

CONSENT CALENDAR

June 10, 2008

To: Honorable Mayor and Members of the City Council

From: Councilmember Dona Spring

Subject: Commend The People Of Burma (Now Also Known As Myanmar) For Forty-Six Years Of Struggle Against A Brutal Dictatorship, And To Honor The 20th Anniversary Of The 1988 Popular Uprising In Burma By Declaring August 8, 2008 As Burma Day.

RECOMMENDATION: That the City Council approve the following recommendation regarding Burma (Myanmar) from the Peace and Justice Commission.

BACKGROUND:

The following is the recommendation of the Peace & Justice Commission, adopted at its regularly scheduled meeting on May 12, 2008. (M/S/C: sorgen/Bohn) (Ayes: sorgen, Bohn, Meola, Litman, Brody, Lippman, Meola, Kafin; Kennin; Cohen, Campbell) (Noes: None) (Abstain: Wornick).

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Approved by Berkeley's Peace and Justice Commission May 12, 2008 (10 yes votes, 0 opposed, 1 abstention)

RECOMMENDATIONS for the Berkeley City Council regarding BURMA

1. For the Council of the City of Berkeley to commend the people of Burma (now also known as Myanmar) for forty-six years of struggle against a brutal dictatorship, and to honor the 20th Anniversary of the 1988 popular uprising in Burma by declaring August 8, 2008 as Burma Day.
2. For the Council of the City of Berkeley to direct the City Manager to fly the Burmese flag annually on August 8 until a genuine democratic government has been established in Burma. (This flag will be furnished by the Burmese American Democracy Alliance.) By these actions, the Council of the City of Berkeley will help promote the 8/8/88 commemorations held by the Burmese American Democratic Alliance, the Buddhist Peace Fellowship, and other allies.
3. For the Council of the City of Berkeley to direct the City Clerk to send this document to

Representative Barbara Lee thanking her for urging the President not to attend the opening ceremony of the 2008 Olympic Games, and for co-sponsoring the Defend the Olympic Spirit Act which restricts funding to prevent any U.S official from attending the Olympic Opening Ceremonies in China - with clear exceptions for the security of any U.S. athlete or their associated support staff. Furthermore, the City of Berkeley urges her to do whatever she can to get aid delivered to Burma, with or without the junta's permission, using any means possible except military invasion or force.

4. For the Council of the City of Berkeley to direct the City Clerk to send this document to Senator Barbara Boxer thanking her for strongly supporting the Burmese people, including authoring the unanimously adopted Resolution encouraging the Association of Southeast Asian Nations (ASEAN) to take action to ensure a peaceful transition to democracy in Burma, and requesting that she introduce a Senate version of the House's Defend the Olympic Spirit Act which would mention Burma as well as Tibet and Darfur. Furthermore, the City of Berkeley urges her to do whatever she can to get aid delivered to Burma, with or without the junta's permission, using any means possible except military invasion or force.

5. For the Council of the City of Berkeley to direct the City Clerk to send this document to Senator Dianne Feinstein thanking her for strongly supporting the Burmese people, including introducing the bill to award the Congressional Gold Medal to Aung San Suu Kyi, urging the Chinese government to increase pressure on the Burmese military junta, and supporting trade sanctions; and requesting that she introduce a Senate version of the House's Defend the Olympic Spirit Act which would mention Burma as well as Tibet and Darfur. Furthermore, the City of Berkeley urges her to do whatever she can to get aid delivered to Burma, with or without the junta's permission, using any means possible except military invasion or force.

6. For the Council of the City of Berkeley to direct the City Clerk to send this document to President George W. Bush urging him not to attend the opening ceremony of the 2008 Olympic Games in protest of China's refusal to meet its promises to the international community to cease human rights abuses in Burma, Tibet, Darfur and inside China, and also in protest if China continues rebuffing the May 7 United Nations Security Council proposal to deliver aid. The City of Berkeley requests that aid be provided with or without permission from Burma's military, and that China and Russia be persuaded to vote for that on the United Nations Security Council.

7. For the Council of the City of Berkeley to direct the City Clerk to send this document to the President of the Beijing Olympic Organizing Committee, Liu Qi.

8. For the Council of the City of Berkeley to direct the City Clerk to send this document to the United Nations High Commissioner for Human Rights, the Honorable Louise Arbour, and to the Under-Secretary General of the United Nations for Political Affairs, the Honorable Ibrahim Gambari.

