

Q&A: THE RESPONSIBILITY TO PROTECT (RtoP) AND BURMA

Note: For more details on the crisis, as well as sources and links for all the information provided below, please visit our “Crisis in Burma” page at www.responsibilitytoprotect.org.

Q: What is going on in Burma?

A: Burma (also known as Myanmar) only recently emerged from a period of extreme authoritarian rule that began after the military staged a coup d'état in 1962, effectively ending democratic rule. After five decades of human rights abuses by the military junta, which included the pervasive use of forced labor; forced recruitment of thousands of child soldiers; rampant sexual violence; extrajudicial killings; torture; and mass displacement; President Thein Sein surprised the world by announcing a series of democratic reforms following his February 2011 appointment. Some notable reforms included the release of hundreds of political prisoners and the legalization of peaceful demonstrations. While President Sein's steps thus far—particularly the signing of ceasefire agreements with all but one of the major armed ethnic groups—should indeed be applauded, the reforms have overshadowed the plight and persecution of the Rohingya people in Burma, as well as other continuing crimes against humanity perpetrated by the government.

Q: Who are the Rohingya and the Kachin?

A: Rohingya Muslims are one of several ethnic groups in Burma. The Rohingya primarily reside in Rakhine State and have been severely discriminated against for decades. 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 Burmese legal recognition. Rohingya are often referred to as “Bengali”—despite the fact that they have resided in Burma for centuries—which reinforces the official stance that Rohingya do not belong in Burma.

In recent years, radical Buddhist monks have begun calling for a “campaign of exclusion” against Muslims. This aversion stems from the insidious propaganda promulgated by U Wirathu, a Buddhist monk and the leader of the controversial and polarizing 969 Buddhist National Movement. Wirathu argues that Muslims have a secret “master plan” to take over the country and Islamicize it, despite the fact that Muslims only constitute five percent of the Burmese population. Wirathu is “[calling] on Buddhists to shop, sell property and marry within their own religion,” in order to preserve Buddhist culture and identity. Wirathu regularly preaches anti-Muslim hate speech, and considers the Rohingya a “threat to the country and its culture,” a belief predicated on his irrational fear that the Muslim population is increasing more rapidly than the Buddhist nationalist population.

The Burmese army is committing severe human rights abuses against the people of Kachin State, after breaking a 17-year long ceasefire with the Kachin Independence Army in 2011. The torture, kidnapping, killings, and sexual violence committed by the Burmese army against the Kachin may, according to civil society groups like the Kachin Women's Association Thailand, amount to war crimes and crimes against humanity.

Q: Why does the international community have a Responsibility to Protect in Burma?

A: In 2005 (see box at right), UN Member States agreed that they had a Responsibility to Protect populations from genocide, war crimes, crimes against humanity, and ethnic cleansing. Many in the international community, such as ICRtoP Members Human Rights Watch, the Sentinel Project, ALTSEAN-Burma, and US Campaign for Burma have declared that crimes against humanity and ethnic cleansing have been committed against the Rohingya. According to Romeo Dallaire, former UN Force Commander for the UN's peacekeeping operation in Rwanda in 1994, “the warning signs preceding genocide in this case are ever-present.”

Q: How has the international community upheld its RtoP in Burma?

A: The Responsibility to Protect falls on many actors. Below, find some ways in which the international community has mobilized to protect populations in Burma:

THREE PILLAR FRAMEWORK OF THE RESPONSIBILITY TO PROTECT

United Nations (UN) Secretary-General Ban Ki-moon established the three-pillar framework of the Responsibility to Protect (RtoP, R2P), in his 2009 Report *Implementing the Responsibility to Protect*:

- **Pillar One:** The state bears the primary responsibility to protect their population from genocide, war crimes, crimes against humanity and ethnic cleansing.
- **Pillar Two:** The international community, i.e. the UN, regional organizations, governments and civil society, must assist states in fulfilling their protection obligations.
- **Pillar Three:** When a state manifestly fails to protect its population or is in fact the perpetrator of these crimes, the international community has a responsibility to take collective action in a timely and decisive manner to prevent or halt the commission of mass atrocities. Such action must be on a case-by-case basis using a broad range of political, economic, and humanitarian measures and should peaceful means prove inadequate, coercive measures, including the use of force as authorized by the Security Council and in accordance with the UN Charter.

