMF, “Staff Report for the 1998 Article IV Consultation”, May 1998.

forthcoming. By 2001, there had apparently been no further communication on the matter, suggesting that perhaps the World Bank had given up trying to persuade the SPDC to accept their help.

## V. Conclusions

That human rights reform and political change in Burma are urgently needed is strikingly evident. It is also evident that each of the three protagonists in Burma's drama over the past 10 years – the Tatmadaw, the political opposition represented by the NLD and the ethnic minorities – has publicly expressed their desire for such changes. What this report has shown is that thus far, the efforts of the international community have failed to assist in a transition from military rule, and may even have prolonged military rule by giving the government a much-needed external enemy on which all its failings can be blamed. Western policies, encouraged by NGOs and the external and internal opposition, have had a short-term aim of getting rid of the military government as fast as possible. While this is a laudable aim, and perhaps realistic in the late 1980s and early 1990s, with the military still in power and with no signs of changes, there has to be a rethink of this position. Neither sticks, nor carrots, will be able to move them.

Sanctions against the Tatmadaw are important and necessary, but they must be well defined, both in kind and in intention. They should signal that the behaviour of the Tatmadaw in perpetrating human rights abuses, the failure to allow democratic processes and refusal to comply with UN resolutions, is totally unacceptable, and that such behaviour will have negative consequences. Once sanctions are imposed, this should not be the end of the policy. Rather, governments must take active measures to make the sanctions effective, at the same time avoiding ossification of positions. As Margaret P. Doxey notes,

The danger with all high-profile negative sanctions is that they will produce defiance rather than compliance. Regimes already pursuing isolationist policies will not be worried about further isolation, whether cultural, political or economic, and will view external pressure as confirmation of the hostility of the outside world while leaders are not disposed to lose face by succumbing to external pressure. Sanctions also introduce rigidities which make accommodation of differences and peaceful settlement more difficult.<sup>295</sup>

In Burma, the sanctions imposed thus far have indeed had these effects. The polarization between the Tatmadaw and the opposition is reflected also in the rhetoric of Western governments and NGOs. A further consequence is that all sides politicize every aspect of international contact in order to score points, in the process avoiding the reality of daily human rights abuses. When Australia encouraged the establishment of a human rights commission in Burma, for example, the SPDC tried to get as much political kudos from the move as possible, while at the same time failing to take any real steps toward implementation of the idea. The NLD quickly condemned the plan as simply conferring legitimacy on the government, and did not appear to consider what positive results might accrue in the long term. Similarly, the NLD initially condemned the ICRC after just one prison visit brokered after four years of negotiations, while prison conditions remain appalling.

Yet another example is provided by the efforts of UN agencies and IDOs to maximize the positive impact on communities in Burma, while minimizing the political and financial gains to the government.

The long-term approach would include a big increase in humanitarian assistance (carefully targeted and planned), not only to alleviate poverty and support the development of human resources, but also

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<sup>295</sup> Doxey MP, *International Sanctions in Contemporary Perspective*, London: Macmillan Press, Second edition 1996.

as a means of engaging the generals. In addition, increased assistance would also be effective in alleviating the historical obstacles to democracy and respect for human rights in Burma, which are complex but can be summarized as:

- the difficulty of establishing a federal political system that could serve as the basis of an integrated Burma by granting concrete concessions and rights to minority ethnic populations
- the weakness of national-level institutions across a socially-fragmented society
- historical intolerance toward dissenting opinions.<sup>296</sup>

This can only be achieved incrementally, increasing the number of small-scale projects aimed at supporting the education sector and slowly building civil society and pluralism. Training and assistance programmes should be aimed at all sectors of society, including the NLD, ethnic minorities and the military and their families, in the hope that a new generation of trained technocrats would in the long term opt for a more liberal and diverse Burma, run by a democratic government. In particular, more Asian NGOs could start to work in Burma, especially from Japan and ASEAN countries. This would not only support the failing health and education sectors, but also kindle greater political understanding and mutual respect for diverse cultures.

Since the start of the new millenium there have been many positive signs that the international community is ready to work in a more cohesive way directed toward a common set of goals in Burma for the first time. The 1999 World Bank report, the moves by the ILO to engage the generals, and most particularly the efforts of Special Envoy Razali are indicative of this.