9. For the Council of the City of Berkeley to direct the City Clerk to send this document to the Olympic TOP Partners (sponsors): Coca-Cola, McDonald's, General Electric, Johnson &

Johnson, Kodak, Visa, Lenovo, Panasonic, Samsung, Manulife Financial, Atos Origin, and Omega, communicating the City of Berkeley's opposition to human rights violations by the government of the People's Republic of China and the City of Berkeley's opposition to the political cover that these companies give the Chinese government through their sponsorship of the Olympics in China.

## **BACKGROUND**

### **HISTORY OF BURMA REPRESSION**

August 8, 2008 is the 20th anniversary of the nationwide Burmese democracy uprising known by its date, 8/8/88, in which the people of Burma took to the streets to peacefully protest the increasingly repressive rule of the then 26 year-old military regime which brutally crushed the 8/8/88 pro-democracy movement, killing more than 3000 and arresting, torturing, and imprisoning thousands more. The people of Burma and their supporters around the world annually commemorate the 8/8/88 uprising on August 8th to honor and pay tribute to the thousands who were killed and to remind the world of the need to liberate the 50 million Burmese people from the dictatorship there.

In response to the 1988 uprising, the dictators did hold elections but when the National League for Democracy (NLD) won 88% of the vote, the government arrested and imprisoned the democratically elected leaders, including Daw Aung San Suu Kyi, the General Secretary of NLD to whom the United States Senate approved awarding the Congressional Gold Medal on April 24, 2008. The House approved that in December 2007.

In August and September 2007, the people of Burma, led by Buddhist monks, took to the streets in peaceful demonstrations to protest intolerable economic conditions resulting from a sudden hike of 500% in fuel prices. The military regime killed hundreds of peaceful protesters and arrested, imprisoned, and tortured many thousands more including Buddhist monks. The violent crackdown against the peaceful protests was reported by Human Rights Watch (December Report "Repression of the 2007 Popular Protest in Burma,") Amnesty International (November 2007 briefing paper "No Return to 'Normal,'"") and the United Nations (UN) Special Rapporteur Paulo Sérgio Pinheiro based on numerous first-hand accounts from victims and eye-witnesses of shootings, beatings, and killings of protesters and monks; monasteries being raided; arbitrary detentions and disappearances; torture; cruel, inhuman, and degrading treatment; and restraints on political activity and access to the media.

On October 11, 2007, the UN Security Council, in a statement read by President Leslie Kojo Christian, deplored violence used against Burmese demonstrators and stressed the importance of releasing all political prisoners and the need for the Burmese military regime to create the necessary conditions for a "genuine" dialogue with all concerned parties and ethnic groups. It welcomed the regime's public commitment to work with the United Nations and the appointment of a liaison officer with Daw Aung San Suu Kyi, but stressed the importance of follow-up action. None of the Security Council's concerns have been adequately acted upon by the military regime.

During a mission to Burma November 11-15, 2007, the UN Special Rapporteur was denied access to the Ye Way municipal crematorium in Yangon where he had received reports of a large number of bodies – including some with shaved heads, indicating monks -- being burned during the nights of September 27-29. Amnesty International also indicated reports of secret cremation of bodies during the crackdown.

On November 16, 2007, the UN Secretary General presented the "Report of the Secretary-General on Children and Armed Conflict in Myanmar" to the Security Council and its Working Group on Children and Armed Conflict as the first report on a nation prepared in accordance with the provisions of UN Resolution 1612 (2005.) The report expressed deep concerns and urged the Burmese government to take action to stop the practice of children serving as soldiers in Burma. According to reports from organizations such as Human Rights Watch, including the latest released in October, 2007 titled "Sold to Be Soldiers: The Recruitment and Use of Child Soldiers in Burma," the Burmese Army has the world's highest number of child soldiers, and practices kidnapping and other forms of forced recruiting such that more than fifty percent of new recruits are children under 18 years old.

Myanmar (Burmese) authorities failed to implement Resolution S-5/1 of October 2, 2007, passed by the Special Session of the Human Rights Council calling on the Myanmar government inter alia to: "release without delay those arrested and detained as a result of the recent repression of peaceful protests, as well as to release all political detainees in Myanmar, including Daw Aung San Suu Kyi, and to ensure that conditions of detention meet international standards and include the possibility of visiting any detainee."

The Burmese military regime, continuing to ignore the will of the people of Burma as well as that of the international community including the UN Security Council, continuing to detain Daw Aung San Suu Kyi and more than 1,200 political prisoners, forged ahead with the so-called "Road Map to Democracy" which is widely viewed as an undemocratic attempt to further entrench military rule in Burma, to erase the results of the 1990 elections, and to prevent Daw Aung San Suu Kyi and other NLD leaders from ever taking power.

