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Subj: A Note on Non-violent Pressures – Part 1

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A Note on Non-violent Pressures

As the year 1996 ended, it is the time to re-evaluate the current state of movement and to review our policy orientations. Lets focus our attention to the current issues in the Burma democracy movement: the non-violent struggle, the trade sanction on Burma and humanitarian issues.

The Year 1996

Unfortunately, we cannot end the year 1996 with a high note. Firstly, we are not successful in pushing Slorc to enter dialogue with the Opposition. Throughout the year, the U.N. mediators had been turned away many times by the Slorc: it is now quite clear that SLORC has no intention to resolve the political problem by negotiations. The democracy movement, therefore, should consider to re-adjust the policy of negotiations and reconciliation with SLORC to the policy to marginalize SLORC and remove SLORC from power.

Policy of Benchmarks & Reconciliation

In early 1994, Senator Gareth Evans, the former Australian foreign minister, proposed sets of benchmarks to improve the situation of human rights in Burma. The wisdom of this benchmarks policy is that the layout of benchmarks on human rights is not only been attractive but also is practical to work on. No one, of course, is expecting the military regime like SLORC to reform itself by simply setting such benchmarks. Each step of benchmarks can be achieved only by putting pressure on SLORC. The type of pressure can be of two types: (1) the non-violent public/diplomatic pressure and (2) those of which are more direct and substantive in nature.

Over the years, few of the benchmarks were achieved - thanks to the efforts of various pro-democracy groups and diplomatic community. The results, though, are not as good as we would like them to be. The political environment has now changed and therefore time to reconsider our policy orientations. Eventhough the democracy movement - especially from outside pressure groups - may have to make some departure from the policy of negotiations and reconciliation with SLORC, the subtle frameworks of benchmarks on human rights may still remains.

As for the National League for Democracy, and also the ethnic nationality groups, they should continue to urge SLORC to enter dialogue. However, one must

recognize that the SLORC has no intention to make negotiations and reconciliation with the opposition. Therefore, the opposition NLD should consider to open the possibility of establishing itself as an alternative democratic government of Burma.

Non-violent Pressure

The non-violent actions by the grassroots support groups are effective in many ways: in putting psychological pressure on SLORC and also in diplomatically isolating SLORC from international community.

Organizing protests, writing letters and simply speaking out the "truth" about the situation in Burma are the actions taken by our compatriots and supporters throughout the struggle. One, of course, may not generally see the immediate impact/result of those non-violent actions. It however clear that no human being is impervious to such non-violent pressure. A person may be so successful at practicing deceit upon the others, but no human being can lie his own conscience. A dictator may be able to hide behind a fortress and can escape from the attack of the enemy, but he cannot avoid the attack by his own conscience and guilt. It is the way non-violent pressures can be brought to bear on the military dictatorship.

Although the non-violent pressure can be effective in certain ways, such pressure cannot normally be expected to brought concessions on fundamental issues. This is because of the way a dictatorship is different from normal politicians. Politicians are open to reasons and listen to the differing views as much as possible. Dictatorships ultimately ignore the differing views from their opponents, no matter how genuine and valuable may this view be (Adding factor to this, in the case of Burma, is that the SLORC's lack of intellectual capacity to understand the other views.). Military dictators will certainly be shakened in their minds by these non-violent protests, but still, will not make concessions.

Eventhough the non-violent pressure cannot directly force a dictatorship, such as SLORC, to make concessions, it help the movement in more than one ways. Firstly, the non-violent actions can diplomatically isolate the regime from international community ("Isolation of Slorc" here do not means "Making non-contact with Slorc"; it here to means

more of "political and ideological isolation"). Few examples at hand - such as recent ASEAN's opinion swings against SLORC and the SLORC's spectacular failure of the "Visit Myanmar Year" - are the kind of isolation for SLORC that has been brought to bear by means of the non-violent pressures.

Secondly, these non-violent actions by the support groups help the oppressed as they lend the solidarity. These non-violent actions are also the best way to maintain the momentum of and solidarity within the movement. I always remember, for example, a protest of NGOs in 1993 at a UN forum in Geneva. The representatives of those NGOs put the "Aung San Suu Kyi Mask" on their face, standing silently while SLORC foreign minister deliver his speech at that forum (these representatives were asked to leave the meeting for their un-ruly behaviour, later it was reported.). I personally feel much gratitude towards those such people, and certainly their action encouraged me to be more involve in the struggle. This is the way how the solidarity can be communicated via non-violent actions.

To many Burmese, such non-violent actions by international community mean much more than providing the solidarity to them and to their compatriots inside the country. For example, by a simple action of putting rebuttal against SLORC's propaganda on the Internet, you have declared your friendship and solidarity to the Burmese. When you raise your concern about our refugees and the political prisoners, your are to be regarded as of our family. When you write a note about Burma situation to your Congressmen or Foreign Minister, you are considered to have joined the ranks of "Burma-Democracy-Tribe". When you take part in protest actions - even sometimes at the risk of losing your own freedom - then you are considered to be our saviours. These non-violent actions by our supporters, though may not produce immediate results of getting concessions from SLORC, do help us in many ways in our struggle for democracy in Burma.

