

STRUCTURAL VIOLENCE IN MYANMAR: ETHNIC CLEANSING AND HUMAN RIGHTS

SHAMPA IFTAKHAR

Assistant Professor, Department of English, Daffodil International University
E-mail: shampa.eng@daffodilvarsity.edu.bd

Abstract - Over the decades, Myanmar has adopted iron-fisted policy to demolish the ethnic minorities from its land. Though Myanmar is said to have the richest ethnic diversity in Asia, civilians living in the ethnic areas are deprived of the least facilities, in addition, most of them minority groups have been undergoing forced displacement, torture, sexual violence and at times death. Last year, over 6 lacs Rohingya people took shelter in neighboring country Bangladesh when Myanmar launched “operation clearance”. The UN Secretary termed this as “Structural Violence” against the most persecuted ethnic group in the world. This paper aims to focus on structural violence against different ethnic minorities in general. More specifically attention will be given to recent violence against Rohingya Muslims. To explore the nature of structural violence against ethnic minorities in Myanmar, this paper primarily discusses the theory of structural violence. Then it will attempt to shed light on the very recent issue of ethnic cleansing launched against Rohingya people which ultimately echoed the violence of human rights in every respect.

Keywords - Ethnic Minorities, Operation Clearance, Structural Violence, Ethnic Cleansing And Human Rights

I. INTRODUCTION

The history of ethnic cleansing dates back to mediaeval period. But the term “ethnic cleansing” is quite a new : It was first used in a formal document of in the seven of the UN security council documents in 1993 .The UN Security used the term to describe mass atrocities in the dissolution process of Yugoslavia.. In our 21st century, it becomes a buzzword which is a “new name for old crime” (Graven, 1950).In between 2003 to 2017 ethnic cleansing has turned into the most heinous means to destroy the minorities or ethnic groups. Ethnic cleansing in Congo, Sudan, Yugoslavia and Myanmar has been carried out in similar pattern: forced dislocation, sexual violence includes rape, mass rape, killing etc. Myanmar launched “clearance operations” in northern Rakhine state when the Rohingya insurgents attacked police posts which resulted in at least 71 deaths, with Burmese officials saying 59 of them were insurgents and the rest security personnel. (VOA, 2017). But the world witnessed the ethnic cleansing of the stateless Rohingyas people under the name of operation clearance. This operation delineates the ethnic hatred of the Burmese Government which is carried out in systemic and thoughtful way . It is indeed structural violence which has been planned, organized and monitored by the state itself. At first this paper will discuss the theory of structural violence and structural violence in Myanmar. Second part of the paper will concentrate on ethnic cleansing in Myanmar and how it violates the human rights.

II. WHAT IS STRUCTURAL VIOLENCE?

The word “The structural Violence” is coined by Johan Vincent Galtung. He introduced the term in his

article titled “Violence, Peace and Peace Research” in 1961. When structural violence prevails the society, social structure itself harm people to meet their fundamental needs. He defines it as “avoidable impairment of fundamental human needs or, to put it in more general terms, the impairment of human life, which lowers the actual degree to which someone is able to meet their needs below that which would otherwise be possible” (Galtung, 1961). Here it is noteworthy to understand the word “avoidable”. According to Galtung, “when the potential is higher than the actual(it) is by definition *avoidable* and it is avoidable, then violence is present” . To explain Galtung gives an example, “if a person died from tuberculosis in the eighteenth century it would be hard to convince of this as violence since it might have been quite unavoidable, but if he dies from it today, despite all the medical resources in the world then violence is present according to our definition.” Thus injustices, poverty, inequalities all constitute violence under this new definition. Galtung constructs a typology of violence in order to understand the distinction between these types of violence. This typology of violence composed of three categories: personal, structural and cultural. He also states structural violence, as oppose to personal or direct violence, is indirect in that “there may not be any person who directly harms another person in the structure. The violence is built into the structure and shows up as unequal power and consequently an unequal life changes.” Thus the recent scenario of Myanmar could be the best example of structural violence. Galtung considered the case of the Burmese military junta as an example of personal or direct violence where the actor(s) and object(s) of violence are readily identifiable. In the context of Myanmar, the actor is the military junta and the objects are the victims of torture, rape and

forced labour. “ The violence is built into the structure and shows up as unusual power and consequently as unequal life changes.” The structure is likely to be based on racial inequality. Law and legal definition of racial inequality is “discrimination based on race in opportunity for socioeconomic advancement or access to goods and services.” Structural theories of racial inequality locate their explanations in the structure of the society. The structure of this society is based on racism that denotes the idea of “the belief that race accounts for differences in human character or ability and “discrimination or prejudice based on race”. This structure could possess the following trends:

