



AP R2P

Asia Pacific Centre for the Responsibility to Protect

P: +61 7 3346 64 • E: r2pinfo@uq.edu.au

APRIL 2016 • ISSUE 27



SPOTLIGHT ON R2P

Myanmar and Minority Protection under the NLD: Challenges and Opportunities

PUBLIC SEMINAR HOSTED BY THE APR2P CENTRE AT THE UNIVERSITY OF QUEENSLAND, ST. LUCIA CAMPUS.

On Wednesday 16 March 2016, the Asia Pacific Centre for the Responsibility to Protect invited four distinguished pannelists to discuss Myanmar's November 2015 general elections and their significance in regards to the persecution of the Rohingya minority and the future of Myanmar. Professor the Honorable

Gareth Evans, Former Foreign Minister of Australia; His Excellency Syed Hamid Albar, Former Foreign Minister of Malaysia and the Special Envoy for the Organ-isation for Islamic Cooperation (OIC) for Myanmar; Dr. Hla Myint, a Senior Member of the Arakan Rohingya National Council; and finally, Dr. Noel Morada, Director of Regional Diplomacy and Capacity Building at the Asia Pacific Centre for R2P, shared their insights on the issue.

While each panelist expressed opti-

mism and hope for Myanmar's prosperity in the wake of a momentus win for the NLD, their primary contributions were expressions of caution and acknowledgement of how far the Maynmar Government still has to go to ensure adequate protection of their citizens. Policy recommendations emphasized continued efforts to combat discrimination and human rights abuses of Myanmar's myriad ethnic groups. The pannelists' speeches were followed by questions from the floor.



Australian Government
Department of Foreign Affairs and Trade



THE UNIVERSITY OF QUEENSLAND AUSTRALIA

Professor The Honorable Gareth Evans

In his opening speech on Myanmar post-2015 elections, Professor the Honorable Gareth Evans enumerated three areas - the handling of borderland conflicts, communal violence and Rohingya discrimination - that continue to raise concern in the international community. He stated that although a long overdue ceasefire agreement with eight of the armed border groups was announced in October of last year, significant fighting continues particularly in the Kachin and Shan states. Moreover, there are still some 90,000 Myanmar refugees in the Thai border camps, and several hundred thousand border minority people who remain internally displaced.

Highlighting communal tensions and violence between Buddhists and Muslims, specifically the Rohingya of the Rakhine state, Professor Evans noted that there have been a number of alarming outbreaks elsewhere in recent years, which have attracted widespread international attention and condemnation. He also emphasized that in 2012, during the worst outbreak of communal violence the Rakhine state has seen in recent years, security forces failed to respond to attacks and re-establish stability in the country effectively.

Professor Evans pointed out that in September 2014, the military government announced the promising Rakhine Action Plan to tackle citizenship, displacement, economic unfairness, and security. However, the same plan, in essence, required approximately 1 million Rohingya to accept ethnic classification as 'Bengali' in order to obtain citizenship. Furthermore, he emphasized that violence, discrimination, and systematic undermining of the Rohingya's human rights amounts to a violation of Myanmar's responsibility to protect its citizens within its borders under the R2P principles, unanimously embraced by the UN General Assembly in 2005.



From Left To Right: The Honorable Gareth Evans, His Excellency Syed Hamid Albar, Dr. Katharine Gelber, Dr. Noel Morada.

He added that ASEAN did not act with distinction in its response to the crisis; as thousands of Rohingya were denied landing and the death toll mounted, ASEAN itself refused to engage. On the other hand, although Daw Aung San Suu Kyi has said in general terms that the citizenship law needs to be changed in order to reflect appropriate rule of law standards, she avoids using the specific word: 'Rohingya.'

Professor Evans stated that the world is looking to Daw Aung San Suu Kyi and the NLD to lead and foster a sustainable peace for Myanmar. Specifically, to achieve particular political objectives; such as a final resolution to the minority conflicts, secession of Buddhist hostility toward the country's Muslim minority, and treatment of the running sore of non-recognition, maltreatment and violence against Rohingya.

In his concluding remarks, Professor Evans pointed out that Myanmar's breathtaking strides in recent years toward peace, freedom, stability

and prosperity should not persuade anyone with a genuine affection for Myanmar - inside or outside the country - to underestimate 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.

