

CHAPTER 1

INTRODUCTION

Burma¹ has been ruled by the military regime for the past 45 years. Since Ne Win took power in 1962, he abolished the constitution, established a xenophobic military government and instituted the “Burmese Way to Socialism” effectively cutting off Burma from the rest of the world.² After four decades of relative isolation from the international community,³ Burma finds itself significantly lagging behind its neighbors in most socio-economic indices.⁴ After nineteen years of direct military rule since 1988, Burma has gained a notorious status of being one of the world’s worst human right violators.⁵ Almost nobody has ever heard about Aung San Suu Kyi, the renowned leader of the democratically elected party National League of Democracy (NLD), who has spent more than ten years under detention over the last nineteen years, and was physically attacked twice in November 1996 and May 2003. She remains under detention despite repeated appeals by United Nations Security-General to free her and enable her to contribute to Burma’s democratization process.

The ruling military junta known to many as State Peace and Development Council (SPDC) wages a bloody and brutal way against its own people on a variety of fronts using all tools of power at its disposal -- ideological, cultural, social, political, military and economic. Under the rule of SPDC, Burma consistently stands as a

¹ Even the use of the name, whether Burma or Myanmar, reflects the political stance for the author concerned. Those who question the military regime's legitimacy refuse to accept the regime's changing of the name to Myanmar in 1989, e.g. United States, etc.

² Vaclav Havel and Desmond M. Tutu, *Threat to the Peace: A Call for the UN Security Council to Act in Burma* (Georgia: DLA Piper Rudnick Gray Cary, 2005), p. 2.

³ The term “international community” is a political phrase that can refer to either all the lands represented in United Nations, the people of the lands all over the world, or shared values and principles among the primary actors within an international system.

⁴ David Tegenfeldt, “More than Saving Lives: The role of International Development Agencies in Supporting Change Processes in Burma/ Myanmar,” in *Myanmar's Long Road to National Reconciliation*, ed. Trevor Wilson (Australia: Asia Pacific Press, 2006), p. 219.

subject of international concern as it continues to be the land of widespread crimes committed by the government against its own people. Poverty, health, and education indicators show significant suffering by the population, with ethnic minority populations experiencing the direst situations.⁶

Burma is one of the world's most impoverished countries. In 2006, the United Nations Development Program (UNDP) ranked Burma 130 out of 177 countries in its annual human development index based on economic and social indicators.⁷ The United States government has ranked Burma's per capita gross domestic product 186 out of 229 countries and territories -- below those of neighboring Bangladesh and Laos. Four decades of military rule and economic mismanagement have resulted in widespread poverty, poor health care and low education standards.

According to UNDP Human Development report 2005, more than one third of the population in Burma lives below the poverty line of whom more than ten percent lives in extreme poverty, defined by an inability to meet basic food needs. Burma's poorest and most vulnerable population groups lack adequate food supply. There is widespread malnutrition with one quarter of all infants born underweight, one in three children aged five being moderately to severely malnourished and one in ten dying before they reach the age of five.⁸

The United Nations officials indicated that the quality of education in Burma has been declining from formerly high levels. Low education attainment is depriving many Burmese children of a good start in life and significantly lowering their income opportunities and productivity as adults. The weak education system also

⁵ Toe Zaw Latt, "Politics of Reconciliation in Burma," working paper no. 9, (Technical Advisory Network of Burma, March 2005).

⁶ Tegenfeldt, p. 218.

⁷ UNDP's indicators include life expectancy, literacy rates, and per capital income.

⁸ UNDP Human Development Report, 2005.

has long-term implication for the country's ability to develop.⁹ This shows the cycle of poverty in the underdeveloped country like Burma.

Nowadays, worries over developments in Burma have heightened globally not only because the country is a nightmare for international human rights defenders but also because what used to be internally contained people of Burma are now increasing threatening international peace and security. The ruling military junta aged problems that once were internally containable have grown out of hand and has transcended transnational boundaries. It has many other threats that are contagious and transnational in nature.

Humanitarian situation in Burma has been evolving. Against the backdrop of accelerating impoverishment, Burma's healthcare system is in a shambles due to inadequate budget. The regime spends 40% of government budgets on military spending while less than 10% on health and education. As a result, the increasing rate of new and recurrent cases of HIV/AIDS, multi-drugs resistant tuberculosis and drug resistant malaria and spreading within the general public and progressing into neighboring countries. Another transnational example is the situation in conflict-affected areas along the Thai border, where local communities suffer violence and displacement.¹⁰ Moreover, the legal and illegal migrants in large number to neighboring countries and many women and girls being trafficked to Thai brothels every year speak clearly to the destitution affecting many of the country's 56 million plus people.¹¹

Motivated by a sense of moral responsibility, institutions and individuals of the free world expressed their concerns, condemned perpetrators of the crimes and sought means to save and free people of Burma from tyranny. Governments,

⁹ United States Government Accountability Office (GAO), "International Organizations Assistance Program constrained in Burma," Report to the Committee on Foreign Affairs, House of Representatives, April 2007.

