



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**MINISTERIAL STATEMENTS**

**Burma**

**SPEECH**

**Monday, 8 February 2010**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

---

## SPEECH

**Date** Monday, 8 February 2010  
**Page** 636  
**Questioner**  
**Speaker** Bishop, Julie, MP

**Source** House  
**Proof** No  
**Responder**  
**Question No.**

**Ms JULIE BISHOP** (Curtin—Deputy Leader of the Opposition) (4.40 pm)—Mr Speaker, recent developments in Burma are following a familiar pattern. Many around the world have watched Burma closely for decades, and have waited forlornly for signs that the brutal military regime would make moves towards democracy. We have waited for a time when the gentle and beautiful Burmese people are able to live their lives in peace and freedom without the threat of violence, arbitrary imprisonment and slavery by their own government.

There are current concerns and worrying signs that the Burmese regime is pursuing a nuclear weapons strategy. However, the good news is that Burma's military dictator, Than Shwe, has announced that elections will be held this year. If held, these will be the first elections in 20 years and the first held under Burma's new constitution adopted in 2008—and this is the bad news. I remind the House that in 2008, when Cyclone Nargis hit Burma, the military rulers' priority was to round people up to vote in a sham referendum to ratify the new constitution rather than focus on assisting those devastated by the cyclone. The referendum result was predictable for it was illegal to vote no.

Given the changes to the constitution and the military reaction to the last election in 1990, no-one should take any comfort from the charade that Burma is moving towards genuine democracy. An international law centre focusing on human rights has raised serious questions about Burma's new constitution, which the centre believes has been designed to permanently entrench military rule. It is deeply disturbing to learn that the new constitution includes specific provisions that make the freedom and democracy leader, Aung San Suu Kyi, ineligible to be elected as president or vice president, or to hold many key ministerial posts. The new constitution also ensures the head of the military will remain as the most powerful position in the nation, despite it being an unelected position. One-third of the members of parliament will be serving military officers who are under the direct command of the head of the military. And, in what appears to be a blatant breach of the Geneva conventions, the new constitution also removes all military matters from any civilian court or parliament, thus ensuring the military remains a law unto itself. Further, it appears that general amnesties are enshrined in the new Burmese constitution for all crimes by the junta and the military, including the use of rape as a weapon against ethnic minorities.

I remain deeply pessimistic about Burma while ever the brutal military regime remains in place, a pessimism shared by many around the world. However, against that background, I note that the United States has recently modified its policy toward Burma. The Obama administration has indicated a greater willingness for direct engagement with the military rulers in a move that has the potential to lessen Burma's international isolation. In a statement on 23 September 2009 to the United Nations Group of Friends on Myanmar, the United States Secretary of State, Hillary Clinton, said that whilst United States policy objectives towards Burma remain the same, the United States will move towards a strategy of 'concurrent engagement' and sanctions.

The coalition in Australia will watch developments in United States policy towards Burma closely. We note that Assistant Secretary of State, Kurt Campbell, warned on 20 January this year that the United States will not be 'unendingly patient' as it engages in direct talks with Burma and that the United States would expect to see 'clear steps' towards democracy.

I have called on the Rudd government repeatedly to work with the international community to condemn the Burmese military junta and especially its treatment of Aung San Suu Kyi, who has been under house arrest for a significant part of the past 20 years. It has been reported that Aung San Suu Kyi has tentatively backed the United States policy change, although she has called for engagement with both the military regime in power and the opposition, particularly the National League for Democracy. The coalition continues to extend its strong support for Aung San Suu Kyi in her efforts at leading her people to freedom and democracy. While the United States has indicated a degree of re-engagement with Burma, it has retained sanctions and continues to pressure the regime for the release of Aung San Suu Kyi and free elections this year, and that is a position that the coalition supports.

Since 24 October 2007, Australia has implemented targeted autonomous sanctions against the Burmese regime and associates. The Australian government must continue to take all reasonable steps to ensure that pressure

remains on the regime, and this will be even more essential as the election in Burma approaches. Our aid program in Burma must remain targeted at the most vulnerable people and respond to their humanitarian needs. It must not be allowed to enrich the elite, bolster the regime or undermine the ability of ordinary Burmese people to sell their produce by flooding the market with food aid.

One issue of concern that I must raise today is the government's silence since the 2007 election in Australia on Labor's commitment that it would take the leaders of the Burmese military junta to the International Criminal Court. The Burma Campaign Australia has detailed in its submission to the inquiry into human rights mechanisms in the Asia-Pacific that Labor in opposition made this commitment, including in emails to the campaign by the now Prime Minister. The then shadow minister for foreign affairs, Robert McClelland, issued a media release on 28 May 2007 which said:

Australia should request the UN Security Council to authorise the ICC—

the International Criminal Court—

to commence investigations into Burma's leaders for crimes against humanity.

We are told that this promise to take the Burmese leaders to the International Criminal Court was repeated by the then Leader of the Opposition, now the Prime Minister, in October 2007.

