

Anti-Muslim Violence in Burma/Myanmar and the Responsibility to Protect

INTRODUCTION

After more than fifty years of military rule, in 2011 Burma/Myanmar embarked upon a historic transition with the new civilian government, led by President Thein Sein, undertaking a series of political and economic reforms. Burma/Myanmar has been congratulated by the international community for its attempt to end gross human rights abuses and establish a more tolerant and peaceful society.

Burma/Myanmar's democratic transition has also caused insecurity. Although the government has permitted greater freedom of expression and allowed for political debate, Buddhist chauvinists have been able to exploit this newly-opened space. Political reforms have not diminished the risk of mass atrocities against some vulnerable minority populations.

During June and October 2012 inter-communal violence in the country's western Arakan/Rakhine state left at least 200 people dead and 120,000 displaced, most of whom were Rohingya Muslims. Worryingly, anti-Rohingya sentiments have continued to spread, with violence now affecting the broader Muslim community. Following deadly clashes between Buddhists and Muslims in Meikhtila during March 2013, anti-Muslim rhetoric and sporadic attacks have persisted.

The government bears the primary Responsibility to Protect all populations within its borders, regardless of ethnicity or religion, from mass atrocity crimes. Yet, it is failing in this responsibility.

Despite an enduring risk of mass atrocities, the international community has continued to praise the progress made by President Thein Sein's administration, rewarding the government with increasing diplomatic engagement and direct foreign investment as well as by

lifting decades-long bilateral sanctions. Unless the international community presses the government to take immediate action to stem the violence, enduring ethnic conflicts and persecution will continue to endanger vulnerable populations and imperil the country's stability.

BURMA/MYANMAR AND THE ROHINGYA

In 1989 the military dictatorship officially changed the name of Burma to Myanmar, although this is not universally accepted. Burma/Myanmar is a multi-religious and multi-ethnic country, with 135 ethnic groups officially recognized by the government. The most prominent of these groups are the Bamar, who are mainly Buddhist, constituting about two-thirds of the population and comprising much of the army (Tatmadaw). A history of mutual distrust and hostility has characterized relations between the Tatmadaw and many minority ethnic groups, resulting in decades of conflict. Violence between the Tatmadaw and several other ethnic armed groups continues despite the reform agenda of the new civilian government.

Burma/Myanmar's 2 million Muslims account for roughly 4 percent of the population, according to the country's last official census, conducted in 1983. Despite a history of religious intolerance and inter-communal mistrust, most of the ethnically diverse Muslim population is geographically dispersed and socially integrated. By contrast, the approximately 800,000 Rohingya Muslims, who were excluded from the 1983 census, are mainly concentrated in Burma/Myanmar's western Arakan/Rakhine state.

Rohingya Muslims were made stateless by the Citizenship Law of 1982, which designates that only members of officially recognized ethnic groups are

eligible. Since the government fails to recognize Rohingya as an ethnic group, the law automatically renders all members of the group non-citizens. While President Thein Sein's administration continues to claim that Rohingya are illegal Bengali immigrants, many Rohingya have been in the country for generations.

According to the Rome Statute of the International Criminal Court, persecution is defined as the severe deprivation of fundamental rights contrary to international law by which the perpetrator targets an individual or group based upon national, ethnic, cultural, religious or other grounds. As such, persecution amounts to a crime against humanity. The government's policies regarding the Rohingya suggest that it is attempting to render Arakan/Rakhine state ethnically homogeneous through persecution.

Rohingya face ongoing discriminatory state policies, including restrictions upon marriage and births, forcible displacement and other crimes. In May 2013 authorities in Arakan/Rakhine state re-introduced an order restricting Rohingya families to just two children. The order, first established in 1994, had previously lapsed.

Government-imposed restrictions on the movement of Rohingyas have confined many of them to displacement camps with deplorable conditions that the UN Office for the Coordination of Humanitarian Affairs (OCHA) has described as "far below international emergency standards."

Important pro-democracy figures, such as Nobel Peace Prize winner Aung San Suu Kyi and her allies within the National League for Democracy party, have largely remained silent on the issue of Rohingya rights. However, in May 2013 Suu Kyi condemned the decision of local officials in Arakan/Rakhine state to enforce the two-child policy for Rohingyas.

