

briefing

Burma

Visit to Burma and the Thailand-Burma Border

13 March-3 April, 2011

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APRIL 2011



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REGISTERED CHARITY NO. 281836

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I. Executive Summary

“No change, no change,”
a representative of the regime’s military intelligence

Burma’s military regime held the first elections in twenty years, on 7 November 2010. One week later, on 13 November 2010, Burma’s democracy leader and Nobel Peace Prize recipient Aung San Suu Kyi was released, after a period of seven years under house arrest. Over the past twenty years, she has spent more than 15 years in detention.

Despite the elections and the release of Aung San Suu Kyi, nothing has really changed in Burma. The new national two-chamber Parliament, and the regional and state legislatures, were convened on 31 January 2011, and are overwhelmingly dominated by the military regime. The Union Solidarity and Development Party (USDP), the regime’s party, won 76% of all contested seats in the three levels of legislature, and almost 80% of the seats in the Lower House (People’s Assembly). In addition, 25% of seats were reserved for the military before votes were cast. The new President, Thein Sein, is a former General who served as prime minister in the previous regime, and of the thirty members of the new Cabinet, only four are civilians – the overwhelming majority of government ministers are from the military.

The new Parliament has no power, and Members of Parliament face severe restrictions. MPs face up to two years in jail if they “write, print or distribute by any means parliament-related documents, information, statistics, drawings, charts or other reference,” and MPs are prohibited by law from making comments deemed to endanger national security, the unity of the country or are in violation of the 2008 Constitution. Parliamentary questions must be submitted ten days in advance, and although some parliamentary proceedings have been reported in the state media, no live media coverage is permitted.

In addition to continuing to suppress democracy, the regime has intensified its attacks against ethnic civilians, particularly in Karen and Shan states. On 13 March 2011, the regime broke its 22-year ceasefire with the Shan State Army-North (SSA-N), deploying 3,500 troops from over twenty battalions to attack Murng Su township. Over 100,000 civilians have been affected. The military has killed several civilians, shelled Buddhist temples, forced civilians to work as porters for the army and gang-raped Shan women. Over 3,000 villagers have been forced to flee from their homes.

Shan State is enduring further suffering following the earthquake which struck the area on 24 March, 2011. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), at least 74 people have been killed. Other sources put the death toll at over 150. One source claims that the military authorities have continued to tightly control aid distribution to the entire area, and international NGOs have reportedly only been able to deliver relief supplies to a storage and distribution centre. Two weeks after the earthquake, remaining aid supplies were taken to a military camp and the distribution centres were closed by the authorities. Village leaders were called to a meeting with the military and informed that the “relief” phase was over and a “rehabilitation” phase should begin. According to this source, “aid distribution has reduced to a trickle”.

Conditions for refugees and internally displaced peoples (IDPs) in eastern Burma and along the Thailand-Burma border continue to be dire. NGOs in all sectors report a struggle to maintain basic services in the refugee camps and cross-border support is being cut due to funding shortages. Limited donor support for new refugee self-reliance initiatives do not have the potential to significantly reduce the need for basic humanitarian support in the

camps and any further cuts threaten to undermine the integrity of the entire assistance programme.

Describing the situation inside Burma one Karen refugee said: “The dictators want to make our people disappear from this world.” The principal of the Kawthoolei Karen Baptist Church Bible School in Mae La refugee camp, Pastor Simon, uttered the cry of people across Burma, “We want peace, justice and freedom for all the people of Burma. We want the regime to respect and treat us as brothers and sisters, not as enemies or slaves. We want the whole world to help. We want to go home – please help us.”

