

# **Action for UN Renewal**

## ***'Bringing Democracy to Burma -***

### ***What can the UK Government do to promote and implement the rule of law and the UN Charter?'***

**Rt Hon Lord Peter Archer QC**

**Anna Roberts (The Burma Campaign UK)**

**John Rowley (Gandhi Foundation)**

4th December 2007 at Committee Room 4a House of Lords, London

**Chair: Vijay Mehta**

**Vijay Mehta** introduced the title; to highlight the failings of UK Foreign Policy which had weakened the authority of international law. Some of the issues had been addressed by previous UNReform speakers such as Carne Ross and Professor Schwartzberg.

He intended to produce action points to take up with the UK Foreign Office.

He also wanted to call on Burma's neighbours to help, such as China.

#### ***Anna Roberts: 'Recent Events in Burma & Campaign Response'***

She had helped set up the Burma Campaign in 1991, resulting from the Burma Democracy Movement. The recent demonstration was the biggest in Burma since 1988. It demanded an end to military rule. It had grown from small protests in mid August against the Regime's raising of prices [presumably because of US sanctions]. Fuel had risen by 400% making travel impossible for the poor. Even rice was too expensive. The protest was led by students from the '88 protest. But crackdown was swift. Houses were raided. Some are still in prison. Then Monks came out in September, especially in Mandalay. But they were beaten and fired on by the military. Some Monks took Regime officials hostage in exchange for prisoner releases. There were 100,000 on the streets until the Regime banned demo's of more

than 5. 20,000 troops raided 52 Monasteries using live fire and tear gas. 200 people were killed, though the official figure was only 10. 2,000 Monks were arrested and faced torture. Hospitals were ordered not to treat protesters. Women's groups went to Suleh and to see Ann San Suu Kyi. The Army was building a new offensive in ethnic areas.

The answer was peaceful struggle and dialogue. They had asked the international community to help economically and politically by embargoing oil and gas exports. The EU had responded weakly, banning gems and timber imports. The US had given strongest support to the Democracy Movement, putting sanctions on banking since 1997. The UN has no strategy for Burma. The UNSC first discussed it in 1995 to kick-start negotiations between the Regime and Ann San Suu Kyi. But the Regime cannot be coaxed to debate. A UN Resolution needs to force Burma towards democracy.

### **John Rowley '*Should we even think about introducing democracy?*'**

A Trustee of the Gandhi Foundation, he had tried to bring democracy to Burma. Tried a tv documentary. Had come to Burma via an international conference on Tibet. He had written to the Regime but was denied diplomatic access.

*'Democracy' def: 'Citizens are the source of political power, for whom it should be exercised. Citizens normally elect representatives [to exercise their power]'*.

The principles are: 1) Accountability; 2) [missed] 3) Organisation and 4) Human Rights.

Should we promote it? Only if it can be shown to be doing good, judged by 3 yardsticks:

- 1) Moral; it dignifies self-worth; enables people to shape affairs, feel valued.
- 2) Political; people require politicians to be self-critical, have respect for law and human rights.
- 3) Prudential [?]; all political systems are subject to corruption. Democracy checks power by conditional safeguards against corruption. [and in UK?].

Everyone has a duty to promote democracy.

Oppression affects us all as responsible citizens.

Right to national autonomy. If rulers usurp human rights they may be

removed. Force may only be used in response to threats.

How to sustain democracy in a climate of chaos and forced elections. ?

The EU model of international democratic institutions gives access to large markets. It reinforces against international influence and financial pressure. Tough negotiations make the process successful.

How can the UN reform Burma? Western power is used for safety of capitalism. The UN must act now. The BBC has two broadcasts a day on Burma. It contains no government messages [?]. It could widen the number of languages it transmits in. If all finance houses stopped trading with Burma it would have an impact. Outsiders have no understanding. If China declines to cooperate there will be more vacancies in Guantanamo Bay.

Our government has learned lessons from Iraq as the Foreign Office has proposed a recovery plan for Burma [after what?]. The first meeting about it will be in Washington.

**Vijay Mehta** thanked the speaker, quoting Churchill's sagastic comment on democracy that it was bad but the best form of government we have.

He introduced the next speaker as founder and President of the Fabian Society, President of the One World Trust and the World Disarmament Campaign amongst many others.

**Lord Peter Archer:** We have heard of famine, persecution, ethnic cleansing and torture in Burma.

What do we do about it?

First, we can protest. He was not uncritical of the Labour government but felt we should encourage it for what it does right whilst criticizing its failures. DIFED had given £9 million for the Burma Relief Fund. The aid was not to go via government. It was for feeding the NGO's.

