

**Berlin Conference on Myanmar Genocide
Jewish museum of Berlin**

Feb. 26, 2018

Notes for Hon. David Kilgour, J.D.

Panel 3: historical, human rights and International perspectives



1. The Rohingya people are:

- Lengthy victims of oppression - For the third time in 40 years, the world is watching the Rohingya being forced to flee from their homes after decades-long oppression in their own country at the hands of the military which has been in power for about 50 years. Since 2012, the Rohingya have been confined in ill-equipped internment camps in eight townships.
In 2017, 6,700 people died in violence attributed to attacks against the Rohingya.
[Médecins sans Frontières]
- Not recognized as an ethnic group - The Rohingya trace their presence in Rakhine state (Arakan) back centuries. However, most Burmese consider them to be unwanted refugees from Bangladesh; and derisively refer to them as “Bengalis.” The Rohingya have never been recognized as an ethnic group and are not on the (1982) list of “135 recognized ethnic groups in Burma”. They are denied citizenship and basic rights such as the freedom to travel and work – summed up by Amnesty International as “state-sponsored apartheid”.

Suggested Action: *The Rohingya must be added to the list of 135 recognized ethnic groups in Myanmar.*

- Blamed for the crisis/violence last August - Both Aung Sang Suu Kyi and the military have said that the violence in Rakhine state was instigated by the Rohingya militants [Arakan Rohingya Salvation Army (ARSA)] who attacked security posts.

Suggested Action: *The ongoing violence and underlying discrimination that has created this crisis must be tackled. Our international leaders must act to ensure that the same patterns are not repeated, with strong diplomatic pressure that ensures that the rights of the Rohingya – and all in Myanmar – are fully protected. We must see justice and accountability for the atrocities committed against them.*

- The world's largest stateless group of people 620,000 - 690,000 Rohingya refugees languish in overcrowded camps in southern Bangladesh. In late January, Bangladesh and Myanmar announced that they would postpone a repatriation process that they had agreed to last November.

Suggested Actions:

- *The UNHCR must be involved in verifying that resettlement in Bangladesh conforms with international law and protects the rights and safety of the displaced Rohingya.*
- *The international community should:*
 - *plug the \$280 million gap in funding required to provide emergency food, water and other essentials [as urged by OXFAM].*
 - *work with the Bangladesh government to develop a longer-term plan to support both the refugees and the local communities in this deprived area.*

Possibly wanting a repatriation process

Bob Rae, Canada's special envoy to Myanmar, spoke with some of the Rohingya refugees. They told him that want to return to Myanmar eventually, but not until the government guarantees a secure resettlement, including a path to citizenship.

Suggested Actions:

- *Join Bob Rae in urging Myanmar to allow the safe return of the displaced Rohingya - secure resettlement, including a path to citizenship.*
- *Governments, including Canada's, need to ask themselves if they are prepared to deal with the long-term nature of the Rohingya crisis. "Are we prepared to be persistent and patient?" Rae asks.*

Possibly not wanting a repatriation process

This is *not* the time to talk about repatriation says **Maung Zarni**, [a member of Myanmar's Buddhist majority who hails from a military family. The scholar and activist, based in the UK, says he is in opposition to what his own community is doing to the Rohingya community.]

We need to accept the reality that Burma - the society and military and government of Aung San Suu Kyi - has shown absolutely no indication that it will accept the Rohingya as an ethnic community who deserve full and equal citizenship as well as basic human rights, like everyone else in the country.

When you have a situation where the entire society and entire military and entire political class have rejected an ethnic community, then it is dishonest for any politician and any UN official leader to keep saying they want to see voluntary safe and dignified return/repatriation of the Rohingya to Myanmar. Return is simply no longer an option. The Rohingya want UN protection - international protection.

Suggested Actions:

- *The Rohingya want safety and protection; **they need a UN-protected area for their return**, a piece of earth that they can call their home, where they don't need to worry about being slaughtered or their houses and villages being burned. We are looking at the land from which the Rohingya have been driven out; the land where they historically belong since the 8th century [Arakan, now known as Rakhine state].*
 - *A small number of genuinely concerned leaders around the world must call a special conference to **create an autonomous region for the Rohingya**, where they can feel safe and protected by the UN and neighbouring government of Bangladesh and others.*
2. **Kofi Annan's Commission (last August)** - The commission's report urged the Government to reform laws that deny full citizenship to the Rohingya and called for:
- action to address the underlying causes of chronic under-development, poverty and landlessness for all people in Rakhine State
 - integration, not segregation

Suggested Action: *Implement the Kofi Annan report as soon as possible.*

3. **Crimes against humanity** - There is mounting evidence that crimes against humanity have taken place with impunity. The U.N. has described the situation as "a textbook example of ethnic cleansing".

New evidence has emerged of genocide:

Images show at least five mass graves. One massacre occurred at the village of Maung Nu, where at least 82 Rohingya were likely murdered in late August.

In late December, the U.S. condemned a top general, Major General Maung Maung Soe, head of the Myanmar military's western command, for his role in atrocities against the Rohingya. The U.S. announced penalties against 13 people worldwide in all. The sanctions were the first set imposed under the 2016 global Magnitsky Law.

A Reuters special report on February 9 laid out events leading up to the Inn Din massacre. The 10 male victims were buried in a mass grave after being hacked to death or shot by Buddhist neighbours and soldiers.

Lex Rieffel, a scholar at the Brookings Institution, observes: "For Western countries and advocates of democracy and human rights, this situation presents a conundrum: how to punish the government that presided over the ethnic cleansing of the Rohingya without making life worse for millions of civilians in the country."

