



January 2011

country summary

Burma

Burma's human rights situation remained dire in 2010, even after the country's first multiparty elections in 20 years. The ruling State Peace and Development Council (SPDC) continued to systematically deny all basic freedoms to citizens and sharply constrained political participation. The rights of freedom of expression, association, assembly, and media remained severely curtailed. The government took no significant steps during the year to release more than 2,100 political prisoners being held, except for the November 13 release of Nobel Peace Prize winner Aung San Suu Kyi.

Calls mounted for an international commission of inquiry into serious violations of international law perpetrated by all parties to Burma's ongoing civil conflict. The Burmese military was responsible for ongoing abuses against civilians in conflict areas, including widespread forced labor, extrajudicial killings, and forced expulsion of the population. Non-state armed ethnic groups have also been implicated in serious abuses such as recruitment of child soldiers, execution of Burmese prisoners of war, and indiscriminate use of anti-personnel landmines around civilian areas.

The November 2010 Elections

In November Burma held long-planned elections. These took place in an atmosphere of intimidation, coercion, and widespread corruption, with laws and regulations strongly favoring military controlled parties.

In March the SPDC formed the Union Electoral Commission (UEC) and released a series of laws governing the conduct of the elections, which included provisions barring any person serving a prison sentence from party membership. This effectively forced the National League for Democracy (NLD) to decide whether to dismiss Aung San Suu Kyi—who was under house arrest—and more than 430 of its jailed members, in order to re-register with the UEC. The NLD ultimately did not re-register, and the UEC declared it illegal.

Other provisions tightly regulated the campaigning of parties and candidates, warned against public disturbances, and expressly outlawed public criticism of the constitution and

the military. The government declared illegal a boycott campaign that some NLD members organized, and warned the public that election boycotters could face one year in prison.

In April Prime Minister Lt. Gen. Thein Sein and 27 SPDC and government cabinet ministers resigned their military commissions and formed the Union Solidarity and Development Party (USDP). In August the USDP absorbed all the assets and infrastructure of the Union Solidarity and Development Association (USDA), a mass-based social welfare movement formed by the military in 1993 with more than 26 million nominal members. The military conducted its biggest reshuffle in years, with scores of senior officers resigning in order to run as USDP candidates.

The USDP was the only party that fielded candidates for virtually all 1,168 seats open for contest in the national bicameral assembly and 14 regional assemblies. The remaining seats, out of a total of 1,551, are reserved for serving military officers as stipulated in the 2008 constitution.

By November 37 parties had registered and were contesting the elections. Many were small, ethnic-based parties only contesting a limited number of regional seats. Voting was not conducted in parts of 32 townships in ethnic border areas where the government alleged there was armed conflict and instability. Widespread irregularities, such as advance bulk voting by local officials, were reported in some regional areas.

The USDP won more than 80 percent of the seats in the bicameral national parliament. Results were mixed in the 14 state and regional assemblies, with some ethnic parties gaining half the number of seats, particularly in Arakan and Shan states. Burman-dominated regions had majority USDP candidates elected. Many opposition parties lodged official complaints with the electoral commission citing widespread corruption, particularly by USDP members and officials.

Ethnic Conflict, Displacement, and Refugees

The Burmese military continues to direct attacks on civilians in ethnic areas, particularly in Karen, Karenni, and Shan states of eastern Burma, and parts of western Burma in China and Arakan states. Tensions increased with ethnic armed groups that had agreed to ceasefires with the government, such as the Kachin Independence Organization (KIO) and the United Wa State Army (UWSA), over the government's plans to transform these militias into Border Guard Force units under direct Burmese army control. By the end of 2010 only five militias had agreed, leaving large groups such as the Kachin, Wa, and Mon facing increased military

pressure to transform, partly demobilize, and surrender territory. As a result of increased tensions, parts of 32 townships in Burma– including most of the Wa area on China’s border– did not conduct polls in November. There are widespread fears of resumed conflict in 2011 in ethnic areas that have experienced uneasy peace for the past two decades.

Abuses by the Burmese military against civilians in violation of international humanitarian law include the widespread use of anti-personnel landmines, sexual violence against women and girls, extrajudicial killings, forced labor, torture, beatings, targeting of food production and means of civilian livelihood, and confiscation of land and property. All parties to Burma’s conflicts continue to actively recruit and use child soldiers, with the *Tatmadaw* (state military) continuing to use them even as the SPDC cooperates with the International Labour Organization (ILO) on demobilizing child soldiers.

Approximately half-a-million people are internally displaced due to conflict in eastern Burma, with more than 140,000 refugees in camps in Thailand. In Bangladesh, there are 28,000 Rohingya refugees in official camps, and another 200,000 live in makeshift settlements or mixed in with the local population around border areas. Millions of Burmese migrant workers, refugees, and asylum seekers live in Thailand, India, Bangladesh, Malaysia, and Singapore.

