

(Johannesburg, South Africa)

Tuesday, 13 May 2008

SA again turns its back on plight of Burmese

By Jared Genser

ACCORDING to the most recent United Nations (UN) estimates, more than 100000 people may have been killed by Cyclone Nargis in Burma, about 220000 are reported missing, and close to 2-million have been severely affected.

So what is the government of SA, currently sitting as a member of the UN Security Council, proposing to do about it? The answer: absolutely nothing. Voting against saving Burmese lives and to support Burma's brutal military dictatorship, SA opposed the Security Council even being briefed about the humanitarian disaster in Burma as a potential infringement of Burmese sovereignty.

Let's be clear. This is much more than a natural disaster in Burma. Not only did the junta fail to issue warnings about the pending cyclone, but it has taken systematic steps since the disaster that have prevented relief from reaching its own citizens. It concentrated instead on conducting a sham constitutional referendum designed to cement its hold on power.

But in the meantime, it denied permission for numerous aircraft and boats with relief supplies to land, denied visas to countless aid workers to enter the country, and even temporarily impounded relief supplies that had arrived from the World Food Programme.

Burma is on the brink of a devastating public health crisis. And immediate action is required to stave off starvation and disease. As it is, the International Federation of the Red Cross has said the amount of aid getting in is "nowhere near the scale required".

Oxfam International has added that dysentery and cholera now threaten the lives of a further 1,4-million people.

While the UN has launched an emergency \$187m relief fund, lack of money or expertise is not the problem.

On the contrary, especially in the wake of the 2004 Asian tsunami, the world knows how to respond. The problem is that the Burmese junta is unwilling to let outsiders deliver the aid for fear it might undermine its grip on power.

This situation is an important test case of the new doctrine of a state's "responsibility to protect", adopted by the UN General Assembly and Security Council in 2005 and 2006 respectively. Under this doctrine, which reaffirms the rights and duties described in the UN charter, inherent in each state's sovereignty is a corresponding duty to protect one's own citizens from the most serious of human-rights abuses, including crimes against

humanity. In other words, if a state is either unwilling or unable to protect its own citizens, the international community has an obligation to intervene.

In this instance, the Burmese junta's actions since the devastating cyclone clearly fall within the crime against humanity of so-called "other inhumane acts" causing great suffering or death. By its policy choices, the junta is exponentially magnifying the extent of the tragedy in a manner that is widespread, systematic, and directed against a civilian population.

And in this instance, therefore, the Security Council should intervene to demand immediate and unhindered access for the provision of humanitarian aid to the suffering people of Burma. If the junta refuses to respond, then the security council should authorise UN members to ensure the delivery of relief supplies to affected areas.

Unfortunately, this is not the first time that President Thabo Mbeki has stood with the Burmese junta against the Burmese people.

As one of SA's first votes upon joining the security council, it voted with China and Russia against a nonpunitive resolution urging national reconciliation in that country. In voting this way, SA has yet again ignored the wishes of the Burmese democracy movement, which won Burma's 1990 elections and which was never allowed to take office — and which has called for an urgent intervention.

Apparently, Mbeki needs a history lesson. These embattled Burmese democrats, who are merely fighting to save the lives of their own people, are the inheritors of the mantle of the prior democratic government of Burma.

Back in 1960, that government in Burma was one of a handful of countries to urge the security council to act on the situation of apartheid in SA. The defence of the then South African ambassador against his country being discussed in the security council? He said a discussion would be an infringement of SA's sovereignty. Thankfully, his argument didn't carry the day and the security council adopted its first resolution condemning apartheid.

It is shameful that Mbeki can so easily abandon those who were such strong supporters of the antiapartheid movement, let alone support a regime that is willing to let tens of thousands die in the name of its own self-preservation.

Genser is president of Freedom Now and attorney for National League for Democracy Leader Aung San Suu Kyi, who remains under house arrest in Burma.