



**BURMA PARTNERSHIP**

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Strengthening Cooperation for a Free Burma

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## **ASEAN should delay Burma's chairmanship to help ensure it moves towards democratic transition and peace**

On 19 September 2011, speaking about whether to invite Burma to chair ASEAN in 2014, Indonesian Foreign Minister Marty Natalegawa said, "I shall be keen to listen and to hear the voice of civil society, not least the voice of Daw Aung San Suu Kyi."<sup>1</sup> We welcome this invitation and take the opportunity we have been offered to present our views on whether Burma should chair ASEAN in 2014.

When Burma's regime requested the ASEAN chairmanship, the regional bloc decided to defer its final decision until later in the year and after a fact finding mission led by ASEAN's current chair, Indonesia, takes place. Since then, Burma's regime has engaged in a campaign designed to make the country appear ready to lead the regional organization. The regime's desire to be awarded the chairmanship is so strong that we have seen the regime moving away from its isolationist policy to try to placate ASEAN member states and the international community, by making minor changes. Since May, the regime has organized meetings with Daw Aung San Suu Kyi, invited the UN Special Rapporteur Tomás Ojea Quintana to visit the country, and now that the decision about the chairmanship is getting closer, they released 220 political prisoners. These developments have put ASEAN member states in a unique position to further influence the regime to take meaningful steps towards democratic transition.

ASEAN should not miss this unique opportunity by granting Burma the chairmanship too soon, but rather should delay its decision until key changes are made. Despite its attempts to win over ASEAN member states, the changes made lately by the regime are primarily symbolic and far from being sufficient. Granting Burma the chairmanship at this point would be premature, and a waste of a unique opportunity to encourage Burma along a path to genuine democratic transition and national reconciliation.

We believe ASEAN's decision to defer granting Burma the ASEAN chairmanship in 2014 during its 2011 May Summit has had a significant influence on the regime, and therefore believe another decision to defer could have a greater positive impact both on the regime and on ASEAN as a regional institution.

Therefore, ASEAN should postpone granting the 2014 chairmanship to Burma until the regime takes concrete steps to prove that they intend to carry out genuine democratic transition and national reconciliation by meeting the following necessary three benchmarks:

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<sup>1</sup> ["Asean to Listen to Suu Kyi as Burma Seeks Chair"](#), The Irrawaddy, 20 September 2011

- Immediate and unconditional release of **all** political prisoners;
- Declaration of a nationwide ceasefire with ethnic armed groups and cessation of attacks on ethnic communities; and,
- Inclusive political dialogue with ethnic nationality representatives, including armed groups, and the pro-democracy movement, led by Daw Aung San Suu Kyi and the NLD.

### **Lots of words but few actions so far**

The regime has engaged in a number of apparently positive steps as part of a “charm offensive” aimed at convincing ASEAN and the international community that significant change is underway in Burma in order to be given the ASEAN chairmanship in 2014. While we welcome such changes, in reality, these developments are not sufficient to prove that Burma has truly embarked on the road to democratic transition. Burma’s regime can only be considered to be sincerely engaged in change when all the political prisoners are unconditionally released,

when it declares a nationwide ceasefire with ethnic armed groups and ends human rights violations committed against ethnic civilians, and when it engages in inclusive political dialogue with ethnic nationality representatives and the pro-democracy movement. So far, none of these concrete steps has been taken.

While the regime is holding meetings with Daw Aung San Suu Kyi, nearly 1,800 political prisoners remain behind bars. Publicly meeting with Daw Suu, Burma’s most famous former political prisoner, along with the release of more than 6,000 prisoners, less than 5% of whom were political prisoners appears to be an attempt to distract ASEAN member states from the outrageous reality of the remaining 1,800 political prisoners languishing in Burma’s prisons. In her video statement to a US Congressional Committee, Daw Aung San Suu Kyi questioned the regime’s intentions in detaining political prisoners, stating:

“Why are they still in prison if this government is really intent on making good progress toward democracy? If it is sincere in its claims that it wishes to bring democracy to Burma, there is no need for any prisoners of conscience to exist in this country.”<sup>2</sup>

### **Summary**

In May 2011, ASEAN decided to postpone its decision regarding Burma’s chairmanship in 2014. Since then, Burma’s regime has made some small changes in an attempt to win over ASEAN member states

However, Burma’s regime is still committing human rights violations on a daily basis and has not turned its words into actions yet

Therefore, ASEAN is in a unique position to further influence the regime to take meaningful steps towards democratic transition

