Protecting Myanmar's Minorities

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I first visited Burma/Myanmar, albeit too briefly, during my student travelling days in the '60s, and became enchanted with its people, and culture and landscape. And that enchantment - reinforced by another visit I paid in 2014, my first for 40 years - has never died. But throughout that period it has been impossible not to be moved, both personally and professionally, by the multiple agonies the country has suffered:

As Foreign Minister from 1988-96, I was in office when the old regime collapsed in 1988 and when students, monks and so many ordinary people went out in the streets calling for democracy. I saw, as we all did, the horror of what followed - and deeply felt the pain and frustration of the country’s people when so much went wrong, and stayed wrong, for nearly three decades more of repression and despair.

I argued for years with my ASEAN colleagues, the only external organisation of which the military regime - then stuck in its isolationist ways - seemed to take any notice, for them not to admit the country to full membership unless it changed its ways, I was deeply frustrated when that pass was sold in 1997.

I felt as we all did the particular agony of Daw Aung San Suu Kyi when her husband Michael Aris - whom I had known at Oxford - was dying in 1999 and the regime made clear that if she left the country to see him she would not be allowed back.

When the devastating Cyclone Nargis struck in 2008, killing many thousands and threatening the lives of many thousands more, I shared the incredulity of the rest of the world about how long it took for country’s military leaders to agree to international help.

And throughout all of these years, continuing to this day, I have been deeply troubled - as so many have been, and this is the issue on which we are focusing today - at how the country’s minorities have been treated: not only the borderland minorities with whom the military has waged war for so long, but Muslim minorities in many parts of the country who have been grievously treated by the Buddhist majority, and above all the Rohingya minority who have been so long treated not only as non-citizens but non-people by the rest of the country.

What the size of these different minority groups may be is a vexed issue, because there was no census at all between 1983 and 2014, the 2014 count excluded those (over 1 million) who self-identified as Rohingya, and while a total population figure of 51 million has been released, the ethnicity and religion breakups have been withheld “to avoid shattering the peace and stability of the state during the transition period!” The 1983 percentages, if applied to the present figures, would mean that the mainly Buddhist core Bamar ethnic group is around 2/3 of the population, or 35 million, with multiple other ethnicities dividing the rest; while Muslims, including the uncounted Rohingya,
would account for around 6 per cent or 3 million people. There is much speculation, but as yet no data, that the size of the Muslim minority is now much larger than that.

Myanmar under military rule was not a happy country, and as an old anti-apartheid campaigner, I initially felt I should wash my mouth out if I ever let the expression "constructive engagement" with it escape my lips. But as the years wore on it became more and more obvious that an approach based solely on piling on the sanctions, and compounding the regime’s deep sense of isolation, was going nowhere very fast, and that ways should be found of making more contact not only with non-governmental organizations and citizens, but with the military government itself - and making clear that progressive movement on key issues would be progressively rewarded.

I remember floating this kind of approach as far back as 1992, as Foreign Minister, but not finding any support for it at all in Europe and North America. It was a cause I took up again - not winning much more popularity anywhere - as head of the International Crisis Group from 2000-2009.

Whether we can claim any credit for it or not, the good news is that, starting in 2011 and culminating in the recent election results and the imminent appointment of a new NLD-led government - even if Daw Aung San Suu Kyi remains for now indefensibly barred from assuming the Presidency to which she is so obviously entitled - things have at last changed very much for the better.

But we cannot over-gild the lily in this respect. There are a number of major challenges still to be met, and a number of questions that - in the eyes of much of the rest of the world - still cry out to be answered, not only by the military regime but by the NLD democratic forces about to replace it. When I visited Myanmar in 2014, I had the opportunity to meet President Thein Sein and many of his ministers, and to put to them questions not only about democratic transition but the crucial minority protection issues. I asked the President very directly:

- In relation to the borderland minorities, despite the admirable and largely successful efforts to negotiate ceasefire agreements, is there really enough being done to wind back the pervasive militarization of frontier regions, to remove the structural and habitual impediments to holding the military and paramilitaries accountable for their actions, and provide institutional means of redressing the grievances of affected populations?
- Has enough been done, in both word and deed, to make clear beyond doubt the Burmese political elite’s intolerance of Buddhist on Muslim communal violence, which has been a recurring phenomenon not only in Rakhine state but in other parts of the country?
- What is to be lost, compared to what would be gained in international reputation, by Myanmar in ending its age-old refusal to treat the Rohingya people, even those whose families have been living in Myanmar for generations, as citizens, or even allow them to be described as Rohingya?