Slavery: Such structure of the society is “historically rooted on slavery that perpetuates constraints in agency and unequal opportunities to receive an education, to have access to medical care and justice and to secure a stable job.”(Kathleen Ho, 2007)

Poverty: Racial inequality in most cases move side by side with poverty. One of the examples is African-Americans. Here the fundamental needs of blacks are in least priority to social structure. Poverty becomes a permanent way of lives of the people who are “ under class.”

Unequal distribution of power: It indicates unequal distribution of resources that include employment opportunity, freedom to move, or speech etc. It is directly associated with making one race more privileged than other race who are less powerless or

enjoy no power at all. Thus this inequality welcomes violence coupled with economic and social inequalities and injustice which ultimately results in violation of human rights.

III. ETHNIC GROUPS AND STRUCTURAL VIOLENCE

Martin Smith in his book (2014), *Ethnic Groups in Myanmar: Development, Democracy and Human Rights* referred Myanmar as a “one of the most ethnically diverse countries of the world.” As no reliable statistics on the population is available, it is really a difficult job to find out the exact number of ethnic groups. Officially the country encompasses eight main ethnic groups. The State Law and Order Restoration Council ruled Burma since 1988; itself refers to the “135 national races”. The Government has divided them into 135 different indigenous ethnic groups. Smith reports: “Of a population of 56 million people, the majority Burman constitute around two thirds. The largest minorities are Shan (9 per cent) and Karen (7 per cent) groups, and Mon, Rakhine, Chin, Kachin, Karenni, Kayan, Chinese, Indian, Danu, Akha, Kokang, Lahu, Naga, Palaung, Pao, Rohyinga, Tavoyan, and Wa peoples each constitute 5 per cent or less of the population”.. The table shows the data on number of population of different ethnic groups.

| Name (Ethnic Group) | Proportion of Population | Location |
|---------------------|--------------------------|---|
| Karen | 7 percent | Kayin State in eastern Myanmar bordering Thailand |
| Kachin | 1.5 percent | Kachin State in the north, bordering China |
| Karenni | 0.75 percent | Kayah State, on the border with Thailand |
| Chin | 2.5 percent | Chin State in western Myanmar, bordering India |
| Mon | 2 percent | Mon State in southern Myanmar |
| Rhakine | 3.5 percent | Rakhine State in western Myanmar |
| Shan | 9 percent | Shan State, bordering Thailand |
| Wa | 0.16 percent | Wa Special Region, on the border with China |
| Rohingya | 0.15 percent | Northern townships of Rakhine State, bordering Bangladesh |

(Source: Mae Sot, The Inside Story of Emergency, 2012)

Myanmar was never seen liberal and democratic in its treatment to different ethnic minorities. Government’s harsh and brutal treatment of different minorities was triggered out as a limitation to established long- awaited democracy. In 2011, Tomas Ojea Quintana, special Rapporteur on the situation of the human rights in Myanmar mentions, “Violence continues in many of these areas, while systematic militarization contributes to human rights abuses, and he adds, “these abuses include land confiscation, forced labour, internal displacement, extrajudicial killings and sexual violence. They are widespread, they continue today, and they remain essentially unaddressed by the authorities.”OHCHR (2014) released similar kind of report adding that “the widespread and systematic human rights violations”

had accompanied the armed conflict in the ethnic border areas and there was no accountability.