His Excellency Syed Hamid Albar

Highlighting human rights violations, the denial of citizenship for Rohingya Muslims through the 1982 Citizenship Law, and armed conflicts between the minorities and the Government, the Special Envoy of the Organisation of Islamic Cooperation (OIC) for Myanmar, Syed Hamid Albar outlined his role in dealing with the issue of Muslim minorities in Myanmar. He stated that in accordance with the OIC's objectives to protect the Muslim minorities in Myanmar, his main role is to strengthen diplomatic efforts between related parties in order to promote peace and harmony among Muslim and non-Muslim communities in Myanmar. He also

stressed that in his capacity as Special Envoy, he works closely with other states, regional and international organizations to ensure the adherence to human rights and humanitarian law within the framework of the UN charter.

Syed Hamid Albar gave a brief overview of the current political situation in Myanmar and identified some recommendations that could contribute to advancing minority protection and peacebuilding. He advocated for redefining the military's political role due to the fact that the military still retains considerable executive power, with control of defence, home affairs and border affairs ministries. He also added that there is a need to establish the rule of law and democracy to ensure adherence to human rights standards within Myanmar. He emphasized the NLD's overwhelming victory as an opportunity to facilitate important changes in certain areas such as: freedom of the press, promotion of multiculturalism in the education system as well as unity

among the ethnic minorities and expansion of the role that ASEAN and International Organisations play in providing peace and security in Myanmar. Inclusivity, Syed Hamid Albar iterated, is extremely important for the OIC in the pursuit of human rights in Myanmar and to overcome issues of ethnic conflict and islamophobia.

Underscoring the expectations of the OIC and international community for the new government of Myanmar, Syed Hamid Albar expressed his hopes that the NLD would deliver the needed political, economic and socio-cultural changes to achieve a sustainable solution for minority issues in Myanmar.

Dr. Noel Morada

In his presentation, Dr. Noel Morada highlighted the relevant sections of the NLD's Election Manifesto 2015 from which one could identify the priority areas that the party will pursue after its landslide victory in November 2015.

Chief among these are: 1) promoting peace and reconciliation with ethnic minorities; 2) working towards amendments to the constitution in order to promote the rule of law, human rights protection and democracy; 3) transforming the military and police; and 4) promoting the protection of women and gender equality.

He also identified a number of challenges that the new government under the NLD would face as it attempts to advance these priority areas. This includes the continuing domination of the military as a force to reckon with under the 2008 Constitution, which would make any amendments to the present charter rather difficult. As well, the military will likely resist any attempt by the NLD to review the 1982 Citizenship Law as well as abolishing the four discriminatory laws sponsored by the MaBaTha, passed by the previous parliament in 2015 aimed at minority Muslims in the country.



Dr. Noel Morada on the Left, His Excellency Syed Hamid Albar on the Right

With regard to peace and reconciliation with ethnic armed organizations, the military is likely to resist a political settlement under the Panglong framework and would insist on the 2008 Constitution as the basis of peace agreement. Dr. Morada argued that, notwithstanding these challenges, the international community should focus on capacity building assistance to the government of Myanmar under the NLD to help it in addressing many of these issues, including the communal violence in the Rakhine state. He stated that there are in fact a range of opportunities to deepen the engagement with Myanmar through many existing mechanisms in the region (e.g., ASEAN framework and bilateral ties with individual ASEAN members, including civil society groups), the United Nations, as well as dialogue partners such as the US, EU, Japan, Australia, and Korea. Specifically, assistance for Myanmar should prioritize peace-building and conflict prevention, human rights protection, and security sector reform.

Dr. HI Myint

Dr. Hla Myint, Senior Member of the Arakan Rohingya National Council delivered a speech on the plight of the Rohingya Muslim minority of Myanmar and highlighted the details of the human rights violations committed by Government forces. He underscored the role of the international community in preventing violence against the Rohingya people by applying diplomatic and coercive pressures to the Myanmar Government.

Dr. Myint criticized the international community for lifting international sanctions against Myanmar and stated that although the international community ushered in a new approach in its relations with the Myanmar Government, the inhumane treatment of the Rohingya Muslims has not changed. In his concluding remarks, Dr. Myint argued that the international community should apply coercive pressure, as Government authorities continue to target the Rohingyas.



Dr. Hla Myint and His Excellency Syed Hamid Albar on the Right



Dr. Noel M. Morada is the Regional Director of the Asia Pacific Centre for the Responsibility to Protect

ASIA PACIFIC CENTRE FOR THE RESPONSIBILITY TO PROTECT

Building 39A

School of Political Science
& International Studies

The University of Queensland,
St Lucia Brisbane QLD 4072

P +61 7 3346 6435

E: r2pinfo@uq.edu.au

W: www.r2pasiapacific.org



Australian Government
Department of Foreign Affairs and Trade



THE UNIVERSITY OF QUEENSLAND
AUSTRALIA