I didn’t get very good answers from the military government leaders on any of these questions. But nor did I get very good answers either from the NLD leaders I spoke to. I didn’t have the opportunity in 2014 to meet Daw Aung San Suu Kyi herself, but she has been for years unforthcoming on these issues, and there is a very real question as to whether things will now be very much better.

In each of these three areas - the handling of borderland conflicts, communal violence and Rohingya discrimination - the challenges remain very real. Others on the panel will no doubt go into all these issues in more detail, especially communal violence and the Rohingya issue, but let me say now a little more on each to set the scene for today’s debate.

**Borderlands conflicts.** Although a long overdue and very welcome ceasefire agreement was announced in October last year with eight of the armed border groups (including the Karen), the key rebel armies that control the most territory and arms - the Kachin Independence Arms, the Shan State Army and the United Wa State Army - have refused to sign. And significant fighting continues particularly in the Kachin and Shan states, where as elsewhere there has been a long history of attacks against civilian populations, extrajudicial killings, sexual and gender-based violence, arbitrary
arrest and detention, torture, the use of landmines, the recruitment of child soldiers, and forced labour.

There are still some 90,000 Myanmar refugees in the Thai border camps, and several hundred thousand border minority people remain internally displaced. There is a long way to go, even in those areas where peace seems to be consolidating, before any kind of normality is restored. And even longer before the necessary institutional developments occur - including proper justice systems, and proper national resource and revenue distribution systems - which will give the border minorities real confidence that they are not permanently second-class citizens as compared with the majority Barma.

As to the position of Daw Aung San Suu Kyi on these issue, although there has been some history of contact - not all of it overt - by her and the NLD with some of the groups (and support for the NLD from some leaders), they have little or no relationship with most of them, especially the Shan, and the Karen and Kachin (who are both Christians). Their record in the Parliament since 2012 shows little or no interest in the strongly internationally-supported Nationwide Peace Agreement and related issues, and although their election manifesto makes some reference to a federal union, it remains to be seen how much sympathy there will be when it comes to implementing the desire of the ethnic groups for federal arrangements giving them real autonomy. While Daw Aung San Suu Kyi Â- has said ethic issues will be a priority for the NLD Government, the NLD has not to date spelled out what policies will be pursued in this area, and the proof of commitment will be in its performance in the months and years ahead.

Communal tensions and violence between Buddhists and Muslims - with the Muslim minority getting very much the worst of these encounters - has been most marked in the context of Rohingya in Rakhine state, but there have been a number of alarming outbreaks elsewhere in recent years, including in Meikhtila in central Myanmar and Mandalay, which have attracted widespread international attention and condemnation, not least because there is considerable suspicion that they were deliberately politically orchestrated by the military.

While Daw Aung San Suu Kyi and the NLD did oppose the odious race and religion laws promoted by Monk Wirathu, introduced by President U Thein Sein and passed through the Parliament before the November 2015 election, many within Myanmar have expressed disappointment at her failure to speak out on issues of religious and ethnic discrimination during the election campaign, and evident lack of commitment to any particular course of remedial action. It is only by their behaviour in government in the period ahead that she and the NLD can only dispel the impression that they were more interested in majority Buddhist votes than really delivering on issues of principle.

Rohingya. The worst communal violence in recent years undoubtedly occurred in 2012 in Rakhine state, where 200 Muslims were killed and 120,000 displaced. The security forces were tasked with re-establishing stability, but either failed to respond to attacks effectively or themselves used excessive force and committed atrocities themselves, including killing civilians.