Direct and Substantive Pressures

The two issues: threat of U.N. humanitarian intervention and the trade and economic sanctions, are more direct and substantive in nature and can force Slorc to enter negotiations. Everyone in the movement are in agreement that there should be some form of intervention from the U.N. and the U.N. to be more active on humanitarian concerns. However, there are some differing views (at least from me) towards trade and economic sanctions. We must also look into these issues in some details.

Unfortunately, this year's U.N. resolution do not go far enough in addressing the humanitarian concerns.

There is a general statement about the refugee flows into neighbouring countries. It however ignored the plight of internally displaced people. There is one paragraph (16) that specifically urging Burma to solve its refugee problem. The resolution, however, does not raise the concern about SLORC limiting the UNHCR's activity regarding the repatriation of Rohingyas. The UNGA also fails to specifically recommend an unhindered access to be given the UNHCR/NGOs to returnees/refugees.

The resolution recommends the continuation of the Secretary-General efforts in initiating dialogue in Burma (para 7). All of Secretary-General's efforts in last year were wasted because of SLORC simply refusing to see the U.N. representatives. It therefore clear that the U.N. must make move on refugee issues with degree of seriousness in order to broker dialogue in Burma. By now the General Assembly is completed, our only chance to get the U.N. moving on this issue is through the U.N. Security Council.

The United States Can Help

The United States can certainly help especially at the level of Security Council. This year, our Burma human rights movement was bullied at the UNGA in the name of consensus (of course, it is easier to built consensus by doing nothing new - most governments will opt to maintain status quo.); we must turn to the U.S. for their leadership.

The U.S. engagement to Asia and especially Burma is most crucial to advance our human rights and democracy cause. Since the appointment of Special Envoy on Burma in last July, there has been Burma policy consolidation, particularly, by Burma's neighbouring countries. People within Burma democracy movement are quietly confident about the help from U.S., especially the continuation of the U.S. policy of engagement towards Burma, because of the President Clinton has been re-elected. (What I gathered was that the Republican Candidade, Mr Bob Dole, is also a competent foreign policy-maker, though the policy of U.S. engagement to Burma will be maintained is uncertain if he is elected.)

Our highest expectation is on the new U.S. Secretary of State, Madeleine Albright. Her involvement to Burma situation is well known to all of us. She was the daughter of a refugee-diplomat from Czechoslovakia, from which she has steadily rose to this rank. One report indicates "She does not believe in appeasement and is more than prepared to urge the use of United States troops to solve international disputes". As the U.N. Ambassador, she has reportedly supported various U.N. intervention of humanitarian in character, including the intervention on Somalia.

The new U.N. Ambassador Bill Richardson will also be of a great help to Burma democracy movement. He is the one who firstly suggested to form the U.N. Contact group for Burma. By now with the new initiatives from Canadians, it is quite hopeful that this plan will be materialized soon. We, the Burma democracy movement, will then have less instances of being bullied at the U.N. forums.

We must make our own initiatives

One commonly asked question, especially in the earlier years, was that "Do the Burmese know what they want?". Many Burmese, in first instance, may tend to be infuriated by such questions. To get rid of SLORC from power, of course, is what the Burmese people want; but how to do it and how the international

community can help are certainly worth pondering. It is not good enough to simply ask for help, but must make our own input to the U.N. and international community about how they can help. The initiatives, and also to show the will to strive for a greater freedom, are needed from the part of oppressed people. The development in recent years, such as various Burma Refugee Committees in Thailand requesting help from UNHCR for voluntary repatriation, can be considered as one such courageous move initiated by the refugees. (Note on the controversial issue of trade and economic sanctions is to be posted in Part-2.)

With best regards, U Ne Oo.

(Draft Resolution adopted on 12th December 1996, the resolution 51/117. The paragraphs, which found to be newly introduced in this year or being slightly different from the resolution of 1995, are marked by asterisk.)

