

“ASEAN responses to historic and contemporary social challenges”  
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The keynote speech (and powerpoint presentation) on “ASEAN responses to historic and contemporary social challenges” is scheduled up to 30 minutes.

I can understand at a personal level our shared concern about the disappearance of Sombath Somphone, who is also a recipient of the Ramon Magsaysay Award.

My husband passed away on a plane crash in Yangon 40 years ago. I gave birth to our son one month after. I felt devastated, as if my world had come to an end, and so when I met Ng Shui Meng for the first time in 2015 in Manila, I thought how terrible it must have been for her, not knowing where her husband was - whether he was dead or alive. On that occasion, I also met Edita Burgos, whose son, Jonas, was abducted in daylight from a shopping mall in 2007. Suddenly, I felt the pain of my widowhood was trivial compared to what Shui Meng, and Edita must be going through - not being able to move on, waiting for information and answers from authorities that are not forthcoming. Most of us, I am sure, can imagine the pain of not knowing where our loved ones are.

On the home front, Kachin state in Myanmar, instances of enforced disappearance are not uncommon, either. To cite one well-documented case,<sup>1</sup> on 28 October 2011, Sumlut Roi Ja, a 28-year-old Kachin ethnic woman, her husband and father-in-law were arrested together while working in their cornfield in Kachin State by soldiers of Myanmar Government’s Light Infantry Battalion 321. The two men managed to flee but Sumlut Roi Ja was unable to escape the grip of the soldiers. The fate of the young Kachin mother remains unknown until this day; although presumed dead, her body has not been found.

This is not happening only to us, as a number of other countries in the ASEAN region also have worrying lists of similar cases. The connecting point in these gross abuses of human rights is that, despite claims to be on the path to reform, compelling evidence of ongoing ‘State repression’ can still be seen in several countries that have a recent history of dictatorial and unjust rule. Enforced disappearances, however, are only an obvious form of State repression.

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<sup>1</sup> United Nations A/HRC/19/67 Special Rapporteur on the situation of human rights in Myanmar

In Myanmar's case, equally unresolved are the political and ethnic grievances that have been the root cause of armed conflict since our country's independence in 1948.

I would like to make the point, then, that it is unrealistic to expect the psychological and physical pain caused by an unjust, oppressive system to heal and go away on its own. The root causes for the pain need to be addressed, for as long as the culture of inflicting pain with impunity is allowed to exist, the pain will continue to grow, without ever having a chance to heal.<sup>2</sup>

So let us not be intimidated by State repression. We must not let Sombath, Jonas, Roi Ja and other victims disappear from the face of the earth, forgotten as if they never existed. Civil society organisations must not become paralysed by fear of State power. We must continue to strive together until a satisfactory explanation of each case of enforced disappearances is achieved.

Now, let's move into the main theme provided to me. What are "ASEAN responses to historic and contemporary social challenges"?

To summarise, in recent years ASEAN's longstanding policies have been "constructive engagement"<sup>3</sup> or "turning battle fields into market places"<sup>4</sup> among neighbours. But, in Myanmar's case, it has to be asked if this has really proven effective, where conflict continues and it must be questioned who is really benefitting from the transitional impasse. Simply extracting timber or natural resources in areas where there were long-standing armed struggles only profits powerful elites and selected business groups but they do not bring any benefit to the local peoples. Indeed, unbridled exploitation – whether through extracting resources, seizing lands or imposing dams – can fuel the political and economic causes of conflict even more. Thus while "changing battlefields to market places" can sound a good slogan in theory, economic prioritization and international focus on development needs much greater analysis, research, participatory consultation and policy understanding if it is to truly succeed in the field.

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<sup>2</sup> S Africans can talk about healing, forgiveness and reconciliation, because the old oppressive apartheid system is gone - whereas in the Burma/Myanmar context the repressive security services are still an entrenched power. How can there be healing when the abuse continues?

<sup>3</sup> The term "constructive engagement" was developed by the Thai Foreign Ministry in the 1990s after the events of 1988 in Burma. It was popularised by then Thai foreign minister Arsa Sarasin.

<sup>4</sup> The "changing battle fields to market places" was the concept of then Thai Prime Minister Chatichai Choonhavan, also after 1988 to 1991.

