



The School for Ethics and Global Leadership

Supporting National Reconciliation in Burma: Recommendations for U.S. Policy

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Table of Contents

Section	Page
Executive Summary	1
History and Current Situation	3
U.S.-Burmese Government Relations	7
U.S.-Opposition Relations	12
Burmese and Foreign Entities Relations	16
Non-Governmental Organizations	21
Child Soldiers	25
Bibliography	29

Authors

Executive Summary:

Eleanor Birch, Henry Butler, Corinne Candilis, Robert Francalangia, Julia Savel, Clayton Woolery

History and Current Situation:

Robert Francalangia, Jillian Horowitz, Reagan Martin

U.S.-Burmese Government Relations:

Eleanor Birch, Gabe Fekete, Ezra Kauffman, Jennifer Kenyon

U.S.-Opposition Relations:

Amanda Hernandez, Alexandra Orsky, Clayton Woolery

Burmese and Foreign Entities Relations:

Emily Brett, Henry Butler, Patrick Quinn

Non-Governmental Organizations:

Anthony Ibrahim, Tessa Ide, Julia Savel, Kelsey Wood

Child Soldiers:

Corinne Candilis, Hannah Cattel, Anna Fountain, Adrian Gonzalez

Introduction

This document, written during the fall of 2011, is the work of 21 high school students at The School for Ethics and Global Leadership, in Washington, D.C. The School for Ethics and Global Leadership (SEGL) is a semester-long program that aims to provide intellectually motivated high school juniors from across the country with the opportunity to shape themselves into ethical thinkers and leaders. Each class chooses a current global challenge and constructs a policy document that provides solutions for the challenge. This document was done entirely by the students and does not reflect the opinions or positions of SEGL or its faculty. We present this document with great hope for the future of Burma and its people.

Please direct any responses to burma@schoolforethics.org. Thank you.

Executive Summary

Burma is a country in Southeast Asia that is making strides to achieve a democratic government. After freeing itself from British Raj in 1948, Burma formed a democratic government for a short period of time; a military coup overthrew this government in 1962. Throughout the rule of the Junta (the military government) there have been many human rights abuses; amongst these are the conscription of child soldiers, the oppression of minority groups, and the taking and holding of political prisoners. With these abuses the United States of America (U.S.) and international entities like the United Nations (UN) and many Non-Governmental Organizations (NGOs) have been uncertain on how to interact with Burma. This document provides recommendations for each of these entities on how to interact with Burma to promote a non-abusive democratic government.

The relationship between the United States government and Burma is one that develops based on a number of factors, including the status on human rights and political freedoms in Burma. Currently the U.S. follows a policy of pragmatic engagement. The policy combines the imposition of sanctions limiting U.S. investment, aid, and other economic interactions, and negotiation with the government of Burma. Given the recent developments in Burma, including the transition to civilian government, release of 200 political prisoners, and a resurgence of diplomatic negotiations between the countries, the U.S. government must reevaluate its policy with regards to Burma. This document provides recommendations for the implementation of a timeline for action, at the end of which the U.S. would reevaluate Burma's progress on a number of issues and then either loosen or strengthen sanctions against the country. It also provides recommendations to alter the structure of negotiations between the U.S. and Burma to more directly address U.S. assistance toward Burma's realization of specific goals.

Beyond the military and the military-sympathizing Union Solidarity and Development Party (USDP), the main groups vying for governmental representation are ethnic groups and pro-democracy parties. The main opposition party, the National League for Democracy (NLD), won an overwhelming majority of the governmental seats in the 1990 election. However, the military Junta in power at the time refused to give up power. Instead the Junta put the leader of this group, 1991 Nobel Peace Prize winner Aung San Suu Kyi, under house arrest for the larger part of 20 years as a political prisoner. She was one of some 2000 or more political prisoners incarcerated on unfair grounds without fair trials. The 2010 elections, which were the last elections in 20 years, were deemed "neither free nor fair" and left most of these opposition groups harshly underrepresented, with the NLD boycotting the elections because of the restrictive Party Registration Law (PRL). However, in late 2011 the Burmese president Thein Sein, following the release of hundreds of political prisoners and the modification of the PRL to allow the NLD to run in the 2015 elections, began engaging in cooperative meetings with Aung San Suu Kyi to work towards national reconciliation. This document provides recommendations that U.S. policy on the opposition parties be supportive of their new engagement with the government, facilitate and finance improvements of relations between opposition and ethnic groups, and deploy key U.S. diplomats to Burma to continue to advocate for cooperation between entities.

Burma has the potential to become a world power, due to its abundance of natural resources. This document provides recommendations that suggest a stronger relationship with Burma. Among these are continued support of ASEAN, less Chinese involvement through the removal of weapons in Burma, and establishing a Commission of Inquiry to investigate and ensure the removal of human rights violations and that the elections of 2015 are free and fair.

Considering the human rights violations occurring within Burma, NGO implementation seems to be a logical option. However, the controversy regarding the access both International NGO's (INGO's) and U.S.-based NGO's have to the country of Burma has sparked high tension with the Burmese government. Considering this crucial issue, this document provides the recommendation that USAID fund INGO's in and around Burma to provide humanitarian aid to the Burmese people. Secondly, this document supports sanctions. The sanctions need to be placed on a timeline, with certain demands set in place, and if these demands are not met, sanctions will become stronger. Lastly, USAID must monetarily support Burmese NGOs which work primarily in areas affected by ethnic conflicts where INGOs have difficulty providing aid.

The use of child soldiers in the Union Solidarity Development Party's army is one of Burma's most pressing human rights violations. This document provides recommendations that a timeline be set for the release of all child soldiers in the army. If progress is seen within a year some economic sanctions can be lifted. However, if Burma refuses to recognize its use of child soldiers and progress is not seen economic sanctions may be tightened. Furthermore, we recommend that the U.S. provide economic and public support for international NGO's that are currently working in Burma and encourage the NGO's to institute further rehabilitation and reintegration treatment for former child soldiers.

Although Burma has been making progress, there are still severe human rights violations within the country. Moving forward, the U.S. has an opportunity to encourage and aid progress in a country that has already shown potential for reform. Now, U.S. policy needs to focus on building a relationship with Burma to maintain positive change.

History and Current Situation

The Union of Burma has been working to become a more democratic nation. From 1962 until the Election in 2010, the Union of Burma has been under the control of a military junta. During this time, the government has been oppressive towards political opponents and ethnic minority groups. In 1988, a group of students led a peaceful pro-democracy protest. The government violently retaliated, and since then the oppressive junta-civilian relationship has increased. There have been multiple demonstrations since 1988 that expressed the grievances of the population, but even with a new constitution in 2008, the junta-controlled government has not been receptive.¹

The Election of 2010 highlighted Burma's attempts to reach a democratic nation. As a result, the American government is planning to loosen sanctions that have been put in place since 1990. These actions spur more cooperative relations with the Burmese government.

Political and Military Culture

General Ne Win staged a coup in 1962, disbanding the government, imprisoning the Prime Minister, and putting the Junta in control. After this coup the internal affairs took a turn for the worst. The government increased and expanded the oppression of their people and blatant human rights violations. These violations include, but are not limited to, the conscription of child soldiers, the taking of political prisoners, and unfair trials. The government retaliated during the 1988 protests, killing an estimated 3,000 people.² Among these students in attendance was Aung San Suu Kyi, the 1991 Nobel Peace Prize laureate for her "commitment to the nonviolent struggle toward democracy."³ Suu Kyi formed the Nation League for Democracy (NLD) in 1988 as a response to these events. The two most prominent parties in the Elections of 1990 were Suu Kyi's NLD and the National Unity Party (NUP). The NUP was the party associated with the Junta. The results of this election gave 392 of the 492 seats in the government to the NLD.⁴ This election was deemed void and all of the seats were given to the NUP. Suu Kyi was placed under house arrest for her views and her actions against the government during the 1988 protests and the election of 1990.

In July 2007 the oil prices increased by 500%, leading to another large demonstration. 88-Generation Students were in the forefront of this "Saffron Rebellion," but it expanded to include monks and other members of the general population.⁵ After the protest in 2007 there was a new constitution that was passed by the legislative branch. Freedom of religion was one particularly significant reform that was present in the new constitution.

¹ Freedom House. "Burma (Myanmar)." *Freedom in the World* (January 2011).
<http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8007>.

³ "Aung San Suu Kyi – Biography." Nobelprize.org.

http://www.nobelprize.org/nobel_prizes/peace/laureates/1991/kyi.html

⁴ Ibid.

⁵ Freedom House. "Burma (Myanmar)."

Burma was forced into a state of emergency in 2008 when 2008 Cyclone Nargis hit, affecting over 2.6 million people.⁶ Originally the Burmese government attempted to control and limit foreign and domestic relief efforts; however, many attempted to step in and give aid to those affected. Volunteers were punished for helping the victims.