DRAFT RESOLUTION XII

Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, [103] the International Covenants on Human Rights [104] and other applicable human rights instruments,

Aware that, in accordance with the Charter, the Organization promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that "the will of the people shall be the basis of the authority of government",

Recalling its resolution 50/194 of 22 December 1995,

Recalling also Commission on Human Rights resolution 1992/58 of 3 March 1992, [105] in which the Commission, inter alia, decided to nominate a special rapporteur to establish direct contacts with the Government and with the people of Myanmar, including political leaders deprived of their liberty, their families and their 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,

Recalling further Commission on Human Rights resolution 1996/80 of 23 April 1996, [106] in which the Commission decided to extend for one year the mandate of the Special Rapporteur,

* Noting with concern that the Government of Myanmar has not yet agreed to visits by a representative of the Secretary-General and by the Special Rapporteur,

Gravely concerned that the Government of Myanmar still has not implemented its commitments to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Recalling the release without conditions of Nobel Peace Prize Laureate Aung San Suu Kyi on 10 July 1995,

* Gravely concerned at the travel and other restrictions placed on Aung San Suu Kyi and other political leaders and at the recent mass arrests of members and supporters of the National League for Democracy for peacefully exercising their right to freedom of expression, assembly and association, and alarmed by the attack, on 9 November 1996, on Aung San Suu Kyi and other members of the National League for Democracy,

* Recalling the withdrawal and subsequent exclusion from the National Convention of members of the National League for Democracy in late 1995,

* Regretting the failure of the Government of Myanmar to open a political dialogue with Aung San Suu Kyi and other political leaders, including representatives of ethnic groups,

* Gravely concerned at the continued violations of human rights in Myanmar, as reported by the Special Rapporteur, including extrajudicial, summary or arbitrary executions, killings of civilians, torture, arbitrary arrest and detention, death in custody, absence of due process of law, severe restrictions on freedoms of opinion, expression, assembly and association, violations of freedom of movement, forced relocation, forced labour and portering and the imposition of oppressive measures directed in particular at ethnic and religious minorities,

* Recalling the observation made by the Special Rapporteur, that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

* Recalling also the conclusion of ceasefire agreements between the Government of Myanmar and several ethnic groups,

Noting that the human rights situation in Myanmar has resulted in flows of refugees to neighbouring

countries, thus creating problems for the countries concerned,

* 1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights for his interim report on the situation of human rights in Myanmar, [107] and urges the Government of Myanmar to cooperate fully with the Special Rapporteur,

2. Also expresses its appreciation to the Secretary-General for his report; [108]

3. Deplores the continued violations of human rights in Myanmar;

* 4. Requests the Government of Myanmar to permit unrestricted communication with the physical access to Nobel Peace Prize Laureate Aung San Suu Kyi and other political leaders by members and supporters of the National League for Democracy and to protect their physical well-being;

5. Strongly urges the Government of Myanmar to release immediately and unconditionally detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

6. Urges the Government of Myanmar to engage, at the earliest possible date, in a substantive political dialogue with Aung San Suu Kyi and other political leaders, including representatives from ethnic groups, as the best means of promoting national reconciliation and the full and early restoration of democracy;

* 7. Welcomes the discussions between the Government of Myanmar and the Secretary-General, and further encourages the Government of Myanmar to allow a visit by the Representative of the Secretary-General, as soon as possible, in order to allow for a broader dialogue in Myanmar;

* 8. Again urges the Government of Myanmar, in conformity with its assurances given at various times, to take all necessary steps towards the restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and to ensure that political parties and non-governmental organizations can function freely;

9. Expresses its concern that most of the representatives duly elected in 1990 are still excluded from participating in the meetings of the National Convention, created to prepare basic elements for the drafting of a new constitution, and that one of its objectives is to maintain the participation of the armed forces in a leading role in the future political life of the State, and notes also with concern that the working procedures of the National Convention do not permit the elected representatives of the people freely to express their views;

10. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to democratically elected representatives;

11. Also strongly urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, and the protection of the rights of persons belonging to ethnic and religious minorities, and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations, and to enforced disappearances and summary executions;

12. Appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights [104] and the International Covenant on Economic, Social and Cultural Rights [104] and to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment; [109]

* 13. Strongly urges the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29) and to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization, and encourages the Government of Myanmar to cooperate more closely with the International Labour Organization;

14. Stresses the importance for the Government of Myanmar to give particular attention to conditions in the country's jails and to allow the International Committee of the Red Cross to communicate freely and confidentially with prisoners;

* 15. Calls upon the Government of Myanmar and other parties to the hostilities in Myanmar to respect fully the obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, [110] to halt the use of weapons against the civilian population and to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law, and to avail itself of such services as may be offered by impartial humanitarian bodies;

16. Encourages the Government of Myanmar to create the necessary conditions to ensure an end to the movements of refugees to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration, in conditions of safety and dignity;

17. Requests the Secretary-General to continue his discussions with the Government of Myanmar in order to assist in the implementation of the present resolution and in its efforts to achieve national reconciliation and to report to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-third session;

18. Decides to continue its consideration of this question at its fifty-second session.

Footnotes [103] Resolution 217 A (III). [104] Resolution 2200 A (XXI), annex. [105] See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A. [106] See E/1996/L.18, to be issued in final form in Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23). [107] A/51/466 [108] A/51/660 [109] Resolution 39/46, annex. [110] United Nations, Treaty Series, vol. 75, Nos. 970-973