APPLYING THE RESPONSIBILITY TO PROTECT

The Responsibility to Protect, adopted at the 2005 UN World Summit, is a commitment by every state to protect its population from genocide, war crimes, crimes against humanity and ethnic cleansing. In pledging to uphold its Responsibility to Protect, the government of Burma/Myanmar accepted its primary responsibility to safeguard its population from mass atrocity crimes.

President Thein Sein told the UN High Commissioner for Refugees (UNHCR) during June 2012 that Burma/Myanmar will take responsibility for its own ethnic nationalities, but it is "not at all possible to recognize the illegal border-crossing Rohingyas who are not our ethnicity." Burma/Myanmar's Responsibility to Protect, however, applies to its entire population, irrespective of religion, ethnicity, or citizenship status.

Despite the reform agenda, the government has allowed widespread human rights violations, in some cases reaching the scale of mass atrocities, to continue to be perpetrated against Rohingya. Not only has it failed to ensure that all of its security forces respect international human rights law, it has done little to hold accountable perpetrators of ethnic and religious violence. In some cases government forces have been complicit in acts of discrimination and violence, including rape, enslavement and murder.

These acts of omission and commission have contributed to the spread of anti-Muslim hostility, leaving the broader Muslim community at risk and demonstrating that the government is failing to uphold its primary Responsibility to Protect.

ANTI-ROHINGYA VIOLENCE IN ARAKAN/ RAKHINE STATE

Long-standing discrimination has enabled groups in Burma/Myanmar to perpetrate attacks upon the Rohingya with impunity. The June and October 2012 violence between Buddhists and Muslims in Arakan/Rakhine state disproportionately affected Rohingyas, many of whom fled to nearby displacement camps or neighboring countries. While the government said in a 30 July 2012 statement that it "exercised maximum restraint in order to restore law and order," security forces tasked with reestablishing stability in June are accused of standing idle during attacks or using excessive force and committing human rights violations themselves, including killing civilians. State media also published anti-Rohingya accounts of the events, encouraging further persecution.

In the aftermath of the initial wave of violence, some Buddhist monk organizations called for the deportation of all Rohingya and attempted to block the delivery of humanitarian assistance to displacement camps. At the All-Arakanese Monks' Solidarity Conference on 18 October 2012, a group of monks identified Rohingya

sympathizers, including those advocating for the protection of their human rights, as “national traitors.”

The UN Special Rapporteur on the human rights situation in Myanmar, Tomás Ojea Quintana, reported on 23 September 2013 that 140,000 people remain displaced as a result of anti-Rohingya violence. In June 2012, President Thein Sein told the UNHCR that the camps to which many Rohingya fled were the “only solution” to the conflict outside of deporting them to “any third country [who] would accept them.”

The UNHCR reported in October 2013 that there has been a “dramatic increase” since January in the number of Rohingya risking their lives to flee Arakan/Rakhine state by boat and seeking protection abroad.

Burma/Myanmar’s neighbors, however, have not been receptive to Rohingya refugees. Bangladesh has in the past closed its borders and, in contravention of international law, forced asylum seekers to return to Burma/Myanmar. Singapore has similarly denied entry to Rohingya asylum seekers. In March 2013 Thailand’s navy was accused of shooting at Rohingya attempting to flee by boat to Malaysia.

In August 2012 President Thein Sein appointed an independent commission to investigate the 2012 inter-communal violence in Rakhine/Arakan state. On 29 April 2013 the Rakhine State Conflicts Investigation Commission released its report on the June and October 2012 violence, calling upon the government to increase humanitarian support to displacement camps and ensure that the human rights of all groups are protected. However, the Commission referred to Rohingya as “Bengalis,” reinforcing the prejudice that they are ethnic outsiders.

The Commission also recommended that the government double the presence of security forces in Arakan/Rakhine state, including local police and the government’s border security forces (Nasaka). However, local police and Nasaka have previously been responsible for the perpetration of violence and remain a source of anti-Rohingya persecution. In a positive move, on 12 July President Thein Sein announced the disbandment of the Nasaka.