ASEAN has an historical opportunity to gain prestige and legitimacy and to produce tangible benefits for member nations both economically and in terms of regional stability

Granting Burma the chairmanship before concrete changes occur would be premature

The regime would probably not make further significant efforts once it gets what it wants (i.e. the chairmanship)

It would damage ASEAN’s relationship with its international partners and put ASEAN in a difficult situation

<sup>2</sup> [Daw Aung San Suu Kyi’s video message to the US House Subcommittee on Asia and the Pacific](#), June 2011

Burma's regime recently released 220 political prisoners. However, ASEAN member states should be very cautious in welcoming the release. The low number of political prisoners released places this amnesty in the same category as many similar releases done by previous military regimes<sup>3</sup>. By releasing only 220 political prisoners, the current regime has proven that it is not ready to take concrete actions to back up its words. The number of released political prisoners is insufficient to warrant any shift in policy towards the regime at this time. Experience therefore suggests that ASEAN member states should require the regime to unconditionally release all political prisoners in order to acknowledge a significant progress is made towards democratic transition. As, Win Htein, a leading member of Daw Aung San Suu Kyi's National League for Democracy (NLD), recently said, "We can only make a concrete comment on the bid for the Asean chair when significant progress has been made on such issues as the release of political prisoners."<sup>4</sup>

Last month, after growing contestation from the population, President Thein Sein seemed to have finally listened to the people of Burma and called a halt to the \$3.6 billion Myitsone dam project. However as the Burma Rivers Network stated, further action is necessary to make this a true victory. For instance, China Power Investment would need to release an official declaration confirming the news and remove all personnel and equipment from the dam site.

Moreover, while President Thein Sein makes such declarations, in ethnic areas mainly where dam constructions are taking place, the Burma Army continues to commit human rights violations that may amount to crimes against humanity and war crimes. Those human rights violations include rape, murder, and forced labour, without any accountability for the perpetrators or justice for the victims. The post-election period has seen increased instability and the escalation of armed conflict in Karen, Shan and Kachin States. As the Special Rapporteur on the situation of human rights in Burma, Tomás Ojea Quintana, noted on 16 September 2011, in his report to on the situation of Human Rights in Burma to the UN General Assembly:

"The situation of ethnic minority groups, including armed conflict in the border areas, presents serious limitations to the Government's intention to transition to democracy."<sup>5</sup>

The fighting shows no signs of abating and the regime has been unwilling to enter into serious peace negotiations with the ethnic armed groups. In fact, since Thein Sein's government took power, the fighting has escalated to the deadliest levels in decades. On 17 August, President Thein Sein invited any of the ethnic armed groups engaged in conflict with the Burma Army to "hold talks with respective [regional] governments if they really favour peace."<sup>6</sup> However, by inviting groups to talk individually with regional governments, the regime is ignoring one of the primary demands of the ethnic groups, that negotiations be conducted through the United Nationalities Federal Council (UNFC), an alliance of ethnic armed groups, in order to reach a nationwide ceasefire. The regime has thus signalled its intention to continue its policy of piecemeal talks and agreements, which is in line with its historical divide and rule strategy, rather than working towards true national reconciliation.

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<sup>3</sup> ["Burma Briefer No 16: Political Prisoners Releases in Burma"](#), Burma Campaign UK, October 2011

<sup>4</sup> ["Asean to Listen to Suu Kyi as Burma Seeks Chair"](#), The Irrawaddy, 20 September 2011

<sup>5</sup> ["Report of the Special Rapporteur on the situation of human rights in Myanmar"](#), 16 September 2011

<sup>6</sup> ["Burmese gov't still exercising an ethnic 'divide and rule' strategy"](#) Mizzima 19 August 2011

Moreover, the United Nations High Commissioner for Refugees recently named Burma as the fifth largest refugee producing country in the world, with 415,700 people from Burma living as refugees as of the end of 2010.<sup>7</sup> These displaced populations are extremely vulnerable and continue to weigh on neighbouring countries, threatening greater instability in the ASEAN region.

The regime is clearly engaging in a public relations campaign to draw ASEAN and the international community's attention to developments in Naypyidaw and away from the situation of armed conflict and accompanying human rights abuses in Eastern Burma. We believe that deferring again the decision on Burma's chairmanship would have the potential to turn the regime's words into concrete actions for the true national reconciliation and an end to human rights violations that Burma desperately needs.

