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Human rights situations that require the Council's attention

Written statement* submitted by International Educational Development, Inc., a non-governmental organization 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.

[01 February 2020]

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



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 Myanmar since the term of the first one, Yozo Yokota, working closely with all of them except Special Rapporteur Lee, as she has been less welcoming.

In our work on Myanmar we have submitted numerous written statements and oral interventions and have twice been invited to submit testimony to the United States of America Congress on human rights there.

Our attention to Myanmar has mainly focused on the situation of the ethnic nationalities. In the documents ending the rule of the United Kingdom of Great Britain and Northern Ireland, 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 cease-fires called over the years, including several at the present time, most of these have ultimately failed.

We have called attention to the violence against Rohingya Muslims in Myanmar in several written statements and raised it in the interactive dialogue with Special Rapporteur Lee at earlier sessions. We welcome the Order of the International Court of Justice of 23 January 2020 regarding genocide of Rohingya and urge the Myanmar authorities to comply fully with it.

We note that the Special Rapporteur Lee provided limited discussion about other ethnic nationalities in her work, and in her reports indicated that she was not allowed into Myanmar to investigate herself. We indicated in our oral statements at earlier sessions that we were able to enter Shan State and visit several other areas of the ethnic nationalities. We again have been able to enter these areas and with photographic evidence to prove it that we hope to provide to the Council under conditions of strict confidentiality.

At present time, there continue to be 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. In our recent photographs taken at the border of Shan State we show government forces amassed but not entering the territory. We also note the problems in Shan State indicated by the Fact Finding Mission's statement of 5 August 2019 relating to private company's jade and ruby mining operations with a recommendation for Security Council and Member State targeted sanctions against the companies involved.

The officials of Shan State are currently forming a more complete government and are contemplating other acts to consolidate their traditional territory. Different groups in Shan State have become united in their work as they seek international recognition of their rights, including the right of self-determination. They are also engaged in talks with other ethnic nationalities, especially the Kachin.

There continue to be clashes with the armed forces of several of the other ethnic nationalities. For example, there were clashes between the Tatmadaw (Myanmar army) and the Mon National Liberation Army in November and December 2019 as well as between the Tatmadaw and the Kachin Independence Army. We remind the Council that large parts of Myanmar are not in the control of the Myanmar authorities but rather under the control of the ethnic nationalities.

The ethnic Myanmar government has always disregarded the rights of the ethnic nationalities, and continues to do so under the leadership of Aung San Suu Kyi and her party. Although she has indicated she wants to undertake peace processes with the ethnic nationalities, these

have been feeble and have not forwarded sustainable results. We urge the international community to follow the recommendations of the Fact Finding Mission to ensure that States do not engage prematurely with the authorities to the detriment of human rights and humanitarian law, especially relating to 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.
- 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 Myanmar until the overall human rights condition has improved.

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