Second, we can use diplomatic representation. Even the most tyrannical governments want to be loved!

Third, we can apply economic sanctions. This must have UN consensus. The worse the regime the easier it is to condemn. Even China has come round since August. The EU has more people now but that has led to weaker action. But it has at

least frozen Burmese assets in Europe. Britain has banned investment and financial services to Burma. Tourism should also be discouraged

Fourth, the International Court of Justice [ICC] could be used. He had campaigned for it. It was doing a good job. But great care is needed in preparing cases. They must be crimes against humanity. It is possible to get convictions without the presence of the accused. It can effectively ban individuals from travelling [for fear of arrest].

What action can we take?

1) It is worth writing to your MP. But praise government for what it is doing.

2) International action. Military action is an option, not to impose outside will but to remove the Junta.

3) The UN Security Council can act but not inside a country. This is because the 30 Years' War devastated Europe and they said it must never happen again. So the Treaty of Westphalia, signed in 1648, gave sovereign Princes security in their own borders, within which they could not be molested. This remains a basis of international law. Therefore Bush has no right to invade

Burma, either over wmd or human rights. If there is a threat to regional peace we have to trust in the Security Council. Chapter VII Article 41 of the Charter allows the SC to 'use all means necessary short of armed force'. The UN should operate an arms embargo. If that does not work the SC may 'take action by land, sea or air to restore international peace and security'. Any UNSC Member can use their veto. The SC only has military powers if used for peace, not for human rights, and only when all other measures have failed.

Kosovo is an example where mass murder, torture and oppression were rampant. There was no UN agreement on what to do. NATO therefore intervened. International lawyers complained about the illegality of the attack. The UN Secretary General Kofi Anan said in his statement in 1999: *"It was clear that enforcement without Security Council authorization threatens the very security sought"*.

Kofi Annan said in 2000: *"Not even security shields crimes against humanity"*. Armed intervention to stop mass murder is not an option.

The Canadian Commission on Sovereignty declared: 'The Primary duty to protect human rights falls on government, then on the Security Council if that fails'. What if the SC fails?

Who decides? Let's hope not President Bush!

If we use the rule-based approach it leads to endless debates in the Security

Council and horse-trading over support. We need quicker procedures. There are thus two things we need to do:

- 1) Argue for abolition of the veto.
- 2) Establish clear rules when intervention with SC initiative is appropriate.

If you mention Burma, Ministers' eyes light up. If you mention UN reform they glaze over.

Al Gore last Saturday said: "You can try for years, then suddenly a change in perception occurs." A good example is that France and Germany no longer invade each other. The UN has success in intervention.

The 19th Century Zeitgeist or 'spirit of the times' makes it possible to get through, if someone presses the right button. Could we agree to press it?

**Vijay;** We should freeze assets as the EU has done. We should also use the IC[C]. He proposed James should write up the speeches for circulation for comments and then send a consensus to the Foreign Office, or make up a statement for speakers to forward to the FCO.

He announced that on 23rd February 2008 the AUNR AGM would address International Peace & Security, Climate Change, UN Reform and Human Rights.

### **Questions & Answers**

Q. Frank: Could I ask the eminent QC if he meant the ICC when he referred to the ICJ?

A. Lord Peter: Yes.

Q. Kate: What is the US interest in economic sanctions on Burma?

A. Anna R: There are gas and other assets there. This began under Clinton and Albright.

Lord Peter: Remember that there is no single voice in the US.

John R: Good question. Laura Bush was instrumental in sanctions.

Anna R: Yes, during the uprising.

Q. Dalton: Is legal action on Generals possible? Geneva Conventions condemn

mistreatment in prison. Could we take these cases to the ICC?

A. Lord Peter: Do you mean take the Junta to Court? The ICC Statute was an achievement [in getting so many countries to ratify such over-arching law] that its jurisdiction is limited. This is not for the ICC.

Anna R: Rape and abuse of women and forced labour would justify criminal charges.

Q. Gordon: Right to protect has detailed meaning. How do we judge who to act on?

A. Lord Peter: We tend to pick on the states we don't like. The US picked on Left wing states.

We need to open the General Assembly for citizens' votes [on tendentious issues].

John R: I am a Tibet supporter though I was a Maoist [so am objective]

Q. Elsa: Are there practical obstacles such as that Amnesty is not allowed in Burma to investigate prisoners?

A. Ann R: Yes.

Q. James: First, can we *impose* democracy? Is that not a contradiction in terms and hypocritical? We don't even have democracy here. Did government listen to 2m anti-war demonstrators?