¹⁰ "Situation of Human Rights in Myanmar," Special Rapporteur on Human Rights in Myanmar, Report to the UN General Assembly, September 21, 2006, A/61/369.

¹¹ International Crisis Group (ICG), "Myanmar: New Threats to Humanitarian Aid," *Asia Briefing*, no. 58 (December 8, 2006).

organizations and associations of different permutations have deployed bilaterally, unilaterally and multilaterally, what they believe as the best ways to stop ongoing atrocities in Burma.¹² At the same time, the international community has tried to push Burma's issue on the UN Security Council's agenda. Many reports have been made consequently to address the problems in Burma.

One of influential reports was commissioned by Vacláv Havel (former President of the Czech Republic) and Bishop Desmond Tutu (Archbishop Emeritus of Cape Town and Nobel Peace Laureate) entitled "Threat to the Peace: A Call for the UN Security Council to Act in Burma". The report underscores the salience of the factors, which the Security Council applies on a case-by-case basis, in determining the existence of a "threat to the peace".¹³

Burma is unique in today's world with the presence of all five factors and the extent to which some of these factors exist in Burma is considerably worse than in other countries in which the Security Council has chosen to act for humanitarian purpose. The persistence of these circumstances in Burma, in connection with the failure of the regime to implement any reform or enable outside organizations to facilitate progress, makes the overall magnitude of the threat to peace in Burma substantially higher than it cases where the Security Council had acted in the past.¹⁴

Havel & Tutu reported that the situation in Burma continues to deteriorate with no degree of measurable improvement. Members of international community have reported grave human rights violations, sustained conflict between the government of Burma (SPDC) and ethnic factions, and failure by the SPDC to move forward in any meaningful way with national reconciliation it promised in its roadmap to democracy.¹⁵ The report attributed these factors as the indicator that Burma

¹² Burma UN Service Office, "Burma: A case for the UN Security Council," June 19, 2006.

¹³ Mission of Burma: The International Community Needs to Take a Far More Stringent Stand on Burma, June 26, 2006, <http://www.hrdc.net/sahrdc>.

¹⁴ Havel and Tutu, 2005.

¹⁵ Ibid, p. 50.

threatens the peace and stability of the region, hereby authorizing UNSC's action to address and take action in Burma.

This paper is aimed to address the humanitarian situation under the ruling military regime in Burma and analyze how the world has responded to the situation and which measures would be the most effective choice in the current dynamic environment. The theoretical framework of this paper is mainly discussed on the state sovereignty in opposition with the individual sovereignty. The debates have been revolved around “national security” in the traditional notion of state sovereignty and the emerging paradigm of “human security” based on people’s sovereignty.

The paper is introduced by general humanitarian situation in Burma and its development into the threat to international peace and security based on Havel & Tutu’s report. The second chapter of this paper outlines the responses of states toward humanitarian situation in Burma. There are both proponents and opponents of the country, indicating the divide of the Western and the Asian views. It implies that Burma is also the place where superpower rivalries in Asia-Pacific can be seen.

The third chapter addresses current humanitarian aid operations in Burma and discusses the specific challenges faced primarily by international aid agencies operating inside Burma. It has been debated on whether the humanitarian aid should be maintain or withheld. Burma has become an example of the politics of humanitarian assistance.

The fourth chapter focuses on the calls for Security Council’s action on Burma and the power of UNSC under the UN Charter in dealing with Burma as a threat to international peace and security. This section then discusses the politics of hidden veto in the Security Council, which is a significant reason of the junta’s successful evasion of international accountability.

The fifth chapter explores the humanitarian intervention as a possible way to protect individual rights and promote human security in Burma. This section

discusses on the dual responsibility of state and individual sovereignty explores the choices of humanitarian intervention, both in forcible and non-forcible forms. The paper then highlighted the development of a smart sanction to place only on the targeted military regime in an attempt to bring about the effectiveness of humanitarian consequences in the country.

The paper concludes with the emphasis on the peace through negotiation and the real voices of Burmese people. The transition to build a new Burma should be based on both internal and external actions. Implementation of liberal values to the unwanted people would be in vain; the democracy should be homegrown. The long-term processes of change should be promoted in order to produce immediate benefits for the general population and lay the ground for internally-driven and more meaningful reform process. The international community led by the United Nations should play a role of facilitating and accelerating the process for the sustainable change in the long run.