But I must point out that Labor has now attempted to walk away from this position. During a press conference on 5 May 2008, the following exchange took place between a journalist and the Minister for Foreign Affairs:

QUESTION: It's also the Burmese election next weekend. During the election campaign, the Labor Party promised to take their junta leaders to the International Criminal Court. Has there been any progress on that?

STEPHEN SMITH: Well, I'm not sure that's right, I'm not sure that's right.

QUESTION: Well, it's something that McClelland said during the campaign and...

STEPHEN SMITH: I don't think Robert Mc...

QUESTION: ...Rudd's also put it in writing.

STEPHEN SMITH: I don't think Robert McClelland said that in respect of Burma. We've made it absolutely crystal clear that we believe Burma should move to a democratic state where human rights are respected. It's quite clear that the current referendum process, which the Burmese have in train, is nothing more, nothing less than a complete sham. I've made that point before and I'm ... happy to make it again.

... ..

QUESTION: So you won't be taking them to the International Court then?

STEPHEN SMITH: Well, I think if you check the record you'll find that you're mistaken in your assumption there.

There is no mistake in the assumption. The McClelland press release of 28 May 2007 is clear. The Prime Minister repeated that promise in writing to the Burma Campaign Australia in October 2007. The Rudd Labor opposition promised that, if they got into government, they would ask the United Nations Security Council to take the Burmese military leaders to the International Criminal Court.

Now there is increasing concern among the freedom and democracy and human rights activists for Burma that the Prime Minister is walking away from his promise as he is seeking to appease countries in the region as part of his drive for votes to support Australia's bid for a temporary seat on the United Nations Security Council in 2013-14. If that is not the case, and in order to dispel these concerns, the Prime Minister should spell out how and when he intends to have the Burmese military leaders referred to the International Criminal Court as he promised in October 2007 and as his now Attorney-General promised in May 2007. Or, yet again, is this another example where Labor is all talk and no action?

In responding to this ministerial statement on Burma, it is important to highlight the plight of freedom and democracy campaigner and Nobel Peace Prize winner Aung San Suu Kyi, whose ongoing treatment by the regime continues to provoke outrage around the world. As I said, Aung San Suu Kyi has been under house arrest in Burma for about 14 of the past 20 years. The junta is well aware of Suu Kyi's popularity among the long-suffering

Burmese people. In the last election held in Burma, in 1990, Aung San Suu Kyi led a political party that won 82 per cent of the parliamentary seats in the national elections. The result was overturned by the military junta in a national crackdown that included the imprisonment of elected members of parliament.

Aung San Suu Kyi is a powerful symbol, not only as the daughter of the assassinated national independence hero General Aung San but also in her own right. Her sense of duty and justice and her commitment to a non-violent struggle for the cause of freedom for the people of Burma has proven to be unshakable. As I have said before in this parliament, I travelled to Burma in October 1995 and met with Aung San Suu Kyi at her home in Rangoon on the banks of Lake Inya. Hundreds of supporters were waiting outside hoping to catch a glimpse of their leader. I was met at the front gate and taken to a military checkpoint located in the garden, where my passport was checked, my details taken down and my photograph taken. I spent about an hour with Aung San Suu Kyi and observed to her that she was a prisoner in her own country and indeed in her own home, and she remains so.

The military junta in Burma stands accused of some of the most serious human rights abuses of any regime in the world. The 1988 uprising, when thousands of students and Buddhist monks were killed, with thousands of political prisoners held without trial, has been well documented. It is estimated that more than 2,000 people are held as political prisoners in Burma's horrendous jails, and the junta is regularly accused of using forced labour, land and food confiscation, arbitrary beatings, recruitment of child soldiers and torture. The International Labour Organisation considered taking the junta leaders to the International Court of Justice over accusations that it had forced up to 800,000 people into virtual slavery. Disturbingly, the junta has also been accused by international human rights organisations of using sexual abuse and rape as a means of terrorising the population—hence my concerns that the new constitution grants a general amnesty to the junta and the military. There have been regular protests against military rule since the 1962 coup, but all have been met with violent suppression involving significant loss of life, including the more recent protest in 2007 led by Buddhist monks, who were shot or jailed. So Burma stands as one of the most repressive regimes in the world, and the world is now concerned that it has a nuclear weapons strategy.

Burma is a member of the Association of Southeast Asian Nations, ASEAN, which has set up a working group to establish a human rights framework in the region. Australia must urge the ASEAN working group to address the violations of human rights in Burma as one of its highest priorities. As the minister noted, the Rudd government has increased aid to Burma. In 2008-09 there was an increase by \$5 million to \$16 million, and the government has more recently allocated nearly \$30 million in humanitarian assistance in the 2009-10 budget. It is vital for Aung San Suu Kyi and the people of Burma, as well as the international community, that any increase in aid not be seen in any way as a tacit acknowledgement by the Rudd government of the legitimacy of the Burma regime.