

Burma Campaign Australia

Submission to the Inquiry into Human Rights Mechanisms and the Asia-Pacific



November 2008

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Introduction

Burma's¹ human rights record is recognised as amongst the most serious in the world and as integrally related to the country's ruling military dictatorship, the State Peace and Development Council (SPDC). The Australian Government 'has grave concerns about the Burmese regime's suppression of the democratic aspirations of the Burmese people and its disrespect for their human rights.'²

Burma Campaign Australia (BCA) appreciates the opportunity to address the ongoing and persistent violations of human rights in Burma and notes that, in the case of Burma, the international and regional Human Rights mechanisms available to human rights defenders are often weak and unsupported. In Burma's case, the subject of political change is integral to improving the human rights situation. Therefore, we have taken the broadest definition of human rights mechanisms to be able to engage with the emerging human rights processes in regards to Burma.

When considering strengthening and supporting of human rights mechanisms in the Asia-Pacific, addressing Burma's human rights situation must be a priority. In the case of Burma, there must be steps towards political change for any improvement in human rights. This submission looks at existing regional and multilateral mechanisms working in the region with a potential to advance human rights. We are applying these to the important case study of Burma which displays the full range of human rights violations spanning civil and political as well as economic and social rights.

The Australian Government must stand firm on its position of rejection of the SPDC roadmap and ensure that they remain committed to the recognition of other political stakeholders in Burma. Without accompanying political commitment and action, the effectiveness of human rights mechanisms will be undermined.

A multi-level approach is required to address the human rights of the people of Burma. Sustained effort is required by the Australian Government to support existing human rights mechanisms regarding Burma and work innovatively to facilitate new initiatives. New opportunities to do this are emerging. Growth in access of communications technologies in Burma and the region is facilitating the emergence of renewed and broader local indigenous human rights movement with civil society and political activists connecting across interstate borders.

These processes are important new sites of human rights promotion that require recognition and support by the Australian Government. To do this, the Australian Government needs to reassess the borders and barriers at play in its current approach. Human rights mechanisms involving state and non-state levels of engagement require urgent Australian Government support to diversify points of pressure for change and prepare Burma for transition and post-transition phases.



Burma Campaign Australia

BCA established in 2007/08 has over 2,000 subscribed supporters across the country. BCA is a national network of Australian organisations and individuals engaged in promoting human rights and democracy in Burma. This network includes communities from Burma, representatives of the democracy movement living in Australia as well as members of the non-Burmese Australian community.

BCA is in a unique position to give input into this inquiry. BCA has numerous direct and frequent ongoing conversations with people in Burma and on the borders, across all pro-democratic political spectrums. BCA receives regular information about issues as they occur and what the experience is for ordinary people in Burma. This informs the work we do and shapes our campaign priorities.

Human Rights in Burma in a Nutshell

The Human rights situation in Burma remains grave.

- There is no democracy, political freedom and there exists a culture of fear.
- Today there remain over 2,100 political prisoners with at least 39 requiring urgent and proper medical treatment.³
- Aung San Suu Kyi remains under house arrest where she has been detained for 13 of the last 19 years.
- Poverty and destitution have led to widespread human insecurity and internal and cross-border displacement.
- Decades-long conflict and militarisation have led to widespread human insecurity and internal and cross-border displacement.
- Child soldiers continue to be recruited into the Burmese armed forces – the *Tatmadaw*.
- Other major forms of human rights violations include forced labour, land confiscation, forced portering, forced relocation and arbitrary taxation.

The violent crackdown on the Saffron Revolution and the blocking of humanitarian aid to people in areas affected by Cyclone Nargis indicate the extent of the SPDC's preparedness to violate the human rights of its population and its refusal to cooperate with the international community in order to maintain political control. Civil Society, non-government organisations and state agencies are finding alternative ways of operating.



Australian Government Policy on Burma

Australian Government policy on Burma has for a long time lacked depth, clarity and transparency. Having yet to clarify the nature of Australia-Burma relations publicly, the new Government has described its relationship with the SPDC in a letter to the BCA as one of 'limited engagement.'⁴

At present the Australian Government has indicated that it will continue to fund humanitarian aid projects inside Burma but will not support projects in other locations such as Burma's borderlands.⁵ This position, we suggest, works precisely to uphold the borders of state control that the SPDC depends on for sustained control of the state and population. Given the rapid developments in border-based capacities, countries funding across these sites through a combination of UN agencies and NGOs, and increasing communication between organisations working from 'inside' and 'outside', the Australian Government's position will become increasingly outdated. We urge the Australian Government to research and reconsider their general approach to humanitarian assistance regarding Burma.

In opposition, the Australian Labour Party policy on Burma, as expressed by both Kevin Rudd⁶ and Robert McClelland,⁷ stated that a Rudd-Labour government would pursue justice in Burma through working to have the United Nations Security Council refer Burma's generals to the International Criminal Court. Since attaining government, the Rudd-Labour Government has remained silent on this issue.⁸ The BCA urges the Australian Government to fulfil their election promise by pursuing action leading to Burma's investigation by the ICC.

Human Rights Mechanisms for Burma

A. Strengthening Burma's Human Rights Defenders and Organisations⁹

i. Human Rights Defenders – Inside Burma

There are no public human rights organisations in Burma. Activists publicly promoting human rights in Burma have been imprisoned and held under house detention. There are underground political movements who educate themselves in the concepts and principles of human rights and draw on human rights frameworks to base their claims. There are ways, including through increasing access to the internet and means through which to by-pass the government's firewall, and distribution of human rights literature produced in Burma's borderlands, that individuals inside may gain some access to human rights information.

The Australian Government's capacity to directly assist human rights defenders inside Burma is obviously limited. However, the Australian Embassy inside can increase its services provided to Burma's general public in a similar way to the British and American Embassies. These services in particular include libraries where political and human rights news about Burma is freely available. Discussion groups and seminars could facilitate human rights education. Feedback on this type of service from people in/from Rangoon is positive.¹⁰ Even if people choose not to access these services directly, news and information continues to spread through social networks. The act of providing these services sends a strong and clear message to people in Burma and beyond of the Australian Government's commitment to human rights.

The emergence of non-state sanctioned civil society organisations is a slow and gruelling process in Burma, but a necessary one in permitting people to work towards alleviating some of the suffering in communities. Emerging civil society leaders occasionally speak out on behalf of the people whose rights they work for. However, where criticism of government policy is interpreted as political dissent, many civil society leaders and groups are pressured to remain silent or are co-opted by government officials.

In the month of November 2008 alone at least 215 Burmese political activists were sentenced by the SPDC in unjust, closed court hearings.¹¹ The first trial of activists arrested in connection with last year's uprising in August and September began on 8 October 2007. Since then at least 384 activists have been sentenced, over half of them in November 2008.