Despite decades of continuous effort by the International Labor Organization (ILO) to end the world's worst forced labor in Burma --- including a Resolution adopted in 2000 under Article 33 of the ILO Constitution calling on ILO constituents and other agencies to review their relations with Myanmar and take appropriate action, a first ever against a member country in ILO history --- the Burmese military continues to exercise forced labor and child labor including harshly punishing those who complain to the ILO. On March 21, 2008, labor rights activists and members of the main opposition party in Burma urged the ILO to take effective action on complaints about forced labor which they allege is widely carried out by the military regime.

According to UN reports Burma is now the poorest country in Southeast Asia. The population spends approximately seventy five percent of household income on food. One in three children under age five does not complete primary school. The per capita Gross Domestic

Product is less than half that of Bangladesh or Cambodia.

In the November 2007 Country Report titled "Burma: Displacement and Dispossession: forced migration and land rights" by the Geneva based Center on Housing Rights and Evictions (COHRE), numerous Housing, Land and Property (HLP) rights violations by the military regime were cited thereof effectively creating millions of internally displaced within Burma and refugees in neighboring countries.

As reported in the Boston Globe on April 26, 2008, "The regime has announced plans to hold a 'referendum' on May 10 on a new constitution that conveniently disqualifies Nobel Prize laureate and democratic opposition leader Aung San Suu Kyi from running in future elections. The penalty for opposing the draft constitution is life in prison." ("New Urgency in Burma" by Michael Green) Of this, Paulo Sérgio Pinheiro, the UN Special Rapporteur on Burma, said, "How can you have a referendum when you repress those who intend to say no? The process is completely surreal."

## **THE CHINA CONNECTION**

August 8, 2008 is also the opening day of the Olympics Games in Beijing, against which have occurred unusually extensive worldwide protests during the torch relay, including in San Francisco, and calls for boycotting the opening ceremonies by many world leaders including in the European Union. The Chinese government vetoed a draft resolution before the UN Security Council on January 12, 2007 calling on the government of Burma to respect human rights and begin a democratic transition; and it supports the Burmese regime. The Chinese government has sold billions of dollars worth of arms to the Burmese regime which have been used against civilians including children, women, and nuns and monks and which have assisted the Burmese regime in terrorizing its own population, destroying more than 3000 villages, and creating one million internally displaced people and nearly two million refugees in neighboring countries.

The Chinese Government continues to block the UN Security Council from taking concrete measures towards resolving the situation in Burma through a binding resolution calling for the release of Daw Aung San Suu Kyi and all political prisoners, establishing a comprehensive arms embargo, and enforcing strong collective and comprehensive economic and financial sanctions.

While the people of Burma live in darkness due to electricity shortages, the Chinese government is building the Shwe Gas pipeline in western Burma that would channel Burma's gas at cut-rate prices to China's Yunan province to support China's burgeoning economy while providing billions of dollars to the Burmese military regime that has reduced Burma, with among the richest resources in the region, to one of the poorest countries in the world.

The Chinese government's great military, economic, and diplomatic support of Burma's military regime effectively prolongs that brutal dictatorship and the great suffering of the 50 million Burmese people. The Chinese Government blocks the strong and collective

comprehensive measures at the UN Security Council which otherwise might be the most likely means of changing the regime's refusal to release their grip on power. The People's Republic of China, as a UN Member State since October 25, 1971, is pledged to uphold the Universal Declaration of Human Rights and therein to achieve the promotion of universal respect for and observance of human rights and fundamental freedoms.

The Olympic Charter sets forth the conditions for the celebration of the Olympic Games and codifies the fundamental principles of Olympism, the goal of which is to place sports at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity. The support of the international community for China's bid to host the 2008 Olympics and the granting of that bid was based on a pledge made by President of the Beijing Olympic Organizing Committee, Liu Qi stating: "To make the national capital peaceful and orderly, people must have a means of voicing their opinions, and the mechanism for solving social problems at the grassroots level will be improved."

United States House Representatives Dana Rohrabacher (CA), Joseph Pitts (PA), Eleana Ros-Lehtinen (FL), Thaddeus McCotter (MA), John Doolittle (CA), Dan Burton (Ind.), Frank Wolf (VA), and Christopher Smith (NJ) co-sponsored House Resolution 610 (August 2007,) calling for a boycott of the 2008 Beijing Olympic Games because of on-going human rights violations in China.

