

JAKARTA DECLARATION ON BURMA, 7 March 2008

Adopted by participants of “The Role of ASEAN Civil Society in Supporting Human Rights and Democracy in Burma”

We, civil society participants at the conference on “The Role of ASEAN Civil Society in Supporting Human Rights and Democracy in Burma”, held in Jakarta, 6-7 March 2008, call upon the governments and peoples of ASEAN to reject the Burmese regime’s constitutional referendum unless steps are taken to guarantee genuine popular participation and a meaningful and time-bound tripartite dialogue process.

Changes to the current rules and laws governing the constitutional referendum process and proposed subsequent general elections are urgently needed. An unfair referendum process could lead to social unrest and political instability within Burma, which could intensify the economic crisis and massive population flows to neighbouring countries which are already compromising the region’s ability to protect its borders, prevent spread of infectious diseases and combat trans-national crime.

The Burmese State Peace and Development Council (SPDC) has already ignored calls from ASEAN leaders to include democracy leader Daw Aung San Suu Kyi in the proposed elections in 2010. If ASEAN goes along with such an illegitimate process, it risks undermining its own credibility.

Therefore, we call for the UN, ASEAN, international and the regional community to:

- Insist that the referendum be conducted in a credible and transparent manner that meets international standards, including allowing UN and ASEAN monitoring for the referendum and elections.
- Promote the development of conditions for free and fair referendum and national elections for a stable transition to democracy, specifically:
 1. declaration and implementation of a nationwide ceasefire.
 2. unconditional release of all political prisoners including Aung San Suu Kyi, ethnic leaders, leaders of the Saffron Revolution and those arrested under laws preventing debate of the referendum and constitution.
 3. dissolution of laws that inhibit freedom of expression, opinion, association and movement.
- Actively support the UN’s Good Offices mandate to push for the resumption of substantive dialogue between Daw Aung San Suu Kyi and senior SPDC leaders, with a view towards eventual tri-partite dialogue leading towards national reconciliation.
- Ensure that UN Security Council endorse calls for a global arms embargo and targeted financial sanctions.
- Ensure the implementation of existing UNSC Resolutions in the context of Burma, in particular Resolutions 1674 (protection of civilians in situations of armed conflict), 1612 (protection of children affected by armed conflict) and 1325 (protection of women and girls in armed conflict), and seriously pursue sanctions and targeted measures to this end.

We strongly believe that Indonesia, with the backing of ASEAN and the international community, has a key role in promoting all-inclusive dialogue on transition to a democratic Burma, one which includes all Burma civil society

stakeholders, not just the regime. This includes immediate work to develop conditions to facilitate dialogue between these groups.

In light of the SPDC's inability to respond to the humanitarian crisis gripping the nation, we urge ASEAN nations and the broader international community to fulfil their responsibility to protect the affected people of Burma. Therefore, the Conference participants call for actions in the following areas:

Human Rights Promotion:

- The Office of the High Commissioner on Human Rights should establish a permanent presence on the ground in Burma to undertake sustainable and comprehensive human rights monitoring and protection.
- The Human Rights Council should send a full-fledged fact-finding mission to Burma, composed of relevant Special Rapporteurs and support staff to follow-up on Professor Pinheiro's accompanied and short term mission last year.
- ASEAN should initiate a Commission of Enquiry into the September crackdown.

Humanitarian Access and Protection:

- SPDC must allow access and monitoring by independent aid agencies, and remove restrictions on humanitarian agencies, including the ICRC, in conflict-affected areas.
- The SPDC must immediately cease its assaults targeting civilians and the destruction of health facilities and attacks on personnel, particularly in eastern Burma.
- SPDC must honour its commitments made in regards to concerning human rights abuses in conflict-affected areas. Further, the UN Special Rapporteur on Children in Armed Conflict should step up her efforts in this context.
- SPDC should honour its commitments to CEDAW Concluding Observations, in particular to stop gender-based violence as a weapon of war.
- ASEAN governments must ensure protection of asylum-seekers and exiled activists in their territory, in accordance with international legal standards.

Human Development and Poverty Alleviation:

- IFIs (World Bank, IMF, ADB) should implement a meaningful, multi-stakeholder process that is inclusive of Burmese civil society in addressing Burma's economic crisis.
- International community must take a more pro-active approach to support Burmese civil society for long term preparations for the transition to democracy.

We hereby renew our commitment to actively support and acknowledge the undying courage and determination of the peoples of Burma in the pursuit of peace and freedom, mindful that this will also hasten peace and freedom to ASEAN as a whole.

END