

THESIS

**THE ROLE OF ASEAN
TO SOLVE THE CASE OF COLLISION OF HUMAN RIGHT
IN MILITARY JUNTA REGIME OF MYANMAR**

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**THE ROLE OF ASEAN
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ABSTRACT

The Union of Myanmar is governed by a strict Military Junta regime. Military Junta usually makes reference to a form dictatorship of military. The dictatorship of Myanmar generated various problems; one of them is the collision of Human Rights. As a member of ASEAN, the dictatorship of Myanmar is a deviation to *collective will* of ASEAN and violation one of ASEAN *principles*. The writer will conduct a Normative-Juridical research. It was got by analyzing relevant materials from Library Study, used the secondary data as the mainly source. The summary of the thesis are Myanmar is trying to straightening the Human Right and Democracy in Myanmar during led by Military Junta Regime with the implementing 7-step programme for Myanmar's transition to a democratic state and ASEAN is supporting the Myanmar's way to straightening of Human Right and Democracy in Myanmar.

INTRODUCTION

A. Background

Myanmar is a state of getting keen focus of international world, either from state, international organizational, nor international NGOs (Non Government Organizations) because of too much collisions of Human Rights which conducted by the state to its people. Since military junta under General of Than Shwe ignored result of general election 1990¹ and take over authority, cases collision of Human Rights happened more and more.

Some of them is muzzling of life of civil society. Undeniable, after cancellation of general election 1990, military junta continues to depress and kill the freedom of rights of the people. Afterwards there are no movements of pro-democracy which can be free to make a move in that country.

Beside that, the power also control and to take aside to get free information. At 1996 Junta release an order that ownership of television and internet have to get governmental permit². Junta also tighten censor for local and import video production. Foreign observer even also very difficult to step into Myanmar or getting information relate to occurrence that happened in Myanmar. This situation meant by Junta for the insulation of its people from external influence which assumed harm importance of Military Junta.

Amount of military fierceness intensity and victim no longer measured because its death access information to that member country of Association of

¹ Antara News, "Tindakan Keras di Myanmar Membuat Orang Chin Lari ke India", Date of November 23, 2007

² "Lonceng Kematian dari Para Biksu", www.kompas.com, Access on September 27, 2007.

Southeast Asian Nations (ASEAN). Myanmar knocked over by riot. The wave demonstration growing larger, demonstration of monks was swallowing victims. Struggle of people of Myanmar of governance of military junta continue to take place.

Not just in this time, monks have a finger in the pie demonstration movement. The history of Myanmar note big role and share of monks in altering political map of that state. Even they become *martyr*³ of military junta regime going into effect very cruel. The trigger protest and demonstration entangling most of all society components are the impact of government to increase of oil fuel price until 500%⁴. This is the reason why monks go out from 'its den' to remind government in order not to act autoritarily.

The detention of Aung San Suu Kyi is one of the important issues to discuss about collision of Human Rights in Myanmar. Aung San Suu Kyi is a pro-democracy activist and leader of the National League for Democracy in Myanmar which has won general election in 1990. Aung San Suu Kyi arrested and in prison for 10 years without verdict reason⁵. Military Junta also arrested U Win Htein, personal assistant of Aung San Suu Kyi. Besides, Military Junta still arrested around 3000 combatant of Democracy⁶.

³ A person who is killed for maintaining his or her religious belief, knowing that this will almost certainly result in imminent death (though without intentionally seeking death). www.wikipedia.org. Access on October 5, 2007.

⁴ Kompas, "Junta Menebar Terror", Date of October 5, 2007.

⁵ Kompas, "Misi Pencari Fakta Diperlukan", Date of October 6, 2007.

⁶ Kompas, Military Junta of Myanmar confesses that they still arrest around 3000 combatant of democracy. Military still do arrest and disregarding of International exclamation. Junta also blaming monks of hard action which taken by junta in face of action. "Junta Masih Tahan 3000 orang", Date of October 18, 2007.

Military Junta also attack minority ethnic for a sweeping operation to armed gucrilla region in May 13, 2006⁷. In this case Military Junta confess with outspoken that their ground forces have done mass attack to Karen ethnic. According to military, this action is needed to depress actions of bomb attack to government. This confession is piquancy, considering during the time Military Junta relative closed in submitting their armed operation. This army operation has caused Karen ethnic done mass evacuation to avoiding army of Myanmar.

Violence actions of military junta of Myanmar putting to rout movement demonstrate citizen and monks of Myanmar show military junta stereotype which is really no respect to democracy. Governmental of military junta of Myanmar pertained one of the cruel government of military junta in the world. As state and nation which is very respect democracy, citizen actions of Myanmar in opposing its government require getting special appreciation.