Christian Solidarity Worldwide (CSW) conducted a three-week fact-finding assignment to Burma and the Thailand-Burma border in March 2011. CSW travelled to Rangoon to meet a wide range of Burmese and international representatives. For their security, CSW's sources in-country cannot be identified. CSW then travelled to Mae Sot on the Thailand-Burma border to meet with exiled groups including the General Secretary of the Karen National Union (KNU), the National League for Democracy-Liberated Area (NLD-LA), the Assistance Association for Political Prisoners (AAPP), the Burma Lawyers' Council, visited Mae La refugee camp, and had meetings with the Karen Human Rights Group (KHRG), the Karen Women's Organisation (KWO) and the Network for Human Rights Documentation in Burma (ND-Burma). In Chiang Mai, CSW had meetings with the Chin Human Rights Organisation (CHRO), the Shan Women's Action Network (SWAN), the Kachin Women's Association-Thailand (KWAT), the Kachin Independence Organisation (KIO), the Human Rights Education Institute of Burma (HREIB), the Democratic Voice of Burma (DVB), The Irrawaddy magazine, Burma Relief Center (BRC) and Partners Relief and Development. In Bangkok, CSW met the EU Ambassador, the Canadian Ambassador, the Head of the Political and Economic Section at the British Embassy, the Thailand-Burma Border Consortium (TBBC), the Alternative ASEAN Network on Burma (ALTSEAN), the International Federation for Human Rights (FIDH), Human Rights Watch and the Forum for Democracy in Burma (FDB).

The unanimous view of everyone CSW spoke to in Rangoon and on the Thailand-Burma border is that there is no meaningful change in the political situation in Burma. Widespread vote rigging, intimidation and voter harassment meant the elections were a sham, and the military continues to rule. A military intelligence officer in Rangoon told CSW, “No change, no change.”

CSW welcomes the European Union's decision to continue its key economic sanctions against the regime. Until there is meaningful change in Burma, including the release of political prisoners, an end to military offensives against ethnic civilians, and a genuine dialogue between the regime, the democracy movement led by Aung San Suu Kyi and the ethnic nationalities, pressure on the regime must be maintained. CSW believes the human rights violations perpetrated by the regime against ethnic nationalities and political prisoners amount to crimes against humanity and, in some areas, war crimes, and reiterates its call for the international community to support the recommendation of the UN Special Rapporteur for Human Rights in Burma for the establishment of a UN Commission of Inquiry to investigate these crimes.

2. Recommendations

CSW urges the new Government in Burma to:

1. Release all political prisoners;
2. Declare a nationwide ceasefire and an end to military attacks against ethnic civilians;
3. End the widespread and systematic use of rape as a weapon of war, forced labour, torture and killings;
4. Provide international human rights and humanitarian organisations with unhindered access to all parts of the country;
5. Engage in a meaningful dialogue with the democracy movement led by Aung San Suu Kyi and the ethnic nationalities.

CSW urges the European Union, Canada, Australia and the United States to:

6. Continue existing sanctions until there are meaningful and lasting signs of progress, including the steps listed in recommendations 1-5;
7. Set out benchmarks of progress, based on recommendations 1-5, and develop a more flexible policy approach that could result in the imposition of tougher, tighter and more targeted sanctions if the situation deteriorates further or shows no signs of improvement, and the relaxation of some sanctions in response to improvements on the ground;
8. Increase humanitarian assistance, both inside the country, to refugees on the border, and through cross-border delivery;
9. Increase efforts to engage with China, India, Japan, Russia and the Association of South-East Asian Nations (ASEAN), to urge them to use their influence with the regime to encourage a dialogue process;
10. Increase efforts to build an international coalition in support of the recommendation of the UN Special Rapporteur for Human Rights in Burma for the establishment of a UN Commission of Inquiry to investigate war crimes and crimes against humanity.

CSW urges the Governments of China, India, Japan, Russia and the members of ASEAN to use their influence with the new government in Burma to encourage it to:

11. Release political prisoners;
12. Declare a nationwide ceasefire and end military offensives against ethnic civilians;
13. Engage in a meaningful dialogue with the democracy movement led by Aung San Suu Kyi, and representatives of the ethnic nationalities.

CSW urges the UN Secretary-General and UN bodies to:

14. Lead a new high-level initiative to engage with the regime in Burma and facilitate a dialogue between the regime, the democracy movement led by Aung San Suu Kyi, and representatives of the ethnic nationalities;
15. Apply the principles of the UN's 'Responsibility to Protect' mechanism to the political, human rights and humanitarian crisis in Burma.

3. Itinerary and purposes

CSW travelled to Rangoon from 15 to 23 March 2011, and then to Bangkok, Mae Sot and Chiang Mai from 23 March to 3 April, where CSW had meetings with international diplomats including the EU and Canadian Ambassadors and the British Embassy, non-governmental organisations (NGOs), exiled Burmese, and ethnic Karen, Kachin, Chin and Shan organisations.

