



[www.hrw.org](http://www.hrw.org)

**EUROPEAN PARLIAMENT**

**Committee on Development**

**Subcommittee on Human Rights**

**Joint Debate**

**Promoting Change in Burma (Myanmar): The Impact of EU Policies**

**April 2, 2008**

**Testimony**

**Lotte Leicht, EU Director, Human Rights Watch**

**Burma's Human Rights Challenge**

Thank you for the opportunity to present before the parliament today Burma's human rights situation. The Burmese military regime; the State Peace and Development Council (SPDC), which has ruled Burma since 1988, continues to be a repressive and unrepresentative government to the 55 million people of this long neglected country, and a recalcitrant member of the international community. Brave efforts by the Burmese people to change their situation must be matched by international efforts to make the SPDC accountable to its own people. The European Union has a prominent role to play in this effort; to unite international diplomatic efforts, to deliver

aid to a desperately impoverished nation, and to exert sophisticated and effective sanctions on the regime to encourage change and respect for basic human rights.

### **Human Rights Situation**

Burma's human rights situation has markedly deteriorated since last year's brutal crackdown on peaceful protests in Rangoon and elsewhere in the country. During August and September of 2007, thousands of citizens including political activists, monks and nuns took to the streets to protest against desperate living standards and the stalled political and economic reforms. Thousands of people were arrested and detained, scores were killed. In a detailed research effort, Human Rights Watch documented over 20 extrajudicial killings of protestors by Burmese security forces in late September. We believe more were killed, and call on the SPDC to permit a free and impartial inquiry into the actions of the police and military. The EU cannot forget the bravery of the Burmese people in rising against their repressive military rulers, or the crimes of this entrenched regime. Since the crackdown, arrests of political activists, journalists and ordinary citizens have continued, monks and nuns have been defrocked and dispersed throughout the country. The climate of fear in Rangoon is still palpable.

In the rest of the country, desperate living conditions and widespread poverty, primarily the result of government mismanagement, has exacerbated the deplorable lack of human rights. Forced labor remains widespread, the army continues to seize land and property to support its occupation. Basic human rights such as the right to assembly, association, access to information, freedom of the media and freedom of speech are tightly limited. People have little recourse to express their frustration with

military rule. A raft of repressive laws and regulations make even the expression of dissent a long prison term. The SPDC imposes tight restrictions on the ability of international relief agencies to conduct urgently needed health and poverty alleviation projects, and restricts the space for Burmese civil society to operate to help their own communities.

In rural areas, especially conflict zones in Eastern Burma, widespread violations of international humanitarian law are commonplace according to the International Committee of the Red Cross (ICRC). Human Rights Watch continues to document and investigate these abuses. The international community can no longer question the veracity of abuses against civilians in Karen State, Shan State and other ethnic areas by the Burmese military. The army, now an estimated 400,000 strong, acts with utter impunity out of the gaze of international attention. Civilian villages are shelled and burned, people forced out of their homes, their food stocks destroyed and antipersonnel landmines placed to maim them and deter their return. Over half a million people are internally displaced in Eastern Burma. Child soldier recruitment, with boys as young as ten years old being press-ganged into service, is one of the most egregious in the world today and has been documented in reports by the UN Secretary General to the UN Security Council. Over 150,000 refugees languish in refugee camps in Thailand, with international funding dwindling and refugee protection in Thailand becoming even more desperate. Millions of migrant workers from Burma live in desperate conditions in Thailand, India, Malaysia and Singapore.

## **The Referendum and Constitutional Reforms**

In May, the SPDC will conduct a referendum to endorse its new constitution, released just a few days ago after a drawn out genesis of 15 years. The new constitution will entrench military rule in Burma with a veneer of civilian representation. Let us not be shy in pointing this out: the regime has promised a guiding role for the military in the future affairs of Burmese politics since it discarded the results of the 1990 elections, overwhelmingly won by the opposition National League for Democracy (NLD). Aung San Suu Kyi, the leader of the NLD and Nobel Peace Prize winner who has been under house arrest for some 16 of the past 20 years has continued to call for dialogue in the future political affairs of Burma and has been ignored. The European Parliament has obviously not forgotten: Aung San Suu Kyi's picture has been hanging from the wall of this building.