To illustrate this, I would like to explain the bigger picture of the long-running conflicts and unaddressed issues of political rights, equality and genuine union in my country. Even now, despite many claims and promises of nationwide peace, there are over 100,000 refugees (mostly Karen and Karenni) in official camps in Thailand, tens of thousands of refugees and migrants, legal and illegal, in Malaysia, and hundreds of thousands of mostly Muslim refugees in Bangladesh.

The graphics show the intensity of armed conflict since 2011, following the national election when the latest reform process started under the government of President Thein Sein. You will see that it is very challenging, developing a healing approach to the major challenge of our time: the civil war.

What is more, here you see that the selected and elected parliament of both military and political party representatives has actually approved a defence budget that far exceeds any other government sector. This further confirms the government's lack of political will to resolve the conflicts by peaceful means – a failure that has continued since independence in 1948. Attempting to solve the conflicts by force, however, has proven to be very counter-productive, squandering precious resources – human, economic and natural – over many decades. Today, my country has the worst social, health and humanitarian indicators in the ASEAN region, which is of grave concern to all neighbouring countries.

The blackboard at a government school announcing for the 2015 school term that the school will not issue a national identity card for “mixed children”. So from your first day of school, you are faced with discrimination. In Myanmar, this has become one of the greatest ethnic crises of our times.

Located on a crossroads in Asia, Myanmar is a land of ethnic diversity, with several peoples historically living on both sides of present-day international borders. In Myanmar, however, ethnic designations are selectively applied. In practical terms, the 1982 citizenship law is only used to question the citizenship of inhabitants of perceived Indian or Chinese ancestry, whose numbers increased under British rule. In contrast, ethnic nationalities who are considered to be indigenous to Myanmar, such as Bamar, Kachin, Karen or Shan, are exempted from this law.

Complicating the picture further, there are also selective differences in the ways that populations with Indian or Chinese-related histories are treated.

Most obviously, the ethnic Chinese population in the Kokang region of the northern Shan State are designated as “Kokang” as one of the “135” nationality peoples of Myanmar in respect of historic linkages, although inhabitants of the same ethnicity living outside the Kokang territory are considered to be “Chinese”.

In contrast, no such indigenous designations or full citizenships rights under the 1982 law have been allowed in the present-day Rakhine State to those perceived to be of Indian ancestry, predominantly Muslims, even though different nationalities have historically lived on both sides of the present-day frontiers with Bangladesh and India. Since the 1950s, increasing numbers of the Muslim population in north Rakhine/Arakan have advocated nationality rights as “Rohingya” nationality people but, until now, this has not been accepted by the Myanmar government who continue to describe them as “Bengali”, despite the fact that many families have lived on the Myanmar side of the frontier for many generations. For their part, both the Bangladesh and Indian governments accept the citizenship rights of Rakhine, Buddhist and other Myanmar-linked peoples who have historically lived on their sides of the current borders. It is a very complex and often contradictory situation that was exacerbated in the borderlands under colonial rule.

For example, another case in point is of this young Rohingya girl who has been arrested and sentenced to one year in prison for leaving an IDP camp. She was born in Myanmar, speaks Burmese and has passed her government matriculation exams. But she does not enjoy full citizenship rights despite Myanmar being the only homeland that she has known.

To address these inequalities, we need transparent, just and inclusive citizenship laws, that are fairly and uniformly enforced, to protect the rights of all peoples. As you can see there is a great deal of complexity in the issues of citizenship and identity in Myanmar.

Some of the issues are common internationally. Others are more specific to Myanmar. Two of these are currently very acute in Myanmar: fear and resource ownership. There is a rising wave of fear among the majority of Myanmar people that they will become victims of terrorism, and that a significant demographic change will be a threat to their identity and culture. This has led to unreasonable and sometimes uncontrolled explosions of aggression and violence against a minority group.

On the other hand, many non-Bamar, co-founders of the nation, also fear discrimination, unreasonable punitive measures and the loss of ownership and control of resources on their traditional land. As a result, many civil society actors don't dare to touch this issue, considering it an electric 3rd rail, because it is so complex and we don't know where to begin.

The consequences of these failures are grave. Because we have unresolved political grievances, more issues of concern are still arising on a daily basis, despite hopes for democratic change in our country. Even worse, the Myanmar government still allows a judicial system to operate that tolerates the military and other well-placed persons to commit criminal acts with impunity, as both UN agencies and international human rights organisations frequently testify. In Myanmar today, an unreformed judicial system is being used to punish those who speak out and seek reform.

