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The Brief: Sanctioning Myanmar
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Host: Edwina Landale

Guest: Trevor Wilson

Edwina Landale: Hello and welcome to the Brief. I'm Edwina Landale, and this week we are turning our gaze to Myanmar, where human rights violations against Rohingya people have triggered sanctions from Australia. Australia Foreign Minister, Marise Payne, last week announced sanctions on five military generals accused of leading last year's violent crackdown on the country's Rohingya people.

This announcement follows the release of an independent UN Fact-Finding Mission report into violations by the Myanmar military. The report, which was released in mid-September, made dozens of recommendations to the Myanmar military, government and to international actors.

The report's findings were stark, documenting an unsparing detail how the Tatmadaw, the country's military, took the lead in killing thousands of Rohingya civilians, as well as forced disappearances, mass gang-rape, and the burning of hundreds of villages. The report concludes by calling on the international community to take action, saying the Tatmadaw acts with complete impunity and has never been held accountable for the violations of international law it is consistently involved in.

Australia is not alone in its response to the Rohingya crisis. The US, the EU and even Facebook have condemned the Myanmar military with sanctions and restrictions, but the question is will unilateral sanctions such as these really be effective in curbing the persecution of Rohingya people?

Our guest for today is Trevor Wilson, who spent more than three decades working in Australian diplomacy, including serving as Australian Ambassador to Myanmar from 2000 to 2003. More recently, he has been the Visiting Fellow on Myanmar at the Department of Political and Social Change here, at the Australian National University, and he is currently a member of the Advisory Panel for the University's Myanmar Research Centre.

He is a regular and highly respected commentator on the situation in Myanmar and is the perfect guest for this episode, so thank you very much for joining us today, Trevor.

Trevor Wilson: My pleasure.

Edwina Landale: This report is not exactly the first account we've had of human rights violations in Myanmar. Do you think that it's a game changer in global understanding of what's happening, or it is just another chapter in a tale that the world is very depressingly familiar with?

Trevor Wilson: Well, it's a significant point that the UN Human Rights Council for the first time is trying to deal with the situation of gross violation of human rights in a country like Myanmar. Before, the UN Human Rights council didn't have this status, didn't have this ability, and the Fact-Finding Mission that was appointed was, in fact, responding to the Human Rights Council instruction but, of course, they were not given access to Myanmar to go and observe what had happened on the ground in Myanmar.

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They only had access to Rohingya refugees in Bangladesh or in other places, so it's still up in the air exactly what's going to happen as a result of this Fact-Finding Mission and the interest that the UN Human Rights Council is taking in the predicament of the Rohingya.

Myanmar policy on the Rohingya has changed over the years. It's never been very lenient or tolerant. It never recognised their unity as a group, and their legitimate presence in the country, and did not include them on the list of ethnic groups that could become national citizens of Myanmar, so they are literally stateless, they don't have paper, they are very, very poor.

They traditionally work as manual labourers and have been doing that for hundreds of years, but we're long past the point where the Rohingya are going to be accepted and taken for what they are in Myanmar, because there's also been an uprising of anti-Muslim sentiment by extreme Buddhists in Myanmar.

So, it doesn't look as if there is going to be any national consensus on the Rohingya forming that would make it easier for a political leader, like Aung San Suu Kyi, to strike a deal or to say that we've got a national consensus about this.

If she cannot do that, she would have to personally take charge of a campaign to achieve that and, given that she's had very little exposure to the Rohingya in her lifetime — because she's often been under house arrest and in detention, it would be expecting too much, I think, that she would mount a campaign in favour of the Rohingya at this point — on political grounds, because that's what it would have to be: on political grounds.

I mean, the Rohingya are not ideological, they are not disruptive as an influence normally, but their status as a citizen or a non-citizen is not really up to them, in a sense. It's up to the government that might or might not accept them as legal residents.

Edwina Landale: You mentioned this list of recognised ethnic identities in Myanmar and I suspect that this list has been in existence for a lot longer than the persecution of Rohingya has been going on, so what exactly was it that triggered this huge humanitarian crisis?

Trevor Wilson: The list of ethnic groups that are recognised as being legitimate groups inside the country dates back to the Citizenship Law of 1982, so it really is very old — and that, in a sense, did reflect a consensus, but for reasons that I'm not sure about the Rohingya were not included in that list, although there's quite enough documentary evidence to say they've been around and they were immigrants but they weren't illegal immigrants.