BROADER ANTI-MUSLIM VIOLENCE

During two days of clashes that began on 20 March 2013, inter-communal violence between Buddhists and

Muslims in Meikhtila killed an estimated 40 people, with 61 more injured. Local reports described mobs of Buddhists, including monks, attacking Muslim homes, businesses and mosques. Utilizing satellite images, Human Rights Watch reported the destruction of over 800 residences. OCHA reported the displacement of 12,846 people.

In response, on 22 March President Thein Sein imposed a state of emergency across several townships and deployed troops to restore order. However, during the subsequent week anti-Muslim violence also broke out in a number of other townships, including in Shan state. Buddhist rioters in Lashio destroyed a mosque, orphanage and Muslim-owned businesses, displacing at least 1,400 people.

On 28 March Special Rapporteur Quintana stated that during some of the aforementioned acts of violence, “military, police and other civilian law enforcement forces have been standing by while atrocities have been committed before their very eyes, including by ultra-nationalist Buddhist mobs.” In particular, local police failed to intervene to protect victims during a 21 March massacre of over 30 Muslim students and teachers in Meikhtila. Some police were allegedly directly complicit in the attack.

The central government denies responsibility for any acts of violence and on 25 March pledged to provide protection and accommodation to victims of the Meikhtila violence. The government said it would cooperate with civil society and international organizations in supplying aid to victims. The government, however, has not taken effective measures to disavow sentiments expressed by Buddhist extremists or to halt the commission of religious or ethnic violence. For example, police officers in several townships affected by inter-communal violence have admitted that despite laws forbidding the distribution of extremist propaganda, they have taken no action against those circulating anti-Muslim materials.

On 25 October Special Rapporteur Quintana said the government had yet to investigate allegations of widespread human rights violations committed by security forces and to hold perpetrators to account. As a result, sporadic outbreaks of anti-Muslim violence continue. For example, on 29 September Muslims were attacked in several villages of Thandwe township, Arakan/Rakhine state. During three days of violence, at least 7 people were killed and over 480 were displaced

while 110 homes, mostly belonging to Muslims, were burned down.

RISK OF FURTHER MASS ATROCITY CRIMES

While the government has pledged to prevent all forms of violence and incitement, there is an enduring risk that anti-Muslim violence may spread throughout the country and lead to the further commission of mass atrocity crimes. In particular, stateless Rohingya Muslims continue to face widespread persecution and discrimination.

Targeted violence against the wider Muslim population also signals that impunity for crimes committed against Rohingya has enabled escalating human rights abuses. Special Rapporteur Quintana has noted that the warning signs for further violence have been evident since June 2012, but “the Government has simply not done enough to address the spread of discrimination and prejudice against Muslim communities across the country, and to tackle the organized and coordinated mobs that are inciting hatred and violently attacking Muslim communities.”

Specifically, extreme Buddhist chauvinism has fuelled “Movement 969,” an anti-Muslim boycott movement. The movement, which is promoted by prominent religious leaders, including the influential monk Wirathu, has distributed CDs, leaflets and stickers bearing 969 as a numerological symbol of the attributes of Buddhism. Displayed on store fronts, the logo encourages the boycott of Muslim businesses and has come to represent an intensifying anti-Muslim campaign.

The government has failed to hold accountable those with influence – such as political and religious leaders – who have expressed dangerous anti-Muslim sentiments. The growth of the 969 Movement, anti-Muslim hate-speech and demonstrations continue. If the government permits the further development of Buddhist chauvinism, tensions between Buddhists and Muslim communities will continue to escalate and almost certainly result in renewed violence.

Meanwhile, the military continue to oppose efforts aimed at holding perpetrators of atrocity crimes accountable. Despite the democratic transition, the parliament continues to be dominated by the Tatmadaw. The constitution, drafted in 2008 by the former military

junta, allocates the military 25 percent of seats in parliament and requires support from 75 percent of parliamentarians for any constitutional amendment. It also exempts the Tatmadaw from prosecution for any act carried out “in the execution of their respective duties.”