Burma Campaign Australia includes in its networks people from Burma living in Australia who have been political prisoners and could provide evidence to the Senate committee. Upmost confidentiality is crucial, due to fear of retribution on family and friends still residing in Burma.

ii. Human Rights Defenders and Organisations – Border-based

Burma's human rights defenders have carved out space for their activities and built organisations in Burma's borderlands areas as they remain in contact with communities in Burma but beyond the direct reach of military regime violence. Emerging in the early 1990s, particularly in the Thailand-Burma borderlands, it has expanded and transformed rapidly and dramatically in the past five years in capability, sophistication, scope and reach in all areas of human rights activities.¹² Specifically, human rights training and documentation activities inside Burma is becoming increasingly extensive, providing some of the most valuable information concerning human rights in Burma to the outside world.

Burma's human rights defenders:

1. Generate the human rights information and reports used in UN, regional and international processes.¹³
2. Educate human rights documenters and trainers of all Burma's ethnic nationalities to work inside Burma and in Burma's displaced migrant and refugee communities.
3. Educate individuals and communities in all ethnic areas and displaced from Burma on human rights and community empowerment.
4. Have built and are expanding collaborative networks around Burma's borders with Thailand, Bangladesh, India and China.
5. Document, collate and store human rights violations to internationally recognised standards in preparation for transitional justice, drawing on from the experiences of Argentina, Chile, Uganda, Congo, East Timor, South Africa.
6. Lobby at UN processes, international and regional forums and in global social movement forums.

Burma's human rights organisations position themselves as human rights defenders not political organisations. They also document, educate and advocate for human rights amongst armed opposition groups.¹⁴ Further, they document, educate and advocate for the human rights displaced people of Burma who are internally displaced, in refugee camps, migrant situations as well as for their own rights. They are at the forefront of regional and international lobbying on Burma. They are sources of credible intelligence for interested state authorities.

Border-based groups have developed several educational programs to promote young and bright researchers and activists. The Foreign Affairs Training program (taught in English) has been one of the most successful programs in contributing to the capacity of border-based organisations focusing on politics, human rights, international relations, Burma history and politics, media, the environment and other issues. Each intake's students are deliberately selected from a broad range of Burma's ethnic nationalities, thus contributing to fostering inter-ethnic relations and future political leadership. The program's funding was cut in 2008, and has not been able to continue. This is an opportunity for the Australian Government to fund one of the most effective human rights education programs.



In 2004, the Special Representative of the Secretary-General on the situation of Human Rights Defenders (HRDs), Hina Jilani wrote of the indispensability of the work of HRDs based in Thailand.¹⁵ She also noted with great concern that:

Ambiguity in their legal status in Thailand is a major cause of their sense of insecurity, leaving them vulnerable to fluctuations in the Government's policy towards Myanmar and the whims of local authorities.¹⁶

The Australian Government has, in the past, provided limited assistance to Burma's Thai-Burma border-based human rights groups. Despite their demonstrated effectiveness as human rights mechanisms, the Australian Government withdrew funding, including assistance through the Australian Volunteers International program, in the early 2000s. While Australia provides some funding to the Thailand-Burma Border Consortium, this is limited to material assistance in refugee camps only and the TBBC continually struggles to cover minimum costs.¹⁷ Most funding for Burma's human rights defenders comes from the US, Canada, Norway, Sweden and Denmark. Small but extremely effective projects are funded by the APHDEA and IWDA in partnership with local HRDs and organisations.¹⁸ APHEDA and IWDA programs, and past AVI placements, have fostered some strong Australia-Burma civil society relations.

Recommendations:

1. Review the entire web of human rights mechanisms emerging in and around Burma. Identify how they are connected and where they are disconnected. Devise a policy which supports the effective human rights mechanisms indigenous to Burma to strengthen them through bi-lateral, regional and global interconnectedness. Fund initiatives that build bridges across borders of isolation and facilitate relationships and information-sharing between different sites. Follow the United Kingdom's Department for International Development (DFID) initiative by sending a fact finding mission that includes federal Australian parliamentarians to these various locations.
2. Establish an Australian Democracy Fund for Burma that provides financial and technical assistance to Burma's human rights defender organisations, including the means to enable greater collaboration with human rights and democracy organisations in the Asia Pacific region. This fund could also support future processes of transition.
3. Increase services at the Australian Embassy in Rangoon to provide human rights information.
4. Continue funding humanitarian aid initiatives that foster civil society development.
5. Rather than sustain the military regime's borders by choosing to fund organisations either inside or outside Burma, work with the Royal Thai Government to adopt policies and regulations to increase the security of Burma's HRDs and their organisations, in line with recommendations made by the UN Secretary General's Special Representative on Human Rights Defenders, particularly paragraph 76.¹⁹
6. Fund the Foreign Affairs Training program based on the Thailand-Burma border.



7. Reinstate funding through the AVI program for Australian volunteers to take-up placements with Burma's human rights organisations.
8. Provide visas and opportunities for Burma's human rights defenders to enter Australia for internships and education opportunities and to build stronger Australia-Burma relations at the civil society and with the Government's human rights institutions.

B. Strengthening Burma's Political Opposition Leadership

Transition from military dictatorship is a matter of when, not if. Essential to transition to democratic governance in Burma and respect for human rights is the existence of a viable alternative government. Burma does have legitimate alternative political leadership – pro-democratic and ethnic nationalities. However, of serious concern is the way the junta has systematically undermined the viability and existence of its political opposition through imprisonment the severe restriction of activities of political parties over decades. Meanwhile, politicians in exile work tirelessly with very few resources.

Australia is in an advantageous position to provide support to sustain and develop viable alternative political leadership for Burma. The international community recognises that national reconciliation in Burma requires tripartite dialogue between the military regime, pro-democratic forces led by Aung San Suu Kyi and ethnic nationalities leaders. Both the pro-democracy leadership and ethnic nationalities leadership require on-going technical assistance and support to participate on equal footings in a dialogue process.

Many opportunities exist for the Australian Government to bolster its recognition of, and support for, exiled Members of Parliament elected in Burma's 1990 elections. At the bi-lateral, Burma's MPs-elect²⁰ could be officially invited to Australia on a regular basis to build relationships with Australian parliamentarians, beyond the Australian Parliamentarians for Democracy in Burma, and gain increased experience in the processes of democratic governance.

To this end, the Australian Government could reinforce the actions of the Speaker of the Parliament in Indonesia, who officially invited a delegation from Members of Parliament Union (MPU) and the National Coalition Government of the Union of Burma (NCGUB) to visit its House of Representatives on 15 August 2008 to celebrate Indonesia's 63rd anniversary of national independence.

This initiative illustrates the existence of an active human rights caucus in the Indonesian Parliament and demonstrates the situation in Indonesia as a unique and crucial model for the role of the Australian Parliament.

Regionally, the Australian Government could support Burma's exiled MPs-elect by publicly supporting their inclusion in appropriate discussion forums and funding regular travel throughout the ASEAN region to facilitate building bi-lateral relationships. In particular, the ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC), consisting of parliamentarians from seven ASEAN countries and working with Burma's MPs-elect, may provide an appropriate vehicle for the Australian Government to promote Burma's pro-democratic representation.

Establishing representation for ethnic nationalities forces is a recent phenomenon. Over the past 5-7 years, important processes occurring from the Thailand-Burma borderlands have led to significant ethno-political alliance building. The complex and historically significant process of building a single representation for Burma's diverse ethnic nationalities is an on-going project. The



continued development of ethnic nationalities political representation requires urgent financial and technical support and recognition.