The dictatorship of Myanmar generated various problems; one of them is the collision of Human Rights. As known that Human Rights are Fundamental Freedom⁸. As a member of ASEAN, the dictatorship of Myanmar is a deviation to *collective will*⁹ of ASEAN and violation one of ASEAN *principle*¹⁰. Theoretically, ASEAN has to do some actions to reduce these problems because Myanmar has violated its

⁷ Kompas, "Akar Persoalan Bermula pada Arogansi Etnis Burma", Date of October 5, 2007.

⁸ See the Preamble of Universal Declaration of Human Rights 1948

⁹ Collective will of ASEAN is the desire to do democratization in all aspect of Asia South-East society's life, ASEAN members, and institution in cooperation of ASEAN itself, "Association of Southeast Asian Nations (ASEAN)", www.wikipedia.org. Access on October 5, 2007

¹⁰ ASEAN is adhering to the principles of democracy, respect for and protection of human rights and fundamental freedoms, Preamble of The Charter of The Association of Southeast Asian Nations (ASEAN) 2007.

collective will and its principle and ASEAN also has to taking cared its area stability, respect to fundamental freedom and its principles.

But in reality, ASEAN prefer to use the non-interference principle¹¹, because ASEAN consider that these problems are home affairs of Myanmar. So, based on this principle, ASEAN can not do interference to the home affairs of its members. Though, the collision of Human Rights was happened in Myanmar and ASEAN has The Human Rights Body which has purpose to protection of Human Rights and Fundamental Freedoms¹². These two sides came into a number of questions. So how does ASEAN handling these problems and how far the interference of ASEAN to its members can not apply.

The writer is very curious and interested to discuss about the role of ASEAN in handling the problems of its members and also interested to know more about the collision of human rights in Military Junta Regime of Myanmar and would like to find out more about it in a thesis with title: **THE ROLE OF ASEAN TO SOLVE THE CASE OF COLLISION OF HUMAN RIGHTS IN MILITARY JUNTA REGIME OF MYANMAR.**

¹¹ Non-Interference Principle is one of the main principle of ASEAN which is ASEAN won't do interference to its members in home affairs cases, "*Association of Southeast Asian Nations (ASEAN)*, www.wikipedia.org, Access on October 5, 2007.

¹² See The ASEAN Charter, 2007, article 14.

CHAPTER IV

CLOSING REMARKS

A. Summary

The purpose of this Chapter is briefly to conclude the statement of the problem with a view to identifying the problems of the role of ASEAN in handling the problems of its members and also interested to know more about the collision of human rights in Military Junta Regime of Myanmar. The particular attention will be paid to identifying the problems, which are applicable to this thesis.

I. The conclusion of straightening of Human Right and Democracy in Myanmar during led by Military Junta Regime.

Myanmar is under International pressure and also from Association of Southeast Asian Nations because of their bad noted about Human Rights. Myanmar feels depression with the pressure. So that, Military Junta showing the sign of exposing its self. It was generating expectation that there will be a change to democracy for the future in Myanmar.

Myanmar try to straightening the Human Right and Democracy in Myanmar during led by Military Junta Regime with the implementing 7-step programme for Myanmar's transition to a democratic state and it is Myanmar's hope that the international community especially for ASEAN state members to understanding and support for this most important venture for the country.

II. The conclusion of stands in attention of ASEAN to face the problems that happened at Military Junta of Myanmar.

At first, ASEAN prefer to use the non-interference principle to face the Myanmar's problems, because ASEAN consider that these problems are home affairs of Myanmar. So, based on this principle, ASEAN can not do interference to the home affairs of its members. But, after several years, ASEAN realize that they could no longer ignore the terrible conditions in Myanmar and its impacts on the region.

This realization spurred ASEAN to take the unprecedented step of crossing national and party boundaries across the region to form the ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC). AIPMC have worked to advocate for human rights and democratic reform in Myanmar.

B. Suggestion

In the last Chapter of this thesis, the writer will give suggestions that are closely related to the problem:

- I. Military Junta Regime of Myanmar should have to implement their way to straightening of Human Right and Democracy in Myanmar, swiftly. So that the victims of this problem will decrease and the Human Right and Democracy in Myanmar can be upheld.
- II. ASEAN have to remain to observe Myanmar in its transition to a democratic state. If Military Junta Regime has deployed empty promises, ASEAN have to find the other solutions to solve this case, one of them is ASEAN forces the Military Junta Regime to fulfill their promises by work

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