



# General Assembly

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## Human Rights Council

### Forty-first session

24 June–12 July 2019

Agenda item 4

### Human rights situations that require the Council's attention

## Joint written statement\* submitted by International Educational Development, Inc., non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[02 June 2019]

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\* Issued as received, in the language(s) of submission only.

GE.19-10537(E)



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## **The situation of the ethnic nationalities in Myanmar**

International Educational Development, Inc. and the Association of Humanitarian Lawyers have worked closely with the successive special rapporteurs on the situation in Burma/Myanmar since the term of the first one, Yozo Yokota. However, we regret that the current special rapporteur prefers to work without as much input from non-governmental organizations.

In our work on Burma/Myanmar we have submitted numerous written statements and oral interventions and have twice been invited to submit testimony to the US Congress on human rights there.

Our attention to Burma/Myanmar has mainly focused on the situation of the ethnic nationalities. In the documents ending the rule of the United Kingdom, the ethnic nationalities were given the option to opt out of what was to become the Union of Burma. However, the first Burman government unilaterally cancelled that option, and the ethnic nationalities have, for the most part, been seeking their autonomy or independence ever since. Most of them have their own military forces, and the government authorities are unable to enter into some of their territories. We have defended the right of the ethnic nationalities to pursue what they were promised in the decolonization documents. While there have been “peace” agreements with some of them over the years, most of these agreements have failed.

We have called attention to the violence against Rohingya Muslims in Burma/Myanmar in several written statements and raised it in the interactive dialogue with Special Rapporteur Lee at earlier sessions. We are pleased with the Council’s specific action on this situation.

We note that the Special Rapporteur Lee provides limited discussion about other ethnic nationalities in her work, and in her report at the 40<sup>th</sup> session indicated that she was not allowed into Myanmar/Burma to investigate herself. We indicated in our oral statement at the 40<sup>th</sup> session that we were able to enter Shan State and visit several other areas of the ethnic nationalities. We have now again had delegates on the ground in the areas under control of the ethnic nationalities.

At present time, there are considerable problems with the situation in Shan State. Shan State has a population of about 5 million, has had its own military forces for many years, and functions in relative autonomy. While the government forces periodically seek to overtake the Shan forces, they have been unable to do so. However in the process, they have engaged in serious violations of human rights, including torture, rape and disappearances of Shan people at the border and attempted confiscation of their lands. We have newly-taken photos of government forces at the border of Shan State, but they were unable to enter into the territory. The officials of Shan State are currently forming a more complete government and are contemplating other acts to consolidate their traditional territory. They are also engaged in talks with other ethnic nationalities, especially the Kachin.

Government authorities continue clashes with the Kachin Independence Army forces and other Kachin militias. There are thousands of displaced Kachin who continue to flee government actions. The same is occurring with the Mon peoples and their Mon National Liberation Army. The government continues air strikes in these areas.

There are also clashes in Karen State with some spilling over into Thailand. The UN High Commissioner for Refugees has in the past estimated over 100,000 Karen refugees in Thailand. There are also periodic clashes between the Karenni and the federal government.

The ethnic Burman government has always disregarded the rights of the ethnic nationalities, and continues this under the leadership of Aung San Suu Kyi’ party. Although she has indicated she wants to undertake peace processes with the ethnic nationalities, these have been feeble and have not forwarded sustainable peace. We urge the international community to ensure that States do not engage prematurely with the new authorities to the detriment of human rights, especially those of the ethnic nationalities.

## **Recommendations**

- The Council should encourage the Special Rapporteur for Truth, Justice, Reparation, and Guarantee of Non-Recurrence to visit Myanmar to forward its national reconciliation.
- The Council should continue its actions regarding the Rohingya and other ethnic nationalities and should perhaps remove review of them from the mandate of the Special Rapporteur.
- All governments should recommit themselves to pressure the government of Myanmar to resolve its conflicts with ethnic nationalities peaceably and with deference to each group's sovereignty and limit any economic or military cooperation with the authorities of Burma/Myanmar until the overall human rights condition has improved.

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The Association of Humanitarian Lawyers, Inc. NGO(s) without consultative status, also share the views expressed in this statement.