



No Hope For Rohingya From Burma Election

November 2015

Introduction

When the people of Burma go to the polling stations on November 8th, for the first time since independence the majority of Rohingya will not be allowed to vote. In another first, as all Rohingya candidates for the national parliament were rejected by the Union Election Commission (UEC), there will be no Rohingya MPs in Parliament.

Despite the deliberate mass disenfranchisement of an ethnic minority, the international community are still talking about the elections being a crucial step in Burma's transition to democracy. Our right to vote and be represented in parliament was one of the few rights we had left. That has now been taken away.

For the ethnic Rohingya, the elections are another step in the government's systematic campaign of repression with the goal of driving all Rohingya out of Burma.

With not one opposition political party taking a human rights based position on the Rohingya, including the main opposition party, the National League for Democracy, the Rohingya will lose regardless of who wins the election. The elections offer no hope for us.

The Human Rights Context

The Rohingya Muslim minority in Burma are the most persecuted ethnic minority in Burma, subject to policies of oppression which are applied almost exclusively to them. Government policies target Rohingya on the basis of their ethnicity and religion. The Rohingya are widely viewed in Burma as illegal immigrants from Bangladesh, despite the fact that Rohingya people have lived in Burma for centuries.

The Rohingya have endured decades of abuse, persecution and discrimination. The repressive 1982 Citizenship Law denies many Rohingya citizenship and underpins legal discrimination against the Rohingya. It means the Rohingya are denied access to education and employment, and face unacceptable restrictions on movement, marriage, and reproduction. Many Rohingya children cannot even have their birth registered.

The systematic and widespread human rights violations committed against the Rohingya violate international law. There is mounting evidence of state involvement in those crimes against humanity and of government involvement in a campaign of ethnic cleansing against the Rohingya.

Legal experts have also warned that there is strong evidence that genocide is being committed against the Rohingya. They have called for a United Nations Commission of Inquiry to investigate the situation. Burmese Rohingya Organisation UK believes genocide is being committed against our people.

Rohingya political parties

Only one political party has a Rohingya candidate, and that candidate is for the state parliament, not national Parliament.

Democracy and Human Rights Party (DHRP), a Rohingya political party which includes Burmese, Rohingya and other Muslims from Burma.

Following rejections by the UEC, it only has three 3 candidates. One Rohingya for Rakhine State parliament, one Kaman for a regional Parliament, and a Burmese Muslim for the lower house of the national Parliament.

The Democracy and Human Rights Party had planned to have at least 18 candidates. 17 candidates were initially rejected by the UEC, along with dozens of other Muslims from other parties. As a political party has to have a minimum of three candidates in the elections, the DHRP faced being effectively banned. Following international pressure, the UEC reinstated eleven Muslim candidates, including two from the DHRP.

Union National Development Party (UNDP), not given registration as a party by the UEC.

National Democracy Party for Development (NDPD), no Muslim candidates approved, one non-Muslim candidate approved, party will have to disband, they will effectively be a banned party.

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Rohingya MP Candidates

In the 2010 election, Rohingya political parties took part and would have had MPs were it not for the rigging of the election where ballot boxes were stuffed with pro-USDP advance votes.

However, the Union Solidarity Development Party (USDP), set up by the military, had three Rohingya MPs in the national Parliament. This was part of their attempt to win as much support in the election as possible. These candidates were not welcome by the USDP for the 2015 election, and this time around the USDP has no Rohingya candidates.

The parents of all Rohingya parliamentary candidates who were rejected are natural born citizens of Burma. U Shwe Maung, whose father was a police officer in Burma, was elected in 2010 as a member of the ruling Union Solidarity and Development Party to represent the Rohingya majority township of Buthidaung in North Arakan for the Lower House. He has been one of the few voices for the voiceless Rohingya in Burma's Parliament for last five years. U Kyaw Min, who served the Burmese government as a teacher and education officer for many years, was elected in the 1990 general election and was one of the members of the Committee for Restoration of People's Parliament (CRPP). Mr. Abu Taher graduated from Yangon Institute of Technology. According to Myanmar law, only full citizens can study at professional institutions including Yangon Institute of Technology. He qualified as a candidate in the 1990 and 2010 elections in Burma. He is a well-known defender of Rohingya rights.