### **ASEAN's historic opportunity**

Some have been arguing that the regime should be rewarded for the changes it has made recently in order to encourage the regime to go further down the road to democracy. Rafendi Djamin, Indonesia's representative to the ASEAN Inter-governmental Commission on Human Rights (AICHR) said that "giving Myanmar a chance [to chair ASEAN] could encourage the country to show ASEAN and the world that it is committed to improving its national situation."<sup>8</sup>

According to our analysis, granting Burma the chairmanship today could have the reverse effect. For the past few months Burma's regime has been trying to show ASEAN that it is making efforts to improve its national situation in order to obtain the chairmanship, but the regime hasn't taken sufficient steps yet. Therefore, the concern is that the regime would not make further significant efforts once it gets what it wants. Granting ASEAN chairmanship to Burma before the three benchmarks are met would be premature, and might impede further progress.

At the beginning of what is already being referred to as the 'Asian Century,' we believe ASEAN faces a historic opportunity as an institution. Successfully negotiating concrete steps in Burma's "democratic transition" and being viewed as a pivotal actor in this process will deliver not only a huge amount of prestige and legitimacy in the eyes of the world but also, in the medium term, produce tangible benefits for member nations both economically and in terms of regional stability.

Unfortunately, the reverse remains equally true. We believe that if Burma gains the chair having taken little in the way of concrete steps it will have a detrimental impact on ASEAN itself, not to mention missing a historic opportunity for ASEAN to play a greater role in the international community.

### **A detrimental impact on ASEAN**

If ASEAN grants Burma the chairmanship now, it could be seen as rewarding superficial rather than actual changes. ASEAN could also appear as an institution which legitimizes a regime that continues to commit crimes against humanity and war crimes against its own people on a daily basis. That would put ASEAN in a difficult position and have potentially detrimental consequences for the institution.

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<sup>7</sup> [UNHCR Global Trends 2010](#), p.8 2011

<sup>8</sup> ["RI to help make tough choice on chair bid"](#), The Jakarta Post, 19 July 2011

Once the chair of ASEAN, Burma will be in charge of representing and promoting ASEAN's core principles. As set out in the ASEAN Declaration, the aims and purposes of ASEAN are, "To promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region and adherence to the principles of the United Nations Charter." We would like to suggest that ASEAN consider whether a regime that is engaged in an internal armed conflict that has forced tens of thousands of refugees to flee to other ASEAN member states and that ensures impunity for those responsible for human rights violations, could represent the institution without contravening ASEAN's core aims and principles and thus undermining the institution itself.

Burma's tasks as the chair of ASEAN will not just be a matter of building airports, roads, and resort hotels, but will include dealing with dozens of meetings and hundreds of visiting journalists and civil society organisations. It seems that the safest decision for ASEAN would be to make sure Burma regime is able to take up all aspects of the chairmanship and therefore secure the success of ASEAN's meetings and annual summit.

Moreover, if Burma is awarded the 2014 chairmanship, the regime would take on the role of coordinating ASEAN-US relations from the start of 2012 – less than 3 months away. The US has reportedly already sent a statement to the current chair, Indonesia, warning that it would sour relations between the bloc and the world's largest economy if Burma was appointed.<sup>9</sup> Burma would also be in charge of the relations with ASEAN's other key partners such as the EU and Australia. It seems that it would probably be in ASEAN's interest to take into consideration that German Chancellor Angela Merkel has already voiced concerns over Burma's chairmanship<sup>10</sup> and Australian Foreign Minister, Kevin Rudd, agreed that at a minimum, Burma should first release all political prisoners.<sup>11</sup>

As a consequence, ASEAN should take into consideration the fact that granting Burma the chairmanship before the regime meets the three benchmarks could damage ASEAN's relationship with its international partners. It seems that the more prudent and beneficial action for ASEAN, would be to ensure that concrete changes are underway in Burma, rather than making a decision today that could cause long term negative consequences. Therefore, according to our analysis, delaying granting Burma the ASEAN chairmanship and encouraging the regime to make key changes beginning with the three benchmarks appears to be the most suitable and beneficial solution for both the people of Burma and ASEAN.

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<sup>9</sup> ["Thai FM says Burma unfit for ASEAN chair"](#), The Democratic Voice of Burma, 16 May 2011

<sup>10</sup> ["Germany's Merkel voices concern over Burma's ASEAN presidency"](#), The Asian Correspondent, 2 June 2011

<sup>11</sup> ["Rights group backs Aus. on Burma"](#), The Herald Sun, 16 May 2011