So, sorting out their status is not going to be easy and Myanmar government treatment of them has not actually been very consistent, because sometimes they've been given a de facto recognition, if not legal recognition. Sometimes, they've been given not only identity certificates, but they've even been given passports.

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They've even worked being members of parliament, but that's not the situation at the moment and Myanmar Buddhist Society is completely polarised on this because of this new campaign by what they themselves refer to as extreme Buddhists targeting the Rohingya and saying that – because they're Muslim, not Buddhist – they should be expelled.

It's not clear that there is any easy solution and that there has been much progress, which is why I feel, myself, that there is a policy stalemate in Myanmar over this. I mean, I don't think anybody in Myanmar really wants the appalling conditions of the Rohingya to continue and so even the Myanmar government and Aung San Suu Kyi would like most of the 700,000 Rohingya who fled to Bangladesh to return to Myanmar, but whether they're going to want to return is another matter – and they probably won't.

At least, when Aung San Suu Kyi was in Australia earlier this year, she came down to Canberra deliberately to ask the Australian government to at least provide some of its official assistance – humanitarian assistance – for Rohingya, to provide some of that to Myanmar because it was all going to Bangladesh – where the Rohingya are, but if the Myanmar government was going to have to restore places for the Rohingya to return to, it made sense for some financial humanitarian assistance to be sent directly to Myanmar, and I think that's probably happening now.

Edwina Landale: As I mentioned earlier, Marise Payne recently announced sanctions that target five military generals. Could you tell us who these five military officers are and why they've been picked out as the targets of these sanctions?

Trevor Wilson: I know that Senator Payne has been taking a close interest in this. I am sure that she has only moved to impose targeted sanctions against named people because some other countries were also doing that and because these people have been clearly identified in the Fact-Finding Mission – the UN Fact-Finding Mission's Report – as being the military commanders who were directly responsible for the operations in 2017 that caused the Rohingya to flee.

It is quite easy to understand that military officers in high-level positions would have been directly in charge of these operations. That doesn't include the Commander in Chief. It doesn't include the Deputy Commander in Chief of the Myanmar Army, but it certainly includes people, like the Western Commander, who would have been in operational command, and the commanders of the light infantry – what they call the Light Infantry Divisions, who traditionally carry out the military operations on the ground for whatever reasons that the Army determines at the time.

Aung San Suu Kyi would have known that the Army was going to activate these groups, these divisions, but she certainly wouldn't have authorised the sort of mass human rights violations that they carried out, way in excess of what they should have been doing, and an internal

Myanmar Army enquiry has already named some of these people and said that at least two of the senior generals should have been held accountable, so Myanmar's own enquiries have

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already meant that two of their senior officers were effectively sacked. They don't use that term and Aung San Suu Kyi won't use that term, but that's the result of their enquiries.

I think, in the end, we've got to really rely a lot on what the Myanmar government will or is prepared to do, and that may not be perfect, and it may not be enough, so it's not unreasonable to maintain pressure on them, but that pressure has to be realistic and very, very accurate.

The response by the international community also should not be disproportionate. It needs to be measured based on evidence and we need to try to look ahead, and work out what kind of solution we think would work and what kind of arrangement might work with the Myanmar government, and we need to try to work out how we can all arrive at that point, so if this is the case that the Rohingya, who want to return to Myanmar – which is probably not going to be many, would be able to do that and would be able to return safely, not in fear of their lives or their wellbeing.

Edwina Landale: In terms of cooperation so far, you've mentioned this internal investigation which was going on at the same time as the UN Fact-Finding Mission. Have we seen much communication between those two investigations into what's going on? Have we seen cooperation so far and open lines of communication?

Trevor Wilson: That's very good point and it would be nice if I could say yes, there's been a lot of sharing of information and cooperation between the Myanmar side and the UN side, but that's not the case. It's been the opposite. There's been a lack of sharing of information.

In a sense, it's been made worse by the fact that the UN has a special rapporteur on human rights in Myanmar, who is a Korean Professor of Political Science, who has visited Myanmar several times, but the Myanmar government, including Aung San Suu Kyi, are not happy with the way the Professor, who is a special rapporteur, has conducted herself. They say that she's been biased and not been even-handed.