Burmese bureaucratic structures will undergo profound transformation at transition, which is also a time of great risk for further human rights violations. At present there is no institution undertaking necessary intellectual preparation for state transformation under various kinds of transition process. This is an opportunity for Australia to foster such processes and for them to be informed by a human rights framework.

Recommendations

1. Officially invite a delegation from Burma's Members of Parliament Union (MPU) and National Coalition Government of the Union of Burma (NCGUB) to Australia. This delegation may be accompanied by an ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC) delegation to broaden and strengthen relations between Australian and ASEAN parliamentarians.
2. Establish a program for the regular visitation of Burma's exiled MPs-elect to build relationships with Australia's parliamentarians and provide continued development in the knowledge of democratic governance. Funds could be provided through an Australian Democracy Fund for Burma to support the current democratic networks and also support future transition.
3. Support the recognition and inclusion of Burma's exiled MPs-elect in regional political forums through supporting the work of the AIPMC.
4. Establish a mechanism to support Burmese individuals to prepare for political transition in Burma.

C. Human Rights Mechanisms and Displacement

i. Internally Displaced

People internally displaced in Burma are amongst the most vulnerable and unreachable by humanitarian assistance. Affective assistance to these vulnerable populations is not possible while the conflict, and militarisation that displaces them, is still ongoing. Cross-border assistance programs launched from Burma's border regions and developed by local people are currently the most effective assistance programs available. These programs provide both (limited) medical assistance and basic health education appropriate for their conditions.

Data collected by Back Pack Health Work Teams²¹ is brought back to border areas for analysis. It is used to continually improve the program's operation and for the production of human rights reports such as the influential *Chronic Emergency: Health and Human Rights in Eastern Burma* report²² considered by the United Nations Security Council.

In 2007, the United Kingdom recognised that cross-border programs were the best way to reach many of Burma's most vulnerable IDPs. It also recommended that the UK significantly boost its humanitarian aid budget to Burma specifically including funding for cross-border assistance to IDPs while maintaining staff both in Rangoon and Bangkok.²³ The BCA strongly urges the Australian Government to undertake its own fact finding mission into IDP assistance that incorporates all angles including cross-border assistance as we strongly believe it will come to similar conclusions.

ii. Refugees

Refugee camps for refugees fleeing fighting in Burma were first established on the Thailand-Burma border in 1984. Refugee politics on the border is complicated at the on-the-ground level as the Royal Thai Government tries to manage the existence of permanent camps with continual and intensified periods of new arrivals. This has led to instances of refugees being prevented from crossing the border and of refugees being deported from camps back across the border. The Royal Thai Government is not a signatory to the 1951 Refugees Convention. The politics of managing refugee situations are extremely sensitive and complex. Given this reality, the Australian Government can closely monitor the situation of refugees newly arriving from Burma and approach the RTG when such incidents such as the aforementioned occur.

Human Rights education is a primary focus of the growing community based organisations that work in the refugee camps. AusAid funding to UNHCR has contributed to some successful human rights focused programs implemented in collaboration with Community Based Organisations (CBOs). Many CBOs also operate successful though under-funded human rights programs independent of the UNHCR or other international agencies. These programs are essential for fostering the strength of local organisations to operate independently, address human rights issues of refugees and prepare people for the time of return to Burma. These kinds of human rights mechanisms are still in their infancy and require further support.

Australia has accepted Burmese refugees and immigrants leaving the repressive regime since 1962.²⁴ In 2005, the Australian Government increased its intake of refugees from Burma, particularly Karen refugees from camps, to 1500 per year. While this is a positive step, the impact of sudden and large-scale resettlement on remaining refugee populations can result in significant difficulties for the community and has particular human rights implications. A 2007 evaluation, *Planning for the Future: the Impact of Resettlement on the Remaining Camp Population*, recommended to all stakeholders that action be taken to mitigate the added vulnerabilities created by this rapid change.²⁵ These actions include negotiating with the RTG to open the camps and permit refugees the rights to work and access to schools and health care services. We urge the Australian Government to implement the relevant recommendations of this report.

iii. Migrants

Effectively stateless, migrants from Burma in Thailand, Bangladesh, India, Malaysia and China are vulnerable to harsh and often violent forms of exploitation and human rights abuse. There are currently 2-2.5 million migrant workers in Thailand from Burma, approximately one fifth of which are registered with the Thai government under its controversial migrant registration program. As a result of their legal status, migrant workers from Burma are subject to a myriad of forms of human rights violations on a daily basis. Promoting the human rights of migrant workers of Burma is extremely difficult, however, community-based migrant worker groups on the Thailand-Burma border²⁶ have emerged in the past ten years to work effectively for the promotion of migrant worker rights. AusAid in the past did contribute to funding radio programs that promoted health care education to Shan communities both in Thailand and throughout Burma. These programs, broadcast in local and ethnic languages, are extremely popular and effective in educating in malaria, HIV/AIDS, TB trafficking issues and social change and reach audiences in their millions inside Burma and in border areas.

The realisation of human rights for migrants must be fostered not only through developing human rights sensitive national law frameworks but through migrant community education. One of the most effective mechanisms for promoting human rights amongst migrant women has been the Women's Exchange network facilitated by a community-based migrant worker group and funded by Australia's International Women's Development Agency. With the emergence of significant community-based organisations working on human rights of migrants, the Australian Government has multiple opportunities to promote the human rights of migrants.

Recommendations

1. Undertake a fact-finding mission into the best ways to provide humanitarian assistance to Burma's IDPs. Fund cross-border programs delivering health services and education to people in internally displaced areas in Burma for the realisation of health rights.
2. Monitor the situation of newly arriving refugees from Burma to Thailand and lobby the RTG with the UNHCR to prevent *refoulement*.



3. Increase funding to the Thailand-Burma Border Consortium to ensure that refugees' basic needs are met. Monitor this budget in light of rapidly increasing commodity prices, particularly rice prices.
4. Increase funding to community based organisations in refugee camps that implement human rights-focused programs.
5. Implement relevant recommendations made in the *Planning for the Future: the Impact of Resettlement on the Remaining Camp Population* report concerning the human rights vulnerabilities created by rapid large-scale resettlement from refugee camps.
6. Fund human rights projects developed by Thai-based community based organisations that specifically promote the human rights of migrants and whose work also extends into ethnic populations in Burma.

D. International Human Rights Mechanisms inside Burma

i. Humanitarian Aid in Burma and Australia Post Cyclone Nargis

The Australian Government was fast to respond to the humanitarian crisis created by Cyclone Nargis in May this year with the offer of \$55 million in financial assistance and technical assistance. As with other Governments who offered assistance, enormous frustration was felt in the way the regime attempted to accept financial donations while denying entry to humanitarian aid workers. The BCA welcomes the Australian Government's response and sees many opportunities for supporting affected communities in Burma and civil society development in the longer term. In particular, we urge Australian agencies to fulfil their responsibilities for monitoring human rights situations at the same time.