Humanitarian Assistance

Burma’s humanitarian situation did not markedly improve in 2010 despite attempts by international relief agencies and Burmese civil society to expand operating space and programs in the country.

The Tripartite Core Group (TCG), a multilateral mechanism formed by the Association of Southeast Asian Nations (ASEAN), the SPDC, and the United Nations in the aftermath of Cyclone Nargis in May 2008, concluded its operations in July. The UN continued to slowly expand its humanitarian initiative in Northern Arakan State to assist Rohingya, who have been denied citizenship and suffered abuses by state and paramilitary forces for decades, including restrictions on movement, livelihoods, and freedom of religion. Abuses against Rohingya women, including restrictions on the right to marry and access maternal health, are particularly grave. Humanitarian space throughout Burma constricted markedly ahead of the November elections, with international humanitarian organizations being denied work visas for staff, travel permits, and permission to expand programs in some areas.

Calls for Accountability

In his report to the UN Human Rights Council (HRC) in March, Tomás Ojea Quintana, the special rapporteur for the situation of human rights in Myanmar, outlined a "pattern of gross and systematic violation of human rights which has been in place for many years." He concluded that "UN institutions may consider the possibility to establish a commission of inquiry (Col) with a specific fact finding mandate to address the question of international crimes." At this writing more than 13 countries publically supported the formation of a Col, including the United States, the United Kingdom and several other European countries, Australia, and Canada. UN Secretary-General Ban Ki-moon has not publically commented on Quintana's call.

During a general debate at the UN Human Rights Council in Geneva on September 17, Burmese ambassador U Wunna Maung Lwin denied the situation in Burma warranted an inquiry, saying there were "no crimes against humanity in Myanmar... (w)ith regard to the issue of impunity, any member of the military who breached national law was subject to legal punishments...there was no need to conduct investigations in Myanmar since there were no human rights violations there."

Quintana's report to the UN General Assembly in October elaborated on the possible parameters of a Col, possible areas of investigation, and time frames. In late October US Secretary of State Hillary Clinton said she wanted to "underscore the American commitment to seek accountability for the human rights violations that have occurred in Burma by working to establish an international Commission of Inquiry." China has actively tried to block the proposal. The European Union, which drafted the annual Burma resolution, did not pursue calls for the Col to be included in the resolution in the UN General Assembly.

Key International Actors

UN Secretary-General Ban expressed "disappointment" and "frustration" with the SPDC's lack of cooperation in responding to the UN's long-standing call for release of political prisoners; a free, fair, and inclusive election; and the start of a genuine process of national reconciliation. Despite requests to the SPDC, Ban's special advisor on Burma, Vijay Nambiar, was not permitted to visit Burma in 2010.

Tomás Ojea Quintana visited Burma in February, but the SPDC denied him access for further visits after his report to the HRC.

China continued to be Burma's most supportive international ally, routinely blocking criticism of Burma's human rights record in multilateral forums. Chinese Premier Wen Jiabao conducted a state visit to Burma on June 2, and Burmese President Than Shwe visited China from September 7-11. Than Shwe paid his second state visit to India in late July, where he signed numerous bilateral investment deals with Prime Minister Manmohan Singh. India failed to voice criticism or concerns over Burma's elections.

US Assistant Secretary of State for East Asian and Pacific Affairs Kurt Campbell visited Burma in May and met senior military leaders and Aung San Suu Kyi as part of the Obama administration's "pragmatic engagement" policy with the SPDC. Campbell expressed his "profound disappointment" at the SPDC's lack of reciprocity, and the US government was consistently critical of the election process. US Senator Jim Webb, who had been conducting private visits to Burma to talk with senior SPDC leaders, postponed a trip in June due to media allegations over Burma's suspected nuclear program and cooperation with North Korea.

Association of Southeast Asian Nations (ASEAN) reduced its previous criticism of Burma in 2010. In a statement, Vietnam, the current chair of the association, stated that ASEAN emphasized the importance of "national reconciliation in Myanmar" and "holding general elections in a free and fair manner with the participation of all interested parties," which it said contributed to the country's stability and development. However, Indonesia and the Philippines criticized the lack of reform in Burma, particularly the elections which Philippines President Benigno Aquino III called a "farce."

Burma's neighbors China, India, and Thailand, continued to invest and trade extensively, especially in the extractive and hydro-electric energy industries. China is building two energy pipelines from western Burma to Yunnan, and a series of massive hydro-electric dams on the Irrawaddy River in upper Burma. Sales of natural gas to Thailand still account for the largest share of the SPDC's foreign exchange earnings, which will increase markedly when the Chinese gas pipeline project is completed in 2013.

Russia and North Korea continued to sell arms to the SPDC, despite US concerns that North Korean sales could breach UN Security Council Resolution 1874, which imposes curbs on weapons proliferation.