I'm not really able to comment, but she was also denied access, like all UN people and all international agencies, so she has not had recent access to Myanmar either, but she's been quite active in her reporting and the reporting that she's put out has been fairly anti-Myanmar military and anti-Myanmar government, so it's not particularly surprising that the Myanmar government doesn't feel all that friendly towards her or that she's going to be very cooperative in trying to find some kind of common ground between the UN and the Myanmar side. So, then, finding common ground we seem to be quite a long way from that.

Edwina Landale: I'd like to actually delve into the restriction of UN and, also, apparently internal investigators from accessing Rohingya state. The Myanmar's UN Ambassador has called the Fact-Finding Mission flawed, biased and politically-motivated and the government has categorically rejected the inference of genocidal intent, which has come out of the Fact-Finding Mission.

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What was the objective or rejections and denials like these and of restricting access to the actual areas where these human rights abuses are said to be taking place?

Trevor Wilson: I think there's been a worry on the Myanmar side that the Myanmar situation will not be looked at in a neutral or independent sort of way. I mean, there is a long history of political and other sanctions against Myanmar, so it's not surprising that the Myanmar government in this day and age would look at historical record and say that the international community has not always been very helpful or even neutral about things.

I think the public statements by any Myanmar official, whether it's their Ambassador to the UN or whoever it is, are not going to be very receptive to criticism from the international community, so they will dismiss international community allegations and that's only, in a sense, to be expected. That's what officials, both people of governments and [?? 0:15:20] whether they are ambassadors and whether they are in the UN, New York or wherever they are, but I think we're going to have to accept there is going to be a need for quieter diplomacy, shall we say.

It is going to have to involve Aung San Suu Kyi, of course. Aung San Suu Kyi has self-made a statement in September 2017, which was meant to be a definitive statement about the situation, and I think we'd probably need to go back to that and see that as where Aung San Suu Kyi is coming from on the Rohingya issue.

It's not going to be exactly what we, the international community or the UN, would like, but the UN international community should not expect always to get their way. The Myanmar side has a certain entitlement to be able to determine their own affairs. The Myanmar side themselves are not very happy with extreme anti-Buddhist – sorry, anti-Muslim extreme Buddhists.

Sentiments have been expressed but Myanmar has stopped short of introducing its own hate speech legislation and, in some ways I suppose, we should be grateful for that, because if they had such legislation it would probably be abused by their security authorities, but there needs to be a reduction in the level of public statements and the temporary nature of many of the public statements.

The leader of the anti-Rohingya Buddhist movement in Myanmar has been allowed to make more and more statements, he's been allowed to move around, and things like that, and not making the situation any easier for the Myanmar government, for the Myanmar Army, or for the international community, let alone for the Rohingya.

Edwina Landale: I think it's a really interesting case, as well, when you think about – and you've just listed them separately, the Myanmar government and the Myanmar military, because there's a division of power, in a sense, there, and Aung San Suu Kyi, who has been criticised for her silence and lack of action on the topic of Rohingya people, doesn't necessarily have that much power to make changes to activity of the military but, again, she definitely should be doing something.

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What can, and should, she be doing in this space as de facto leader of the country?

Trevor Wilson: That's a very good question and it's a very difficult question to answer. I mean, I think one of the things that we all have to realise, maybe reluctantly, is that Myanmar is in a political transition.

They are hopefully transitioning to some form of democracy, but they certainly haven't reached that yet and they're not a very mature political system, so it's quite tricky for Myanmar political leaders of any kind to make bold policy changes or to go in different directions from what they believe is the consensus of domestic opinion in Myanmar. And so, they have to have a strong personal commitment if they're going to do that sort of thing and I don't think there is anybody in Myanmar who has a strong personal commitment to the wellbeing of the Rohingya.

They've been a group that always kept themselves separate. They didn't integrate very much. They weren't necessarily a problem. They didn't go around causing decent or advocating independence or anything like that. They were very much peaceful members of the community, but they were outsiders, in a sense, so they were accepted and maybe tolerated in parts of the country.