The purposes for the visit were as follows:

1. To obtain up-to-date information on the current political, human rights and humanitarian situation inside Burma;
2. To obtain up-to-date information on the current political, human rights and humanitarian situation along the Thailand-Burma border;
3. To assess current needs and explore future opportunities for assistance;
4. To discuss strategies with pro-democracy and ethnic nationality representatives;
5. To discuss international policies with diplomats, NGOs and Burmese pro-democracy and ethnic nationality representatives.

4. Political situation

The unanimous view expressed to CSW by sources in Rangoon and in exile in Thailand is that nothing has changed in Burma. CSW met a broad range of political, civil society, ethnic, religious and other representatives, and no one expressed the belief that the new regime would result in any meaningful improvement for the lives of people in Burma. Even those who had been cautiously optimistic before the elections, with the hope that the elections might result in some small opportunities to expand political freedoms, were disappointed.

The overwhelming view is that the changes in the regime are purely cosmetic, and result in little more than a change of clothing, from military uniform to civilian suits. Of the 30 members of the new Cabinet, only four are civilians. The new President, Thein Sein, was a general and prime minister under the old regime and was hand-picked by Senior General Than Shwe. Tin Aung Myint Oo, one of the new Vice-Presidents, was the number four in the old regime. Shwe Mann, the number three in the old regime, is the Speaker of Lower House of Parliament. While Than Shwe himself has stepped down from official positions, he remains Patron of the Union Solidarity Development Party (USDP) and there is speculation that he will establish a State Supreme Council through which he will ultimately control the levers of power. There is little doubt that by handpicking the President, Commander-in-Chief of the military and other senior leaders, and through his wealth and the support of business cronies, Than Shwe will remain the power behind-the-scenes.

The NLD, led by Aung San Suu Kyi, remains a significant player, despite having been officially deregistered as a political party¹. According to the National League for Democracy-Liberated Area (NLD-LA), which represents the NLD in exile, the NLD continues to function as a political party, arguing that it is registered according to the previous registration laws. Aung San Suu Kyi is working to build up a network of support across the country, among different communities.

¹ BBC, "Burma upholds dissolution of Suu Kyi's NLD party," 28 January 2011 - <http://www.bbc.co.uk/news/world-asia-pacific-12307838>

5. Ethnic situation

Ludu Sein Win, a prominent dissident and journalist who helped establish the National League for Democracy (NLD) and spent 13 years in prison, told CSW that although all the people of Burma are suffering, the ethnic nationalities are suffering “twice as much” as the Burman majority. Due to lack of information and poor communications, the Burman majority in the cities have only recently become aware of the full extent of the suffering of the ethnic nationalities. “We Burmans need to apologise to the ethnic people, and then unite and work together to remove this regime and establish democracy,” he said.

Since November 2010, the situation in the ethnic states has deteriorated further. The regime is increasing pressure on ceasefire groups to become part of the Border Guard Force (BGF) under the control of the Burma Army, and some groups are resisting. Tensions between the regime and the Kachin Independence Organisation (KIO), the United Wa State Army (UWSA) and the Shan State Army-North (SSA-N) have worsened. Conflict has already broken out between the regime and the SSA-N, and there is a high risk that the ceasefires with the KIO and UWSA may not hold.

In addition, the regime has announced its intention to resume its brutal ‘four cuts’ campaign against armed ethnic resistance groups such as the Karen National Union (KNU). The ‘four cuts’ campaign, designed to cut supplies of food, funds, intelligence and recruits from the armed resistance organisations, typically results in increased human rights violations against ethnic civilians, including rape, torture, forced labour, displacement and killings.