Through the Panglong agreement in 1947, General Anung Sen, ensured ethnic minorities equal rights, after his assassination in July this agreement have never been honored by Burma’s subsequent civilian and military leader rather many of minorities undergo with humiliation, torture and degradation. Racial inequality dominates Myanmar. Myanmar Buddhists have shown their hatred against Muslims in particular. They strongly believe that they are in grave danger of being wiped out. So Buddhist Extremist start MA BA Tha movement against Muslim and preached people to adopt anti-Muslim attitude: buying from Muslims, not selling to Muslims, not fraternizing with Muslims, not allowing

one's children to marry Muslims. (Peter Lehr, 2017). Now a strong link between shame and violence could be reassessed. James Gillian (2003) in his article "Shame, Guilt and Violence" asserts, "that people resort to violence when they feel that they can wipe out shame only by shaming those who they feel shamed them. The most powerful way to shame anyone is by means of violence, just as the most powerful way to provoke anyone into committing violence is by shaming him. "Myanmar Buddhists felt guilty and shame for being allowed minorities group marry Buddhist woman and thus began their anti-Muslim campaign.

Poverty: In 2014, World Bank in its published report entitled "Ending poverty and boosting shared prosperity in a time of Transition: Systematic Country Diagnostic" (English) says:

Native Myanmar speakers constitute over three-quarters of the population, but only two-thirds of the poor, implying that the risk of poverty is much higher for non-Myanmar groups as a whole. But there is considerable variation amongst the non-Myanmar ethno-linguistic groups, with some, like the Mon, Chinese and Arabic speakers, much less likely to be poor, and others much more so. In particular, Chin speakers (1.2 percent of the population), Rakhine speakers (3.9 percent of the population) and speakers of "other foreign languages" (3.1 percent of the population), who are primarily Muslim minorities identifying themselves as Rohingyas living in Rakhine are, respectively, 1.7, 1.8 and 2.4 times more likely to be poor than the population at large.

Unequal distribution of power: For centuries, ethnic groups in Myanmar suffered from inequality associated with resources, employment and rights. Rights and control over the natural resources have always served the main cause of conflict between central government and the ethnic minorities. The 1894 land Acquisition Act in Part iii in article 17(i) mentions—"In cases of urgency, whenever the President of the Union so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in section 9, sub section (1), take possession of any waste or arable land needed for public purposes, or for a company. Such land shall thereupon vest absolutely in the State, free from all encumbrances."

The 2008 constitution upholds state ownership of all land in Myanmar. In 2015, a report titled "Land Acquisition law and Practice I Myanmar adds, "Since independence in 1948, each of the successive regimes governing Myanmar, including the present government, have frequently invoked powers under prevailing legislation to compulsorily acquire and allocate (far more commonly referred to in the country as either 'land confiscation' or 'land

grabbing') large tracts of land in all areas of the country." By mid-2013, from Kachin State almost 1.4 million acres of large-sale agriculture concessions had been awarded.

(Kevin, 2015). In addition, almost all minorities get no opportunity to get a dignified job, at times permission to study abroad. Employment pattern of Burma is always with biasness. Since the military took over power in 1962, the different "non-Burman nationalities" found themselves marginalized (Ardeth, 2012). Ardeth (2012) also adds, "Particularly after the SPDC came to power in 1988, it is very rare, for example, that minorities are admitted into military academy, nor are they often promoted to position in the army higher than major". In addition, Myanmar denies the citizenship of Rohingya Muslims in Citizen Act Law, 1982. It defines, "Nationals such as the Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan and ethnic groups as have settled in any of the territories included within the State as their permanent home" (Citizen Act Law, 1982) from a period anterior to 1185 B.E., 1823 A.D. are Burma citizens.

IV. SEX VIOLENCE WITH MINORITY GROUPS

Since Thein Sein became president, Burma has undergone very few reforms. But the use of rape and sexual violence by Burma armed forces against ethnic women and girls has occurred in a great scale that these heinous activities become a common fate for ethnic women and girls. Over the past decades, many reports have been produced on this sexual violence.

"This special Rapporteur has continued to receive allegations of serious human rights violations accompanying military offensives. This includes allegations of that over 100 women and girls had been raped by the army since 2010, and reports of 47 cases of gang rape and 28 women dying as a result of their injuries" (Tomas, 2014.)

