**An end to engagement? U.S. to push for Burma inquiry.**

By Colum Lynch

August 17, 2010

Foreign Policy

*http://turtlebay.foreignpolicy.com/posts/2010/08/17/an\_end\_to\_engagement\_us\_to\_push\_for\_burma\_inquiry*

The Obama administration has decided to press for the establishment of a U.N. commission of inquiry to probe allegations of human rights abuses by Burma's military regime, marking a retreat from earlier American efforts to engage the reclusive government.

The decision reflects mounting frustration that nearly two years of diplomatic outreach, including several visits by senior American diplomats to Burma, have failed to persuade the country's military ruler, Senior Leader Than Shwe, to release Nobel Peace Prize Laureate, Aung San Suu Kyi, from house arrest or to allow the political opposition to participate in the country's upcoming election.

Two senior U.S. said the Obama administration reached its decision following a lengthy internal review of U.S. policy towards Burma. They also insist that the move is consistent with the U.S. policy of engagement with Burma. "We don't see diplomacy as a reward: it's a tool that we hope will have results," according to one of the officials.

The official said the decision to push for a commission of inquiry reflects a judgment that there is merit in allegations of mass crimes by the Burmese military, that Suu Kyi's political party supports such a commission, and that the Burmese government failed to "come forward with steps to bring progress towards democracy." It also reflected mounting Congressional calls for tougher action against the Burmese regime.

Burma, which is also known as Myanmar, has announced a November 7 date for the country's first election in 20 years. But it has ignored appeals from the United States, U.N. Secretary General Ban Ki-moon, and others to release Suu Kyi and more than 2000 other political prisoners and to allow the country's political opposition leaders to vie for votes. Critics say that the election will consolidate military rule in Burma.

At least 40 political parties have registered to participate in the elections, although several are believed to represent the interests of the military. The National League for Democracy, which was founded by Suu Kyi, who won a landslide 1990 victory that was annulled by the military, will not take part in the elections. It was not allowed to participate in the election unless it agreed to expel Suu Kyi from the party, a step it refused to take.

The move comes several months after the U.N.'s special rapporteur for Burma Tomas Ojea Quintana of Argentina, issued a highly critical report of Burma's human rights record in March, citing evidence of the mass killing, torture, forced displacement, rape and displacement of Burma's ethnic groups over the past decades. "The U.N. institutions may consider the possibility to establish a commission of inquiry...to address the question of international crimes," according to his report.

The Obama administration initially indicated it would consider lending U.S. support for a resolution in the U.N. Human Rights Council establishing such a commission. But it has now decided to actively support the initiative, according to an official familiar with the deliberations. One source briefed on the deal said that the Obama administration had not abandoned its engagement strategy against Burma, but that it had decided to provide the regime with an incentive to reconsider its position.

There are various options for setting up a commission of inquiry. The United States could introduce a resolution establishing such a commission before the U.N. Human Rights Council, which will convene next month. Washington could also press the U.N. General Assembly to pass a resolution establishing it, or it could appeal to Ban Ki-moon to do it under his own authority. Such inquiries can often lead to war crimes prosecutions.

"We have been disappointed in the results of the dialogue to date," according to the administration official. The Burmese government "has very clearly chosen to proceed ahead with an election we feel lacks central ingredients that would lead to international legitimacy."

The officials said that they would begin a long consultation with European and Asian governments to determine what the next steps should be, but they cautioned that the pursuit of justice in this case could play out for years, citing the case of Cambodia, where war crimes prosecutions were carried out decades after Cambodia's Khmer Rouge carried out mass killings.

The official believes there is "merit" in Quintana's allegations of "repeated and very serious allegations of internal actions that require further investigation." It's an early stage of inquiry, the official said, but he said they would examine "persistent chronic incidents and outrages that have spread over the course of a generation."

"The problem with the engagement strategy is not that it's the wrong strategy it's that the Burmese haven't shown much interest in engaging back," said Tom Malinowski, the advocacy director in Human Rights Watch's Washington office. The plan here is to "give people around [Than Shwe] reason to question his defiance of the international community, and whether his might not be serving their interests."