The rest of the country didn't really know much about them because the rest of the country didn't have access to Rohingya state, let alone where the Rohingya were living, so it's quite tricky and would be very difficult for any political leader, I think, to come out strongly in support of the Rohingya who are still behaving, in some ways, as a non-national group.

They don't follow the national Buddhism – well, it's not the national religion, but it's the religion of the majority. They don't fit in badly, but they don't fit in very comfortably either, and it's a very tricky situation. It's quite localised. It happens more in Rohingya state, and in the areas of Rohingya state close to Bangladesh it's very localised, and the localised responses have not always been either very imaginative, very creative, or far-sided, or very tolerant unfortunately.

Edwina Landale: So, if Aung San Suu Kyi were to come out and make a bold statement against the military's actions, would that destabilise her own political power in the country?

Trevor Wilson: It could. It could, indeed. It could jeopardise the whole basis of the power sharing arrangement that she has with the Army. It could put in jeopardy the constitution, which was adopted in a rigged referendum in 2008, but it was adopted in a referendum.

The constitution hasn't been amended but Aung San Suu Kyi has *[mentioned?]* that she wants to amend it, but she's not going to be able to do that without the agreement of the Army, so whatever future trajectory you think about the Army has to be taken into account as not opposing, if not necessarily supporting, but at least not opposing what political solutions are being proposed.

Mostly, the Army has, in recent times, been fairly amenable to going along with changes, and with opening up to foreign investment, and things like that. Even though these things were

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something that the Army didn't necessarily have on their own agenda, they've accepted that that's where the country needs to go.

Edwina Landale: In April of this year, you wrote that Myanmar's policy on the Rohingya is "stuck in a stalemate", so do you think that the unilateral sanctions, like those recently announced by Maurice Payne, are going to provide the necessary push to bring this area out of that stalemate?

Trevor Wilson: I don't think that's enough. I think the announcement of sanctions by various countries presumably on the assumption that the UN Security Council will not be able to authorise sanctions because of a possible veto by China and/or the Soviet Union, so if the UN Security Council is not game to put pressure on the Myanmar government it's difficult to see what other kind of pressure could be mounted.

Unilateral sanctions by countries like Australia are not traditionally very successful, effective, so I think there is a need for countries like Australia, but also China and the United States to become a lot more involved in political discussions with Aung San Suu Kyi's government about the Rohingya and about ways in which resolution of the Rohingya problem could be helped by some international effort of some kind or other.

Edwina Landale: You were actually Ambassador to Myanmar in 2000 till 2003 and, at that time, there were sanctions placed based on activity of the military, so from your experience do you think that sanctions have in the past curbed the actions of the military?

Trevor Wilson: It's not clear to me that sanctions have added direct defeat. I think the presence of pressure in some form or other – and that could include sanctions – does have some effect, but the end result and the decisions that need to be taken have to be taken by the Myanmar people and the Myanmar government themselves.

If they are to have a better policy towards the Rohingya that doesn't produce this mass exodus of Rohingya every few years, which is what happens at the moment, some international assistance to underpin that could well be very useful and, indeed, essential and it could underpin their transition to a proper democratic country.

Edwina Landale: What do you think, looking forward, is the best way for international actors to encourage and foster this sort of domestic change?

Trevor Wilson: Well, I think to show some kind of genuine interest in the problems that Myanmar faces – and there are lots of problems – is a start. It could be possible to go further. There isn't a very effective UN economic and social development program in Myanmar.

The international financial institutions – the World Bank, the IMF – still have relationships there, but they're not producing much in the way of progress in economic and social development, so trying to find ways in which more concrete progress could be made within a series of benchmark steps or something might be a way forward, but other than that – and that would take a major

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effort, a major commitment, and I'm not sure the rest of the international community is ready for that.

Edwina Landale: Unfortunately, that's all we have time for today, but thank you so much for coming in. Let's hope we see some more cooperation on international level going forward. Again, it was really great to have you, so thank you very much.

Trevor Wilson: Thank you.

Edwina Landale: Don't forget that if you have any comments or thoughts on this podcast or any of our other content, you can get in touch with us. We're on Twitter @APPSPolicyForum, on Facebook Asia Pacific Policy Society, or chuck us an email, podcast@policyforum.net.

This week, we have another of our normal Policy Forum pods coming out on Friday and I'll be back with you next week. Thank you for listening.