## **VI. Recommendations**

### ***Research and information***

Despite the advances made in the past 10 years, we still know very little about Burma. There are vast areas where we know nothing at all, and others where all we have are projections of anecdotal evidence. Lack of access to archive information but most especially to regions of Burma considered sensitive by the government is a major reason for this lack. Another part of the problem is the unwillingness of NGOs opposed to the military regime to see, let alone acknowledge or praise, areas where the Tatmadaw has made positive changes. In addition, there simply are not enough people in Burma able to undertake the required research. Nor are there enough Burmese abroad with an interest in long-term academic research, and not enough Western academics willing to risk their careers on such a difficult country.

The following are among key areas which need more research in order to help create policies which stand a chance of having an impact in Burma:

*The humanitarian situation in areas of the country where access on a regular basis is still denied.* It is especially important that UN agencies take a lead in trying to gain access to those areas such as northeastern Shan State, east Karenni (Kayah) State, southern Mon State and Tenasserim Division where forced relocations on a massive scale have been reported. If the situation is so bad in these areas, how are people surviving? What will push them over the edge? How can they be supported?

*The historical and cultural factors which prevent the establishment of democracy, as outlined above.* Research is especially required among ethnic minority and Burman populations to foster greater mutual understanding and acceptance.<sup>297</sup>

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<sup>296</sup> Callahan MP, "Democracy in Burma," 1998, op. cit.

*The background and present positions of the leadership in the SPDC, from the cabinet to the DDSI.* It is imperative that the West get rid of the old idea that Burma's generals are just stubborn and stupid, as was the common view when Sen. Gen. Saw Maung was in power. If there really are splits and divisions within the SPDC between the hardliners represented by Maung Maung and Tin Oo, and the "reformers" in the shape of Khin Nyunt, then the West has to try to build bridges to the reformers and see how far they are willing, and able, to go.

*The reality of the "China card"*. To what extent are mainland Chinese "taking over" parts of Mandalay and northern Burma; what are the tensions created by this; what are the likely consequences? China is a key supporter of the SPDC, yet we know little about the impact this has had on the overall political situation in Burma.

### ***Neutral Discussion Groups***

There is also a need to try to bring the discussions of Burma in the West back to the actual situation in Burma, and away from the rhetoric and vacuous debate which marks so many international conferences. Discussion groups, run along the lines of the British Angola Forum<sup>298</sup> and other such groupings, need to be established, with a reputable institutional backing and thoroughly neutral. government representatives, business, NGO and UN representatives should be encouraged to attend to hear new papers and information from academics and others. These groups would be important places to network and hear the views of opposing theorists or actors in a non-threatening, neutral setting. A recent example of such a meeting is that which took place at the Asia Society in New York where David Steinberg and the SPDC Foreign Minister U Win Aung shared the podium.<sup>299</sup>

### ***Humanitarian aid***

While the SPDC continues to refuse to shift politically, the country is dying on its feet. Most humanitarian aid is directed towards the health sector, where needs are pressing. In the field of AIDS, it has only been concerted international efforts to monitor, assist and educate those groups most vulnerable to infection that has forced government departments to recognize the seriousness of the situation. These efforts need to be extended also to other fields, such as areas of forced displacement, but even if the government continues to deny access to some areas of the country, it should not prevent the important work already underway.

At the same time, while these efforts must continue, more focus needs to be given to education, a key problem in a country where universities have been closed for the best part of 11 years. This is not to suggest that IDOs or UN agencies should relieve the government of the burden of educating its people. Even if state universities and institutes of higher education were up and running, there would still be a need to radically change the educational system in Burma, and if done through the government it would take years. Assistance in the educational sector is necessary not just to produce a future generation of leaders and technocrats, but also to employ educational methods which encourage students, even infants, to participate in their learning. If democracy and democratic principles are to flourish in Burma, the authoritarian and rigid educational methods practiced there have to be overhauled.

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<sup>297</sup> As one obvious measure, steps should be taken to encourage Rangoon University to re-open the anthropology department, which up until encouraged MA students to conduct research among ethnic minority populations.

<sup>298</sup> The British-Angola Forum (founded 1998) is based at Chatham House in London and aims to bring "together organisations, companies and individuals concerned with affairs in Angola, its regional and international context... the Forum offers members a unique opportunity to share knowledge and ideas across the social, cultural and commercial spectrum".

<sup>299</sup> Asia Society meeting, 29 September 1999.