The government marched into Iraq for 'human rights' and 'democracy'. Neither were achieved. We need to understand the history of 'oppression'. We were told the Kurds were oppressed by Saddam. But Saddam gave them autonomy in 1972. Then they wanted more, so they blew up the Kirkuk oil wells. Saddam had to clamp down on them. All this goes back to artificial boundaries drawn by us. So we are partly to blame. Let's not repeat the mistake in Burma.

Secondly, do we need to remove the UN SC veto? It is there for a purpose. But it is abused more by the US than any other country. Article 27 already provides for suspending the veto from 'parties to a dispute', which the US usually is. It just needs other Members to operate it.

Thirdly, is it not hypocritical for us to criticize other regimes for corruption and human rights? Cash corruption is rife in the UK, as we now know. And atrocities in Abu Ghraib, Guantanamo Bay and British detention camps are a disgrace. From the Iraq experience would it not be likely that we are complicit in another US plot to use 'human rights' and 'dictatorship' as by-words to justify invasion, domination and probably theft of resources.

A. Lord Peter: The UK was not responsible for Guantanamo Bay or Abu Ghraib. In fact the government tried very hard to extricate its citizens.

On the 2nd point, the US is not the only country to use the veto.

Q. Frank: First, China has a human rights record. Are we going to apply sanctions to it?

Second, the ICC does not have universal jurisdiction. The US does not accept ICC authority. We have a long way to go to get international justice.

A. Agreement

Q. Phil: When the US supports something I wonder why.

A. John R: I have a Burmese refugee friend. He suggested cutting off their money supply. But the

US would not support it. So there may not be a conspiracy.

Q. Kate: Why not get Total to disinvest?

A. [They have been asked to]

Q. Rosemary: John you suggested military intervention. But is this not against the principles of the Gandhi Foundation?

Q. Kate: You said we have learnt from Iraq and there was a plan for recovery. Can you tell us who learnt and what plan?

Q. Vijay: Can we call on neighbours, China, India, Japan? If India took an interest the crisis could be solved in 5 minutes.

A. Ann R: Imposing democracy is not happening. People are calling for assistance. Democracy is not an end in itself.

First, sanctions are key but not an end in themselves. The regime is vulnerable to pressure such as an economic prompt: Insurance companies could be stopped from going into Burma, plus political and UN pressure. Total plays an important role. We tried to get it to pull out.

The UK leads in strengthening policy. Do you use the development stick or increase sanctions? The poor have no health service or education systems. We should talk to business cronies, not the regime.

A. Lord Peter: re. James: I agree it is not for us to impose our system on others.

But am horrified that you talk about relativism. Torture is an offence internationally.

[Except that the US and Israel have re-defined it to skirt the law].

I agree we cannot criticize others. But we are better than Burma. At least our constituents can get through to an MP.

I agree that the UK is just as guilty. But Guantanamo Bay is a US facility. We should have withdrawn from US action and watched with compassion. Use intervention where effective.

re. Frank: The ICC yes. Only those who have signed up are obliged to arrest. But nationals can still be brought to the court.

[Except that the US has done deals with most countries not to try its citizens!]

re. Kate: Total's assets are controlled by the Burmese government. So withdrawal would not win.

Canada's report: The US did not think clearly about the aftermath in Iraq.

A: Vijay: ASEAN neighbours would be more effective than US in bringing stability and prosperity.

Agree we cannot impose democracy but can persist in demo's, whilst based on absolute values.

A. John R: UK has good reputation round the globe and established its moral authority. [?since Iraq?] But it could do better.

re. Rosemary: The Ghandi Foundation has not established criteria about when to move in. Each situation is unique.

Vijay: Thanked the speakers and invited James to send his report to him to circulate for comment before sending to UK government to help it bring democracy to Burma.

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## **Report:**

Human rights observer Anna Roberts of Burma Campaign UK told how Burmese people are suffering from poverty, starvation and oppression. There were 200 deaths during the recent demonstrations and mass imprisonment without trial, including of 2,000 Monks facing possible torture. The US had imposed sanctions since 1997 and supported the Democracy Movement. The UN had no strategy to deal with the problem. The EU had responded by banning gems and timber imports. It needed a UN Resolution to force Burma towards democracy. Lord Archer said the UK had given £9M to the NGO's administering the Burma Relief Fund. He proposed a number of other solutions, such as legal action against the Junta in the ICC. He also felt the UN should be allowed to act militarily within a country. John Rowley of the Gandhi Foundation also surprisingly voiced this option and said the Foreign Office has proposed a recovery plan for the aftermath, but of what?