The Kachin Women's Association Thailand (KWAT) presented their report in 2011 on eighteenth different incidents of eleven different townships. All incidents were associated with rape and sexual violence and covered thirty four women and girls' descriptions of their torture. Their age ranged from nine years girls to 50 years old women and many of them became gang-raped. The reports mentioned "The widespread nature of the rape cases, committed by more than thirteen different battalions, along with the flagrant brutality of these incidents of sexual violence, in full view of other troops, demonstrates that the Burma Army views rape as a legitimate tactic in its military campaign. In fact, Kai Nu, from a small village near Loi Je Township, stated that "In Mansi there are many Burmese soldiers; they say that they have been ordered to rape women" (KWAT, 2012). The Women's League of Chinland documents 34 cases

rape against Chin Women and Girls committed between 1989 and June 2006. Most of them took place near army camps in 2008. A dramatic rise of rape incidents had been observed in Shan and Kachin State in between March and October in 2011. In Shan State, northeastern state of Myanmar, women and girls live under high alert for decades as they are highly vulnerable to rape and sexual violence committed by Burmese army. One of the famous reports, "License to Rape" which was co-authored by the Shan Human Rights documented "173 cases of rape and other sexual violence, involving more than 600 women and children, at the hands of Burmese soldiers in the state between 1996 and 2001." (SWAN, 2002). The author of this report expressed the view that rape is condoned as a "weapon of war against the civilian populations" of this state.

"There appears to be a concerted strategy by the Burmese army troops to rape Shan women as part of their anti-insurgency activities. The incidents detailed were committed by soldiers from 52 different battalions. 83% of the rapes were committed by officers, usually in front of their own troops. The rapes involved extreme brutality and often torture such as beating, mutilation and suffocation. 25% of the rapes resulted in death, in some incidences with bodies being deliberately displayed to local communities. 61% were gang-rapes; women were raped within military bases, and in some cases women were detained and raped repeatedly for periods of up to 4 months. Out of the total 173 documented incidents, in only one case was a perpetrator punished by his commanding officer. More commonly, the complainants were fined, detained, tortured or even killed by the military." (SWAN, 2002)

Human rights Watch reports on November 2017, "Burmese security forces targeted women and girls for rape and other forms of sexual violence and sexual harassment during their campaign of ethnic cleansing against the Rohingya." They become the object of torture, abuse and humiliation. Human Rights Watch refers the "gang rape and other forms of sexual violence by the Burmese military against Rohingya women and girls since August 2017" as a "systematic and widespread practice".

II

V. ETHNIC CLEANSING

Salzman (1998) defines ethnic cleansing as an intended to render an area ethnically homogeneous by removing members of a given group through the use of concentration camps, torture, sexual violence, massive kills, and forced deportations, destruction of private and cultural property, pillage and theft, and the blocking of humanitarian aid. (To Bell-Fialkoff, Andrew (1999) the term "ethnic cleansing" is

"euphemism" which in a true sense conceal the "ugly truth": the pain and suffering of refugees. Andrew defined it as "an expulsion of an undesirable population from a given territory due to religious or ethnic discrimination, political, strategic and ideological considerations, or a combination of these two." Clotilde (2013) drew an excellent comparison of the English word "cleansing" with German word "Säuberung", we can get develop a necessary insights to discover its nature. The German term "Sauberung" has usually been used to refer the acts of cleansing. It is also used for three related expressions:

ethnische Säuberung, *politische Säuberung* and *Die grosse Säuberung* which are closely related with the English meaning of ethnic cleansing, political purge and the Great Purge respectively. Nonetheless, according to Oxford Dictionary and Merriam Webster, the term "to purge" means "to remove people from an area" or "to remove by cleansing or purifying operation; to clear away, off or out; to expel or exclude etc. These meaning of the word cleansing could hardly convey the real violence related to the activity itself. After the war in the territory of the Yugoslavia, commission of Expert of the United Secretary General refers to ethnic cleansing as "has been carried out by means of murder, torture, arbitrary arrest and detention, extra-judicial executions, rape and sexual assaults, confinement of civilian population in ghetto area, forcible removal, displacement and deportation of civilian population, deliberate military attacks or threats of attacks on civilians and civilian areas, and wanton destruction of property. Those practices constitute crimes against humanity and can be assimilated to specific war crimes. Furthermore, such acts could also fall within the meaning of the Genocide Convention." The Oxford English Dictionary of Law defines ethnic cleansing as "a group numerically inferior to the rest of the population of a state whose members are national or linguistic characteristics distinct from those of the total population and show, if only implicitly, a sense of solidarity, directed towards preserving their own social customs, religion, or language. The attempted extermination of an ethnic minority by the forces of the majority within a state (known as *ethnic cleansing*) can be regarded as a crime against humanity justifying humanitarian intervention."

