



CHATHAM HOUSE

Chatham House, 10 St James's Square, London SW1Y 4LE
T: +44 (0)20 7957 5700 E: contact@chathamhouse.org
F: +44 (0)20 7957 5710 www.chathamhouse.org

Charity Registration Number: 208223

Asia Meeting Summary

Human Rights in Burma

Charu Lata Hogg

Asia Program Manager, Child Soldiers International and Associate Fellow, Asia Programme,
Chatham House

Matthew Smith

Researcher, Human Rights Watch

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INTRODUCTION

This document is a summary of Charu Lata Hogg's presentation on *Ending the Recruitment and Use of Child Soldiers in Myanmar*, and Matthew Smith's presentation on *Continuing Human Rights Abuses in Myanmar's Arakan and Kachin states* delivered on 4 March 2013 at Chatham House.

Since President Thein Sein's proposed reforms were announced in 2011, the government of Burma (Myanmar) has been put under increasing pressure to re-examine its relationship with its military, the *Tatmadaw Kyi*. In December 2011, Chatham House published a paper, *Burma: Time for Change?*, which highlighted the notion that a recalculation of the nature and role of the military was essential if meaningful changes were to be realized. As such, the paper also touched upon the recruitment of child soldiers, the focus of Ms Hogg's presentation.

Ms Hogg's clearly identified that, even though a number of promising transformations have taken place in Burma in the past two years, the recruitment of child soldiers remains an active practice. Although initial steps have been taken to create a framework to end the recruitment and use of children in situations of armed conflict in Burma, Ms Hogg called for a renewal of efforts to eliminate the practice.

Matthew Smith, a researcher at Human Rights Watch, followed by discussing more widely the ethnic and religious conflicts that continue to take place in the Arakan and Kachin states.

The presentations were on the record. The views expressed are those of the participants and do not represent the views of Chatham House.

ENDING THE RECRUITMENT AND USE OF CHILD SOLDIERS IN BURMA

Ms Hogg began optimistically, revealing that in the last twelve months she had been to Burma on two occasions (April and December 2012), and on both visits had been impressed with the pace of change that was evident throughout the country. Although she identified that constitutional and legal reforms are needed, alongside new solutions to resolve continuing ethnic violence, these were not the principal topics of her presentation.

Ms Hogg identified the *Tatmadaw Kyi* (the military), the Border Guard Forces (BGFs), and seven non-state armed groups have been listed by the United Nations Secretary General as parties that recruit and use children in Burma. The Burma military has been listed since 2003, however the BGFs were

added in 2011. Ms Hogg added a caveat that due to constraints on access imposed by the government, the UN may not have a complete picture of underage recruitment and use in Burma. Delisting from the UN Secretary General's annual report on children and armed conflict can only happen if the parties involved sign action plans with the UN to end the practice of underage recruitment.

In June 2012 the government took a historic step by agreeing on such an action plan with the UN, which culminated after nearly five years of negotiation. The agreement required the government to open its military sites, for both the *Tatmadaw Kyi* and for the Border Guard Forces, for inspection from the UN. As a result, 66 children have been released from the ranks of the military since June 2012. Disappointingly there is ample evidence that the practice is continuing, notably in conflicts in the state of Kachin.

Ms Hogg underlined that neither the BGFs nor the *Tatmadaw Kyi* have taken practical steps, such as age verification procedures, to prevent the practice. Indeed armed opposition groups like the Karen National Liberation Army (KNLA) and the Democratic Karen Benevolent Army (DKBA) have also demonstrated little tangible evidence of initiatives to end the practice. She noted that the KNLA's initial offer of co-operating with the UN has been thwarted by government efforts to limit access to them.

Ms Hogg moved on to identify why children are recruited into armed forces and armed groups in Burma. She said that these cannot be explained simplistically by socio-economic push and pull factors and the fact that children in Burma grow up in a militarized environment. She emphasized that children are forcibly recruited to the military to meet recruitment targets both in combat and support roles. Intimidation tactics such as false threats of legal action, persuasive language and promises of salaries have been used to recruit children. She explained that a common tactic practised is to accuse a child of not carrying a National Registration Card (which children need not possess), and present them with a choice of enlisting in an army or facing a long prison sentence. In addition, the ages of children are often falsified in order to treat them as adult recruits for training and deployment.

Ms Hogg explained that research conducted by Child Soldiers International found that recruitment into the BGF was mostly coerced. Coercive tactics exploiting the impoverished by enforcing a monetary penalty for not providing recruits has often pushed villagers to offering their children for recruitment. Furthermore she suggested that a job in the BGF is often perceived as a

means to access power and privilege, especially where other employment opportunities may not be so promising.

She declared that although the KNLA were by far the most vocal in declaring their condemnation of using child soldiers, they have continued to employ them. She argued that this was due to three principal reasons:

- Desire to protect the immediate family and wider community from the *Tatmadaw Kyi*,
- Revenge against another militia, and
- Desire to represent their ethnic/national identity.