Violence, discrimination, and the systematic undermining of the human rights of the Rohingya population continues, as it has for decades, and unquestionably amounts to a violation of Myanmar’s responsibility to protect all those within its borders under the R2P principles unanimously embraced by the UN General Assembly in 2005. At least the beginnings of a credible argument can be mounted that the pattern of discrimination has in fact become so intense as to begin to evidence the kind of intent to destroy a group in whole or part that would amount to the international crime of genocide.

In September 2014 the military government announced the Rakhine Action Plan, which promises to tackle citizenship, displacement, economic unfairness and security, but which in essence required approximately 1 million Rohingya to accept ethnic classification as ‘Bengali’ in order to obtain citizenship, or be forced into detention camps â€“ properly described by Nicholas Kristof in the New York Times as “21st century concentration camps”.

Some 145,000 people remain segregated in IDP camps, where according to the last report of the UN Special Rapporteur on human rights in Myanmar ‘conditions remain abysmal and access to adequate
basic services severely limited.’ The government continues restrict IDPs' movement and block access to food, water, healthcare and other vital humanitarian assistance. Tens of thousands have fled to neighbouring countries, with the peak of forced migration occurring in 2015 with an upsurge of Rohingya fleeing by boat. Myanmar’s ASEAN neighbours did not cover themselves with distinction in responding to the crisis, as thousands of Rohingya were denied landing and the death toll mounted, and ASEAN itself refused to become engaged.

The Rohingya have not so far benefited in any way from Myanmar’s democratisation process. From April 2015, the military government revoked the temporary ‘white cards’ which had previously conferred voting rights for displaced minorities (mostly Rohingya), thereby for the first time categorically removing voting rights, resulting in almost a million people being unable to vote. And all but one Rohingya candidates were precluded from standing in the election.

The hopes of the Rohingya people for a better future under the NLD have not so far borne fruit. Prior to the election a spokesperson stated that Rohingya were not an NLD priority, and the party’s leadership, despite much international pressure, has remained essentially mute on the issue since. Daw Aung San Suu Kyi has said in general terms that that the citizenship law needs to change to be in compliance with rule of law standards. But she, like the military government, avoids even using the word ‘Rohingya’, and the NLD view seems to be close to what, unhappily, seems to be the national consensus â€” that most of the Rohingya are just illegal immigrants.

The core of the issue is that whereas other non-Bamar groups tend to be regarded as second-class citizens, the Rohingya are simply not recognized as citizens at all: they are essentially non-persons. Beginning with the 1982 Burma Citizenship Law, which accords the Council of State the right to ‘decide whether any ethnic group is national or not,’ the Rohingya have been systematically excluded from legal recognition - regarded by the military governments, and largely by the NLD as well, as essentially just border-crossing Bengalis, although Muslims identifying as Rohingya have been living in the Rakhine area for more than a millennium, and many of those who do originate from Bengal have been living in Myanmar for generations. This lack of recognition by Myanmar effectively renders them stateless internationally when others refuse to recognize them as nationals either. The 2014 census refused to allow people to self-classify as Rohingya, leading to the majority being excluded from the count.

Some NLD sympathisers - like Jasmine Chia writing in The Diplomat this month - have sought to explain, and to some extent justify, the treatment of Rohingya by arguing that there is no real issue of ethnic or religious discrimination here, because the group is a “political construction”, displaying “a huge diversity of ethnic origins and social backgrounds” and lacking a “single identity”. But while it may be true that Rohingya identity is a complex creation of regional politics and history, so too are ethnic and national identities the world over. The bottom line is that Rohingya self-identify as such and are legally oppressed for doing so.Â They are a targeted ethnic group, facing some of the most obvious, and indefensible, legal discrimination in the world today.

On all these issues - final resolution of the border minority conflicts and sustainable peacebuilding there; tackling Buddhist hostility toward the country’s Muslim minority; andÂ treatment of the running sore of non-recognition, maltreatment and violence against Rohingya - the world is looking to Daw Aung San Suu Kyi and the NLD for real, civilized leadership, and the ball is now very much in their court.

Compared with just a few years ago the country has made breathtaking strides toward peace, freedom, stability and prosperity, but that should not allow anyone with a genuine affection for Myanmar - inside or outside the country - to downplay the need for many more such strides to be taken if its long-term good health, and international reputation for human decency, is to be assured.