The new constitution will reserve one quarter of parliamentary seats for serving military officers. It grants sweeping reserve powers to the chief of the military, including the ability to declare a state of emergency. It grants immunity from civilian prosecution to military personnel. It bars people with foreign spouses or children from standing for election. Anyone not resident in Burma for twenty years is barred. Let's be blunt: the fix is in, and people are being asked to vote for a document they have not seen until now and have had no input in. A military law, No. 5/96 made it illegal to publicly criticize the constitutional process since 1996.

The environment in the lead up to the referendum is intimidating and laden with menace. The referendum law (Law 1/2008) makes any public dissent of the referendum process punishable by three years in prison. People have already been

arrested under this law. Citizens have been registered for the referendum but threatened with voting yes. The regime's mass based party, the Union Solidarity and Development Association (USDA) whose armed wings were instrumental in the violence against protestors in September 2007, have been co-opted into controlling the population to vote yes.

What meaning can a referendum have when public debate is prohibited and casual word of criticism can land you a long prison sentence? How can the will of the people be known when much of the political opposition is in prison or under house arrest? How can a vote be held on a constitution for all of Burma's people when members of many ethnic groups are excluded from the process? How can a vote take place without an electoral roll, a census, or an independent election commission?

The EU should send a clear message to Burma's ruling generals that this is not A roadmap to democracy.

### **UN Special Advisor Gambari Mission**

The United Nations Secretary General's Special Advisor to Burma, Mr. Ibrahim Gambari, concluded his third visit to Burma since the Crackdown in March. Mr. Gambari was treated with disdain by the SPDC, whose senior leadership refused to meet him, and was criticized by them for his meetings with Aung San Suu Kyi. No concessions were extended to the Special Advisor, which was a slight on the good offices mission of the United Nations SG and the UN system as a whole. While Mr. Gambari stated to the Security Council following his mission that some optimism could be gleaned from his mission and the continued efforts of his good offices, and that the SPDC had made some progress on political reforms, Human Rights Watch

believes that the SPDC showed nothing but utter contempt for the international community by their reception. It is another chapter in a litany of broken promises to United Nations efforts to seek a peaceful dialogue in Burma.

New ways must be found to increase the pressure on the SPDC to listen to international initiatives to curtail their repressive measures and contempt for international norms of behavior. The Burmese people deserve more.

### **Arms Embargo at the UN Security Council**

The ruling junta has failed to address in any substantial way the continued recruitment and use of children in armed conflict. A recent investigation by Human Rights Watch into the use of child soldiers revealed that the Burmese army has recruited thousands of children, some as young as ten years old, to fill its ranks and maintain its military stronghold over the country. Unable to find willing volunteers, recruiters pick up young boys off the street to fill their recruitment quotas. New recruits are in such demand that children have literally become commodities, and are routinely sold by brokers in exchange for cash payments and rice. Officers at recruitment centers falsify records to register children as 18, even if they are clearly underage. After 18 weeks of brutal training, these child soldiers are deployed to battalions, where they are often forced to fight against armed opposition groups, or commit human rights against civilians, including burning villages and rounding up civilians for forced labor.

In resolutions 1539 and 1612, the Security Council stated that it will consider targeted measures, including embargoes on arms and other military assistance,

against parties to armed conflict that persist in recruiting and using child soldiers in violation of international law. Since 2002, the UN Secretary-General has identified Burma's army in four consecutive reports as violating international standards regarding the recruitment and use of child soldiers. Given the Security Council's commitments and Burma's abysmal record, an arms embargo is clearly warranted.

