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A job for the Security Council

Myanmar • By Jared Genser

Since 1990, the military junta that runs Myanmar has refused to honor the results of the elections it organized in which the National League for Democracy (NLD) won more than 80 percent of the seats in Parliament. For the last 15 years, the generals in charge have systematically oppressed their own people and committed countless atrocities to maintain their grip on power.

The time has come for the United Nations Security Council to take action in Myanmar. Since 2003, the Nobel Peace Prize laureate and NLD leader Aung San Suu Kyi has been under her third round of house arrest. All attempts by the international community through the UN secretary-general's special envoy, the General Assembly and the Commission on Human Rights to encourage the generals to pursue national reconciliation have been flatly rejected. And most recently, frustrated over the lack of progress, fellow members of the Association of Southeast Asian Nations like Indonesia, Malaysia, the Philippines and Singapore succeeded in publicly and privately pressuring the government of Myanmar, which is also known as Burma, to relinquish its scheduled 2006 Asean chairmanship.

The international community has never been more unified on Myanmar. And yet, up to this point, the United Nations' efforts have failed. This statement is not designed to place blame on any individual or international organization. Indeed, the blame for a lack of progress lies solely with the generals in Rangoon. Nevertheless, whether the UN can find a way to deal with the situation is in many respects not only a question for Myanmar, but a challenge to the United Nations' ability to carry out its own charter. Charged with the critical mission of maintaining

peace and security, the Security Council possesses unparalleled authority to make binding decisions that uphold the United Nations' commitment to prevent war, defend human rights and promote international political stability. Only such a binding decision will force the military junta in Myanmar back to the bargaining table to achieve national reconciliation.

While there is no precise definition of what represents a "threat to the peace" under the UN charter, a review of Security Council resolutions adopted in response to previous internal conflicts makes clear there are compelling reasons why the council should act now. The junta is not just a threat to its own people; the worsening crisis has serious transnational effects that are destabilizing the broader region.

First, Myanmar is one of the world's primary producers of heroin and amphetamine-type stimulants. The trafficking and use of these drugs are of enormous concern to the international community and to the region particularly.

Second, as a result of Burma's status as the heroin supplier for the region, HIV strains that originated in Myanmar are now being spread to neighboring countries along the heroin routes as a result of needle-sharing. The government's unwillingness to cooperate with the international community led the Global Fund to Fight AIDS, Tuberculosis and Malaria to terminate its funding to fight HIV/AIDS in Myanmar.

Third, the government of Myanmar has committed grave, systematic, widespread and ever worsening human rights abuses against the Burmese people. Such abuses include the destruction of more than

2,700 villages since 1996, massive forced relocations, rape of ethnic minorities by government soldiers, widespread forced labor and the use of more than 70,000 child soldiers by the regime.

Fourth, as a result of these abuses, more than 700,000 refugees have poured out of Myanmar into neighboring countries in recent years, especially to Thailand, destabilizing the region.

And last, but also important, the military junta continues to thwart the will of its own people as expressed in the 1990 election.

The effects of the military junta's rule are destabilizing the broader region.

Based on its international recognized mandate, the Security Council is compelled to get involved, promote national reconciliation, ease the growing regional instability and facilitate the return of a democratically elected government for the people of Myanmar. By adopting a binding resolution requiring action by the military junta, the Security Council can force the generals back to the negotiating table, ensure UN agencies access to provide humanitarian relief, secure the release of Aung San Suu Kyi and other prisoners of conscience, and bring an end to the tragedy that has befallen all of the Burmese people. Serious leadership by the UN Security Council is the only effort that can break the logjam.

Jared Genser, an attorney with the legal services group DLA Piper Rudnick Gray Cary, is co-author of a report, to be released Tuesday, "Threat to the Peace: A Call for the UN Security Council to Act in Burma," commissioned by former Czech Republic President Vaclav Havel and Bishop Desmond Tutu.