Rohingya and the right to vote

On February 11th 2015, President Thein Sein announced that all Temporary Registration Certificates, known as 'White Cards', would expire on 31st March 2015, and had to be returned to the authorities by 31st May.

At a stroke, this move has disenfranchised hundreds of thousands of ethnic Rohingya from voting in the elections. It also prevents the Rohingya from taking part in any future referendum on Burma's constitution.

Rohingya people had exercised the right to vote and to be elected in all public elections held in Burma from the 1947 election for Constituent Assembly to the last military held 2010 election, as well as taking part in the 2008 referendum for the adoption of the country's current constitution.

The planned disfranchisement of the Muslim Rohingya, the denial of their right to hold public office and to represent their people in the parliament are all part of the government's systematic plan to drive the Rohingya out of Burma.

Double standards

While Rohingya people, who under Burmese and international law should have the right to vote, have had their right to vote and stand in elections taken away, ethnic Rakhine, who under the law may not qualify to vote or stand, are being allowed to do so. We are not saying the law which should prevent them from voting for is wrong. We do not want the ethnic Rakhine to be disenfranchised in the way we have. Should their right to vote also be taken away we would support their struggle for their rights to vote. Nor do we intend this as a slur or personal attack on any individuals. We highlight this as an example of double standards.

Many foreign born candidates are being allowed to stand for elections. It is believed that that the current Arakan National Party Chairman Dr Aye Maung was born in Bangladesh. U Thein Nyunt, a candidate of the USDP, is the son of a Chinese citizen. Although not standing in the elections, current Chief Minister of Arakan State Mya Aung is also believed to have been born in Bangladesh.

The Arakan National Party is the main political party representing ethnic Arakan people. In 2012, a report by Human Rights Watch linked the party to human rights violations which met the legal definition of ethnic cleansing and crimes against humanity. The Party and its leaders have been among the main instigators of hatred and violence against the Rohingya. It also campaigned for the right of the Rohingya to be taken away, which President Thein Sein supported and implemented.

Despite being linked with violations of international law, and its incitement of hatred on religious grounds and incitement of violence, which breaks Burmese law, the party has not been banned as Rohingya parties have been. It has faced no sanctions, and it is not only allowed to operate freely, it is given more freedoms than many other political parties.

The party is contesting all but one of the 64 seats in the national and regional Arakan State races. It is also running candidates in 14 seats outside the state.

What would an ANP victory mean in Arakan State?

If the ANP wins the expected landslide victory in Arakan State, they will claim a strong mandate to secure the Chief Minister position and pursue their political agenda, including further restrictions on the Rohingya Muslim population.

However, even if they have a majority in the Arakan government, they do not have the right to choose the Chief Minister, who in turn runs the state government. The Chief Minister is chosen by the President. If the NLD win the election and there is an NLD President, in order to show respect for democratic will, they may appoint someone from the ANP as Chief Minister.

If the USDP wins the election and there is a USDP President, it is rumoured that there may be a political deal being considered to give the Chief Minister position to the ANP in return for political favours in the National Parliament, which the ANP is also expected to win many seats in and become one of the largest and leading ethnic political parties.

Rohingya make up about one-third of Arakan State's population and many are virtual prisoners in camps or in segregated villages, subject to restrictions on travel and, in some areas, access to health care and education. Control over local government will enable them to step up their repression of the Rohingya and to increase restrictions on international humanitarian aid to IDPs and others in desperate need.