Election of 2010

The Political Party Registration Law, created in March 2010, altered the political party system in Burma. Anticipating the elections later that year, the government implemented elaborate restrictions on opposition parties. This law forced parties to exclude members in prison, required existing parties to register again, and restricted the registration time for new parties.⁷ These free presidential and parliamentary elections took place on November 7, 2010, the first time since 1990. Thirty-seven political parties registered and participated in the election. The NLD chose not to run because it felt that the election was undemocratic.

The Union Solidarity and Development Party (USDP) won 76.5% of the total vote for president and about 77 % for national, state, and local parliaments. President Thein Sein began his five-year term as president in March 2011. The NUP took second place, but other parties hold seats as well.⁸ There was a very low voter turnout.⁹ Many Burmese chose not to vote out of fear. There were many rural and ethnic regions that were restricted from voting because they were deemed unsafe.¹⁰

The Burmese considered the elections to be democratic. However, the United States, and other nations believed the elections to be corrupt and unfair.¹¹ Many other parties have filed complaints and wish to investigate the election, suspecting fraud.¹² The USDP had over 1,000 candidates, which was twice as many as any other party.¹³

Civil Rights and Civil Liberties

The oppressive nature of the Burmese government has led to an extreme lack of personal freedoms. As a result of the student-led 1988 demonstrations, there are severe limits on academic freedoms. Teachers are responsible for all actions of their students, in and out of the classroom. There have been limitations placed on the freedom to assemble, as assembly is limited to a maximum of 5 people without government authorization. The government has proven they have no issue with using violence as a way of enforcing these limitations.¹⁴

⁶ "Timeline: US-Burma/Myanmar Relations."

⁷ Ibid.

⁸ "USDP Wins 76.5 Percent of Vote," last modified November 18, 2010, <http://election.irrawaddy.org/news/612-usdp-wins-765-percent-of-vote.html>

⁹ U.S. Department of State, "Burma".

¹⁰ "Western States Dismiss Burma's Elections," last modified November 8, 2010, <http://www.bbc.co.uk/news/world-asia-pacific-11707294>

¹¹ U.S. Department of State, "Burma".

¹² "USDP Wins 76.5 Percent of Vote"

¹³ Freedom House. "Burma (Myanmar)."

¹⁴ Freedom House. "Burma (Myanmar)."

The government subdues union organizations and activity and because of this, many labor activists are currently serving prison terms. The government is also responsible for appointing judges, who do not act in an unbiased way. Political prisoners are held without any charges against them and without any knowledge of an upcoming trial for up to five years. Prisoners are subject to isolation and torture in prisons and labor camps throughout the country.¹⁵ Government officials are frequently granted immunity from any consequence of a human rights violation.¹⁶

Men between 18 and 35 years of age and women between 18 and 27 years of age are obliged to at least two years of service in the military. These terms frequently are extended to five years. Although both the Burmese government and the international community legally ban the use of child soldiers, approximately 30% of soldiers in all branches of the military are forcibly conscripted children.¹⁷

There are over 160 different ethnic groups, mainly living in rural border areas. These groups do not mix. Many of the ethnic minorities, about 35% of the entire population, have separate militaries. These militaries also recruit child soldiers. These rural areas are the sites of the worst human rights violations in the country. The people living in these locations have been victims of militarily sponsored rapes, beatings, and murders.¹⁸ Due to the inequality among minorities, over 3.5 million Burmese people have sought refuge in neighboring countries in the past 50 years.¹⁹

Historically, women enjoy many of the same freedoms as men, but gender inequality has grown in recent years, as demonstrated by the increase of domestic violence and human trafficking rates. The Women's League of Burma has taken action because women are underrepresented in the government and in forms of civil society.

The Current Status of Burma

Ever since the election of 1990 international relations with Burma have diminished. The U.S. has set sanctions restricting economic aid, military assistance, visas, and investments. In 1997 Burma was added into the Association of Southeast Asian Nations (ASEAN). In 2003 President George W. Bush enacted the Burmese Freedom and Democracy Act (BFDA), which banned imports from Burma and froze the assets of human rights abusers.²⁰ Sanctions like the BFDA continued to tighten over time.

The conflicts between the military government, opposition, ethnic minorities, and neighboring nations have forced many Burmese out of the nation.²¹ The government tightly monitors NGOs making it difficult for NGOs to take action. Even though the military junta

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ CIA – The World Factbook

¹⁸ Freedom House, “Burma (Myanmar)”

¹⁹ Ibid.

²⁰ Ibid.

²¹ “Burma,” last modified November 9, 2011, <http://refugeesinternational.org/where-we-work/asia/burma>

is no longer in charge, the USDP is composed predominantly of former members and sympathizers.²²

Currently, Burma's foreign relations with countries in Southeast Asia are improving greatly. Burma has had a tenuous relationship with ASEAN. In 2005 Burma had to waive their rights to chair and host the annual ASEAN summit. The government is working to garner support from other ASEAN countries so that they may host in 2014. Burma has been a member of the United Nations since 1948. The General Assembly has passed resolutions for Burma as of 1991. Burma and China have been cultivating a beneficial relationship and now are on good terms. The Chinese supply Burma with debt relief, development grants, loans for infrastructure and significant military aid.²³

²² U.S. Department of State, "Burma".

²³ 2010. "Myanmar." *Political Risk Yearbook: Myanmar Country Report 2-15*. Business Source Premier, EBSCOhost (accessed November 2, 2011).

U.S.-Burmese Government Relations

The U.S. and Burma have a complicated and strained relationship. Especially since the 1988 Saffron Rebellion, the U.S. government has criticized Burma for its human rights violations. On November 7, 2010, President Obama said: "The November 7 elections in Burma were neither free nor fair, and failed to meet any of the internationally accepted standards associated with legitimate elections. The elections were based on a fundamentally flawed process and demonstrated the regime's continued preference for repression and restriction over inclusion and transparency."²⁴ Factors, such as the status of political and civil freedoms in Burma, directly affect the United States' relationship with Burma. Since President Obama's policy of pragmatic engagement was enacted, the U.S. has engaged in diplomatic negotiations with the government of Burma in addition to imposing sanctions. While the relationship between the countries seems to be improving significantly, Burma's government still has not made sufficient progress in regards to improving the treatment of its citizens.

Recent Developments in Burma-U.S. Relations

The U.S. policy of "pragmatic engagement" has dictated U.S. actions toward Burma since its enactment.²⁵ Recently, Michael Posner, U.S. Assistant Secretary of State for Democracy, Human Rights, and Labor, as well as Derek Mitchell, U.S. Special Envoy to Burma, represented the United States in a visit to Burma. On November 4, 2011, after their visit, Posner and Mitchell stated that the newly elected government of Burma is taking steps of reform that, "appear to reflect the beginning of a transition that the United States welcomes."²⁶ The Burmese government has recently demonstrated this progress by releasing two hundred political prisoners. There was however, a lack of transparency regarding the identities of the prisoners who were released. U.S. diplomats are monitoring the validity of Burmese progress and Hilary Clinton has addressed the issue of the remaining 1,600 political prisoners in Burma in her November 2011 visit to Burma.²⁷

United States Sanctions against Burma

Currently, the United States has a number of direct sanctions and Executive Orders against Burma. The most recent sanction imposed on Burma is the Junta Anti-Democratic Efforts

²⁴ Obama, Barack. Office of the Press Secretary, "Statement by President Obama on Burma's November 7 Elections." Last modified November 07, 2010. <http://www.whitehouse.gov/the-press-office/2010/11/07/statement-president-obama-burmas-november-7-elections>.

²⁵ Campbell, Kurt. US state Department, "U.S. Policy Toward Burma." Last modified September 28, 2009. <http://www.state.gov/p/eap/rls/rm/2009/09/129698.htm>.

²⁶ "US Envoys See 'Encouraging Steps, Signs' in Burma." Last modified November 04, 2011. Accessed November 9, 2011. <http://www.voanews.com/english/news/US-Envoys-See-Encouraging-Steps-Signs-in-Burma-133280458.html>

²⁷ Myers, Steven. New York Times, "Clinton Arrives in Myanmar to Assess Pace of Change." Last modified November 30, 2011. http://www.nytimes.com/2011/12/01/world/asia/clinton-arrives-in-myanmar-to-assess-reforms.html?_r=2&ref=world.