On February 14 (the 10th anniversary of the Burmese military dictatorship's assassination of Padoh Mahn Sha Lah Phan, General Secretary of the Karen National Union), Phan's family beseeched the international community to stop providing training and arms to the Burmese Army.

Suggested Actions:

- *Observers and monitors should be allowed into northern Rakhine so a base of evidence re: genocide and ethnic cleansing can be built.*
- *Those identified as perpetrators of these rights crimes must be identified and charged.*
- *The UN must lead the charge for a global arms embargo and an end to the training of the Tatmadawhe (the local name for Myanmar's military). The military must be stopped from receiving weapons and training from its allies, including China, India, Russia and even Israel.*
- *On April 18, the EU should renew its sanctions which impose an embargo on providing Myanmar with arms and goods that might be used for internal repression.*

4. **Incitement to Violence** - In late October, Sitagu Sayadaw, a Myanmar Buddhist monk, gave a live speech broadcast to over 250,000 viewers during which he stated that killing non-Buddhists is not a sin. Veering into promoting genocide, he urged military officers not to fear taking human lives.

His speech angered *some* Myanmar Buddhists, who believe his support of the military is drawing him away from the core principles of Buddhism. They found his speech shocking.

In sharp contrast to the firebrand monk Sayadaw, the Dalai Lama urged (last September) “Those people who are ... harassing ... Muslims, they should remember Buddha. He would definitely give help to those poor Muslims. So still I feel that. So very sad.”

Suggested Actions:

- *The international community should increase its communication/interaction with moderate Buddhist leaders such as the Dalai Lama, Thet Swe Win, director of the Centre for Youth and Social Harmony, an interfaith organization, and Khin Zaw Win, director of the policy think-tank Tampadipa Institute.*
 - *Leaders in government and civil society who hold more tolerant and progressive views should continue to speak out.*
 - *International proponents of Myanmar’s democratic success need to balance censure with engagement. They should also empower moderates within Myanmar who espouse tolerance for ethnic minorities and who are willing to confront the military by advancing practical solutions for political reform.*
5. **Arrest/Detainment of 2 Reuters journalists (Burmese Citizens)**- On December 12, Burmese citizens Wa Lone and Kyaw Soe Oo, working on stories about the Rohingya, were arrested and detained in Yangon for allegedly obtaining confidential documents. The Reuters reconstruction of the Inn Din massacre of 8 men and 2 boys of high-school age last September 1-2 draws for the first time on interviews with Buddhist villagers who confessed to torching Rohingya homes, killing Muslims and burying bodies, with the military playing the lead role. The slain men’s families identified the victims through photographs by Reuters.

Suggested Action: *Pressure must be put on the government of Myanmar to release the two journalists.*

6. **Disenchantment with Myanmar’s de facto civilian leader Aung San Suu Kyi, Nobel Peace Prize winner in 1991, given honorary citizenship in Canada in 2007, and previously touted as a “poster child” for democracy** - In late January, U.S. diplomat Bill Richardson resigned from Suu Kyi’s international advisory panel on Rakhine state, charging her with lack of moral leadership and her negative reaction to his request that she address the situation of the two Reuters journalists.

Suu Kyi’s silence is especially powerful in shaping popular animosity against the Rohingya and international media and rallying support for the military. Myanmar is a “society of hierarchy and deference.” People’s attitudes are shaped largely by the words and positions of authorities. Suu Kyi is now perceived as a politician - not as a human rights advocate.

(Last autumn) Fellow Nobel laureate **Archbishop Tutu**, the moral voice of South Africa after helping dismantle apartheid there, urged Suu Kyi to speak out:

“If the political price of your ascension to the highest office in Myanmar is your silence, the price is surely too steep.”

A 30-year American friend was dismayed when Suu Kyi expressed unhappiness about his concern for the two jailed journalists. [BBC, Feb 11]

When Bob Rae spoke with Aung San Suu Kyi last November, he found that she was still resisting calls for an international investigation into what has been described as ethnic cleansing. She told Rae that her government's efforts to respond to the crisis "are not appreciated enough by the rest of the world. »

On February 14, **Professor Yanghee Lee**, UN Special Envoy in Human Rights in Myanmar, claimed that Aung San Suu Kyi could be complicit in the systematic persecution of the Rohingya people. Prof. Lee was subsequently banned from Myanmar and has received death/assassination threats.

Suggested Actions:

- *Immediate protection must be provided for Professor Lee, and she should be encouraged to present the reasons/proof in support of her shocking claim.*
 - *The U.S. and the International Community must continue to empower civil society actors and political leaders from within the National League for Democracy (NLD's) ranks.*
 - *The push needs to be on education and access to transparency in journalism, law, and government because the people of Myanmar have had no exposure to transparency or to the rule of law.*
7. **Myanmar's 2008 Constitution** - The military-drafted 2008 Constitution allocated 1/4 of the seats in parliament to the military. The ability for the military to flex its muscle is thereby enshrined in the Constitution. The Burmese military has been very effective over a number of years at “divide and rule” policies - creating and forcing division between ethnicities. Aung San Suu Kyi told Bob Rae that she has no control over the military under the 2008 constitution.

Suggested Action: *Get rid of the 2008 Constitution. However, any proposed amendments should not be left to the military and government. There should be a much broader process involving all political parties, all civil society, and all sectors of society. The State Counsellor should be given control over the military. The process of drafting a new Constitution should be used to unite the ethnic groups, both in what they have in common and what they want for the future.*