In February 2011, major ethnic resistance organisations, including those with ceasefire agreements with the regime and those without, held a five-day conference. Delegates included 51 representatives from organisations such as the KNU, the KIO, the Karenni National Progressive Party (KNPP), the Chin National Front (CNF), the New Mon State Party (NMSP), the Kachin National Organisation (KNO), the Arakan League for Democracy (ALD), the National United Party of Arakan (NUPA), the Shan State Progressive Party (SSPP) and the United Nationalities League for Democracy- Liberated Area (UNLD-LA). The outcome is that a new ethnic alliance has been formed, bringing together ceasefire and non-ceasefire organisations. The United Nationalities Federal Council is based on the following objectives:

1. To find political means to solve injustice among Burma’s nationalities;
2. To gain legal recognition and respect for Burma’s nationalities’ search for justice;
3. To gain nationalities’ equality and the rights that all nationalities deserve;
4. To create a true nationalities federation in the Union.

As tensions in the ethnic states escalate, as described below, this new alliance will be an important organisation for strengthening ethnic unity and representing ethnic peoples to the international community.

The situation in Karen State and Shan State is currently a cause for particular concern:

5.1. Karen State

On 7 November - Election Day - a breakaway faction of the pro-regime Democratic Karen Buddhist Army (DKBA) seized control of the Burmese border town of Myawaddy, close to Mae Sot, in protest at the order to join the BGF. The Burma Army responded with military force and fighting spread throughout Southern Karen State, resulting in the single largest refugee influx into Thailand in two decades. Over 27,000 people fled into Thailand and

thousands more sought refuge in the jungles of Southern Karen and Mon States. Heavy fighting between the Burma Army and the DKBA faction continued throughout December, January, and February. In January, the Burma Army's military operations caused a further 650 civilians to flee to Thailand. Karen sources, including the KNU and the KHRG, anticipate a further escalation of fighting in coming months, as the regime reinforces its 'four cuts' campaign.

According to the KNU, at least 10,000 remain displaced as a result of the recent fighting, some of them on the Thai side, hiding in villages or in the jungle. They are unable to work, and receive very limited assistance because access by community-based organisations is severely restricted by the Thai authorities.

Inside Karen State, human rights violations continue on a daily basis, and the situation is currently particularly severe in Toungoo, Papun, Dooplaya and Thaton districts. Since January, the Burma Army has been using prisoners and villagers as human minesweepers or forced labour;² and some people have been arrested and killed. Villages have been mortared, and the Burma Army is increasing its troop presence in Karen State.

Morale in the Burma Army is, however, continuing to decrease, and defections have increased. According to the KNU, in one brigade area alone at least 143 Burma Army soldiers and BGF troops defected in 2010, and in Karen State as a whole, over 400 defections were reported in 2010.

The General Secretary of the KNU, Naw Zipporah Sein, told CSW, "The regime has announced it will re-start its 'four cuts' policy, and we worry about this. It will result in lots of human rights violations and an increase in refugees and IDPs. We also worry that the regime will use jets which they have bought from Russia³. We urge the international community to pressure the regime not to attack civilians. We also urge the international community to encourage Thailand, China and India to be ready to open their doors if something happens."

5.2. Shan State

On 13 March 2011, the Burma Army attacked the SSA-N in Murng Su township. Fighting has since spread to Tang Yan, Kesi, Mong Yai, Hsipaw, Lashio and Kyaukme townships, with 65 battles taking place in just three weeks. Over 100,000 civilians are now "fearing for their lives", according to Shan community based organizations reporting on the conflict, and at least 3,000 villagers have fled from their homes. The Burma Army is shelling villages indiscriminately, using 120mm mortars. On 13 March, a Buddhist temple in Wan Nam Lao was shelled, four novices were killed and two villagers injured.⁴

Villagers suspected of supporting the Shan resistance are tortured and killed. On 19 March, a mute villager, Sai Ar, 28, was shot dead in Wan Mak Kor, Hsipaw township. Women have been rounded up and used as porters and human shields, forced to walk in front of Burma Army soldiers to deter the SSA-N. According to Shan community-based organisations, rape

² *The Irrawaddy*, "Junta troops using prisoners as human minesweepers," 12 January, 2011 - http://www.irrawaddy.org/article.php?art_id=20513

³ *The Irrawaddy*, "Junta buys 230 military aircraft in 21 years," 26 December, 2009 - http://www.irrawaddy.org/article.php?art_id=17475