(JADE) Act of 2008, which banned the import of Burmese jade and rubies.²⁸ The JADE Act also expanded the list of Burmese officials subject to visa bans and limited the use of correspondent accounts which provided funds to Burmese officials. The United States has imposed targeted sanctions, which ban any “United States person” from providing investment or financial services to Burma. Targeted sanctions also ban all bilateral investment in Burma excluding specific humanitarian assistance funding. The Burmese use of child soldiers, drug trafficking, human trafficking, and money laundering, limits this humanitarian funding, and U.S. involvement. Other sanctions include the implementation of visa bans and freezing the assets of Burmese government officials. Sanctions will be allowed to expire if there are specific improvements in Burma such as: substantial dialogues between the government and ethnic groups, advances in human rights, and efforts toward a democratic government.²⁹

Criticism of Current Policy

The current U.S. administration’s policy of pragmatic engagement in Burma has many shortcomings. In a June 3, 2011 Congressional hearing, this policy came under fire from US legislators who questioned the policy’s effectiveness in addressing problems in Burma. One of the problems, among others, is the continued detainment of a large number of political prisoners in the country.³⁰ Aung Din, Executive Director of the U.S. Campaign for Burma, also criticized the policy on June 22, 2011, and said: “engagement should have a time frame, clear benchmarks, and it should involve an appropriate measure to respond for any kind of development.”³¹ Without a clear and unified end-goal for negotiation with Burma, U.S. negotiations with the country cannot be successful.³² In addition, the narrow implementation of certain sanctions reduces their effectiveness against Burma. The presence of loopholes within the sanctions also allows United States based companies, such as the Chevron Corporation, to be monetarily involved in Burma.³³

Our Policy

We recommend a policy which revolves around addressing the main shortcomings of pragmatic engagement. We address the lack of a definite timeline and the relationship between negotiations and the implementation of sanctions. Our policy recommends that the

²⁸ US Customs and Border Protection, *Enforcement of the Burmese JADE Act*. 2009, http://www.cbp.gov/linkhandler/cgov/trade/trade_programs/entry_summary/laws/public_law/jade_act.ctt/jade_act.pdf

²⁹ Michael F. Martin, "U.S. Sanctions on Burma." Congressional Research Service, last modified January 11, 2011, <http://www.fas.org/sgp/crs/row/R41336.pdf>.

³⁰ Lalit K. Jha, “Obama’s Burma Policy Comes under Fire from Congressmen,” *Irrawaddy*, June 3, 2011, http://www.irrawaddy.org/article.php?art_id=21421

³¹ Committee on Foreign Affairs, *Piercing Burma's veil of secrecy: the truth behind the sham election and the difficult road ahead*, last modified June 22, 2011, <http://foreignaffairs.house.gov/112/67050.pdf>.

³² House of Representatives. *Piercing Burma's veil of secrecy: the truth behind the sham election and the difficult road ahead : hearing before the Subcommittee on Asia and the Pacific of the Committee on Foreign Affairs*. Washington, DC: GPO, June 22, 2011.

³³ Chevron, “Myanmar,” last modified May 2011, <http://www.chevron.com/globalissues/humanrights/myanmar/>.

United States adopt a timeline that measures Burmese progress. This one-year timeline is based on the dates of the reevaluation and the reauthorization of sanctions in Congress. Our proposition is a short-term plan; after the timeline expires we recommend the U.S. evaluate the Burmese progression and success and create different benchmarks and incentives for progress.

Proposed Goals for Burma's Development

Although the Burmese government has been making efforts to expand political and civil freedoms, we believe that the Burmese government still needs to make significant progress in addressing Burma's human rights violations. We therefore recommend that the United States use the following benchmarks to measure Burma's progress: the release of all political prisoners in Burma, the acceptance of foreign and NGO aid presence, the continued and improved acceptance of political opposition parties, and the loosening of restrictions of freedom. On June 22, 2011, Aung San Suu Kyi emphasized the necessity of releasing political prisoners in Burma, saying: "If [the government of Burma] 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."³⁴ We also recognize and condemn Burma's use of child soldiers, and suggest that progress be made towards the release of all child soldiers by the end of our stated timeline. On top of this, we encourage the freedom of expression and thought for all Burmese citizens as defined in articles 19-21 of the Universal Declaration of Human Rights be considered as they are essential for democratic development.³⁵

Recommendations for Negotiations

We propose that the United States use non-aggressive negotiation in order to address both the interests of the United States and Burma. This interest-based negotiation should begin by establishing the timeline for improvements by the government of Burma³⁶. We also recommend that the basis of negotiations be focused on the kind of assistance the United States will give Burma as they work toward meeting specific benchmarks. This assistance would directly connect negotiations with the lifting or strengthening of sanctions, acknowledge Burma's progress, and indicate U.S. commitment to helping Burma. We hope that establishing clear guidelines and a timeline for negotiations will increase effectiveness and address the shortcomings of pragmatic engagement.³⁷ Taking a clear, non-threatening approach will build trust with the Burmese government. It will also indicate that the United States is committed and has the interests of the Burmese people in mind. A negotiation

³⁴ House of Representatives. *Piercing Burma's veil of secrecy : the truth behind the sham election and the difficult road ahead* : hearing before the Subcommittee on Asia and the Pacific of the Committee on Foreign Affairs. Washington, DC: GPO, June 22, 2011.

³⁵ United Nations, "The Universal Declaration of Human Rights." 1948.
<http://www.un.org/en/documents/udhr/index.shtml>.

³⁶ Human Right's Watch, "World report 2011: Burma," last modified 2011, <http://www.hrw.org/world-report-2011/burma>.

³⁷ House of Representatives. *Piercing Burma's veil of secrecy: the truth behind the sham election and the difficult road ahead* : hearing before the Subcommittee on Asia and the Pacific of the Committee on Foreign Affairs. Washington, DC: GPO, June 22, 2011.

tactic from the Harvard Negotiation Project, known as “Getting to Yes,” best illustrates the positive effect of interest-based negotiation.³⁸

Recommendations for Loosening Sanctions

If Burma has made appropriate progress on the goals we have set by the time current targeted sanctions expire and are brought to Congress for re-authorization, we recommend that the United States take measures to loosen sanctions. In addition, we recommend that the United States Congress provide waivers regarding investment that permit the U.S. to assist the government of Burma in reaching our stated goals throughout the year.³⁹ Other sanctions regarding U.S. business investment in Burma could also be loosened after a year of significant progress. If Burma reaches our benchmarks, we also suggest that the United States be prepared to unfreeze the assets, of Burmese officials, in US accounts. However, we propose that the United States attempt to focus its aid directly toward the Burmese citizens more than the government. We would achieve this goal by promoting economic development in Burma through granting small loans to agricultural businesses in Burma, a sector that represents 43.1% of the Burmese GDP.⁴⁰

Recommendations for Strengthening Sanctions

If within one year the condition of the aforementioned problems do not improve in substantial and measurable ways, we recommend that the United States government be prepared to implement all sanctions fully, strengthen and eliminate loopholes in necessary sanctions, and add additional targeted sanctions against the government of Burma. Although we must acknowledge Burma’s progress during negotiation, the United States’ stance on the continuing human rights violations within Burma must be substantiated through the enactment of all sanctions necessary to effect change. In the case of non-compliance with the United States’ recommendations for the Burmese government, we believe that the Secretary of the Treasury should exercise the provision in the JADE Act under which restrictions can be placed on correspondent or payable-through accounts in the United States. We would also support the expansion of the visa ban and frozen asset lists, as well as the elimination of the loophole, which allows US companies to pay taxes to the Burmese government. As an added measure, we would endorse a full import ban on all products from Burma, such as the ban proposed in S. 1092.⁴¹

³⁸ Harvard Law School, “Harvard Negotiation Project,” last modified 2008, http://www.pon.harvard.edu/category/research_projects/harvard-negotiation-project/.

³⁹ Michael F. Martin, "U.S. Sanctions on Burma." Congressional Research Service, last modified January 11, 2011, <http://www.fas.org/sgp/crs/row/R41336.pdf>.

⁴⁰ CIA world factbook, "Burma," last modified October 21, 2011, <https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html>.

⁴¹ Michael F. Martin, "U.S. Sanctions on Burma." Congressional Research Service, last modified January 11, 2011, <http://www.fas.org/sgp/crs/row/R41336.pdf>.

Recommendations

- Set specific goals for Burma, base negotiations and further steps on the progress being made by Burma to reach these goals
- When sanctions (specifically the JADE Act) come into Congress for re-authorization, evaluate Burma's ability to meet the goals laid out in our proposal
- Allow agricultural micro-finance loans throughout year, as well as loosening of visa bans and frozen assets if progress has been made
- Fully implement and close loopholes in sanctions if progress has not been made after one year, and further consider a full import ban on Burmese products

U.S-Opposition Relations

Amid the current political and humanitarian climate in Burma; we recommend that the U.S. monitor the election process in Burma, which is working towards a free and fair election in 2015, urge national reconciliation between the opposition and the current government, and focus on micro-finance in order to align the cause of democracy with the betterment of Burma.