Many of you must have heard of the two Reuters journalists, Wa Lone and Kyaw Soe Oo, who have been detained since 12 December 2017. At the time of their arrest, they had been investigating the killing of 10 Rohingya Muslim men and boys in a village in Myanmar's Rakhine state.

The key witness in their case, police officer Moe Yan Naing, who testified that Wa Lone and Kyaw Soe Oo had been framed, has himself been sentenced to an undisclosed prison term for violating Myanmar's Police Disciplinary Act. It is a very worrying test-case for freedom of expression in our country.

The general public must be allowed to express grievances without unnecessary restrictions and in a non-violent manner. Equally important, the public must be able to exercise these fundamental rights without fear of reprisals and violence on the part of the police or political prosecution.

As an example, a recent anti-war protest in Yangon was peaceful. When the police told the protesters that they were assembling in a prohibited area, the organizers agreed to disband. However, riot police then forcibly dispersed the protesters, aided by a group of unidentified, self-described "citizens". These plain-clothes' thugs attacked the protesters right before the eyes of law enforcement officials, who did nothing to stop them.

My point about democracies not being perfect is intended as a warning to those who come to “democratic” power through elections, that they should be cautious about regarding themselves the sole and absolute dispensers of solutions to the problems that their countries face. This is especially the case in my country, Myanmar.

Democracies have to constantly work at having an open dialogue and discourse, reflection and inclusion so that the best answers can be found to complex challenges. A case in point is that Western democracies, even after undergoing an evolutionary period of over 200 years, are still grappling to find answers to issues related to the enjoyment of people’s rights. In a fast-changing world, democracy will always be a “work in progress”.

For democratic governance to succeed, people must appreciate democracy and use its potential. Reliance on ‘strongmen’ (or women) leads to a culture of impunity, corruption, failure and repression against which there may be little recourse until the system eventually collapses or another ‘strongman’ tries to take control.

At root, I don’t think the political crises in Myanmar have been unique in the modern world, which is why the continuing endeavors in our country for peace and reform are so important. A Union of equality was agreed upon at independence, but it has never been achieved. Until it is, there will always be instability and under-achievement in the country which, in turn, always raises the prospect of refugee flight and political uncertainty in the region.

In the meantime, an unrepresentative elite — both militarily and largely mono-ethnic — is attempting to take ever more control of the country by force. Sad to say, this is a symptom of the problem but has now become a cause of the problem, with no just or immediate solutions in sight.

As Myanmar citizens, we only hear about the big powers outside the region when it comes to humanitarian aid, peace processes, development, humanrights. So where is ASEAN in all of this?

In line with their policies of “constructive engagement”, it is important for ASEAN neighbours to recognise that Myanmar is still at the beginning of a period of critical change — not at an end. Based upon their own experiences (for better and worse), they need to ensure that meaningful and inclusive peace and reform processes are supported that are sustainable and just. Discriminating on the basis of “race” is not

acceptable in the modern international world. And yet, sadly, the idea of peaceful coexistence with the Rohingya is anathema to the majority of Myanmar citizens.

Myanmar's challenges are many, and they also impact the ASEAN community and other neighbouring countries. Over the years, many of these countries have also experienced conflict, refugees in flight, humanitarian emergencies, weak energy, health and education infrastructures, conditions of extreme poverty and economic under-achievement.

Needless to say, democratic reform can only be achieved through the engaged efforts of civil society across the region. Without these shared activities and rights, modern nation states and societies will never be stable, and it is important that international bodies and organisations, such as ASEAN, ensure that the promotion of such inter-community understandings are the bedrock upon which international progress and advancement are achieved. In the modern world, which is now embarked on an "age of acceleration", international entities like ASEAN should not be bodies for elites but reflections of their peoples and constituent parts.

Pope Francis in his homily at the July 6 Mass for Migrants spoke of "the silence that thinks 'it has always been done this way'" and "the silence of 'us' as opposed to 'you'" among the "many silences." After all, we are all inter-connected as human beings. Ubuntu, the African concept, conveys this best: "I am because we are."

In closing I would like to say how proud I am that organisations like SEM, Metta and compassionate civil society are working together across communities and borders to support the common universal values of respect, justice, inclusion and equality for all. May we all be proud to be part of ASEAN and long may our joint endeavors for a better world continue. With common enterprise, the situation is not without hope, and we must ensure that future generations are able to truly enjoy freedom and peace. In contrast to the failures of the past, that should be our contemporary legacy today.

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