Ministers should be appraised of the tragedy, its root causes and the alternative solutions. These ranged from military intervention, to heavier sanctions, to diplomatic pressure from major neighbours such as India and China.

Another alternative, outlined in Questions by James Thring, was to make MP's aware of the geopolitical agenda of the powers at work in the region to see if the poverty, children begging for food and Monks being beaten are not owing to the embargo on trade and aid by the USA and the avaricious intentions of US oil and diamond corporations under the guise of a 'democratic crusade'. The UK government should hold the moral high ground by distancing itself from US-backed multi-national corporations and call on the UN to take legal action against them, initially through the ICJ, rather than add to the suffering by imposing more embargos and cutting off diplomatic relations, risking another war in parallel to Iraq and Afghanistan. (This is expanded below).

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## **Proposal by Dr James Thring Ministry of Peace & Legal Action Against War:**

**Action for UN Renewal** is about reforming the UN to make war less likely rather than more. Essentially this means pitching against the militaristic and avaricious USA.

The tragic suffering and events in Burma were caused by poverty, as a result of US imposition of sanctions. These appear to be related to commercial interests in Burma's oil, gems and timber and the political agenda for a foothold next to China. (see '*Rebuilding America's Defences*' by the Project for a New American Century). The human rights abuses were caused by the Junta in their efforts to quell riots, which were triggered by the rise in prices of basic commodities as a result of US imposed sanctions. As in Iraq, the US is again, throttling the economy to hurt the regime but hurting the people in stead. The stories about human rights and dictatorship were now known to have been fabricated as part of the propaganda to remove

the guardians of the state's resources, send in the troops and grab the riches. We must not let this happen again.

The case, therefore, is against intervention, for ending the sanctions. At the same time we should acknowledge the suffering and try to help. But be mindful of the US intrigue. We should oblige the US to give compensation for the poorest hit by the sanctions. The national military often take over when weak civilian governments cannot control big corporations and foreign forces seeking to exploit a country's resources and export both the goods and the profits. We have seen variations on this theme many times before; most notoriously in Chile, in Nicaragua, Guatemala, the Congo, Namibia, Indonesia and the Middle East (see John Pilger's '*Hidden Agendas*'): Multinationals exploit the resources. The civilian government tries to control them. It fails. The military takes over. The regime is unpopular. The US pretends to side with dissidents against the regime as an excuse to unseat the dictator, invade and take firmer control of assets and politics.

The complexities of these tragedies, let alone the hidden agendas, caution against ill-informed, drastic, dictatorial intervention which usually does more harm than good.

The most recent spectacular example is Iraq, where the oil corporations lost their grip when Saddam Hussein nationalised the resources. He was tricked into a futile war with Iran, then into invading Kuwait. Iraq's infrastructure was wrecked by the US-led war. Conditions were worsened by a 13-year hermetic blockade which caused immense suffering and over a million deaths. Saddam was blamed. Then more lies about wmd and human rights abuses were used as an excuse for another devastating blitzkrieg. The conqueror moved in, drafted new laws and helped itself to de-nationalise the oil. It also secured a foothold in the Middle East to attack their next victim, Iran. The UN Secretary-General Kofi Annan condemned the invasion as illegal. The UN Resolution sanctifying the Occupation was a fig-leaf of dubious legality.

Even if the imposition of democracy in Burma was benign, it is a blatant hypocrisy. And the idea of taking the Junta to the ICC when the US and UK governments are implicated in far more heinous Crimes Against Humanity and War Crimes in Afghanistan, Iraq and elsewhere, is preposterous. I believe the non-

aligned international community see it as another bid to gain a foothold in SE Asia, usurp power and pay for the military intervention out of the country's own resources.

The United Nations thankfully resists going along with it. The need for reform of the UN is to wrest the abuse of power from the super-power so that it cannot be ruthlessly exploited for its own ends. We are trying to reform the UN to help stop such avaricious interference in sovereign states and the human rights disasters this has led to, not to make matters worse.

We need to ask the UK government to de-couple from this global dictatorship and join the rest of the world in fighting corruption, avarice and war and the human rights tragedies this leads to. This can be peacefully achieved by taking legal action through the General Assembly to the ICJ to restore the reputation of the UN. In parallel, governments and NGO's can take cases to the ICC so that individuals corrupting the US administration are arraigned and so that further such hegemony is discouraged.]

Dr James B Thring, Secretary [comments on square brackets]

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ref: GKS DMD MoP @

*The Ministry of Peace is a private initiative to unite peace campaigners in challenging the war lobby*