Fair Elections

A problem facing the opposition parties in Burma is the electoral process, which the military junta has corrupted to maintain power. The USDP represents the military regime in Parliament, and holds a strong majority.⁴² They amended the Party Registration Law (PRL) just before the 2010 election to ban political prisoners from being members of political parties.⁴³ The NLD, which is the main opposition party, did not register because 429 of their members, including their leader, 1991 Nobel Peace Prize winner Aung San Suu Kyi, were rendered ineligible by the PRL.⁴⁴ Qualified members of the NLD who still wished to run in the 2010 election separated and formed a new party called the National Democratic Force (NDF).⁴⁵ Ethnic minorities in Burma hold the remaining seats in parliament, despite one million ethnic voters that were disenfranchised because their rural voting tracts were deemed too dangerous to hold polls.^{46,47} These flaws rendered the 2010 elections illegitimate, and prompted President Obama to call them “neither free nor fair.”⁴⁸ Therefore we recommend that 2015 election be monitored using the U.N. department of political affairs, an international resource.⁴⁹

Opposition-Government Relations

The Burmese government has used extreme measures against perceived threats in the past. In the 1988 and 2007 popular uprisings the military used physical force that resulted in

⁴² "Burma." CIA - The World Factbook, last modified October 21,2011.

<https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html>

⁴³ "Myanmar (Burma) Election November 2010." Background Information Summaries 4. International Security & Counter Terrorism Reference Center, EBSCOhost (accessed November 2, 2011).

⁴⁴ "Burma: Election Laws May Shut Down Opposition Parties." Human Rights Watch, March 10, 2010,<http://www.hrw.org/en/news/2010/03/10/burma-election-laws-may-shut-down-opposition-parties>.

⁴⁵ "Myanmar amends election law, clearing Suu Kyi's return to politics." Agence France-Presse, The National, November 5, <http://www.thenational.ae/news/worldwide/south-asia/>

⁴⁶ *ibid*.

⁴⁷ Ryan D. Whelan. Burma Election 2010: An Election of Generals. (Bangkok, Thailand: The Thai Action Committee for Democracy in Burma), February 2011

⁴⁸ Barack Obama, "Statement by President Obama on Burma's November 7 Elections." (for immediate release, Washington, DC, November 7, 2010), <http://www.whitehouse.gov/the-press-office/2010/11/07/statement-president-obama-burmas-november-7-elections>

⁴⁹ United Nations Department of Political Affairs, "Electoral Assistance," United Nations, last modified 2011, <http://www.un.org/wcm/content/site/undpa/main/issues/elections/>

thousands of deaths.⁵⁰ For this reason it is important that the NLD and other opposition parties prioritize integration ahead of an overthrow of the current government in order to avoid casualties. Dr. Neil Englehart, an Asian Studies and Political Science professor urges that, “no government, democratic or otherwise, can govern Burma/Myanmar without the assistance of the military.”⁵¹ Aung San Suu Kyi herself endorses the idea of national reconciliation with the military, stating in a press conference on November 14, 2011, that “there is no such thing as them and us but working together to a common, national goal on the basis of mutual faith and understanding.”⁵²

Recent developments between the opposition and government regime reflect this potential partnership. The newly amended PRL allows political prisoners in the NLD to be active members in their party, and register in the 2015 election.⁵³ Thein Sein, the current president, has shown an interest in the democratization of Burma by approving the amendments to the PRL, releasing a significant number political prisoners, opening communication with Aung San Suu Kyi, and beginning to adhere to the government’s seven-point road map for democracy (created in 2003)^{54,55,56,57} These recent negotiations between Aung San Suu Kyi and the Burmese government have led to the NLD deciding to re-register as a political party and to run for the 48 contested seats in parliament.⁵⁸ Therefore, the U.S. should view this current cooperative climate as an opportunity to perpetuate positive change in the Burmese government. The U.S. can facilitate this by sending U.S. diplomats to Burma. Secretary of State Hillary Clinton’s visit to Burma in early December 2011 served as a starting point for U.S. diplomatic influence in Burma.⁵⁹

⁵⁰ Robert Reid and Michael Grosberg . Myanmar (Burma)(Oct 1, 2005), History, http://books.google.com/books?id=MZwU0SNKchoC&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q=1988&f=false

⁵¹ Neil A. Englehart "Giving Up the Burma Fantasy." Dissent, Spring 2010
<http://www.dissentmagazine.org/article/?article=2424>

⁵² Damien McElroy, “Aung San Suu Kyi marks one year of freedom in Burma” The Telegraph, November 14, 2011 <http://www.telegraph.co.uk/news/worldnews/asia/burmamyanmar/8889211/Aung-San-Suu-Kyi-marks-one-year-of-freedom-in-Burma.html>

⁵³ “Myanmar eases limits on party membership”, MSNBC,last modified November 4, 2011
<http://www.msnbc.msn.com>

⁵⁴ “Foreign Relations” In Background Notes: Burma. U.S. State Department. last modified August 3, 2011.
<http://www.state.gov/r/pa/ei/bgn/35910.htm#foreign>

⁵⁵ “Burma frees dozens of political prisoners”, News Asia-Pacific, BBC,last modified October 10, 2011
<http://www.bbc.co.uk/news/world-asia-pacific-15269259>

⁵⁶ Michael F Martin, "Burma's 2010 Election Campaign: Issues for Congress: R41447." Congressional Research Service: Report 1-8. International Security & Counter Terrorism Reference Center,last modified November 2, 2011 <http://www.fas.org/sgp/crs/row/R41447.pdf>

⁵⁷ Stephen McCarthy, “Burma or Myanmar? The Struggle for National Identity” (World Scientific Publishing), chap. 12, <http://www.worldscibooks.com/eastasianstudies/7812.html>

⁵⁸ Thomas Fuller. “Dissident Leader Expected to Run for Myanmar Parliament” The New York Times. November 21, 2011. <http://www.nytimes.com/2011/11/22/world/asia/>

⁵⁹ Michele Kelemen, “Clinton To Test Myanmar's Readiness For Reforms,” National Public Radio, November 28, 2011.

Opposition Alliance

The NDF is, effectively, a branch of the NLD, but since the split they have disputed each group's identity and motives, and therefore have had a hard time working together. Recently, there has been a movement towards cooperation because "Such divisions are a huge distraction from the mammoth task facing the opposition."⁶⁰ Therefore, it is in the NLD's and NDF's best interests to work as a united front.

Ethnic minorities are also in opposition to the current military government. In the past, the military regime attacked and drove 30,000 Chinese refugees out of the country, and more recently, disenfranchised up to 1.5 million Karen ethnic voters just before the 2010 election.^{61,62} Each ethnic group's ultimate goal is representation in the government but it is impossible to overrule the pro-military majority in parliament. Therefore U.S. policy toward the opposition should include building relationships with ethnic minorities. An organized conference between ethnic groups and the opposition parties would help to establish strong ties and an emphasis on demilitarizing ethnic groups.⁶³ In addition, this conference would be a positive investment towards the improvement of Burma without violating current sanctions.⁶⁴

Sanctions

The current sanctions towards Burma are strict, but the U.S. is legally able to make them harsher by freezing assets, closing loopholes, and imposing full import bans.⁶⁵ Aung San Suu Kyi supports sanctions because they "affect only the leaders of the ruling regime and their close business associates, not the majority of the people."⁶⁶ However, a decrease in sanctions should be considered if the USDP continues to make significant improvements in democratic principles and human rights in accordance with the one-year timeline.⁶⁷ In conjunction with these sanctions, and efforts in the political sphere, we recommend that the U.S. increase humanitarian ventures and small agricultural, micro-finance aid programs in Burma through small loans. The U.S. State Department has "had a program on micro-

⁶⁰ "Myanmar's Split Opposition", *The Economist*.

<http://www.economist.com/blogs/banyan/2010/11/myanmar>

⁶¹ "Current Realities and Future Possibilities in Burma/Myanmar: Options For U.S. Policy", Asia Society Task Force, last modified March 2010,

http://www2.jiia.or.jp/pdf/report/201003/BurmaMyanmar_TaskForceReport2.pdf

⁶² Ryan D. Whelan. "Burma Election 2010: An Election of Generals", November 2010. anfrel.org/country/Data/.../Burma_Summary_Report_Mar1st_SM.pdf.

⁶³ Martin Smith, "Burma (Myanmar): The Time for Change," *Minority Rights Group International*, last modified July 17, 2002, <http://www.minorityrights.org/1022/reports/burma-myanmar-time-for-change.html> [http://www.google.com/search?client=safari&rls=en&q=Burma+\(Myanmar\):+The+Time+for+Change&ie=UTF-8&oe=UTF-8](http://www.google.com/search?client=safari&rls=en&q=Burma+(Myanmar):+The+Time+for+Change&ie=UTF-8&oe=UTF-8)

⁶⁴ Michael F. Martin. "U.S. Sanctions on Burma", *Congressional Research Service*.