VI. ETHNIC CLEANSING, ROHINGYA ISSUE AND CRIME AGAINST HUMANITY

Jasmine Chia (2016) rightly says that the Rohingya are "not an ethnic, but rather a political construction." There is evidence that Muslims have been living in Rakhine state (at the time under the Arakan kingdom) since the 9th century, but a significant number of

Muslims from across the Bay of Bengal (at the time a part of India, now Bangladesh) immigrated to British Burma with the colonialists in the 20th century. They are, as defined by Benedict Rogers (2013), a prominent critic of the military regime's persecution, "Muslims of Bengali ethnic origin." The group referred to as "Rohingya" by contemporary Rohingya scholars and most of the international community, today actually display huge diversity of ethnic origins and social backgrounds, and as Jacques Leider (2013) argues, the existence of a "single identity is difficult to pinpoint." They have been denied citizenship in Myanmar since 1982, which has effectively rendered them stateless. The election of 2015 was to bring a change; but unfortunately the whole process of change became a mockery as democracy was not the ultimate goal of Burma rather it was another careful plan of Burmese Army. "Another step in the military's carefully planned transition from direct military rule and pariah status to a hybrid military and civilian government which is accepted by the international community and sections of Burmese society." No muslim was get approval to become a candidate. The Union Election Commission rejected 88 candidates for the election. More than a third were Muslims, the majority from Rakhine state and so probably ethnic Rohingya." Around 6000000 - 8000000 Rohingyas were denied the voting rights. (Burma Briefing 2015). Bun Ki-Moon expressed his disappointment on this "effective disenfranchisement of the Rohingya and other minority communities." Recent Rohingya issues could easily be termed as a crime against humanity. (Human Rights 2017)

Rome Statue of the International Criminal Court in Article 7 defines, "any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- a. Murder;
- b. Extermination;
- c. Enslavement;
- d. Deportation or forcible transfer of population;
- e. Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- f. Torture;
- g. Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- h. Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- i. Enforced disappearance of persons;

- j. The crime of apartheid;
- k. Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Ethnic cleaning in Myanmar might be defined as a crime against humanity as both share the "common objective : permitting the establishment of ethnically pure territories(1994) by systemically eliminate another group.(Petrovic, 1999) .Petrovic (1999) mentions, "Ethnic cleansing is a well-defined policy of a particular group of persons to systemically eliminate another group from a given territory on the basis of a religious, ethnic or national origin."

In Myanmar, committing crime against humanity is nothing very new. Thousands reports are produced on how ethnic minorities became subject to arbitrary arrests, torture, rape, extra-judicial executions, forced labor, destruction of property and discrimination. Refugee Review Tribunal (2009) published report on Shan ethnic group. In the following year, The US Department of State report on human rights practices in Burma for 2008 mentioned how " wide-ranging governmental and societal discrimination against minorities persisted" in Myanmar. It reported "serious abuses" like "killings, beatings, torture, forced labor, forced relocations, and rapes of Chin, Karen, Karenni, Rohingya, Shan, Mon and other ethnic groups by government soldiers". Human Rights watch (2017) rightly termed Burmese military attacks on the Rohingya population as a " widespread and systematic". It states in the report,

"The Burmese military's campaign against the Rohingya population was sparked by an August 25, 2017 attack by militants belonging to the armed group, the Arakan Rohingya Salvation Army(ARSA), which targeted about 30 police posts and an army base. The military's attacks, which include mass burning, killings , and other abuses, have caused more than 4,00,000 Rohingya to flee to neighboring Bangladesh. Tens of thousands more are internally displaced within Rakhine State. An additional 21,000 mainly ethnic Rakhine and other non-Muslims are also displaced in Rakhine State, as a result of ARSA attacks or the the Burmese military operations."