Ms Hogg concluded by suggesting that the recent ceasefire agreements between the government and some militias may provide an opportunity to renew efforts to end this practice. She called for international support in terms of technical assistance with recruitment procedures, although ended her presentation by underscoring the need for the government to demonstrate genuine political will to tackle this issue.

HUMAN RIGHTS ABUSES IN ARAKAN AND KACHIN STATES

Mr Smith began by discussing the civil war that had erupted in Kachin state between the *Tatmadaw* and the Kachin Independence Army (KIA) in June 2011, breaking the 17-year ceasefire. He said that some onlookers were surprised with the renewal of violence as the KIA had traditionally been one of the ethnic armed groups more willing to negotiate. He stated that civil wars are typically fought in two ways:

- When a group seeks to take control of the central government;
- When a group seeks to secede from it.

He said that the war in Kachin does not fit neatly into either of these two boxes.

Mr Smith argued that at its core, the war in Kachin is an *economic* war and more specifically about natural resources, land and political power. He outlined that Kachin boasts a rich array of minerals, gems and jade, not to mention some of the greatest hydropower potential in Southeast Asia, strategic routes into China and lucrative agricultural holdings.

He stated that the war itself began with the government's decision regarding the Taping hydropower dam that, to the dismay of the Kachin Independence

Organization (KIO), declared that the electricity generated would be exported to China. He explained that the war then extended to Hpakant and to the northern territories of the Shan region where Burmese and Chinese authorities have partnered to construct multiple transnational oil and gas pipelines.

Although economically driven, Mr Smith also said that this war is unmistakably an *ethnic* war with deep, historical divisions, giving the violence a particular malice, as documented by Human Rights Watch and published in their document, *Untold Miseries*. In addition, they have published *Isolated in Yunnan*, giving voice to the plight of Kachin refugees in China.

The reports highlighted a number of human rights abuses inflicted upon Kachin civilians by the *Tatmadaw*, including killings, torture, rape, forced labour and the recruitment of child soldiers. It also recorded 80,000 displaced Kachin civilians, of which 40,000 were displaced in remote jungle camps and 10,000 fled into Yunnan where they were not recognized as refugees and were forced back into conflict zones in Burma by Yunnan authorities.

Drawing upon his travels to the region, Mr Smith observed that humanitarian aid from organizations such as the United Nations were not reaching its intended recipients. Recently the International Committee of the Red Cross has accessed Laiza and Maijyang, two areas where aid is desperately needed but has not arrived.

Mr Smith explained that human displacement has been used by the *Tatmadaw* as a tactic to cripple the opposition forces as refugees draw on their resources. This claim was substantiated by quoting the president's spokesman who remarked that the authorities were not authorizing humanitarian aid to Kachin because they did not want to strengthen the KIA – an act that contravenes Burma's human rights obligations under international law.

Mr Smith said that some analysts have incorrectly depicted the Chinese authorities purely as peace-brokers in this conflict, pointing to several rounds of negotiations that took place in the town of Ruili, Yunnan. With Beijing officials playing an active role, this has been seen by some foreign observers as a departure from China's stated policy of non-interference although Mr Smith argued that the reality is somewhat different. With inhumane conditions endemic in refugee camps in Yunnan, and with Chinese officials harassing and frequently sending refugees to 're-education through labour' centres, he argued that the displaced have faced abuses at the hands of the Yunnan authorities.

Turning to the violence in Arakan, Mr Smith explained that violence broke out in Kyaw Ni Maw (Ramri Township) between Arakanese Buddhists and Rohingya Muslims with the rape and murder of Thida Htwe on 28 May 2012. On 3 June a large group of Arakanese Buddhist villagers massacred ten Muslim travellers, instigating a violent protest response the following week, catalyzing violence which spread to the state capital Sittwe, at the time leaving more than 75,000 Rohingya in squalid IDP camps. In a report entitled *The Government Could Have Stopped This*, Human Rights Watch made clear that the Rohingya were suffering the brunt of the violence with state security forces also colluding against them. Mr Smith explained that he had travelled twice to Arakan, recording that the Arakan forces had grown in sophistication in co-ordinating their attacks.

Turning to the issue of displacement, Mr Smith explained that there are 125,000 people displaced in the state, excluding the 13,000 new arrivals in Malaysia and 6,000 in Thailand. Camps remain underdeveloped and the government has failed to reinstate humanitarian programs of international organizations, primarily for the Rohingya population who still lack recognized citizenship. The Rohingya that Mr Smith interviewed believed they were targeted because of their practice of Islam was seen as incompatible with an Arakanese desire to establish a homogenous Buddhist state. The Arakanese explained their fear that in the long term the Rohingya are looking to push for an Islamic state under Sharia Law.

Mr Smith said that the government has long denied Rohingya Muslims the right to obtain citizenship, rendering them stateless, regarding them as immigrants from Bangladesh and even denying their existence. This refusal to acknowledge the Rohingya has led to the acceptance of atrocities perpetrated against them. Mr Smith concluded by calling for the repeal or review of the 1982 Citizenship Law to recognize or grant access to citizenship to Rohingya in Burma by reasons of birth, residency or descent. Until such recognition of citizenship is made, Mr Smith speculated that the violence will most likely continue.