⁴ Shan Human Rights Foundation, Press release by Shan community-based organisations, 12 April, 2011 - http://www.shanhumanrights.org/images/stories/Action_Update/Files/press%20release%20northern%20shan%20state%20atrocities.pdf

has been used as a weapon of war. Three women were gang-raped in separate incidents in Wan Nam Lao, including a thirty-year-old woman who had given birth one month before. She died after being raped “by numerous troops”. On 26 March, a mute woman was gang-raped by three soldiers. On 19 March, a woman from Wan Perk Lerng village was arrested and tied up for over a week, until 27 March.⁵

6. International response

CSW welcomes the decision by the European Union to renew its current sanctions against the regime in Burma, and to seek ways to facilitate greater engagement and dialogue, in pursuit of national reconciliation. CSW also welcomes the recent appointment of Derek Mitchell as US Special Representative for Burma.

As a spokesman for the Shan Human Rights Foundation said, commenting on the recent fighting in Shan State:

“Northern Shan State is being plunged into war and new atrocities inflicted on our people. Now is definitely not the time to lift sanctions against the regime.”

A representative of the NLD-LA echoed this view, saying, “we don’t want the Generals to be acquitted. If sanctions are lifted, it will morally affect our movement. We need clear language that the dictatorship will understand.”

Given that there has been no meaningful change, it is vital that a combination of targeted pressure, high-level engagement and increased humanitarian assistance is developed. Since her release from house arrest, Aung San Suu Kyi has consistently called for a dialogue with the regime. The international community, led by UN Secretary-General Ban Ki-moon and with the active support of China, India, Japan, and ASEAN member states as well as the EU and the United States, should play a more proactive role in encouraging and facilitating such a dialogue process.

In addition, it is time to implement the recommendation of the UN Special Rapporteur for Human Rights in Burma for the establishment of a UN Commission of Inquiry to investigate alleged war crimes and crimes against humanity. This recommendation was first made by the Special Rapporteur more than a year ago, in his report to the UN Human Rights Council in March 2010. He concluded that there was “a pattern of gross and systematic violation of human rights” which has been continuing “over a period of many years”, and that these violations “are the result of a state policy that involves authorities in the executive, military and judiciary at all levels.”

In October 2010, he told the UN General Assembly that “it is essential for investigations of human rights violations to be conducted in an independent, impartial and credible manner, without delay” and that, if the regime in Burma fails to end impunity and establish justice and accountability, “responsibility falls to the international community” to conduct an investigation. Over 16 countries have now expressed support for the idea, including the United States, Australia, Canada, the United Kingdom, France, Belgium, Ireland, the Netherlands, the Czech Republic, Hungary and Denmark. It is time these countries worked with others to develop an international coalition of support to secure UN approval for the initiative.

⁵ Ibid.,

7. Conclusions

“Let’s rebuild our land free from oppression. Today we see the destruction of our country. Let’s rebuild it with peace.” – a Karen refugee

With those words, a Karen refugee summed up the simple desire of the people of Burma: to live in peace and freedom. As another Karen refugee, Pastor Simon, who runs a school in Mae La refugee camp and had previously been a respected theologian at a seminary in Rangoon, noted, Karen refugees have now been dispersed around the world. As a result of the refugee resettlement programme, Karen refugees have been resettled to eleven countries: Australia, New Zealand, Japan, Norway, Sweden, the Netherlands, Finland, Denmark, the United Kingdom, the United States and Canada. Other Burmese exiles are also dispersed in these and other countries. “But resettlement is not the real solution,” said Pastor Simon. “There will be no real solution unless and until we can settle our problems in our country peacefully. We want peace, justice and freedom for all the people of Burma. We want the whole world to help.”

Despite the lack of change, the release of Aung San Suu Kyi from house arrest provides Burma’s democracy movement, ethnic nationalities and the international community with an opportunity to mobilise and, through a combination of targeted pressure and high-level engagement, to bring about the change the people of Burma have struggled for so long to achieve. For its part, the international community must increase its efforts, through continuing diplomatic, political and economic pressure, high-level engagement, funding for pro-democracy and civil society activities inside the country and along the borders, and humanitarian aid inside the country, along the borders and through cross-border delivery. Pressure must be intensified on the regime to desist from attacking ethnic civilians. Aid to the refugee camps must be maintained. The moment must be seized: we have a responsibility to protect.