The July 2008 *Post-Nargis Joint Assessment* report (PONJA), conducted jointly by the international donor community led by the UN and ASEAN, and in collaboration with the SPDC estimated humanitarian needs, damage and change to economic flow as well as actions taken to date.²⁷ While this guiding document for post-Nargis recovery is essential, it is not without substantial flaws. Other humanitarian emergency response agents, such as the border-based Emergency Assistance Team (EAT),²⁸ which quickly developed 44 teams still operating in Delta area, and human rights groups monitoring the situation inside released the *Post-Nargis Analysis: The Other Side of the Story* report providing an alternative analysis.²⁹ The report highlights the human rights violations and vulnerabilities not mentioned in the PONJA report which is co-sponsored by the SPDC. The BCA urges the Australian Government to take seriously the recommendations of the Post-Nargis Analysis report which include establishing an independent system of monitoring human rights and aid distribution, maintaining transparency, making information available in Burmese and supporting alternative networks of aid distribution.

ii. Australian Human Rights Training of Government Officials in Burma

Australia's 2000-2003 Human Rights Training Program, contracted to the Castan Human Rights Centre, was misguided and naïve. It was suspended indefinitely in May 2003 after the Deypayin Massacre in which Aung San Suu Kyi's motorcade was attacked while touring in northern Burma by pro-government supporter, injuring and killing an estimated 100 Suu Kyi supporters.³⁰ This program reached a small SPDC selected group of mid-to-low ranking government employees over a series of workshops.³¹ Two factors point to its failure. First, during the period of the training, human rights violations did not decrease and were instead seen to culminate in the Deypayin Incident. Second, the regime publicised this program as evidence of its improved human rights conditions and thus relieved some international pressure at the time. Genuine opportunities for intervention may be identified and/or created if there was a stronger expertise base *with historical perspective* within Australian Government agencies and if these agencies worked collaboratively with the broadest range of Burma stakeholders possible.

Recommendations

1. Australian Government and non-government agencies working in Burma to assist with post Cyclone Nargis recovery and rebuilding should take into account the recommendations made in the *Post-Nargis Analysis: The Other Side of the Story* report regarding establishing an independent system of monitoring human rights and aid distribution, maintain transparency, make information available in Burmese and supporting alternative networks of aid distribution.
2. Relevant Australian Government decision makers must work in partnership with the broadest range of Burma stakeholders when identifying and creating intervention initiatives to address human rights promotion inside Burma.

E. ASEAN-Related Mechanisms

Burma's inclusion as a full ASEAN member in 1997 was argued on the grounds that closer engagement would facilitate improved human rights conditions. Frustrated by the lack of progress in human rights and progress towards political change, ASEAN's chair by-passed Burma in 2006 and was taken up by the Philippines.³² Though realising the failure of the 'constructive engagement' policy of the mid 1990s, ASEAN maintains its strong position of 'non-interference' in the internal affairs of its members. ASEAN members recognise that Burma is increasingly a problem and a burden to their efforts to be an effective regional actor in world politics but remain divided over the best approach to changing the regime's behaviour. Moreover, they recognise the destabilising potential Burma poses to regional security via transnational security threats. ASEAN remains faced with the on-going challenge to develop a clear and coherent strategy to deal with the 'problem of Burma'.

i. Australian Engagement with ASEAN

The Australian Government is well aware of the dilemmas Burma's membership poses to ASEAN. There is also concern that an inability to effectively promote political reform and human rights improvements also has the potential to undermine ASEAN's reputation as an effective political actor internationally. Thus, it is in the Australian Government's interests to work with ASEAN towards finding an effective means to promote change. ASEAN's uneasy relationship with the SPDC thus places the Australian Government also in a delicate position in relation to Burma. The BCA urges the Australian Government to strengthen its support for ASEAN members who advocate the need to transform ASEAN's core principle of non-interference.

Further, BCA urges the Australian Government to assist the democratic governments of ASEAN members to promote democracy and human rights in their respective foreign policies as this is simultaneously a process by which governments also promote these norms nationally. The promotion of a peaceful resolution for Burma is the most obvious vehicle for enacting this strategy.

The BCA urges the Australian Government to call for ASEAN to reject Burma's May 2008 constitutional referendum and proposed 2010 election and invigorate its demands for tripartite dialogue with the pro-democracy and ethnic nationalities forces. Without a process of genuine reconciliation, Burma's political instability will at best continue, but possibly in the future turn into something more regionally destabilising.

Further, we urge the Australia's first ambassador to ASEAN, Gillian Bird, to engage with AIPMC, civil society and democratic networks on Burma, and Burma's exiled MPs-elect.

ii. ASEAN Human Rights Charter

ASEAN members signed the ASEAN Charter, article 14, which provided for the establishment of an ASEAN human rights body (ASEAN HRB) in November 2007. The operational terms of reference



for the body are determined by ASEAN Foreign Ministers. The High Level Panel, responsible for drafting the terms of reference for the ASEAN HRB, is due to report to the Foreign Ministers at the ASEAN Summit in December 2008.

BCA notes that an ASEAN HRB faces particular challenges. The SPDC has repeatedly indicated that it will oppose any effort to give the HRB the power to monitor or investigate rights violations in the region.³³ It has already been decided that the ASEAN Human Rights Body (ASEAN HRB) will not have the power to impose sanctions or to seek prosecution of human rights violators.³⁴ Yet, a majority of ASEAN foreign ministers have indicated that the HRB should be empowered to monitor violations of human rights and to offer advice on the prevention of such abuses.

BCA holds strong concerns around whether the ASEAN HRB will be able to transcend the historical ASEAN principal of non-interference in the internal affairs of states and whether it will undertake any effective monitoring of human rights abuses³⁵.

iii. Jakarta Initiative

The Indonesian Government has a particular role to play in resolving Burma's problems given its neutral relationship with the SPDC, position within ASEAN and non-permanent seat on the United Nations Security Council. Indeed, Indonesia's own recent history, especially the fall of the Suharto regime in 1998 is something the SPDC are known to watch carefully.

The Jakarta initiative has the potential to utilise the Indonesian Government's experience of transition to democracy and its unique relationship with the SPDC. The initiative can draw on the particular credibility the Indonesian army or former army officers, like President Susilo Bambang Yudhoyono, would hold with the SPDC. The Indonesian Government, former Indonesian Foreign Minister Ali Alatas and other key stakeholders should be encouraged to take a leading role for ASEAN, to achieve real outcomes in terms of improved human rights outcomes and a transition to democracy in Burma. A Jakarta initiative has the potential to draw the commitment of all major stakeholders and work in a complementary way with the initiatives currently undertaken by the Good Offices of the United Nations Secretary General.

Australia should invest in supporting this initiative and could contribute significantly to this process by drawing on its experiences of initiating and leading resolutions to the Cambodian crisis of the 1980s.

BCA recommends the establishment within the Department of Foreign Affairs and Trade, of a Peace Settlement Working Group which could lead to a Task Force, like that convened in the case of Cambodia under Gareth Evans.

iv. Using Existing regional mechanisms to tackle human rights and the humanitarian crisis in Eastern Burma.