INTERNATIONAL RESPONSE

The international community has welcomed Burma/Myanmar’s historic transition from military to civilian rule. While some governments have expressed grave concern regarding the human rights situation within the country, this has not translated into effective action aimed at holding President Thein Sein’s administration accountable for the ongoing attacks against Muslims. Instead, several countries have lifted or suspended sanctions and cancelled bilateral debt. In 2013, for the first time in over 25 years, the Asian Development Bank and the World Bank approved major loans worth \$512 and \$440 million, respectively, for the social and economic development of the country.

President Thein Sein is actively and successfully promoting Burma/Myanmar’s diplomatic rehabilitation. For example, on 20 May 2013 President Barack Obama welcomed President Thein Sein to the White House for a bilateral meeting, the first visit to the United States by a leader of Burma/Myanmar in nearly 50 years.

A number of countries have spoken out publicly against the growing violence in Burma/Myanmar. The Association of Southeast Asian Nations (ASEAN) Inter-Parliamentary Caucus has made several statements condemning discrimination and violence against Rohingya. The ASEAN Parliamentarians for Human Rights said in a 27 August statement that the government of Burma/Myanmar is not doing enough to reduce inter-communal tensions and prevent anti-Muslim violence.

Turkey has expressed concern over the persecution of Rohingya and called upon the international community to be more vocal on the issue. In June 2013 Malaysia urged Burma/Myanmar to take stronger action to prevent attacks on Muslims and bring perpetrators to justice. The following month Indonesia urged the government to address the citizenship status of Rohingya so they can obtain the same legal rights as “the rest of their countrymen.”

The UN Special Adviser on the Prevention of Genocide, Adama Dieng, warned on 25 March 2013 of the risk of further violence unless the government actively implements preventive measures, including holding accountable those responsible for past attacks and protecting populations at risk.

The UN Human Rights Council has expressed concern about the violence in Rakhine/Arakan state and urged the government to ensure accountability for those responsible. It has called upon the government to facilitate the effective coordination of humanitarian assistance, end discrimination against Rohingya and grant them equal access to citizenship.

The Organization of Islamic Cooperation (OIC) has made several statements since June 2012 condemning violence against Rohingyas and the wider Muslim population. In November 2013 an OIC delegation visited Arakan/Rakhine state.

In an annual resolution on "The situation of human rights in Myanmar," on 19 November the UN General Assembly urged the government of Burma/Myanmar to grant equal access to citizenship for the Rohingya and to address the root causes of attacks against Muslim minorities elsewhere in the country.

CONCLUSION

The risk of further mass atrocity crimes being committed against Muslims in Burma/Myanmar is high. In particular, the government must address the endemic discrimination against Rohingya and grant them access to citizenship. It must hold accountable those who incite ethnic and religious hatred and provide appropriate protection for Muslim communities against violence and other human rights abuses.

In Arakan/Rakhine state, the government must allow unhindered humanitarian access to those affected by previous violence. Security forces should be tasked with ensuring the effective protection of Rohingya and facilitating the safe, voluntary return of those displaced back to their communities in order to avoid indefinite segregation.

The international community must focus attention not only on the government's democratic reforms and emerging economic opportunities, but also on grave human rights violations that continue to be committed with impunity. More must be done to pressure the

government of Burma/Myanmar to protect vulnerable minorities.

As Burma/Myanmar assumes the rotating ASEAN chairmanship for the first time during 2014 there is an opportunity for ASEAN members to focus upon the country's human rights record. ASEAN members should encourage the government of Burma/Myanmar to uphold its Responsibility to Protect and act in accordance with the ASEAN Charter and the ASEAN Intergovernmental Commission on Human Rights. Member states should press the government to address the underlying causes of anti-Rohingya and anti-Muslim sentiment. Neighboring states should also open their borders to Rohingya asylum seekers.

Members of the international community must press the government of Burma/Myanmar to prioritize human rights as a prerequisite for further engagement. Remaining sanctions should only be lifted following a demonstrable improvement in the welfare of vulnerable ethnic and religious communities, especially Rohingya.

As Burma/Myanmar continues its historic democratic transition, it must uphold its Responsibility to Protect its entire population, regardless of ethnicity or religion.