<http://www.fas.org/sgp/crs/row/R41336.pdf>

⁶⁵ *Ibid*

⁶⁶ Thomas Fuller. "Aung San Suu Kyi's Party Weighs Support of Myanmar Sanction." *The New York Times*. February 7, 2011. <http://www.nytimes.com/2011/02/08/world/asia/08myanmar.html>

⁶⁷ For more information see U.S.-Burmese Government section

finance through USAID, but [is] looking to expand that into the ethnic areas and to other parts of [Burma] in order to assist the development at local levels.”⁶⁸ The rural areas of Burma are experiencing a credit drought, and this initiative would improve the quality of life for the ethnic populations who are prevalent there. In order to make these loans effective the U.S. should allocate small loans that are initiated by the borrowers.⁶⁹ This way U.S. investment in Burma is not intrusive and will not undermine our relations with the Burmese government.

Implementation

The recent cooperation and success of our negotiations between the Burmese government and the U.S. are promising. As long as the Burmese government and the opposition parties continue to work together as they currently appear to be, U.S. resources allocated to the betterment of Burma will increase. Although U.S. influence in Burma is slowly increasing and has recently proved notable; negotiation, international support, cooperation with the military regime, and their adherence to their seven-point road map for democracy all play a vital role in the success of our recommendations.⁷⁰ In the event that the Burmese government’s pledge towards democratization proves illegitimate, and little to no progress is made before the 2015 election, U.S. policy toward the opposition party should be reevaluated.

As of now, our options are limited to humanitarian aid, minimal fiscal investment in micro-finance, and diplomacy tactics. Our recommendations utilize these opportunities and employ American diplomats as key facilitators for democratic reform in Burma. This, combined with the recent improvements in Burmese government-opposition relations, opens the door for the U.S. to aid Burma in democratization.

Recommendations:

- In the reconsideration of U.S. sanctions on Burma, request to restore eligibility for Aung San Suu Kyi to run for the presidency and to monitor the 2015 elections in order to ensure free and fair elections;
- Deploy key U.S. diplomats directly to Burma to promote and facilitate future negotiations between opposition parties and the military regime;
- Finance and facilitate a conference on democracy and human rights between leaders of the opposition parties and ethnic groups in early 2012;
- Loosen sanctions regarding international loans to Burma in order to support small agricultural and micro-finance aid programs.

⁶⁸ Derek Mitchell. “Round Table in Burma” U.S. Department of State, November 4th, 2011

⁶⁹ “Current Realities and Future Possibilities in Burma/Myanmar: Options For U.S. Policy”, Asia Society Task Force, last modified March 2010.

http://www2.jiia.or.jp/pdf/report/201003/BurmaMyanmar_TaskForceReport2.pdf

⁷⁰ Stephen McCarthy, “Burma or Myanmar? The Struggle for National Identity”

Burmese and Foreign Entities Relations

Burma, or the Republic of the Union of Myanmar, has been a nation filled with oppression and suffering for the last 50 years. However, during that time it has maintained ties to several significant foreign entities; chief among said entities are the Association of South East Asian Nations (ASEAN), China, and the United Nations.

South East Asia represents significant interest to the United States and the world in the future. A stable, interactive, and democratic Burma will benefit both foreign entities and the United States.⁷¹

ASEAN-Burmese Relations

Established in 1967, ASEAN, was founded with the purpose of providing support and aid to South East Asian countries.⁷² ASEAN formally admitted Burma as a member-state in 1997, largely because other members were concerned by China's involvement in Burma.⁷³ It has always been in ASEAN's interest for Burma to be stable, peaceful, and democratic; as that will promote growth and stability throughout all of South East Asia.⁷⁴

In 2005, Burma was pressured by other ASEAN nations to waive their right to chair ASEAN and host the annual summit meeting. This was due to the threats of several western countries, including the United States, to boycott the meetings if Burma were to host.⁷⁵ Burma's decision to waive their right to host, can and has been seen as incredibly embarrassing for a traditionally isolationist country trying to assert itself in the region. As of now Burma has been granted the chairmanship of the ASEAN forum in 2014. Burma is now working collaboratively with the other nations to ensure that all domestic standards for this international event are met to avoid a repeat of the 2005 situation.⁷⁶ Acknowledging this, there is now, more than ever, a significant opportunity for ASEAN to enable change in Burma.

⁷¹ Thomas Fuller and Mark Landler, "As Myanmar Eases Controls, U.S. Sees Diplomatic Opening," New York Times, November 18, 2011, http://www.nytimes.com/2011/11/19/world/asia/clinton-to-visit-myanmar-next-month-as-aung-san-su-ki-rejoins-politics.html?_r=1&scp=3&sq=burma&st=cse.

⁷² "Overview," Association of South East Asian Nations, accessed November 9, 2011, last modified 2009, http://www.asean.org/about_ASEAN.html

⁷³ Aung Zaw, "ASEAN-Burma relations," in *Challenges to Democratization in Burma*; Perspectives on Multilateral and Bilateral Responses, pages 37-56, accessed November 9, 2011

⁷⁴ "Overview," Association of South East Asian Nations, accessed November 9, 2011, last modified 2009, http://www.asean.org/about_ASEAN.html

⁷⁵ Lee Jones, "ASEAN's Albatross: ASEAN's Burma Policy, from Constructive Engagement to Critical Disengagement," in *Asian Security Volume 4, Issue 3*, Asian Security, Vol. 4, Issue 3, accessed 2008, Rutledge: Taylor & Francis.

⁷⁶ Bambang Hartadi Nugroho, "Assessing Myanmar's ASEAN Chairmanship," Jakarta Post, November 17, 2011, <http://www.thejakartapost.com/news/2011/11/17/assessing-myanmar-s-asean-chairmanship.html>.

Both the United Kingdom and the United States have pledged significant resources to aid Burma, totaling \$76 million⁷⁷ and \$35 million respectively per annum. This aid will be used to strengthen civil society, ease ethnic tensions, and enable childhood education.⁷⁸ U.S. and UK aid would be much more effective if it was distributed through ASEAN, as Burma is now in a position where they must work with ASEAN.

The U.S. Department of State has recently observed shipments from North Korea to Burma, containing mechanical parts whose only technological use would be in the creation of a nuclear weapons program. The State Department has also observed North Korean nuclear experts travel to Burma, where they met with high-ranking Burmese military personnel.⁷⁹ Burma is a signatory of the Southeast Asian Nuclear Weapons-Free Zone (SEANWFZ), which prohibits Burma and other Southeast Asian nations from developing a nuclear weapons program.⁸⁰

Sino-Burmese Relations

The relationship between The People's Republic of China and Burma began when Burma became the first non-Communist nation to recognize the PRC after its founding in 1949.⁸¹ To Burma and China, the protection of the border these countries share is of unparalleled importance. China and the United States are concerned about the potential formation of a nuclear weapons program in Burma.⁸² Burmese trade has become an economic lifeline for the Yunnan province of China. Many Burmese enterprises are operating in this region, and it is providing crucial support for both the economy as well as everyday life.⁸³

In 2009, the China National Petroleum Corporation began the construction of pipelines from offshore areas of Burma to the Yunnan and Guangxi provinces, which would pump 240,000 barrels of oil per day.⁸⁴ When they are operational in 2013, the pipelines will allow China to diversify its petroleum imports away from the Middle East and Africa. Burma is also home to many Chinese intelligence facilities that are used by the Chinese Navy.⁸⁵

⁷⁷ "Travel and Living Abroad: Burma," Foreign and Commonwealth Office, last modified 2011, <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/burma?profile=intRelations>.

⁷⁸ United States State Department, *FY 2012 Executive Budget Summary*, page 81, <http://www.state.gov/s/d/rm/rls/ebs/2012/index.htm>.

⁷⁹ Joshua Kurlantzick et al., "Myanmar: Sources of Instability and Potential for U.S.-China Cooperation," in *Council on Foreign Relations: Center for Preventative Action: Managing Instability on China's Periphery*, 11-14

⁸⁰ Paul B. Stares et al., *Managing Instability on China's Periphery*, pages 25-40, <http://www.cfr.org/china/managing-instability-chinas-periphery/p25838>.

