

**Ending Impunity, Forging Accountability:
Implementation of SC Resolution 1325 in Burma (Myanmar)**

Church Center, 777 UN Plaza, New York, NY 10017

Friday 26th October 2007

Summary

The participants on the panel included:

Janet Benshoof, President, Global Justice Center

L.Dwelling, Joint General Secretary, Women's League of Burma

Lwaye Aye Nang, Presidium Board Member, Women's League of Burma

Rebecca Peters, Director, International Action Network on Small Arms

Moderators:

Andrea Friedman, Vice President and Senior Counsel, Global Justice Center

Waverly de Bruijn, International Coordinator, Global Action to Prevent War

The panel addressed the current situation in Burma and how the use of Resolution 1325 and international mechanisms such as the International Criminal Court, arms embargoes, and the establishment of an Arms Trade Treaty could influence the current situation, protect women, and prevent similar conflicts from occurring.

Aye Nang of the Women's League of Burma (WLB) opened the discussion with a description of the military stranglehold on Burma. She noted that the regime despite having no external threats has annually expanded its military presence throughout the country and, currently, 40% of Burma's total GDP is spent on the army while only 1% is allocated to the health and education sectors. This expansion of the military has been accompanied by an increase in human rights and international humanitarian law violations, most notably against women. Rape is used systematically as a tool of oppression against women and women's organizations in the area have documented thousands of cases since 2002. The failure of the State Peace and Development Council (SPDC) to bring anyone to account for these crimes, she argued, indicates their own culpability. She concluded, "If the regime is still in power the human rights situation will not improve. So let us work together to bring an end military rule in Burma."

Dwelling, also of the WLB, highlighted the hypocrisy of the SPDC representatives on the international stage. Rape was labeled as a "dastardly and abhorrent crime" in their international statements but domestically it was, and still is, freely sanctioned as an activity for its military personnel. There is a pattern, she said, of gender based violence; be it through rape, imprisonment, harassment, torture, financial hardship, sexual violence, or death. At the end of all this, it is the women themselves who go to jail and not their oppressors. "Everything", she said, "is upside down". The regime's proclamations of establishing peace and stability are openly contradicted by its systematic attacks on its own people, exemplified by the crackdown on the demonstrations by the monks in the

recent 'Saffron Revolution'. She concluded by urging the UNSCR to live up to its obligations under Resolution 1325 to protect the women of Burma.

Both Aye Nang and Dwelling gave specific accounts of the systematic violence against women, including a father who, on finding out about the rape and death of his daughter, filed a complaint and raised awareness of her plight, only to be taken away by the military and killed himself. They also recounted that a group of 14 year-old girls were imprisoned after they were gang raped by the military and then reported the case to the police. [See <http://www.globaljusticecenter.net/projects/burma/1325.html>]

Global Justice Center President Janet Benshoof began by underscoring the structural weaknesses of SCR 1325, focusing on its ineffectiveness in 'failed states' such as Burma. Although 1325 is binding law, despite the ongoing conflict and the undeniable evidence of continuing crimes against humanity, SCR 1325 has not made 'one iota of difference' in Burma. One reason is because the people who can speak up and complain to the UN, such as the WLB, are outside of Burma and therefore not officially recognized. Only the junta has access to speak to the UN and can use this status to shield itself from any accountability. The fact that the junta was able to force this panel discussion from being held inside the United Nations to the Church Center highlights the ascendancy of this criminal regime over the rights of its' victims within the UN system.

Ms. Benshoof asserted that under international law the junta perpetrators of serious crimes must be held accountable for their actions and, as a first step, the Security Council under Chapter VII powers should form a commission of independent experts to investigate criminal violations of international humanitarian law, human rights law, and genocide in Burma.

Lastly, Rebecca Peters, Director of the International Action Network on Small Arms (IANSA), spoke on the supply of arms flowing to the SPDC. She explained how arms embargoes, such as those by the United States and European Union, are being undercut by third parties who are not obligated to follow them. She then discussed the campaign led by Amnesty International for a UN arms embargo on Burma, stressing that this embargo has to be comprehensive, while at the same time pointing out that there would still be loopholes. The fundamental problem with a UN arms embargo is that violation of the embargo does not constitute a criminal offense in most countries. She concluded by making the case for the establishment of an Arms Trade Treaty, a legally binding international treaty to ensure comprehensive and effective regulation of international transfers of conventional arms, which includes stopping the flow of weapons that are being used to perpetuate human rights abuses.

Thanks to Rukhsar Sharif from Femmes Africa Solidarite and Waverly de Bruijn for their contributions.