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Human rights situations that require the Council's attention

Written statement* submitted by International Educational Development, Inc., a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Treatment of ethnic nationalities in Myanmar*

International Educational Development, Inc. (IED) and the Association of Humanitarian Lawyers (AHL) have monitored the situation in Myanmar for 23 years.¹ We have submitted written statements and made oral ones at many sessions and have been twice invited by the United States Congress to present testimony at hearings.

In our statement for the UN Human Rights Council's 22nd session, we called attention to the ethnic conflict between the national government and the Kachin Independence Army (KIA) which had extended well beyond the time of the national government's assurances to the international community that a lasting peace was a priority and surely well at hand. In spite of a visible peace agreement between the government and the KIA in late May, in recent days alleged government-backed militias have attacked KIA installations. According to *The Irrawaddy*, a government-backed militia called the Kachin Border Guard Force attacked Kachin bases in two towns in the Pangwa region.² San Aung of the KIA noted, "The Kachin BGF is a militia that is controlled by the government's armed forces. They have to listen to orders from the government's force. We think without support from the government's armed forces, they would not have dared to fight the KIA."

Concurrent to these attacks were separate clashes between another alleged government-backed group called the Karen Border Guard Force and the Karen National Liberation Army.³ According to the same *Irrawaddy* article, these Border Guard Forces were founded during the days of the military regime under the central military command.⁴

While it is uncertain whether these two militias were acting on the orders of the military, the historic link between these organizations and the central command casts these clashes in a troubling light.

We are also extremely alarmed by the continuing violence towards the Muslim Rohingya people in the Rakhine state. Since the 2012 Rakhine State riots, over 250 people – mostly Muslim Rohingya – have been killed and upwards of 140,000 displaced.⁵

The Special Rapporteur for Myanmar, Tomas Ojea Quintana, experienced firsthand the extreme nature of the predominantly Buddhist mob violence which has plagued this region. In his recent 11-day visit to Myanmar, a mob attacked his car while he was en-route to a refugee camp in the Rakhine state. At a press conference in Yangon on August 21st, Quintana offered stark words on the attack: "The fear that I felt during this incident, being left totally unprotected by the nearby police, gave me an insight into the fear residents would have felt when being chased down by violent mobs during the violence last March as

* The Association of Humanitarian Lawyers, an NGO without consultative status, also shares the views expressed in this statement.

¹ The Association of Humanitarian Lawyers' researcher, T.J. O'Sullivan, assisted in the preparation of this document. IED/HLP use the term "Myanmar" under protest, as we have always viewed government that renamed Burma is *ultra vires* and hence had no legal authority to do so.

² <http://www.irrawaddy.org/archives/42311> (Accessed: August 21, 2013) (Published: August 19, 2013) (Author: Lawi Weng and Saw Yan Naing)

³ <http://www.irrawaddy.org/archives/42311> (Accessed: August 21, 2013) (Published: August 19, 2013) (Author: Lawi Weng and Saw Yan Naing)

⁴ <http://www.irrawaddy.org/archives/42311> (Accessed: August 21, 2013) (Published: August 19, 2013) (Author: Lawi Weng and Saw Yan Naing)

⁵ http://www.nytimes.com/2013/08/13/world/asia/myanmar-un-envoy-visits-troubled-state.html?_r=1& (Accessed: August 21, 2013) (Published: August 12, 2013) (Author: News Brief)

police allegedly stood by as angry mobs beat, stabbed and burned to death some 43 people.”⁶

With recent violence in Meiktila, a small town in central Burma, it is increasingly clear that anti-Muslim violence and rhetoric is not limited to the western Rakhine state, but is rather a problem spreading across the largely Buddhist country.

The Council must understand that these are not isolated instances of ethnic and religious strife, but are symptomatic of unequal power dynamics between the majority ethnic Burmese and the ethnic nationalities which are deeply embedded in the country’s history and are reinforced by lack of representation in the federalized political structure.

As IED and AHL has expressed at length in previous statements, we reject the term “ethnic minorities” and refer to Myanmar’s ethnic groups as they truly are: ethnic nationalities. The Shan, Chin, Karen, Rakhine, Kachin, Karenni, and other groups form the basis for 32 percent of the estimated 60 million person population. To misunderstand these nationalities as individual minorities is to misunderstand the nature of the Union of Myanmar. When the Union of Burma was formed in 1947, many of these ethnic nationalities were not only guaranteed their own semi-autonomous states under a federal system, but also the constitutional option to secede from that union after ten years. This option, negotiated by Daw Aung San Suu Kyi’s father, Aung San, was quickly stricken from the Constitution shortly after the military regime took power in 1961. Conflict between the Burmese government and ethnic nationalities has defined the Union for the rest of the twentieth century and continued into the twenty-first.

The violence and conflict has stretched past the democratic reforms of 2011 and reflects the fact that this violent history is being perpetuated well into the present. Ethnic nationalities in Myanmar do not have a true advocate beyond the UN Special Rapporteur. They lack commensurate representation in the national parliament where former members of the military hold a significant majority.

Even Daw Aung San Suu Kyi, in her role as opposition leader of an ethnically Burmese political party, has failed to adequately criticize the national government for its antagonism in its conflicts with the Kachin and the silent complicity inherent in its lack of action to resolve the mob violence against the Rohingya. *The Los Angeles Times* articulated this well in its August 9th editorial, stating, “[T]here are still so few powerful voices of protest within the country. Suu Kyi has spoken only tepidly against the repressive policies toward the Rohingya — and many in her country didn’t like that she weighed in at all. A troubling anti-Muslim nationalism is spreading in Myanmar . . .”⁷ IED/AHL believe it requires action from the Special Rapporteur on freedom of religion, the Council as a whole and all other international actors to stop it.

Pockets of ethnic strife and violence will continue to plague Myanmar unless action is taken to facilitate a true national reconciliation and a representative democratic system in which leaders from Myanmar’s many ethnic nationalities can meaningfully advocate for their peoples. To this end, we encourage Special Rapporteur Pablo de Greiff, whose mandate covers achieving true national reconciliation following periods of armed conflicts and or serious and persistent gross violations of human rights, to work cooperatively with Special Rapporteur Ojea Quintana to draw all the ethnic nationalities into a peace process and into agreements for achieving national unity or lasting reconciliation for all the people

⁶ <http://www.rfa.org/english/news/myanmar/quintana-08212013165046.html> (Accessed: August 21, 2013) (Published: August 21, 2013) (Author: Radio Free Asia Myanmar Service)

⁷ <http://www.latimes.com/news/opinion/editorials/la-ed-myanmar-rohingya-20130809,0,3167729.story> (Accessed: August 21, 2013) (Published: August 9, 2013)

in Myanmar. In this regard, there must be a realization that some ethnic nationalities will seek some form of autonomy that will have to be accepted by the ethnic Burmese authorities.

Recommendations:

IED/AHL strongly advises the Council to plan for extending the mandate of the Special Rapporteur for Myanmar, Tomas Ojea Quintana, at its 25th session. Mr. Ojea Quintana is the only significant advocate for ethnic nationalities and, of course, there is no possibility to improve the human rights situation for all the people in Myanmar without a full and acceptable settlement of the issues related to them. Secondly, the Council should encourage Pablo de Greiff, Special Rapporteur on the Promotion of Truth, Justice, Reparation, and Guarantees of Non-Recurrence to work with the Special Rapporteur for Myanmar, perhaps in a joint mission, to begin the process towards truth and national reconciliation. Finally, the Council, its Special Rapporteur on freedom of religion, and all other international actors must call upon the authorities in Myanmar to take action to protect its Muslim population.