In an April 8, 2008 press release posted on her website, Barbara Lee said, "China's actions in Tibet and its support for the genocidal regime in Khartoum are not consistent with the tradition of the Olympic Games. That is why I sent a letter to the President urging him not to attend the opening ceremony of the Olympics and why I am co-sponsoring the Defend the Olympic Spirit Act, which restricts funding to prevent any U.S official from attending the Olympic Opening Ceremonies in China - with clear exceptions for the security of any U.S. athlete or their associated support staff. The U.S. must send the message that we do not tolerate human rights abuses and urge China to acknowledge and denounce the atrocities in Darfur and end the violence and repression against the Tibetan people."

## **BERKELEY'S HISTORY OF SUPPORTING THE PEOPLE OF BURMA**

Berkeley Municipal Code (BMC) Section 3.68.070, establishing the Peace and Justice Commission, states that the Commission shall "(A) Advise the Berkeley City Council ... on all matters relating to the City of Berkeley's role in issues of peace and social justice, ... including ... support for human rights and self-determination throughout the world, [and] (C) Help develop proposals for the City Council ... for actions in furtherance of the goals of peace and justice"; and BMC § 3.68.070 (D) finds that: "Peace is ... the process of solving differences constructively, creatively, and non-violently...."

In November 2007, the Berkeley City Council adopted Resolution 63,873-N.S. urging the Governments of China, Japan, and the United States, and the People of Berkeley, to Take Action in Defense of the Peaceful Demonstrators of Burma/Myanmar.

In October 2005, the Berkeley City Council adopted Resolution 62,947-N.S. declaring June 19, 2005 Daw Aung San Suu Kyi Day in recognition of the 60th birthday of Ms. Suu Kyi and the efforts of the Burmese/Myanmar people to reclaim their human rights and their democracy, following other Resolutions adopted by the City Council in 1994, 1995, 1998, and 1999 against the repressive regime of Burma/Myanmar.

This recommendation supports the Human Rights Ordinance of the City of Berkeley.

## **THE RECENT CYCLONE**

The May 1 natural disaster, tropical cyclone Nargis, was compounded by the criminal negligence of the Myanmar regime, the refusal to allow relief aid and workers prompt access, and going through with the May 10 election during this tragedy while criminalizing opposition to the referendum. According to UN estimates, by May 10, no help had reached 80% of those in need, yet the junta focused on the referendum for which some survivors were expelled from shelters to turn them into a polling stations. CNN reported that the regime has seized aid shipments, put their names on the boxes, and redistributed them selectively. Therefore France has insisted that aid be delivered directly to those in need, with help from non-governmental organizations, rather than by Myanmar's soldiers. On May 7, this plan was rebuffed by China, Vietnam, South Africa, and Russia. France will keep trying to persuade other Security Council members to back the plan. Oxfam has estimated that 1.5 million Burmese people are at risk. The Burmese American Democratic Alliance urges the international community to immediately take swift and effective measures to deliver aid in any way possible and calls upon the United Nations, the United States, and the International Community:

- 1) To immediately deliver aid with or without permission from the junta;
- 2) To immediately send the United Nations Secretary General Ban Ki-moon to Burma to assess the situation in person.

France suggested invoking a "responsibility to protect" concept to deliver aid to Myanmar without government approval.

**<http://www.reuters.com/article/idUSN08518240>**

<http://www.alertnet.org/thenews/newsdesk/L1194966.htm>

France insists aid be directly delivered.

<http://www.adetocqueville.com/200805100244.m4a2isj10185.htm>

Myanmar junta hands out aid boxes with generals' names.

[http://www.mercurynews.com/breakingnews/ci\\_9217163](http://www.mercurynews.com/breakingnews/ci_9217163)

**SOME NGO'S THAT PROVIDE DIRECT AID:**

**Burmese American Democratic Alliance**

<http://www.badasf.org/>

**Doctors Without Borders**

<http://www.doctorswithoutborders.org/>

By phone: 1-888-392-0392 - 24 hours a day, 7 days a week

**American Friends Service Committee**

<http://www.afsc.org>

1-888-588-2372, ext. 1  
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United Nations High Commissioner for Human Rights, the Honorable Louise Arbour  
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Under-Secretary General of the United Nations for Political Affairs, the Honorable Ibrahim  
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## **OLYMPIC TOP PARTNERS/SPONSORS**

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McDonald's Plaza  
Oak Brook, IL 60523

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SVP Human Resources John F. Lynch  
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Panasonic  
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FINANCIAL IMPLICATIONS:

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