We urge the EU to take every opportunity in the international arena regarding the continued and persistent abuse of children, especially through the use of child soldiers. Consistent with the EU's own Guidelines on Children and Armed Conflict and the arms embargo it has already imposed against Burma, it is vital for the EU to articulate loud and clear its profound dismay about these continued abuses and practices and commit itself to vigorously pursuing an arms embargo against Burma through the UN. Moreover, given China's key role in the Security Council and the fact that it has recently ratified the UN Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the EU should engage China as a partner in securing concrete progress on Burma's violations against children in armed conflict and the adoption of an arms embargo by the UN Security Council.

## **Sanctions**

The often voiced refrain of the efficacy of sanctions on Burma is that they will have no effect on this most intransigent of regimes. Other perspectives contend that sanctions harm average people in the country. The EU can not be diverted by these arguments and must ensure that its sanctions regime has the intended, the urgent, purpose: pressure on the SPDC and their key business allies to respect human

rights, and initiate a process of dialogue with their own people and the international community. Sanctions which are targeted against key military leaders, their business interest and those companies which support or directly benefit from military rule and contribute to human rights abuses make a difference. But this takes hard work. And it takes constant vigilance and research.

The way forward for an effective sanctions regime on Burma is to think small and adaptive: go after the real perpetrators and profiteers of Burma's military rule and target their ability to access international financial networks, to hide their profits, to buy arms and other repressive tools. And do it constantly with updated information and listing of key SPDC officials and military controlled companies. The EU must cooperate with other sanctioning states such as the U.S. and Australia, and share information and coordinate action. To do anything less makes sanctions a hollow tool, and plays directly into the hands of the military regime who are accustomed to hard talk and soft measures as a result of divergent international approaches. The EU can lead the way in making sanctions a key method, by no means the only approach in dealing with Burma, but a sharp policy tool to make the SPDC understand the gravity of international concern over its repression.

On April 28, EU Foreign Ministers will meet and conduct a Burma sanctions review. The European Parliament should send a strong message in advance of this meeting that it is time to increase pressure and maximize the effectiveness of the EU's efforts. This should be done by: 1) tightening existing measures, and 2) adding select new sanctions.



## 1. Tighten existing financial sanctions

- The EU should apply a full set of measures against those it has designated for financial sanctions. It should comprehensively and explicitly prohibit the named individuals and entities from making any financial transactions that pass through clearing-house banks or otherwise using financial services in the EU's jurisdiction.
- At present, the EU has in place financial sanctions on named persons and entities that freeze their assets within the EU and prohibit the direct or indirect provision of funds or economic resources to them. But the precise scope of these sanctions is subject to interpretation and thus open to question: Are they selective only or do they mean to be comprehensive in nature?
  - Some specific types of financial transactions that benefit sanctioned persons—such as permitting withdrawals from bank accounts—are blocked. But other types of financial transactions and services may not be covered, such as when an EU bank facilitates a payment transfer that originates with a third-party bank for whom the EU bank that acts as a clearing house or correspondent bank.
  - Action is needed to clarify the EU's financial sanctions to ensure that in practice the measures comprehensively deny designated persons and entities access to all financial services within the EU's jurisdiction, including those that pass through EU clearing-house banks or otherwise make use of financial services within the EU's jurisdiction.

## 2. Broaden the sanctions regime

- To apply targeted pressure, the EU should broaden the range of targets by applying sanctions to additional economic sectors, as well as adding further individuals and entities to its sanctions list.
- Place additional individuals and entities on the sanctions list
  - Military-owned holding companies/ conglomerates and businesses that are closely linked to the military
  - Senior personnel of the military conglomerates.
  - Burmese government companies whose earnings benefit the military.

Burma stands at a turning point: 2008 could be the year of change for the better. But that will not happen unless powerful players, including the EU, make clear that the time for waiting is over and continued repression will come at a very high personal price for the military rulers and their backers. After decades of abuse and suffering, the Burmese people deserve no less.

Thank you.