



General Assembly

Distr.: General
21 September 2020

English only

Human Rights Council

Forty-fifth session

14 September–2 October 2020

Agenda item 4

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.

[20 August 2020]

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

GE.20-12222(E)



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The situation in Myanmar

International Educational Development, Inc. and the Association of Humanitarian Lawyers have worked closely with the successive special rapporteurs on the situation of human rights in Myanmar since the term of the first one, Yozo Yokota, working closely with all of them except out-going Special Rapporteur Lee. We look forward to a cooperative relationship with the incoming Special Rapporteur Thomas Andrews.

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. We have also participated in the Universal Periodic Review process and submitted a statement in March 2020 and another in July 2020.

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 Myanmar. However, the first Myanmar 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 urge the Myanmar authorities to comply fully with all international orders regarding the Rohingya. We are presently concerned about the spread of Covid-19 in Rohingya camps and the burning of Rohingya villages in Rakhine State on 16 May 2020.

We note that the Special Rapporteur Lee provided limited discussion about other ethnic nationalities in her work and was not allowed into the country to investigate herself. We anticipate that Special Rapporteur Andrews will have better luck in visits as he has recently made a visit there. We have been able to enter Shan State and visit several other areas of the ethnic nationalities on several occasions and have photographic evidence of this.

At present time, there continue to be considerable problems with the situation in Shan State, the home of the largest ethnic nationality. 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.

The officials of Shan State have formed a more complete government among the 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. The Tatmadaw (Myanmar military) are currently trying to step up military actions in Shan State taking advantage of the Covid-19 situation while the Shan State authorities have imposed a curfew as part of its response to the epidemic. Funds provided the Myanmar government by the international community to combat the coronavirus are not distributed in the areas of the ethnic nationalities and the Myanmar authorities are trying to use this to coerce the ethnic nationalities to meet with them to obtain funds. This is viewed as a ploy to weaken the strongholds of the ethnic groups. In May 2020 there was the discovery of large quantities of illicit drugs in northern Shan State thought to be hidden by China. A spokesperson for the Shan State police condemned this and vowed to find the truth in the matter.

At time of writing Aung San Suu Kyi seeks to enter into renewed dialog with the ethnic nationalities, but to date the results have been feeble. We hope that she will be persistent in this endeavor, while recognizing the full rights of these peoples, including the right to opt-out as promised in the decolonization instrument.

At time of writing there have also been repeated clashes between the Tatmadaw and the Karen National Liberation Army, the Kachin Independence Army and the Mom National Liberation 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 and their armies.

Recommendations

We hope the Council will support fully the new Special Rapporteur.

Due to the seemingly total disregard of the authorities of Myanmar to comply with the Council, the situation of Myanmar at the International Court and needs of the international community as a whole, we recommend that Myanmar be denied its seat in the Council until it makes significant progress in the area of human rights.