Eastern Burma has been plagued by low intensity conflict for over three decades and Thailand hosts a large refugee population (120,000+) on its Western border with Burma as a result. On the back of the dogged, and modestly successful international and ASEAN efforts to gain humanitarian access to people in the Burmese delta hit by Cyclone Nargis, it begs the question what more could be done to reduce the level of conflict in the East of Burma. The goal would be to end widespread human rights violations, and chronic underdevelopment. Australia could play a convening role with some interested ASEAN states (i.e. Indonesia, Thailand, Singapore, & Philippines) and work within existing regional dialogue mechanisms such as the ASEAN Secretariat, and UN bodies like OCHA in the region. Australia would convene these parties in Jakarta initially and later, if some movement, Rangoon, to tackle gaining humanitarian access to Eastern Burma and initiating a regional push for a ceasefire to the periodical hostilities between the Burmese Army and ethnic minorities militias. Consultation with the wary Thais who have a history of using ethnic minorities as a buffer along their border with Burma would be essential. A peace dividend however could be economic development opening East Burma as a route through to SE Asia from the sub continent, to the Greater Mekong Sub Region, so there is an economic incentive for all parties.

v. AIPMC³⁶

Inaugurated in November 2004, the ASEAN Inter-Parliamentary Myanmar Caucus, comprises of legislators from Thailand, Cambodia, Indonesia, Malaysia, the Philippines and Singapore. The caucus has evolved such that AIPMC parliamentarians have now mobilised national-level caucuses. AIPMC works closely with Burma's exiled MPs-elect and networks with parliamentary groups outside ASEAN, particularly in Japan, Canada and in Europe. While Australian Parliamentarians for Democracy in Burma have attended AIPMC forums in the past, unfortunately, Australian parliamentary links with the AIPMC remain underdeveloped. Fostering engagement with AIPMC is a strong mechanism for not only promoting human rights norms in Burma and ASEAN, but for strengthening relations between Australian and ASEAN parliamentarians. Many opportunities to engage with the AIPMC exist, however, we suggest two here. First, officially invite an AIPMC delegation to accompany Burma's exiled MPs-elect to Australia in early 2009. Second, support the AIPMC on-going efforts to seek the inclusion of Burma's Members of Parliament Union in the ASEAN Inter-Parliamentary Assembly (AIPA).

vi. Asian Human Rights Commission³⁷

The Asian Human Rights Commission has long been a strong and consistent advocate on human rights in Burma. The Australian Government could assist the advocacy of human rights for Burma within the Asia-Pacific region in two main ways. First, funding can be directed to the AHRC to boost training, research and advocacy activities. Second, Australia is fortunate to have many prominent and leading international human rights lawyers and international law experts. Greater



exchange between the AHRC and Australian law experts can facilitate greater relations at this level in the region as well as technical exchange.

Recommendations

1. Continue to call for ASEAN and its members to join with the Australian Government in calling for tripartite dialogue.
2. Support ASEAN governments who promote democracy and human rights through their respective foreign policies, using the need to find a peaceful solution to Burma as the most appropriate a vehicle. As well as being a process through which to transform ASEAN's inflexible principle of 'non-interference', it simultaneously promotes human rights and democratic practices at the national level.
3. Approach the Indonesian Government to offer support, cooperation, and if requested, assistance in the development and implementation of an ASEAN-based Jakarta initiative on Burma.
4. Officially invite a delegation of AIPMC members to accompany a delegation of Burma's exiled MPs-elect to visit the Australian Parliament in a way that reinforces the invitation to Indonesia in August 2008.
5. Support and promote Australian parliamentarians' involvement in AIPMC forums.
6. Provide greater support to the Asian Human Rights Commission both through additional funding and increased exchange between the Commission and Australian international law and human rights experts working both internationally and in Australia.

F. United Nations Mechanisms

The UN General Assembly has passed resolutions on Burma annually since 1991.³⁸ The UN Human Rights Commission/Council has passed resolutions on Burma annually since 1992.³⁹ Other UN organs have on-going special procedures for engaging with the military regime on human rights issues.⁴⁰ Successive Australian Governments have continually supported UN resolutions on Burma and other UN initiatives aimed at encouraging change. While numerous UN GA and HRC resolutions have not been instrumental in bringing change, they are fundamental to maintaining necessary pressure on the regime by impacting its international reputation negatively.

i. United Nations Security Council

Burma was first placed on the UNSC agenda in September 2006. Though a UNSC resolution on Burma was double vetoed, the Security Council continues to discuss Burma, particularly in the wake of the violent suppression of the September 2007 popular uprising and the SPDC's blocking of humanitarian aid after Cyclone Nargis.⁴¹

The BCA urges the Australian Government to push for a UNSC resolution on Burma for several reasons. First, the SPDC genuinely fears any UN resolution that carries binding force, particularly UNSC action. Placing Burma on the UNSC agenda in 2006 led the SPDC to release the student leaders, many of whom had been imprisoned since the 1988 uprising, including Min Ko Naing. Immediately these student leaders formed the '88 Generation Group and initiated new public political action. For their role in initiating the demonstrations in August escalating into the September 2007 uprising, twenty-three '88 Generation Group leaders received new prison sentences of 65 years each.⁴² Thus, the UNSC process works not only at the inter-state level, it has crucial reverberations felt by Burma political activists and the wider population.

ii. Good Offices of the United Nations Secretary General

The processes of the Good Offices of the United Nations Secretary-General are to encourage genuine political reform and national reconciliation in Burma. To date, a lack of progress has been demonstrated. Australia needs to take a stronger role in encouraging action through the Good Offices of the United Nations Secretary General.

iii. Secretary General's 'Group of Friends on Burma'

Australia accepted the invitation to become a member of the UN Secretary-General's 'Group of Friends on Myanmar'.⁴³ BCA welcomes the Australian Government's participation in this Group.

BCA recognises that this is a mechanism which must be empowered by its member states. Australia must utilise this direct access to the UN Secretary-General and take a leading role among the group to ensure steps towards democracy in Burma.



iv. Challenges to SPDC's Credentials to represent Burma at the United Nations

The UN General Assembly has passed 17 Resolutions urging respect for human rights and national reconciliation. All the efforts of these resolutions and the unified position of UN members that the SPDC needs to respect human rights and take genuine steps to democracy and national reconciliation, have been ignored by the SPDC. The SPDC has continued to fail to comply with agreements it has made with United Nations bodies.

There are current efforts to challenge the SPDC holding the seat of Burma within the United Nations and BCA encourages the Australian Government to actively support this challenge.

v. ILO

The Australian delegation of the ILO is at the forefront of advocacy on forced labour in Burma and has been successful in some individual cases in eliciting responses from the regime. The BCA believes that the pressure on the regime through the ILO can and should be increased. Negotiation of the forced labour mechanism was agreed to by the military regime in the 'eleventh hour' before the ILO was to refer the case of Burma to the International Court of Justice for investigation. ILO presence in Burma is having contradictory results. While claiming some success through the introduction of a forced labour reporting mechanism, this mechanism remains controversial. Public awareness of the reporting mechanism remains very limited. The number of submission remains minimal in relation to the scale of the problem. The ILO representative can only investigate in locations the Burmese regime permits him to travel. People in conflict situations and especially ethnic nationalities and border areas where some of the worst forced labour abuses occur are unable or afraid to submit claims to the ILO. In order to make a forced labour complaint to the ILO, a complainant must be willing to submit themselves to Burmese legal mechanisms. As such, Burmese people, especially those from ethnic nationalities or those who have sought refuge in neighbouring countries, cannot or have not made use of this mechanism.