At the United Nations:

- *Security Council:* In Resolution 1612 in 2005, the Council mandated the Secretary-General to submit reports on Children and Armed Conflict in countries of concern. The Secretary-General has subsequently submitted three reports on Burma.
- *General Assembly:* The GA has passed 23 resolutions on Burma since 1991, which began by focusing on the need for democratization but now emphasize issues like human rights, child soldiers, and ethnic violence against groups like the Rohingya. The resolutions also established/extended the mandate for the Special Adviser of the Secretary-General on Myanmar (currently Mr. Vijay Nambiar).
- *Human Rights Council:* For its part, the HRC has passed 22 resolutions on Burma and appointed a Special Rapporteur on the situation of human rights in Myanmar (currently Ms. Yanghee Lee.)
- *Other UN Offices/Departments:* The UN Special Adviser on the Prevention of Genocide, Mr. Adama Dieng, issued a statement in March 2013 warning that failing to take action to prevent the current ethnic violence in Myanmar “can have serious future consequences which the international community has solemnly promised to prevent.” Navi Pillay, UN High Commissioner for Human Rights, and her office have released several statements on the ethnic violence in Myanmar, including calling for an international independent investigation in 2012 in Rakhine State.

Civil Society:

In addition to the monitoring and reporting of atrocities by the organizations mentioned above, ICRtoP Member Alternative ASEAN Network on Burma (ALTSEAN-Burma) documents all relevant incidents, actions by Burma’s Parliament, UN activities on Burma, and ethnic and human rights issues in a large database. They also issue a monthly “Burma Bulletin”. US Campaign for Burma, another ICRtoP Member, works to channel and mobilize political will, particularly from the US government, for democracy and human rights in Burma. In addition, ICRtoP Member United to End Genocide has created an US-based advocacy program to pressure the US government to take action to stop the violence in Burma.

Q: How has the international community failed to uphold its RtoP in Burma?

A: Despite the threats that the ongoing crimes pose to international peace and security, Burma/Myanmar has appeared extremely infrequently on the Security Council’s agenda, perhaps owing to the resistance of China (a permanent member of the Council with veto power). The regional organization ASEAN (Association of Southeast Asian Nations) has also failed to take action, bowing to pressure from Myanmar during the organization’s meeting in January 2014 to avoid discussion of the Rohingya. In addition—though they continue to express concern over treatment of the Rohingya—the US and the EU have also lifted most sanctions against Burma to encourage its reform process, thereby sending contradictory messages to Burmese authorities.

Q: What is likely to happen in the future?

A: There are two key developments to watch in Burma. One is the first national census conducted in three decades, launched in March 2014. The Rohingya do not have the option of identifying themselves as such, as Rohingya are not among the 135 ethnic groups listed. Indeed, there are allegations that census-takers are refusing to report when citizens identify as Rohingya, due to intimidation from the security forces escorting the census-takers. Many fear that the census is one of the government’s first steps toward cementing the Rohingyas’ status as non-citizens. Other ethnic minorities additionally worry that the census will weaken their political representation. Now well underway, the census has also provoked renewed fighting in Kachin, forcing thousands to flee to China.

The second is the 2015 elections. President Sein has declared that he is “not preparing himself” for the 2015 ballot and is unopposed to Aung San Suu Kyi running (a Nobel Peace Prize laureate and current Parliamentarian, put under house arrest for nearly 20 years by the military junta). Nevertheless, Suu Kyi’s notable silence on violence against the Rohingya, as well as on other ethnic and religious issues, has eroded some of her domestic and international support. Her refusal to acknowledge the severity of the violence brings into question whether her election would bring any reprieve to what the UN calls “one of the most persecuted minorities on earth.”

ICRtoP

INTERNATIONAL COALITION FOR **THE RESPONSIBILITY TO PROTECT**

The International Coalition for the Responsibility to Protect convenes and collaborates with civil society, Member States, and regional and sub-regional organizations to continue close scrutiny of the consistent implementation of the third pillar and develop effective methods to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.

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