In February 2017 , the United Nations of Human Rights mentioned, Mass gang-rape, killings – including of babies and young children, brutal beatings, disappearances and other serious human rights violations by Myanmar's security forces in a sealed-off area north of Maungdaw in northern Rakhine State. Satellite imagery shown the total destruction of villages. It also showed the destruction of tens of thousands of homes across Maungdaw and Rathdaung Townships.

The lack of the in-depth connotations of the words " systematic" and wide-spread" might distract real

significance of term crime against humanity and it would be challenging to apply the word “ ethnic cleansing” as crime against humanity in the context of Myanmar. The notion of attack in both cases serve the similar purpose.” the attack in the context of a crime against humanity is not limited to the use of armed force; it encompasses any mistreatment of the civilian population” (Clotilde ,2013) . This idea is specified further by Kunarac Appeals Chamber(1998), “theotherconditionsapplicable tocrimesagainsthumanitymustalsobedemonstratedinorder toestablishthatthe incidentinquestionescalatedtothislevelof crime– althoughtheattempttoremovea civilianpopulationfromagivenarea,forexample,mayappear toconstituteanattackin these terms (insofarastheexpressionmaybeappliedtoethnicleansing).” In the context of Myanmar, it is proven how the Buddhists and Government itself carried out their systematic attack on Rohingya Muslims for centuries. The state policy has been adopted to violate all the rights of ethnic Rohingya. Most Rohingyas are deprived of the nationality by the country’s discriminatory 1982 Citizenship Law and its application.(Amnesty International,2017)According to the Myanmar Demographic and Health survey for the year 2015-2016, just 45% of the children under five in Rakhine State have had their births registered which means these children is prone to be stateless in future. (Amnesty International,2017). In addition, restrictions on movement in Rakhine state has deepened; official permission is required to travel or to stay the night outside. The Buddhist Barman’s anti-Muslims views most of the cases echo the state policy that deepens the “ systematic attack” on Rohingyas. The most prominent anti-muslims monk in the history was AshinWirathu who is termed a “ The Face of Buddhist Terror” by Times magazine . His virulent sermons convinced the people believed that all must protest Muslims: “ They would like to occupy our country, but I won’t let them. We must keep Myanmar Buddhist.” His recorded speech distributed to the different parts of Myanmar mainly in Melukhtila that caused a mass violence. (BurmaUk Campaign , 2013).In addition , Burmese military and government statement have indicated an intent to attack Rohingya pollution . The Burmese Army commander, Sr. Gen Min AungHlaing, deliberately denies Rohingyas as “ an ethingroup in Myanmar” rather called them “ Bengali” and terms their operations against Rohingya as “ unfinished business “ dating back to the World war II .(Human Rights Watch.2017) Certainly, no one doubts that ethnic cleaning has been committed on a large-scale in 2017 to eliminate Rohingya Muslims.Clair cozens reports (2017) how military carrying out rapes, including gang rapes, of Rohingya women during the crackdown in Burma in September 2017. These incidents are not fragmented issues. “Rape has been a

prominent and devastating feature of the Burmese military’s campaign of ethnic cleansing against the Rohingya.(Skye Wheeler, 2017). “Soldiers gathered Rohingya women and girls into groups and then gang raped or raped them. Many of those interviewed also said that witnessing soldiers killing their family members was the most traumatic part of the attacks. They described soldiers bashing the heads of their young children against trees, throwing children and elderly parents into burning houses, and shooting their husbands.”(Human Rights Watch , 2017).

