

Myanmar's Citizens Fleeing Persecutions and Violence must be allowed refuge into India

Restore Democracy in Myanmar, Support the Citizen's Civil Disobedience Movement Against the Military (Tatmadaw)

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Time for India to Sign 1951 Refugee Convention Now!

8th April, 2021: It's more than two months since the Burmese military in a coup on 1 February refused to hand over the power to the National League for Democracy (NLD) after their victory in the November 2020 elections. Senior General Min Aung Hlaing, the army's commander-in-chief and Myanmar's de-facto ruler has justified the coup on grounds of large-scale election fraud, though the elections commission has denied these allegations. Following the coup, State Counsellor Aung San Suu Kyi and many of her party NLD's colleagues have been jailed under various charges including that of violating colonial Official Secrets Act. National Alliance of People's Movements (NAPM) condemns this undermining of the democratic transition and usurping of power by the military Junta.

Pro-democracy protests, cutting across ethnic lines, have erupted across the country in major cities and in the ethnic regions. The military, also known as Tatmadaw, has suppressed these protests using extreme violence, torture, extra-judicial killings, rapes, resulting in death of an estimated 1,000 people and more, including a large number of children. Given that there have been internet shutdowns over a large region, restrictions on domestic media, and the country being closed to the international media, it is difficult to have a complete picture of the death and mayhem being caused in the country at the moment. Tatmadaw had earlier said that it is imposing these emergency measures for a year to bring the country to normalcy and establish peace. However, now Brigadier General Zaw Min Tun has suggested that it could extend its ongoing state of emergency order for as long as two years.

On 8th November, Myanmar's parliamentary elections were held. Observers had little doubt about the ability of Aung San Suu Kyi's NLD to see its majority renewed, but several of them expected a record abstention, especially because of the Covid-19 pandemic, and a smaller majority than that achieved in 2015. Aung San Suu Kyi's first term had been marked by several stinging failures – the stalled peace process, large-scale violence against Rohingyas, the limitation of civil liberties, the slow pace of pro-people reforms, massive land acquisitions, and the savage exploitation of natural resources – all indications that the NLD was not in line with the programme that brought it to power in 2015.

However, despite severely falling short in upholding democratic values, Aung San Suu Kyi and her party are seen by many as the only legitimate person and group to lead the country and the only

bulwark against a return of the brutal army to power. This was reflected in the election results, where NLD surpassed its 2015 performance and won 396 seats out of 642 (166 seats are reserved for the army, as per 2008 Constitution). The former army party, the Union Solidarity and Development Party (USDP), in power before 2015, suffered a total defeat and won only about 30 seats nationally. Nevertheless, it is still the main opposition bloc, joining the 166 MPs appointed by the army. Ethnic parties, which made great efforts to agree and put forward joint candidacies to increase their chances of a failed election, are largely trying to secure a blocking minority in the national parliament. These elections marked the slow process of democratic transition which started in 2010, after five decades of rule by the Junta.

The current political circumstances will only further escalate the conflict, create instability in the region and also affect the democratic transition of power in a country already riddled with ethnic conflict. The 2017 military offensive against the Rohingyas received widespread international attention and condemnation but overall, the Tatmadaw's 'clearances operation' against the ethnic armed organizations in Kachin, Shan, Karen, Chin and others continued. They caused death of more than 10,000 people and displaced nearly a million inside the country. An estimated million Rohingya refugees have taken shelter in Bangladesh and neighboring countries. International community failed to stop the genocide and hold the persons accountable for it, despite cases in the International Criminal Court and International Court of Justice. The UN and other international organizations responded with aid but their efforts have been limited and access hindered to many of these conflict-ridden border areas and camps.

Post-coup, unfortunately many foreign powers including India failed to react immediately and demand urgent restoration of democracy in Myanmar. Many chose to participate in the celebration of Armed Forces Day on March 27th organized by the Military, thereby lending credibility to the regime. India only recently, after criticism inside and outside, changed its position and demanded restoration of democracy in Myanmar, a welcome step. The UN security council on April 1, after two months, responded with the strong condemnation against military violence against the protesters, but refrained from using strong language and sanctions against military, under pressure from China and Russia. EU and US have issued sanctions against the 11 persons associated with the coup including some other measures, but more is needed. This is definitely not enough.

India's 'balanced approach', keeping in mind, its geo-political interests are not enough. The circulars from Home Ministry denying refuge to people running away from violence in the border states goes against the humanitarian concerns. State of Mizoram has already written saying they will allow those fleeing violence on humanitarian grounds and Manipur has also withdrawn its circular on refusing entry. It needs to be remembered that many of the communities in border states have shared cultural heritage and ethnic ties.

In the past we have welcomed refugees from Myanmar, Sri Lanka, Bangladesh, Bhutan, Tibet and Nepal, and thus the current situation demands that we continue to do so and develop a long-term approach to the issue of refugees fleeing political persecution in their homelands. The controversial and unconstitutional Citizens Amendment Act, 2020 cannot be seen as a response to the crisis. Instead, India must develop a long-term, humane approach to the issue of refugees fleeing political persecution from their homelands. Towards this end, we must ratify the UN Convention governing refugees and have a fair domestic mechanism to deal with the rights and needs of refugees.

The latest order of the Supreme Court today (8th April), shows India declining to take responsibility for the violence Rohingya refugees currently in detention (in holding centres in Jammu) are likely to face, if deported. The three-member Bench led by the Chief Justice refused to grant the refugees interim relief, while also stating that the Rohingyas 'shall not be deported unless the procedure prescribed for such deportation is followed.' A ruling of such nature is made possible also by the fact

that India is not a signatory to international treaties propounding the principle of non-refoulement, which would forbid the expulsion of a refugee when there is clear and certain danger of life in the country of origin.

While there are still many road blocks to the restoration of democracy in Myanmar, it is indeed a welcome measure that the resistance to the coup has done away with long-standing divisions of ethnicity, religion, domicile and occupation in the region. Several, pro-democracy groups, women's organizations (Gender Equality Network, Burmese Women's Union, Karen Women's Organization and many others), youth groups, student's unions, and others are resisting the military and nationalist groups supporting the coup.

NAPM stands with the people of Burma demanding restoration of democracy in their country and with the emerging women and youth-led civil disobedience movement defying the military repression and curfew. We condemn the extra-judicial killings, violence and rape by the Burmese military on the people and urge government of India to stop supporting the repressive regime and use its influence at ASEAN and UN to ensure urgent restoration of democracy. A disturbed Myanmar doesn't bode well for peace and promotion of democratic values in the region.

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