

While the Burmese military junta presses ahead with its decision to hold a general election that much of the international community has condemned as a “sham,” the Obama administration is believed to be considering imposing additional sanctions on Burma, a congressional report has said.

“The Obama administration reportedly is considering the imposition of additional sanctions on Burma, in part because of the manner in which the SPDC [State Peace and Development Council] is conducting the election,” said the report titled “Burma’s 2010 Election Campaign: Issues for Congress” compiled by the Congressional Research Service (CRS).

CRS is the bipartisan and independent research wing of the US Congress which prepares reports for US lawmakers on issues of interest to the Congress. The 11-page report dated Oct. 6, a copy of which was obtained by The Irrawaddy, said that the US government is also backing calls for the creation of a UN Commission of Inquiry into crimes against humanity and war crimes in Burma.

Ten other nations have also backed the creation of such a UN Commission, the report informed the lawmakers. These countries are Australia, Canada, the Czech Republic, France, Hungary, Lithuania, the Netherlands, New Zealand, Slovakia and the United Kingdom.

Prepared by Michele F. Martin, who specializes in Asian affairs, the report said that under current federal law, President Obama has the authority to impose certain types of financial sanctions without seeking approval from Congress. However, he must inform Congress if and when he imposes new sanctions.

In its analysis of the ongoing election campaign in Burma, the CRS report said that most observers feel that by various means and methods, the ruling military junta, the SPDC and the Union Election Commission (EC) are conspiring to ensure that the pro-junta political parties win most of the 1,163 seats at stake.

Preliminary information on the number of proposed candidates submitted by each of the political parties indicate that it would take a virtual election sweep by their candidates for the opposition parties to win a majority. The opposition parties are particularly weak in many of the state and regional parliamentary constituencies; an exception is in states where ethnic minorities are a large percentage of the population. “Thus, it is more likely that the pro-junta parties will win a majority of the seats on Nov. 7,” the CRS said.

The Obama administration has repeatedly stated that it does not expect Burma's parliamentary elections to be free and fair. On Sept. 16, Assistant Secretary of State for East Asian Affairs Kurt Campbell reportedly told an audience at the US Institute of Peace: “Everything we've seen to date suggests that the November elections will be without international legitimacy.”

Campbell also confirmed that the US government will continue its current policy of diplomatic engagement with the SPDC, but reiterated that sanctions could be added or removed, depending on the actions of the ruling military junta.

Under the provisions of three executive orders—E.O. 13310, E.O. 13448 and E.O. 13464—as well as the 2003 Burmese Freedom and Democracy Act (P.L. 108-61) and the 2008 Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act (2008 JADE Act; P.L. 110-286), the president has the authority to impose financial sanctions on certain Burmese officials, military personnel or their associates.

The 2008 JADE Act requires the president to notify Congress of the addition of new names to the sanctions list as “new information becomes available.” The tighter financial sanctions will most likely be targeted at the leadership of the SPDC and the Burmese military, to avoid harm to the people of Burma.

No time frame was given for when the Obama administration would decide on imposing new sanctions.