Thus, the promotion of the forced labour reporting mechanism works to hide unchanged and widespread forced labour practices in ethnic areas. The BCA urges the Australian Government to use its position on the governing body of the ILO to refer Burma to the International Court of Justice.

Recommendations

1. The Australian Government should maintain its sustained pressure on the SPDC through continuing to support resolutions at the UNGA and UNHRC.
2. The Australian Government should lobby for a UNSC resolution on Burma.
3. The Australian Government must take a leading role through the Good Offices of the United Nations Secretary-General and amongst the UN Secretary-General's Group of Friends on Myanmar (Burma) and ensure steps towards democracy.
4. The Australian Government should actively support the current efforts to challenge the SPDC holding the seat of Burma within the United Nations.



5. The Australian Government should call for the UN Sec-Gen scheduled visits to Burma to proceed in December 2008 or in early 2009. The Australian Government should ensure that UN Sec-Gen takes a leading role in Burma, given Gambari's lack of success to date. The Australian Government should ensure groundwork is laid for which the Sec Gen can take forward visits to Burma in a political and not solely a humanitarian capacity.
6. The Australian Government should use its position as a member of the ILO and on the governing body to pressure the SPDC to comply with the convention on forced labour and end this systematic and widespread violation of human rights.

G. Australian Government Policy and Diplomacy

i. Maintaining a critical public voice on Burma

The Australian Government's public voicing of its discontent with the Burmese military regime's behaviour is a positive and necessary means of sustaining pressure. We urge the Australian Government to amplify its voice within the ASEAN region, at the UN and bi-laterally, particularly with China and India, to intensify international pressure. Issues of particular concern include:

- Release of Aung San Suu Kyi and all political prisoners.
- On-going civil war and militarisation in Burma's ethnic nationalities areas.
- Rejection of the legitimacy of the May 2008 referendum on the national constitution.
- Rejection of the legitimacy of the planned 2010 elections without full and free rights for all political parties, including the release of imprisoned politicians and the formation of new political parties.
- Sentencing of participants in the Saffron Revolution, particularly the 215 pro-democracy activists sentenced up to 65 years each in November 2008.

Continue to publicly and firmly confirm support for:

- National Reconciliation processes through Tripartite Dialogue.

ii. International Criminal Court

As Shadow Minister for Foreign Affairs, (now) Federal Attorney General Robert McClelland argued that the ongoing detention of Aung San Suu Kyi and persecution of political groups in Burma constituted a crime against humanity under Article 7 of the 2002 Rome Statute establishing the International Criminal Court. He argued that 'Australia should request the United Nations Security Council authorise the ICC to commence investigations into Burma's leaders for crimes against humanity.'⁴⁴ The ICC is a relatively new international law institution and achieving UNSC action on Burma remains a significant challenge. Nevertheless, there remains considerable political value in promoting justice and human rights for Burma using international law instruments.

Recent international events have brought to the fore the possibility of bringing Burmese military leaders before the International Criminal Court for crimes against humanity. These include murder, extermination, enslavement, deportation and forcible transfer, imprisonment, torture, rape, enforced disappearance and persecutions based on political, racial, national, ethnic, cultural, religious, gender grounds committed as part of a widespread or systematic attack on the civilian population.

One advantage of this course of action is the recent gain showing the ICC prosecutor can act on his own initiative. He would have several grounds for doing so.

In his report to the UN Human Rights Council on the brutal events of September 2007, the UN Special Rapporteur found that the Burmese army and riot police had used lethal force against



civilians including the use of live ammunition, rubber bullets, tear gas and smoke grenades, bamboo and wooden sticks, rubber batons and catapults (slingshots). Victims included monks and nuns, as well as men, women, and children. Most recently there has been a travesty of justice in the sentencing of a significant number of activists to 65 year prison sentences without fair trial and action against defence counsel, in violation of international law and the ICC Charter.

The commitment made by the Australian Government when in opposition to press for ICC action on Burma 'appears to have been placed in the too hard basket'⁴⁵. This suggests the need for open debate including in Parliament.

iii. Humanitarian Aid to Burma

As noted in the introduction, the Australian Government has indicated its reluctance to fund cross-border assistance on Burma due to pressure from the Burmese regime that forces agencies to choose between working 'inside' and 'outside' the country. The Australian Government does contribute to the Thailand-Burma Border Consortium for the provision of basic needs to refugees in camps, recognising the burden carried by the RTG as the host country. However this amount remains small compared to the need.

*Australian Aid Distributed Indonesia and East Asia*⁴⁶:
(Figures in millions of Australian dollars)

Total: Indonesia & East Asia - Estimated total Official Development Assistance (ODA): 1 038.7

Includes:

Indonesia	Estimated total ODA: 462.0
Philippines	Estimated total ODA: 109.3
East Timor	Estimated total ODA: 96.3
Vietnam	Estimated total ODA: 93.1
Cambodia	Estimated total ODA: 55.0
Burma	Estimated total ODA: 16.1

Australian Aid to Burma: Breakdown

2008-2009: The total estimated ODA for Burma this financial year is \$16.1 million.

Of this \$6.9 million is for the AusAID Burma country program.

The remaining funds are for other ODA (i.e regional programs, other government departments etc.). Unfortunately, there is no detailed breakdown for this ODA figure.⁴⁷

The total funding for TBBC via NCCA for 2007-08 was \$700,000 (including \$200,000 in response to the rising food prices early this year). Allocation for 2008-2009 is currently being considered.

BCA recommends, that in considering this submission, the parliamentary Human Right Sub-Committee request a detailed breakdown of Australian Aid to Burma from AusAID.



AusAid reports that it contributed in 2007-08 to an AustCare project on landmine education in refugee camp schools on the Thailand-Burma border.⁴⁸ In this case, and in the context of early-mid 1990s funding practices, revising the Australian Government policy of funding for Burma may not require radical change but a realigning of emphasis.

iv. Australian Government Expertise on Burma and Human Rights

At present, the level of expertise on Burma, including the employment of 'Burma experts', within the Australian Government is low. This is particularly concerning given the seriousness of human rights concerns Burma poses, and the depth to which Burma's human rights impacts on all levels of Australia's relationships in the Asian region, including ASEAN and its member countries, China and India.

Moreover, Burma's political instability is such that any kind of transition may require rapidly deployed high level international assistance for which Australia will mostly likely be called to play a leading role. More institutional knowledge of Burma is required so as to minimise, not contribute to human rights concerns during transitional times.