⁸¹ David Arnott, *China-Burma relations*, ASEAN-Burmese Relations: Past, Present, and Future, pg 69

⁸² Joshua Kurlantzick et al., "Myanmar: Sources of Instability and Potential for U.S.-China Cooperation," in *Council on Foreign Relations: Center for Preventative Action: Managing Instability on China's Periphery*, 26-28

⁸³ Bert Wayne, *Burma, China and the U.S.A.*, *Pacific Affairs* 77 pg 265-268

⁸⁴ Joshua Kurlantzick et al., "Myanmar: Sources of Instability and Potential for U.S.-China Cooperation," in *Council on Foreign Relations: Center for Preventative Action: Managing Instability on China's Periphery*, 34

⁸⁵ Ibid

In the past, China has been tolerant of the human rights abuses committed by the Burmese government due to the large amount of natural resources that Burma has to offer.⁸⁶ As Burma continues to reform, a dangerous trend is starting to appear; the Burmese people identify the Chinese with their oppressors in the government. After all, the Burmese government has been using weapons provided by China to suppress its people (including Ethnic Han Chinese) for years.⁸⁷

In 2011, the Burmese government cancelled a planned Chinese hydroelectric dam due to popular outcry.⁸⁸ Other ASEAN nations are competing with China for resources within Burma, and if China does not stake their claims now they will be shut out of the country. The Chinese must align themselves with the people if they want to remain influential in the nation. If the Chinese don't take advantage of this opportunity to mitigate human rights violations occurring in Burma, they will lose their present and future interests in Burma.

United Nations-Burmese Relations

Burma has been a member of the United Nations since 1948, and the third Secretary General of the UN was U Thant, a Burmese diplomat.⁸⁹ Though Burma maintains its membership in the UN, it has ignored the resolutions passed by the UN General Assembly since 1991, which have called for the country to democratize, respect human rights, release political prisoners, attend to refugees, reform their detention conditions, open political dialogue, protect civilians, address women's rights, address health problems, cease the use of child soldiers, and accept humanitarian aid.⁹⁰ In 2007, Russia and China vetoed a resolution submitted by the United States to the Security Council, which called on Burma to respect human rights and start a democratic transition.⁹¹

The lack of information about the country that the United States and the UN are able to receive is a huge problem; however, the United Nations Security Council could pass a resolution calling for the establishment of a Commission of Inquiry in order to solve this situation.⁹² This commission would be modeled off of the commission established in 2004 concerning the human rights violations in Sudan.⁹³ A Commission of Inquiry would be able to determine the nature and scale of the reported human rights violations, allowing the UN to take further steps to deal with the conflict.

⁸⁶ Ibid, 36

⁸⁷ Larry A. Nicksch, *Burma-U.S. Relations*, CRS Report for Congress, pg 8

⁸⁸ Derek Mitchell, interview by authors, US State Department, November 17, 2011.

⁸⁹ United Nations Department of Public Information, "U Thant: Third United Nations Secretary-General," United Nations, last modified 2011, http://www.un.org/News/ossg/sg/stories/thant_bio.asp.

⁹⁰ "UN General Assembly Resolutions on Burma," Alternative ASEAN Network on Burma, last modified 2011, <http://www.altsean.org/Research/UN%20Dossier/UNGA.htm>.

⁹¹ "China and Russia veto US/UK-backed Security Council draft resolution on Myanmar," UN News Center, last modified January 12, 2007,

<http://www.un.org/apps/news/story.asp?NewsID=21228&Cr=myanmar&Cr1>.

⁹² Derek Mitchell, interview by author, US State Department, November 17, 2011.

⁹³ UN Security Council, *Security Council Resolution 1564 (2004) on Darfur, Sudan*, 18 September 2004, S/RES/1564 (2004), available at: <http://www.unhcr.org/refworld/docid/41516da4.html> [accessed 30 November 2011]

The Burmese Government has indicated that they would sincerely like to have free and fair elections in 2015.⁹⁴ Burma held an unfair election in 2010, and if they want to hold free and fair elections they will need outside support.⁹⁵ The United Nations Office of Political Affairs would be able to provide said support; it offers member states technical assistance, electoral observations, and organizational aid in regards to elections upon request.⁹⁶

As the situation in Burma continues to improve, the United Nations will play an important role in helping the country reestablish itself in the international community. If the United Nations can work with Burma, then the traditionally isolationist nation will have an easier time reestablishing itself, making Burma's internal transitions smoother.

Recommendations

ASEAN:

- Recognizing that US backed programs would be hard to initiate in Burma, we recommend that the United States and the United Kingdom give equal amounts of aid totaling \$25 million dollars each to ASEAN. ASEAN will then use this money to start and oversee programs in Burma to address health issues, the struggle of ethnic minorities, enable education for children, and end the use of child soldiers.
- Acknowledging that Burma can be held responsible for a breach of the SEANWFZ treaty, and that neither China, ASEAN, nor the United States wants Burma to possess nuclear capability, we recommend that the United State continue to gather information on the potential Burmese nuclear program, and use it to work with the Chinese government and ASEAN. Accepting this information, these countries will take a more active role in Burmese relations; mitigating governmental control so that the nuclear situation may be resolved.

Sino-Burmese Relations:

- Despite their unpopular standing amongst the Burmese populace, China still has a large amount of influence over the country so we recommend that China cease their arms sales to the Burmese government. As the people gain more representation overall, the Chinese can protect their long-term interests in the country.

United Nations:

- Realizing the continuous work of the United Nations, we recommend that the United Nations Security Council establish a Commission of Inquiry to formally address the alleged human rights violations currently taking place in Burma. This commission would be tasked with four specific goals: 1) to investigate reports of international human rights violations; 2) identify the parties responsible if the allegations of human rights violations are correct; 3) identify the measures, if any,

⁹⁴ Derek Mitchell, interview by author, US State Department, November 17, 2011.

⁹⁵ The Burma Campaign UK, *Burma's Fake Election and the Post-Election Structure*, Burma Briefing 5, accessed November 30, 2011, <http://burmacampaign.org.uk/images/uploads/5-burmas-fake-election.pdf>

⁹⁶ United Nations Department of Political Affairs, "Electoral Assistance," United Nations, last modified 2011, <http://www.un.org/wcm/content/site/undpa/main/issues/elections/>

- that need to be taken to remedy said violations; 4) make a recommendation to the Security Council concerning the future role of UN involvement in Burma. The Security Council will then use the recommendation given by the Commission to effectively create policy to aid the people of Burma.
- Understanding that the Burmese government intends to hold free and fair national elections in 2015, we recommend that the United Nations assist the electoral process through the UN Department of Political Affairs, which would: 1) provide much needed technical assistance; 2) observe and assess the validity and fairness of the election; 3) aid in the organization and supervision of the election.

Non-Governmental Organizations

Burma was categorized in the bottom tier of the world's most repressive regimes, providing it a place in Freedom House's Worst of the Worst: The World's Most Repressive Societies 2011 report.⁹⁷ The needs of the people are great and humanitarian aid is vital to the resurgence of Burma. In the past, assistance from non-governmental organizations (NGOs) wasn't needed as critically as it is today. Prior to the reign of the regime, Burma was much more stable. Burma was once called the "Rice Bowl of Asia" due to the abundance of natural resources that were used to create stability within the country.⁹⁸ However, when the regime took control the economy plummeted. The regime has not only negatively affected the economy of Burma but has also impacted the lives of the individuals who inhabit it. Burma is currently faced with many human rights violations including human trafficking, the use of child soldiers, the use of rape as an intimidation method and several more. The process of acquiring permission to provide humanitarian aid in Burma is intricate. It is evident that NGO assistance in Burma is a complex system. There are "above the ground" NGOs, which are usually called specifically international non-governmental organizations (INGOs).⁹⁹ The regime in Burma gives INGOs permission to operate in the country; however, these workers are still restricted from several areas that are crucially in need of aid. It is imperative that the Burmese eliminate these restrictions. These INGOs include: Save the Children, Mercy Corps, Church World Service, PACT and IRC (International Rescue Committee).

There are also the "underground" NGOs that are on the ground in Burma without the consent from the government.¹⁰⁰ There are about half of a dozen "underground" NGOs from the United States. These individuals are at risk because if caught violating these restrictions the government will most likely respond with arrest, torture, and even death.

In addition, there are also local NGOs in Burma, which are particularly important because their success and prevalence are measurements of civil society. If the Burmese government is truly working towards a democracy as they have indicated with their recent actions towards the NLD and their political prisoners, they must exhibit a willingness to support civil society and allow others to support their progress as well.

The regions in Burma that are currently affected by ethnic conflicts, like Kachin, or are at war with the government are the areas where it is most difficult for INGOs to access. Unfortunately, due to the government's displeasure with these ethnic group's disputes, these are also the regions with the worst human rights violations.¹⁰¹ However, many Burmese NGOs have been successful in these areas including The Karen Women's Organization, 88-

⁹⁷ "Freedom House Calls for Economic Sanctions and UN Action in Burma," accessed November 9, 2011, <http://www.freedomhouse.org/template.cfm?page=70&release=1457>

⁹⁸ "US Campaign for Burma," accessed November 9, 2011, <http://uscampaignforburma.org/learn-about-burma/history>

⁹⁹ Jennifer Quigley, phone interview to author, November 9, 2011.