VII. MYANMAR STATE POLICY

Myanmar State policy in regard of ethnic cleansing must be scrutinized. Myanmar State Policy express strong and unconditional support all sorts the sexual violence to eliminate the different groups from the land.From national constitution to the policy maker almost everyone are seen to be very vibrant to protect the alleged person. The 2008 constitution of Myanmar states,” No proceeding shall be instituted against the said Councils or any member thereof or any member of the Government, in respect of any act done in the execution of their respective duties”. Thus reformation regarding stop sexual violence against ethnic woman and girls has been denied rather it ensures impunity for military personnel’s actions. This article works as safeguard for the all members, including army who committed or have committed or will commit the grave sexual violence.” As a result, military rape perpetrators are not heldaccountable for their crimes but are condoned even by officials in the highest spheres of power and guaranteed impunity”.(Burma Briefing, 2014)

Rape, gang-rape and others sexual violence are encouraged by some military officials.” A Burmese army commander states,” In the front line, everything in the village of the ethnic groups is yours- women, domestic animals”. This alleged statement was quoted in Rufugee International 2003, highlights how sexual violence has been used as “ tactic” or “strategy”. This could be easily termed as “political rape” too (Lusby, 1194; Sharlach, 1998) which refers to the rape that has a purpose connected to the political agendas. Over centuries, Myanmar leaders were always active against ethnic minorities. They are using all sorts of sexual violence as it is used “ toinstil fear, intimidate, humiliate punish and demonstrate control, dominance and victory over enemy communities”(Sivakumaran 2007, Russell, 2007, Zawati 2007). This also justifies the ground why rape or gang-rape is often “ a public spectacle, with the perpetrators forcing communities and families to watch.(Sivakumaran, 2007, Gingerich& Leaning 2004). As a result, all sorts of sexual violence against ethnic groups are strongly encouraged are committed “ with impunity and openly” Shan Human Rights Foundations in its newsletter sates how Burmese army enjoyed gang-

rape a woman in front of her family. Human Rights watch (2017) reports how women and girls were raped mercilessly and many of them were killed. Unfortunately, for decades, the government of Myanmar repeatedly denied the charges and the reports released by world-renowned and national organizations (Human Rights Watch, 2017, Reuters 2017, CEDAW 2008). They termed the reports as “black propaganda” and accused them of “defaming the honor of ethnic women and the armed forces.” (CEDAW, 2008). Myanmar’s President Thein Sein in his speech delivered in 2012 mentioned that their military as very disciplined, “there is no reason for the military to commit acts of rape or murder.” In the same manner, Nobel Prize Winner, Aung San Suu Kyi denies all allegations against Burmese army in 2017. When Military crackdown made more 600,000 people to flee in the neighbouring country Bangladesh, she remained on the side of army and Government. Her office declared that The Rohingya women have “fabricated the fake stories” of sexual violence (the Guardian: 2017).

CONCLUSION

Despite being containing many similarities like genocide, “the systematic and wide spread” violence in Myanmar against different ethnic minorities has not been put under international protective instrument. The US Department of State report on human rights in Burma for 2008 listed severe abuses which include “killing, beating, torture, forced labor, forced relocations and rapes of Chin, Karen, Karenni, Rohingya, Shan and Mon and other ethnic groups.” Though the right of self-identity has been established in international human rights standards, which declares, “The existence of an ethnic religious or linguistic minority in a given state does not depend upon by the desires of a state.” (Human Rights Law, 1994). Myanmar Government denies the citizenship of the Rohingya’s Muslims though the international human rights law supports the rights of nationality. It claims that the state Party, Myanmar “must not render anyone stateless, must be conformity with domestic law; serve the legitimate purpose that is consistent with international law, in particular the principle of non-discrimination; be the least intrusive instrument to achieve the desired result; and be proportional to the interest to be protected” (UN, 2009). Myanmar is prohibited from rendering people stateless by CRC (Article 7). International human rights law demands that states may not deprive individual of their nationality, if this would render them stateless and they must not deny a nationality to persons who have relevant links to that state who would otherwise be stateless. (UNCHR, 1998 & Ineta Ziemele, 2014) The well-documented sexual violence against ethnic minorities is tantamount to “war crime” and severed as reminder of Rwanda genocide. The ICC Statute also

establishes rape as a grave breach of the Geneva Conventions (1949). Article 8 (2)(b)(xxii) of the Statute states: Committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions.” Right now it is obligatory to approach Myanmar and put them under international criminal tribunal. Otherwise, ethnic cleaning which is closely similar to war crimes and genocide become a state – policy to extinct different minorities worldwide.

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