Further to building expertise knowledge on Burma within the Australia Government, the BCA recommends the establishment of a Peace Settlement Working Group on Burma within the Department of Foreign Affairs along the same lines of that convened in the case of Cambodia under Gareth Evans. This working group could also readily transform to operate as a Task Force at the time of transition.

v. Australia, Defense, Human Rights and Burma

BCA acknowledges the Australian Government's ban on defense exports to Burma and welcomed its adoption of selective economic sanctions and visa bans against military personnel and those benefiting from their rule in the wake of the September 2007 uprising.⁴⁹ However contradictory to this position is Australian training of senior army and police officials through some ASEAN training programs.⁵⁰ Moreover, some of these security programs are funded by AusAid. The Rudd Labour Government has an opportunity, at a politically sensitive time for Burma's military regime, to comprehensively review Australia's security engagement with Burma through its engagement with ASEAN. Australia's regional security needs can be met without enhancing the capabilities of the Burmese armed forces and contributing to prolonging the life of the military regime.

vi. Education Scholarships and Transition Mentoring

Burma's transition period will demand the involvement of highly trained, highly experienced analytical thinkers and practitioners with experience of democratic systems and governance. Burma's education system, including its university system, has been drained of capacity and quality under the military dictatorship. At present, there are a growing number of academics and



researchers focussing on Burma, however they are predominantly people *not from Burma*. A program is required to foster Burmese intellectuals, practitioners and politicians capable and ready for thinking through and implementing the issues of transition, including health, education, engineering, economics etc and to do so in ways consistent of upholding human rights.

To help address this huge gap in Burma's political and human rights scene, the Australian Government could undertake a number of innovative initiatives. First, they could reinstate and increase the number of scholarships to people from Burma (not selected by the regime) for graduate and post-graduate studies in relevant fields.⁵¹ Second, facilitate the establishment of a mentoring system for individuals of Burma identified as in positions to undertake these responsibilities.

Recommendations

1. Review and develop a clear Australian Government policy on Burma with human rights as a central pillar. Ensure that Australia's policy on engagement in the Asia-Pacific, particularly with ASEAN is consistent with this commitment to human rights in Burma.
2. Implement the Australian Labour Party's policy to pursue the case of Burma in the International Criminal Court.
3. Revise the framework for AusAid funding for Burma in light of funding the most appropriate initiatives for supporting human rights rather than allocating funding within the conditions of the Burmese military regime.
4. Refrain from engaging in any political, police or intelligence exercises with Burmese authority representatives which can strengthen the efficiency of the regime to control peaceful political resistance. Review Australian Government's defense engagement with ASEAN to be consistent with a position that supports human rights in Burma.
5. Enhance the level of Australian Government expertise on Burma in all relevant departments including:
 - a. Establish a desk in the Department of Foreign Affairs and Trade solely dedicated to Australia's relationship with Burma with a directive to focus on enhancing Australia's involvement in human rights mechanisms concerning Burma at the regional and international level.
 - b. Convene a Peace Settlement Working Group on Burma.
6. Build adequate expertise on Burma within relevant government departments and agencies, including AusAid, Defense, Immigration, the AFP and relevant intelligence agencies.
7. Provide increased funding to the Australian Parliamentarians for Democracy in Burma to enable them greater opportunity to engage with Burma's exiled MPs-elect and travel to participate in Burma focussed ASEAN-based initiatives
8. Create opportunities and programs that foster intellectuals, analysts, politicians and professionals of Burma to develop the necessary skills to think through the needs of Burma's future period of transition, and to be able to do so through a human rights



framework. Tertiary education scholarships and mentoring programmes can help address this enormous gap in Burma politics.

¹ This submission uses the term 'Burma' rather than 'Myanmar' as Burma's military regime changed the name of the country without popular consultation in 1989. The Australian Government also continues to refer to the country and 'Burma.'

² Australian Government Department of Foreign Affairs and Trade, *Burma Country Brief – October 2008*, http://www.dfat.gov.au/geo/burma/burma_brief.html.

³ Assistance Association for Political Prisoners (Burma), *Political Prisoners' Lives Endangered by Neglect*, Information Release, 26 August, 2008, www.aappb.org/release118.html.

⁴ Bob McMullan wrote in a letter to Dr Kyaw-Myint Malia dated 22 August 2008.

⁵ Bob McMullan wrote in a letter dated 22 August 2008 to Dr Kyaw-Myint Malia that 'Australia's limited engagement with Burma does not support Cross border interventions. As you point out, several donors currently provide funding for cross-border activities. However, unlike Australia, many of them (such as the United States and Canada) do not provide ongoing humanitarian assistance inside the country.'

⁶ Email from Kevin Rudd MP, Federal Labour Leader, to Myint Cho dated 7 October 2007.

⁷ Robert McClelland, Shadow Minister for Foreign Affairs, 'Press Statement: Detention of Aung San Suu Kyi, 28 May 2007,' <http://www.robertmcclelland.com/media/SuuKyi28may07.pdf>.

⁸ The Age, Insight Section, 15 November 2008

⁹ Human Rights organisations includes organisations established primarily to promote human rights and community based organisations/civil society organisations that work to promote human rights in a specific area of women, children, youth, migrants, refugees, environment and so on...

¹⁰ Participants in Burma Campaign Australia's networks have spoken of the benefit of access to libraries, seminars and discussion groups at the American and British embassies in Rangoon and queried why this is not offered by the Australian embassy.

¹¹ Assistance Association for Political Prisoners (Burma): <http://www.fbppn.net/>

¹² Their work is recognized through the nomination for and receiving of major international human rights awards. A number of activists have won prestigious human rights awards.

¹³ Burma Human Rights reports have been used at the UN level (General Assembly, Human Rights Council, Security Council, High Commission for Refugees, Commission on the Elimination on all forms of Discrimination Against Women, and various special representatives of the Secretary General). Further information can be supplied on request.

¹⁴ For example, on issues of eradicating the practice of child soldiers and violations against women.

¹⁵ Hina Jilani, Report submitted by the Special Representative of the Secretary General on the situation of human right defenders: Mission to Thailand, 60th Session of the Commission on Human Rights, E/CN.4/2004/94/Add.1, paragraph 60, 12 March 2004.

¹⁶ Hina Jilani, Report submitted by the Special Representative of the Secretary General on the situation of human right defenders: Mission to Thailand, 60th Session of the Commission on Human Rights, E/CN.4/2004/94/Add.1, paragraph 60, 12 March 2004.

¹⁷ AusAid funding to the Thailand Burma Border Consortium was recorded as delayed in 2007 due to the national elections. The TBBC budget records donations of US\$250 000 from Caritas Australia for 2008. TBBC Programme Reports, July-December 2007 and January-June 2008, <http://www.tbcc.org/resources/resources.htm#reports>. Both these figures differ from information provide by AusAid: 'Aid Activities in Burma', http://www.ausaid.gov.au/country/cbrief.cfm?DCon=7603_3421_1124_2053_2981&CountryID=8493641&Region=EastAsia#top.

¹⁸ APHEDA's Thai-Burma Border projects, <http://www.apheda.org.au/projects/thaiburma/index.html>, and IWDA' Thai-Burma Border projects, <http://www.iwda.org.au/au/category/project/thai-burma-border/>.