¹⁰⁰ Ibid.

¹⁰¹ Randall Spadoni, phone interview to author, November 11, 2011.

Generation Student Group, and All Burma Student's Union.¹⁰² We propose that USAID monetarily supports local NGOs in these regions to extend and fortify the network of NGOs working in Burma. With the joint support of the Burmese government and USAID, local NGOs would be able to make significant progress in areas which are impossible for INGOs to meet.

All of these restrictions make it very difficult to get humanitarian aid where it is most needed. The implementation of the JADE Act would be the most effective way of gaining more access to the Burmese in need.¹⁰³ The JADE Act declares that the best way to motivate the regime to comply is through the addition and subtraction of sanctions.

International Non-Governmental Organizations

The United States of America is in support of INGOs seeking to provide humanitarian to the Burmese people. The military regime currently in power has oppressed the people of Burma, stripped away some of the citizen's basic rights to "life, liberty, and the security of person," as well as engaged in illicit and inhumane activities such as drug trafficking, sex trafficking, and the use of child soldiers.¹⁰⁴

The U.S. is ready and willing to support NGOs such as the International Rescue Committee (IRC), Mercy Corps, and Save the Children which are actively decreasing the numbers of human rights violations in Burma as well as aiding the people medically and financially.

The United States has given \$75 million to communities affected by Cyclone Nargis in 2008 through the United States Agency for International Development.¹⁰⁵ We recommend that USAID should expand its support monetarily through these INGO's whose sole purpose is to help the people of Burma.

The current Burmese government has tight restrictions and regulations in place regarding entering and exiting the country, making it extremely difficult for U.S. NGO's to provide relief and reform. This is why the U.S. is dedicated to supporting the work of NGO's who have already been granted access in the country.

The United States is also a firm supporter of the aid programs currently grounded in Thailand, Japan, and other nearby countries focusing their efforts on helping the people of Burma. Economic sanctions have been in place since 1997 and are becoming increasingly more severe with the government's continuous human rights violations. The U.S. is willing at any time to lift these sanctions when the government starts to comply with the simple demands of the U.S. which include: the abolition of government sponsored sex trafficking,

¹⁰² Jennifer Quigley, phone interview to author, November 9, 2011.

¹⁰³ "Freedom House Calls for Economic Sanctions and UN Action in Burma."

¹⁰⁴ "The Universal Declaration of Human Rights," accessed November 25, 2011, <http://www.un.org/en/documents/udhr/>

¹⁰⁵ "USAID Asia - Countries – Burma," accessed November 16, 2011, <http://www.usiad.gov/locations/asia/countries/burma/#top>

drug trafficking, and the use of child soldiers.¹⁰⁶ In the meantime, the U.S. cannot wait for a repressive regime to decide to help its people. This is why monetary support from the U.S. should go directly to NGO's focused on helping the people of Burma.

Burma is stabilizing itself amidst ethnic warring, trafficking of humans, and the trafficking of illicit and addictive drugs. Burma prides itself on "self-reliance," and this clearly shows when countries like the U.S. ask to step in and help. After Cyclone Nargis hit in May of 2008, Burma closed its doors and restricted the aid of many countries and organizations that were willing to provide aid. The international community condemned the Burmese government as well as urged the country to open its doors to aid. United Nations General Ban Ki Moon said the military rulers of Burma should allow any and all forms of aid "without hindrance."¹⁰⁷ This is exactly what the United States wants to avoid and is encouraging the Burmese government to openly and willingly accept this aid.

In the meantime, with the monetary support from USAID, the U.S. is able to directly fund relief to victims of human rights violations in Burma through INGO's.

Negotiations

Our final approach to improving relations between western NGOs and Burma is to assess the success of sanctions and to start negotiations in order to create a plan for adding or removing sanctions in the future. The United States has import bans, investment bans, arms embargo, visa bans, and financial sanctions against regime leaders, all of which heighten the tensions between Burma and the West. These barriers between the two governments make it more difficult for American NGOs to provide aid in Burma. Prior U.S. negotiations have occurred with the Burmese government, and we believe that continued talks need to take place in order to insure the safety, support, and well-being of both the NGOs and the Burmese people. The U.S. government needs to create a rewards system, requiring the Burmese government to obey the conditions set forth in negotiations. If an agreement on these demands is reached, the U.S. will soften the sanctions and if Burma refuses to listen to said requests, the intensity of the sanctions will increase. We believe that allowing NGO's into the country is a way to stop human rights violations from occurring. Once human rights violations stop, the sanctions will be loosened.¹⁰⁸ Such human rights violations, which must be discussed, are raising the standards of health care, bringing an end to the use of child soldiers, and enforcing the law banning rape as a weapon in war. The second requirement would be to have conversations with the Burmese government with a goal to lift restrictions pertaining to NGOs that are currently in Burma. This would make it more possible for the NGO's to move freely around the country and to provide aid without fearing the government.

¹⁰⁶ "Detecting a Thaw in Myanmar, U.S. Aims to Encourage Change," accessed November 15, 2011, www.nytimes.com/2011/10/07/world/asia/united-states-aims-to-encourage-change-in-myanmar.html?pagewanted=all

¹⁰⁷ "Let Cyclone Aid in 'Without Hindrance,'" accessed November 9, 2011, <http://www.cbc.ca/news/world/story/2008/05/09/burma-aid.html>

¹⁰⁸ "Detecting a Thaw in Myanmar, U.S. Aims to Encourage Change."

Recommendations

- USAID monetarily fund INGO's in and around Burma to further support the work of humanitarian aid to the Burmese people in need of advanced and professional help;
- The NGO group supports the recommendation of The U.S. relations with the current government regarding sanctions. We believe that sanctions needs to be placed on a timeline, with certain demands set in place, and if these said demands are not met, sanctions will become less tolerable;
- USAID monetarily support Burmese NGOs which work primarily in areas affected by ethnic conflicts.

Child Soldiers

Among the many human rights abuses that have been plaguing Burma for decades, the use of child soldiers in the military is one of the most constant and most prominent issue to date. Children are taken off the streets and forced into the military. While conscripted, these children have been forced to rape and kill with no hope for freedom. Maung Zaw Oo, an example of this atrocity, was kidnapped and forced into the army at 14. Miraculously, he managed to escape, but eventually he was kidnapped once more. The only hope his family now has of freeing him is to recruit 5 more soldiers for the army.¹⁰⁹ This story is similar to many others. Boys from the ages of 11 to 15 are taken from their families to fight in the Burmese government's army.¹¹⁰ This is an urgent human rights violation that must be addressed when adjusting policy regarding Burma. One of the causes of this issue is that the army doesn't have enough adults signing up to join the Burmese military.¹¹¹ Corruption is another an enabler of the use of child soldiers.¹¹² This is one of the many reasons the U.S. has placed sanctions upon Burma. We can alter these sanctions as a way to encourage the mitigation of these human rights violations.

International Law

There is great controversy among countries on the proper definition of a child. However, for the sake of this paper we will define a child soldier as a person under the age of 15 involved in combat. The Geneva Articles of 1949, signed by Burma, explicitly declare that any person under the age of 15, such as Maung Zaw Oo, should be considered a child. Moreover, the Special Court of Sierra Leone, responsible for trying individuals who bear the greatest responsibility for international humanitarian law crimes, defines an adult at 15 years of age. However, Burma's own laws declare that a child is anyone under the age of 18, which means that generals in Burma should be tried for recruiting persons under the age of 18 by their Supreme Court.¹¹³

There is great corruption within the court system, therefore international pressure needs to be applied. The Burmese government appoints Supreme Court Justices of Burma, and these justices subsequently appoint justices of the appellate and township court. Furthermore the judges are appointed for only 5 years and may be dismissed at any time by the president of a quarter of either the Hluttaw house for "inefficient discharge of duties" leaving ample room corruption.¹¹⁴ Currently no international court with the jurisdiction to try war crimes is realistically able to try Burmese generals. The ICC cannot try Burmese generals because the Burmese government did not sign the Rome statute of the UN by which the ICC

¹⁰⁹ Seth Mydan, "Report Says Army Buys Boy Soldiers in Myanmar", *New York Times*, 31 October 2007

¹¹⁰ "Burma's Denial of Child Soldier Use 'Not Credible'", *Human Rights Watch*, 18 October, 2002

¹¹¹ "Burman Army 'recruiting Children'." *Arabia 2000*. (2007)

¹¹² Seth Mydan, "Report Says Army Buys Boy Soldiers in Myanmar", *New York Times*, 31 October 2007

¹¹³ Breen, Claire. "When is a Child not a Child?" *Child Soldiers in International Law. Human Rights Review*. Vol. 8. Issue 2. (2007): 71-103

¹¹⁴ Constitution of the Republic of the Union of Myanmar 2008. Last accessed November 30, 2011.

http://asiapacific.anu.edu.au/newmandala/wp-content/uploads/2009/01/myanmar_constitution-2008-en.pdf

functions.¹¹⁵ The Special Court of Sierra Leone cannot realistically try the Burmese generals because we anticipate too much resistance from the Security Council of the UN, namely China, which must ratify all trials brought to the Special Court.¹¹⁶ Because no international court system is realistically able to try the Burmese for their war crimes, it is imperative that the U.S. makes it clear that we cannot lift all economic sanctions until generals who have committed war crimes have been tried. Through the UN Commission of Inquiry the international community will be able to determine indisputably that war crimes have been committed by generals of the USDP army. With such evidence we will be able to further justify the U.S.'s push to prosecute the offending generals and realize justice for children such as Maung.

