



PEACE & JUSTICE COMMISSION

CONSENT CALENDAR

July 13, 2010

To: Honorable Mayor and Members of the City Council  
 From: Peace and Justice Commission  
 Submitted By: Eric Brenman, Secretary, Peace and Justice Commission  
 Subject: Opposition to Burmese Military Regime's Illegitimate 2010 Election

RECOMMENDATION

At its regular meeting, the Peace and Justice Commission adopted the following recommendation:

Adopt a Resolution to reject the Burmese military regime's 2010 illegitimate election.

M/S/C: (Nicely/Sherman)

Ayes: Bohn, D.; Kenin, W.; Lippman, G.; Maran, R.; Marley, J.; Meola, B.; Nicely, M.; Rabkin, A.; Sherman, M.; Sorgen, P.

Noes: None.

Abstain: None.

Absent: Brody, D.; Litman, J. (excused); Sorgen, P.; Wornick, J.

FISCAL IMPACTS OF RECOMMENDATION

None.

RATIONALE FOR RECOMMENDATION

The Peace and Justice Commission, consistent with its mandate to promote peace and justice, locally, nationally and internationally, recommends Council approval of the attached Resolution rejecting the current Burmese Military regime's election as illegitimate.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager takes no position on the Commission's findings or recommendations contained in this Report.

CONTACT PERSON

Wendy, Kenin, Chairperson, Peace and Justice Commission, 510-504-4937

Mary Nicely, Commissioner, Peace & Justice Commission

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RESOLUTION NO. ---N.S.

OPPOSITION TO BURMESE MILITARY REGIME'S ILLEGITIMATE 2010 ELECTION

WHEREAS, Chapter 3.68 of the Berkeley Municipal Code sets forth functions of the Peace and Justice Commission including, "(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, but not limited to support for human rights and self-determination throughout the world;" and

WHEREAS, the Berkeley City Council has a long history of supporting the democracy movement in Burma; and

WHEREAS, in response to the 1988 uprising, the military regime held elections in 1990, but when the National League for Democracy (NLD) won an overwhelming majority of votes, the regime arrested and imprisoned the democratically elected leaders, including Aung San Suu Kyi, the General Secretary of the NLD, who subsequently received the Nobel Peace Prize and the United States Congressional Gold Medal in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy; and

WHEREAS, the regime refuses to abide by the results of the 1990 elections and has held Aung San Suu Kyi under house arrest 15 of the last 20 years. In response, the United States imposed sanctions by enacting the Burma Freedom and Democracy Act of 2003; and

WHEREAS, the May 2, 2008 tropical cyclone disaster was compounded by the negligence of the regime, which refused to allow relief aid and workers prompt access to those in need. Instead, they went forward with the May 10th election, while criminalizing opposition to the junta's 2008 constitution. According to United Nations estimates, by May 10th 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 polling stations. The regime's 2008 constitution, drawn up without the participation of the NLD, ensures that the military is still in power, requires that the president must have a military background, and that 25% of the parliament seats be handpicked by a military chief ; and

WHEREAS, on May 21, 2009, Secretary of State Hillary Clinton told senators at a hearing that "If they (the generals) stay on the track they're on, their elections in 2010 will be totally illegitimate and without any meaning in the international community;" and

WHEREAS, on April 29. 2009, the NLD released the Shwegondaing Declaration, which calls for the unconditional release of all political prisoners, review of a draft constitution, recognition of the 1990 election results; and to establish a political dialog between the military, the NLD and other stake holders. However, in response, the military regime released the 2010 election law on March 9, 2010 which states that any political party

with members in jail is automatically disqualified. Given Burma's record of imprisoning dissidents, that makes political participation for a legitimate opposition impossible. (429 members of Suu Kyi's party are imprisoned.); and

WHEREAS, on March 9, 2010, United Nations Secretary General Ban Ki-moon urged the junta to empty the jails of political dissidents so that they can participate in the election. He also said that "Without participation of Daw Aung San Suu Kyi and all key political prisoners, this election will not be an inclusive one." He wrote to Gen Than Shwe "expressing my concern about this lack of progress on democratic reforms, and emphasizing the importance of ensuring this year's vote is most credible, inclusive and transparent"; and

WHEREAS on March 15, 2010, during the press conference at the United Nations headquarters in Geneva, Thomas Ojea Quintana, United Nations Special Rapporteur on Human Rights in Burma, accused the Burmese military regime of systemic and gross violations of human rights and called for an international commission of inquiry to look into serious cases of abuse, which he says entail crimes against humanity; and

WHEREAS, on March 10, 2010, at a briefing, State Department spokesperson Philip J. Crowley told reporters "given the tenor of the election laws that they've put forward, there's no hope that this election will be credible." Crowley also added that, "The political party law makes a mockery of the democratic process and ensures that the upcoming elections will be devoid of credibility;" and

WHEREAS, over 200 people attended the 10th Annual Burma Human Rights Day benefit on Saturday, March 13, 2010 at the Berkeley Fellowship of Unitarian Universalist Hall, organized by the Burmese American Democratic Alliance (BADA) and signed the BADA Burma Human Rights Day Statement denouncing the Burma's military regime for banning Aung San Suu Kyi and all political prisoners from participating in the election and calling for their immediate release; and

WHEREAS, on March 19, 2010, more than 150 pro-democracy organizations, including BADA, launched a global campaign on Burma's 2010 elections calling on the international community to denounce this election and refuse to recognize the results; and

WHEREAS, on March 29, 2010, Burma's main opposition party, the NLD, decided against registering for the general election; choosing to cease to exist as a legal entity, according to that law. U Win Tin, a founder of the NLD, stated, "For me, the decision was simple: No. We cannot expel Aung San Suu Kyi and others who are or have been imprisoned under this corrupt and unfair legal system. Without them, our party would be nothing. They are in prison because of their belief in democracy and the rule of law."

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley denounce the Burmese military regime's 2010 election as illegitimate and recognize May 27, 2010 as Burma Democracy Day in honor of the 20<sup>th</sup> Anniversary of the 1990 Elections in which Aung San Suu Kyi would have been elected the President of Burma.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley direct the City Clerk to send this document to President Obama, Secretary of State Hillary Clinton and U.S. Ambassador to the United Nations Susan Rice thanking them for their support of the Burmese people and asking that they continue urging Burma's neighbor China, the Association of Southeast Asian Nations (ASEAN), and India to stand with the United States and the United Nations in rejecting the regime's 2010 election unless the regime makes necessary changes that would ensure credible, inclusive and transparent elections.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley direct the City Clerk to send this document to United Nations General Secretary Ban Ki-moon thanking him for supporting the Burmese people and urging him to reach out to the Security Council Members and Burma's neighbor China, ASEAN, and India to stand with the United States and the United Nations in rejecting the regime's 2010 election unless the regime makes necessary changes that would ensure credible, inclusive and transparent elections.