¹⁹ Hina Jilani, Report submitted by the Special Representative of the Secretary General on the situation of human right defenders: Mission to Thailand, 60th Session of the Commission on Human Rights, E/CN.4/2004/94/Add.1, paragraph 76, 12 March 2004.

²⁰ This submission refers to Members of Parliament elected in Burma's 1990 elections as Burma's MPs-elect or Burma's exiled MPs-elect.

²¹ Backpacker Health Worker Teams, <http://www.geocities.com/maesohtml/bphwt/index.html>.

²² Back Pack Health Work Team, *Chronic Emergency: Health and Human Rights in Eastern Burma*, 2006, <http://www.geocities.com/maesohtml/bphwt/index.html>.

²³ DFID, *DFID Assistance to Burmese Internally Displaced People and Refugees on the Thai-Burma Border*, July 2007, <http://www.parliament.the-stationery-office.co.uk/pa/cm200607/cmselect/cmintdev/645/645i.pdf>. The British



Government's response to the report, DFID Assistance to Burmese Internally Displaced People and Refugees on the Thai–Burma Border: Responses to the Committee's Tenth Report of Session 2006–07, 18 October 2007.

<http://www.dfid.gov.uk/pubs/files/burma-idp-response.pdf>.

²⁴ Significant moments in migration of people from Burma to Australia include 1962 after the military coup that brought in the current dictatorship, 1988 after the nation-wide uprising was violently suppressed, 2005 when the Australian Humanitarian program opened to resettlement of Karen from refugee camps.

²⁵ Susan Banki and Hazel Lang, Planning for the Future: the Impact of Resettlement on the Remaining Camp Population, July 2007, Committee for the Coordination of Services to Displaced Persons in Thailand,

<http://www.tbcc.org/resources/2007-07-ccsdpt-resettlement-impact-study.pdf>.

²⁶ For reasons of confidentiality names of these community-based organisations have been excluded, however can be supplied on request.

²⁷ Tripartite Core Group, *Post-Nargis Joint Assessment*, July 2008, <http://www.aseansec.org/21765.pdf>.

²⁸ The Emergency Assistance Team comprises of a coalition of cross-border health workers experienced in working in Burma's eastern conflict zones. EAT was able to establish 44 teams working in the area by early July through its entry point with Karen communities in the Delta areas and people in the border areas originating from Nargis affected areas. Because of their specific skill sets, they were able quickly reach areas blocked to the international community by the SPDC, distribute aid and collect information. EAT, <http://www.maetaoclinic.org/cyclone.html>.

²⁹ *Post-Nargis Analysis: The Other Side of the Story*, October 2008,

http://www.dhf.uu.se/pdfiler/burma_post_nargi_analysis.pdf.

³⁰ Altsean report, www.altsean.org

³¹ Casten Centre for Human Rights Law, *Human Rights Initiative in Burma: Summary of Phase 1*, April 2004,

http://www.usaid.gov.au/publications/pdf/hri_summ.pdf.

³² AFP, 'ASEAN Expects Myanmar's Decision on Leadership Issue Next Month,' Asian Southeast Asian Nations, 06/17/2005, <http://www.aseansec.org/afp/120.htm>, sourced 13 November 2008.

³³ Jim Gomez, 'Myanmar Opposes Investigative Powers', Associated Press Newswires, 22 July 2008.

³⁴ 'ASEAN Starts Powerless Human Rights Body', SBS World News, 22 July 2008.

³⁵ See, eg, 'Editorial: Give Human Rights Body Teeth', Bangkok Post, 27 July 2008, 10; 'ASEAN Starts Powerless Human Rights Body', SBS World News, 22 July 2008.

³⁶ AIPMC, <http://www.aseanmp.org/news/index.php>.

³⁷ AIPMC, <http://www.aseanmp.org/news/index.php>.

³⁸ The UN General Secretary has a special representative for Myanmar. For reports on Myanmar by the Secretary General or his special representative to the General Assembly see

http://ap.ohchr.org/documents/dpage_e.aspx?m=89.

³⁹ The UN Human Rights Commission has a special rapporteur for Myanmar. For UN Human Rights Council reports on Myanmar (2001 to present) see <http://www2.ohchr.org/english/bodies/chr/special/countryvisitsf-m.htm#myanmar>.

For UN Human Rights Commission reports (1990-2000) see <http://www.unhcr.ch/html/menu2/7/a/mmya.htm>.

⁴⁰ These organs include the International Labour Organisation, Committees for the Convention on the Elimination of all forms of Discrimination against Women and the Rights of the Child. Special representatives for Children in Armed Conflict (June 2007), Special Representative of Human Rights Defenders (2004), torture

⁴¹ United Nations Security Council 'Security Council Fails to Adopt Draft Resolution on Myanmar Owing to Negative Votes by China, Russian Federation,' 12 January 2007, <http://www.un.org/News/Press/docs/2007/sc8939.doc.htm>, and United Nations Security Council, 'Security Council Notes Myanmar's Announcement on May Referendum, Elections 2010,' 2 May 2008, <http://www.un.org/News/Press/docs/2008/sc9320.doc.htm>.

⁴² Assistance Association For Political Prisoners (Burma), 'More Prison Transfers Continue,' 18 November 2008, <http://www.aappb.org/>.

⁴³ The remaining members of the 'Group of Friends' which has met six times since its formation in December 2007 to review the situation in Myanmar since the September 2007 uprising, include: Australia, Britain, China, France, India, Indonesia, Japan, Norway, Portugal, Russia, Singapore, Thailand, the United States and Vietnam.

⁴⁴ Robert McClellan, 'Press Statement: Detention of Burmese Pro-Democracy Activists,' 29 August 2007,

⁴⁵ The Age, Insight Section, 15 November 2008

⁴⁶ AusAID's 2008-09 budget: <http://www.usaid.gov.au/budget/budget08/summary08.cfm>

⁴⁷ Email from Ha Le Platt, Burma & Thailand Desk, Mekong Section
AusAID to Jessica Krummel, dated 20 November 2007.



⁴⁸ AusAid, 'Aid Activities in Burma',

http://www.usaid.gov.au/country/cbrief.cfm?DCon=7603_3421_1124_2053_2981&CountryID=8493641&Region=EastAsia#top.

⁴⁹ Australian Government Department of Foreign Affairs and Trade, *Burma Country Brief – October 2008*, http://www.dfat.gov.au/geo/burma/burma_brief.html.

⁵⁰ Australian-ASEAN agencies and programs, Australian funded programs which include training Burmese army and police officials include: Australian-based security company, The Distillery, the Jakarta Centre for Law Enforcement Cooperation; the Australian Federal Police and the Southeast Asian Counterterrorism Technical Assistance and Training.

⁵¹ In 1993 the Australian Government granted 20 scholarships to Burmese students on the Thai-Burma border. This program has long term success with many continuing to post graduate studies and pursuing careers useful for a future Burma and remaining involved in Burma campaigns. A number of these graduates have returned to work in health, media human rights education and administration on the Thailand-Burma border. In the last few years, the Australian National University has pursued initiatives for a university student exchange program in collaboration with the Australian Embassy in Rangoon, which did not eventuate because of regime control over the Burmese selections process.