Children who committed atrocities in war should be tried for their actions but with alternative sentences. Amnesty International noted, "it is possible that in certain cases where a child soldier did act with full awareness of what he was doing and with full intent to commit atrocities, then it would be in his best interests to take responsibility for his acts, and the consequences of these acts, through a criminal process specially adapted for children".¹¹⁷ The courts are fundamentally responsible for providing justice to the victims, but justice does not indicate jail time if the child was unaware of the gravity of his or her actions. Sentencing may include, but is not limited to, sentencing the child to rehabilitation treatments such as therapy, vocational training, or education.¹¹⁸

Prevention

If Burma allows NGOs into the country, they could prevent the abduction of young boys such as Maung Zaw Oo. Children are being kidnapped from public places such as bus stops and train stations and forced into the Union Solidarity Development Party's (USDP) military. Both military officials and civilians are paid to take these children off the streets and out of their homes. The military has bought these children and trained them to be soldiers. These children have been forced to rape and pillage as doctors have falsified medical documents and have been claiming that these 11-13 year-olds are 18 and are legal to fight by Burmese law.¹¹⁹ The Burmese government has denied the use of child soldiers in their army.¹²⁰ NGOs can prevent this by being on the ground in the country and making the government aware that there is an international spotlight on this issue.

It has been shown through situations such as the Rwandan Genocide, that it is possible to prevent human rights violations from happening by having outside forces present. Carl Wilkens was the one to prevent the murder of about 400 people at the Gisimba orphanage

¹¹⁵ ICC - About the Court. Last accessed November 30 2011. <http://www.icc-cpi.int/Menus/ICC/About+the+Court>

¹¹⁶ The Special Court of Sierra Leone. Last accessed November 30, 2011 <http://www.sc-sl.org/ABOUT/tabid/70/Default.aspx>

¹¹⁷ Wright, Tim. "When Children Commit Atrocities in War". *Global Change, Peace and Security*. Vol 2 No. 3. (2010): 315-32

¹¹⁸ Breen, Claire. "When is a Child not a Child?" *Child Soldiers in International Law. Human Rights Review*. Vol. 8. Issue 2. (2007): 71-103

¹¹⁹ Mydan, Seth. "Report Says Army Buys Boy Soldiers in Myanmar", *New York Times*, 31 October 2007

¹²⁰ "Burma's Denial of Child Soldier Use 'Not Credible'", *Human Rights Watch*, 18 October, 2002

just by being there to face about 50 other men.¹²¹ By having people on the ground monitoring the interaction between the government and its people and the committing of human rights violations, specifically those of which that contribute to the integration of child soldiers into the army, the use of child soldiers could decrease drastically. By allowing NGOs into the country, they will also have the ability to evaluate the medical practices in the country to ensure that medical procedures are up to the highest possible standard to conquer the issue of medical corruption.

We strongly encourage that the United States and other countries raise awareness of the issue of the use of child soldiers in Burma by making public announcements and shedding light on the issue. We encourage U.S. to support NGOs, both financially and publicly, in their efforts of making this situation known to the public through broadcast and advertisement.

Reintegration and Rehabilitation

Former child soldiers face many challenges upon their release from the armed forces. Many suffer from post-traumatic stress disorder (PTSD) or don't have the education or skills to provide for themselves outside of the army. Still others are lost or are ostracized by their families and communities and no longer have a place to go. Many have only known violence and have difficulty adjusting back to peaceful society.¹²² If the Burmese government follows the recommendations and releases all children under the age of fifteen, a new issue develops concerning the reintegration and rehabilitation of these children. The following recommendations respond to this concern, focusing on the role of NGOs and the United States government.

We recommend that the Burmese government, after showing a spirit of cooperation by releasing the child soldiers, allows and encourages the assistance of international NGOs with experience in the reintegration and rehabilitation of former child soldiers into society. The Burmese government should also publicly support the actions of NGOs already located in Burma, such as Save the Children, and encourage and allow other NGOs to work within its borders towards this cause. These NGOs should provide basic education and vocational training, so the children have the means to support themselves in the future. Also, the NGOs should provide access to psychiatric resources to evaluate and support children with PTSD and other post-conflict emotional trauma.¹²³ Also, these NGOs should work to reconnect the former child soldiers with their families and communities.¹²⁴ Furthermore, they also need to reach out to the communities to make them sensitive to the condition of the former child soldiers and to educate the public on their treatment, so the former child

¹²¹ Conversation with Carl Wilkens; September 7th, 2011

¹²² Kari Hill and Harvey Langholtz, "Rehabilitation Programs for African Child Soldiers," *Peace Review* 15:3 (2003): 279-285

¹²³ Ibid.

¹²⁴ N. Boothby, J. Crawford, and J. Halperin, "Mozambique child soldier life outcome study: Lessons learned in rehabilitation and reintegration efforts," *Global Public Health* (2006): 87-107

soldiers are not ostracized.¹²⁵ These NGOs should also be aware of these communities' traditional approach to the reintegration and rehabilitation of child soldiers and support the communities through these processes.¹²⁶ Also, these NGOs should provide legal services to former child soldiers in cases where they are being prosecuted or wish to be granted asylum elsewhere. We feel these services can best be provided by NGOs, specifically those with a background in reintegrating and rehabilitating child soldiers, like Invisible Children, an NGO that works in Central Africa toward rehabilitation and reintegration. Therefore, we recommend that the United States urge the Burmese government to allow the assistance of international NGOs towards this goal of reintegration and rehabilitation.

Finally, we feel that it should be a priority of the United States government to respond to the issue of reintegration and rehabilitation of the child soldiers, especially given that the release of the child soldiers would be a demonstration of the Burmese government's desire to improve relations with the United States. The United States government, as recognition of this cooperation, should do everything in its power to vocally support and encourage the Burmese government's efforts to reintegrate and rehabilitate former child soldiers. The United States should also encourage other international governments to recognize, encourage, and support these efforts.

Conclusion

Our recommendations based on the aforementioned information are intended to address the most pressing present situation and are by no means exhaustive. While ridding the USDP army of child soldiers would be a great feat we recognize that this is not the only army in Burma that recruits child soldiers. Ethnic groups such as the Karen recruit child soldiers as well, although on the lesser scale.¹²⁷ After the USDP army is rid of child soldiers we hope to encourage these ethnic rebellion groups to demilitarize and join the National League of Democracy in their quest for a fair and just government. When the ethnic groups have demilitarized and focused their energy on politics the United States government may support them financially.

Recommendations

- Encourage the Union Solidarity and Development Party (USDP) to remove all child soldiers from their armed forces and set a reasonable timeline that will be used to evaluate the progress of Burma towards this goal;
- Set the first objective as definite and continuous progress over the course of one year towards the goal of releasing all child soldiers;

¹²⁵ Kari Hill and Harvey Langholtz, "Rehabilitation Programs for African Child Soldiers," *Peace Review* 15:3 (2003): 279-285

¹²⁶ N. Boothby, J. Crawford, and J. Halperin, "Mozambique child soldier life outcome study: Lessons learned in rehabilitation and reintegration efforts," *Global Public Health* (2006): 87-107

¹²⁷ Myanmar- Child Soldiers Global Report 2008. <http://www.childsoldiersglobalreport.org/content/myanmar>

- Evaluate Burma's progress after one year, at which time sanctions regarding Burma are up for Congressional discussion;
- Make current sanctions harsher if no progress has been made, or lift sanctions if progress has been achieved;
- Encourage the USDP to allow Non-Governmental Organizations (NGOs), specifically international NGOs, to evaluate conditions to ensure the agreements are followed and to provide reintegration and rehabilitation services to the former child soldiers

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