

Burma's Crimes Against Humanity – A Test Case for the 'Responsibility to Protect'

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BENEDICT ROGERS, JAN 13 2009

Burma is ruled by one of the world's most brutal military regimes, guilty of every possible human rights violation. Known as the State Peace and Development Council (SPDC) and led by Senior General Than Shwe, Burma's junta is not only brutal, but illegitimate. Elections held in 1990 were overwhelmingly won by the National League for Democracy (NLD) led by Nobel Laureate Aung San Suu Kyi. The NLD won 82 per cent of the parliamentary seats – yet the regime rejected the results, imprisoned the victors and intensified its grip on power. Most of those elected in 1990 are either in prison or exile, and Aung San Suu Kyi remains under house arrest.

The regime is also guilty of deliberate negligence. When Cyclone Nargis struck last year, the junta did little to help the victims, and initially refused international offers of aid. Under pressure from the UN and Asian neighbours, international aid was subsequently allowed in, but with significant restrictions on access for international aid workers. Much of the aid was reportedly stolen by the regime, for its own use or to sell in the markets. The SPDC had received 41 warnings from India of the impending cyclone, but did nothing to prepare its people. Over 140,000 people died, and 2.5 million were left homeless.

A similar, though far less known, humanitarian disaster is unfolding in Chin State, in western Burma. Every 50 years, the bamboo in that part of the country flowers and, in a bizarre but predictable natural phenomenon, the bamboo flowers attract vast plagues of rats. The rodents destroy not only the bamboo, which is the major resource for local people, but also paddy fields, rice barns and virtually all other food sources. At least 200 villages, with 100,000 people, are facing severe famine. Like the cyclone, the regime knew it was coming – and did nothing. And like the cyclone, the regime has actively sought to block efforts to help the victims.

In September 2007, the military violently suppressed peaceful pro-democracy demonstrations led by Buddhist monks, in what became known as the 'Saffron Revolution'. Over 2,000 political prisoners are in jail, subjected to inhumane treatment and terrible torture. Some have recently been sentenced to 65 years or more.

It is a regime which spends almost half its budget on the military, and less than 50p per person per year on health and education. It is one of the poorest countries in the world, with price rises making life even harder for most of the people.

In addition to the humanitarian crisis, the economic collapse, the grinding poverty, the lack of investment in health and education and the brutal suppression of democracy, Burma's military regime stands accused of perpetrating a campaign of ethnic cleansing against many of its ethnic minorities, amounting to crimes against humanity, war crimes and, arguably, attempted genocide. Rape is used as a weapon of war on a widespread and systematic scale, and has been well documented by women's groups in the ethnic areas. Forced labour is equally widespread, and has been reported by the International Labour Organisation (ILO). In eastern Burma, the military is carrying out an offensive against the Karen, Karenni and Shan ethnic peoples in which civilians are shot at point-blank range, including women and children, and people are used as human minesweepers – forced to walk across fields of landmines, clearing them for the military but losing their limbs and sometimes their lives in the process. Since 1996,

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over 3,200 villages have been destroyed in eastern Burma alone, and a million people internally displaced. Hundreds of thousands have had to flee, as refugees to Thailand, India, Bangladesh, Malaysia and further afield.

In other parts of the country, religious persecution against Christians and Muslims is rife, and the regime – which suppresses Buddhists that challenge it – uses a perverted, distorted form of Buddhism for political purposes. Christians in Chin State, for example, have been forced to tear down crosses on hilltops, and build Buddhist pagodas in their place. Muslim Rohingyas in Arakan are denied citizenship, despite having lived there for generations, and face severe restrictions on movement, marriage and religion. And Burma has the highest number of forcibly conscripted child soldiers in the world. At least 70,000 children have been taken from the streets and forced to join the Burma Army.

The United Nations has a concept known as the "Responsibility to Protect", first expressed in 2001 by the Canadian-backed International Commission on Intervention and State Sovereignty (ICISS) and later enshrined in Security Council resolutions. This principle only applies to the most severe human rights violations – genocide, crimes against humanity and what former Australian Foreign Minister Gareth Evans, one of the architects of the term, calls "mass atrocity crimes". It mandates the international community to respond, using a range of policy options – but not to stand idly by. According to ICISS, the basic principles of the Responsibility to Protect can be summed up in this way: "Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect".

The Responsibility to Protect is often misunderstood as meaning military intervention. But that is not at all what it is about. While it can include, in certain circumstances, military intervention on humanitarian grounds as a last-resort option, it encompasses a far wider range of policy instruments, relating to economic sanctions, diplomatic efforts, prosecution at the International Criminal Court (ICC) and increased humanitarian aid. In the case of Burma, some sanctions, some aid and some diplomatic initiatives are already in place, but they need to be intensified, prioritised and strengthened under the Responsibility to Protect framework. Much more humanitarian aid, for example, should be delivered through cross-border delivery mechanisms to those displaced in the jungles along Burma's borders. A case of crimes against humanity should certainly be referred to the ICC. Through these means, the 'R2P' framework can be applied effectively – these measures are both practically and politically feasible.

The crisis in Burma surely meets the criteria defined by the ICISS. Not only is the regime "unwilling or unable" to halt the suffering in Burma– it is the perpetrator and the cause. The crimes inflicted on Burma's people, particularly the ethnic peoples in eastern Burma, surely amount to crimes against humanity and mass atrocity crimes.

What can you do? You can start by joining a new online campaign, Change for Burma!, which you can find at www.changeforburma.org You will find further information, resources and ways of getting involved. The people of Burma have suffered far too much for far too long. We have a responsibility to protect them.

Benedict Rogers works for the human rights organisation *Christian Solidarity Worldwide*, and is the author of *A Land Without Evil: Stopping the Genocide of Burma's Karen People* (Monarch, 2004). He is currently writing two new books about Burma, and serves as Deputy Chairman of the Conservative Party Human Rights Group. He has made more than 25 visits to Burma and its borderlands.