National elections: Whoever wins, Rohingya lose

A victory for the current ruling party, the USDP, and another term for President Thein Sein, would likely see not only a continuation of the current policies trying to drive the Rohingya out of Burma, but an escalation. With an election victory and another five years in direct control of the government, Thein Sein will have no domestic pressure holding him back from continuing to escalate anti-Rohingya policies. He also has the knowledge that the international community has been willing to stand by and do nothing, even when evidence of state involvement in ethnic cleansing and crimes against humanity have been revealed, and when there are warnings from legal experts about genocide.

If there is an NLD victory, there may not be the same escalation of anti-Rohingya policies, but there is little hope that there will be much improvement on the current situation, which is so extreme that there is evidence of genocide. The NLD has not spoken out in defence of Rohingya human rights. The NLD has no policies to improve human rights for the Rohingya. Senior NLD leaders have spoken out against the Rohingya saying that we are not from Burma, that we are from Bangladesh, that we are illegal immigrants and that we should be put into camps to assess if we should be deported.

Under an NLD government, we do not expect any reform or repeal of laws which oppress the Rohingya and take away our rights and citizenship. An expected Arakan National Party state government under an NLD government would be able to increase repression against us on the ground.

Is international aid helping the government disenfranchise the Rohingya?

Union Election Commission Chairman U Tin Aye has thanked the UN, USA, EU and UK for their assistance to his organization in preparing for the elections. These organisations and governments, along with many others, have been providing everything from technical advice on every aspect of the running of the UEC and the election, to providing equipment, right down to the computers the UEC uses. Their support has been critical. But the organization they are supporting has deliberately discriminated against people on the basis of their race and religion.

The UEC has targeted ethnic Rohingya and Muslim candidates and banned most from standing as candidates. Its decisions will also lead to the effective banning of all Rohingya political parties in Burma. International aid is supporting an organisation which is discriminating against the Rohingya as part of a systematic policy which overall amounts to ethnic cleansing and genocide.

International aid also paid for the census which was another step in the escalating discrimination and repression of the Rohingya, excluding Rohingya from taking part.

Conclusions

The elections offer no hope for an improvement for the situation of the Rohingya in Burma. Most Rohingya cannot vote, and Rohingya cannot stand as candidates in the national parliament.

Neither an NLD led government or a USDP led government will likely deliver any significant improvement for the situation for the Rohingya.

The international community cannot continue to stand by as the situation for our people deteriorates to a level where genocide is happening, and yet still do nothing.

The approach of trying to delay action by saying wait and see until after the election is not credible. After the election, we will be told to wait until the new government is formed. After the new government is formed, we will be told to wait until the government has had a chance to settle in. Years more will pass and our suffering will continue.

It is already clear that whoever wins, there will be no significant improvement for the Rohingya.

As far as human rights violations are concerned, both the USDP and NLD reject clear evidence of multiple violations of international law against the Rohingya. The only way these most serious human rights violations will be addressed is if the international community act. A UN Commission of Inquiry must be formed to investigate these human rights violations.

As far as the humanitarian crisis is concerned, lives are being lost every day no action is taken. UN Secretary General Ban Ki-moon should personally take the lead in negotiating unrestricted international humanitarian access in Arakan State. Only someone with his authority will be able to bring together the international community to jointly pressure whichever government is in power to ensure humanitarian access is granted.

The international organisations, governments, foundations and charities which helped fund the UEC and the election should review their decision to do so. The international community should not be funding any Burmese government bodies of any kind which apply discriminatory policies against the Rohingya. If they do, they are complicit in that discrimination. As such, they are also complicit in the government's broader policy of driving the Rohingya out of Burma.

The international community must stop treating the situation of the Rohingya as somehow disconnected from the general situation in the country. We are tired of being tagged on as a sentence starting with 'however', after Presidents, Prime Ministers and others visit our country and generally praise reforms and the elections. We are not a 'however'. We are human beings who are from Burma and who at the same time as the so-called reform process have faced dramatically escalating repression and are facing multiple violations of international law. To endorse the elections in any way as credible is to endorse our disenfranchisement and our repression.

Other briefings from Burmese Rohingya Organisation UK are available here:
<http://brouk.org.uk/?cat=3>

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