

A New Bet on Burma

Integrating Justice and Accountability

In US Government Support



February 2021

FOREWORD & INTRODUCTION

The Unitarian Universalist Service Committee (UUSC) is a human rights and solidarity organization founded as a rescue mission in 1940 during the Holocaust. Based in Cambridge, Massachusetts, and with a membership of more than 35,000 supporters across the United States, UUSC's programs focus on the issues of climate change, migrant justice, and crisis response. UUSC's Burma program spans 25 years of donor support to Burmese- and ethnic minority-led human rights and humanitarian aid organizations. UUSC's current grants portfolio in Burma, officially known as Myanmar, includes support for more than a dozen grassroots human rights and humanitarian organizations promoting justice and accountability for ethnic and religious minorities across the country.

Through both grantmaking and the provision of technical assistance, UUSC has worked to directly support grassroots groups navigating Burma's ongoing political transition from generations of authoritarianism and military rule. This policy brief is taken from a more detailed report of U.S. government development assistance to Burma from 2011-2020, a project which began in the summer of 2020 and will be released later in 2021. Given the initial findings of that report coupled with the events of the military coup on February 1, it is clear that many of the policy recommendations are ripe for consideration as the U.S. actively reviews its engagement in the country.

During an interview at UUSC's 80th Anniversary Gala in October 2020, former United Nations Ambassador and newly nominated **USAID Administrator Samantha Power**, noted:

"I think in retrospect the United States probably over relied on the credibility of one person—Aung San Suu Kyi—and her status within Burmese society, as well as her willingness to apply the human rights principles that she had championed for so long. That was a gamble, and one that has not paid off."^[1]

As the Biden administration and Congress weigh their options, UUSC urgently believes that the best bet the United States can make in supporting Burma's democratic transition is through the direct and long-term support of justice and accountability measures—notably absent in the vast majority of U.S.-supported programs—at both the international and grassroots civil society levels.

^[1] Statement from UUSC 80th Anniversary Gala, October 21, 2020

POLITICAL ANALYSIS

In 2011, the initial stirrings of Burma's democratic political transition were hailed for their historic potential: Aung San Suu Kyi was released from years of house arrest and decided to participate in electoral politics with the military government's tacit approval. There was a proliferation of independent media, human rights and civil society groups were able to operate more openly, and the international community—both INGOs and diplomatic missions—were welcomed and grew operations to unprecedented levels. With the election of Aung San Suu Kyi and her National League for Democracy (NLD) as the democratic opposition in 2012, and then as the majority government in 2015 and 2020, the past decade was one of great hope for the country. During that period, “cautious optimism” was the diplomatic buzz phrase effectively greenlighting a pro-engagement and pro-investment political agenda leaving little, if any, room to change course. President Barack Obama made two historic visits to the country during his second term, and it was with great fanfare that the United States Government increased its foreign aid to Burma, much of which focused on supporting the development of systems of democracy and governance through free and fair elections, and later lifted economic sanctions that had been in place for nearly two decades.

However, as Burma's political crises have worsened—most notably as they relate to the stalled peace process among multiple ethnic armed organizations and the Burmese military, the violent mass displacement of more than a million Rohingya refugees and internally displaced persons (IDPs), and now the recent military coup—it is evident that the country's democratic transition has not resulted in substantive improvements for the country's war-affected ethnic and religious minorities. Despite increasing support for democracy, governance, and peace initiatives, the last five years have been characterized by increasing active conflict, protracted displacement, and militarization. This has been further compounded by a government backlash against Myanmar civil society, whose growing calls for reforms, transparency, and accountability have been left unanswered, even before this most recent coup. In what is perhaps the most alarming sign for U.S. engagement, American humanitarian aid for displaced communities—spread across Burma, Thailand, and Bangladesh—has increased exponentially and geographically over the course of the decade in circumstances that can only be described as a worsening of conflict and regional instability.

The U.S. must acknowledge that development funds administered through INGOs operating within the country—including for governance, peace, and humanitarian assistance—are compromised by their MOU access agreements with the Burmese central government. These agreements have effectively forced INGOs to work under systems that perpetuate exclusion and discriminatory policies toward minorities, who despite often being

POLITICAL ANALYSIS (CONT'D)

“target beneficiaries” are given little to no agency to challenge existing authoritarian and discriminatory structures. One of the best examples of this tainted political investment to date has been the provision of electoral assistance. Although the 2020 national elections were viewed as credible in their implementation by nearly all domestic and international observers, the disenfranchisement of hundreds of thousands of ethnic minorities, including the Rohingya and others in conflict areas, made them wholly unfree and unfair. Ironically, the November elections and unsubstantiated claims of fraud have served as the flawed legal argument for the military’s violent coup.

The American “gamble” in Burma has cost more than \$2 billion over the past decade, a conservative estimate based on publicly available data, with the majority of those funds being dedicated to emergency response for refugees and IDPs in Burma’s ethnic states and neighboring countries’ borderlands where communities see no reasonable end to their protracted displacement due to the Burmese military’s ongoing campaigns of violence with impunity.

Nowhere is this impunity clearer than with the case of the Rohingya Muslim minority from Burma’s western Rakhine State. The Rohingya have experienced generations of systematic discrimination and human rights abuses that are well documented both by government and non-government actors^[2]. This oppression culminated in the violent mass expulsion of more than 740,000 individuals to Bangladesh in 2017; they joined previous waves of displaced Rohingya to form what is today the world’s largest refugee settlement.

The crimes committed against the Rohingya have led to the establishment of various United Nations (UN) legal mechanisms and unprecedented legal proceedings at the International Court of Justice (ICJ), the International Criminal Court (ICC), and in Argentina through the principle of Universal Jurisdiction. In due time, it is likely that one of these mechanisms or proceedings will confirm what other legal analyses have already concluded: that genocide has indeed been perpetrated against the Rohingya.

These international justice proceedings and the military coup have created a space and opportunity for the United States to re-frame its leadership on Burma and to work more effectively in promoting long-term prospects for democracy. Overall, there is a glaring omission of support for justice and accountability, including grassroots transformational and transitional justice, in the United States’ policy and development approach towards Burma. Political and diplomatic critics of justice and accountability have consistently argued that Aung San Suu Kyi and the NLD needed space to establish themselves in an already tenuous détente with the military junta. However, it’s clear from the genocide of the Rohingya and other ongoing ethnic conflicts in the country that that détente has in many ways upheld a dangerous Burman ethno-nationalism that threatens to normalize the perpetration of ethnic and religious violence for generations to come.

^[2] See/reference reports by Irish Centre for Human Rights, International State Crimes Initiative at Queen Mary University, Human Rights Watch, Amnesty International, U.S. Holocaust Memorial Museum, PILPG and US State Department, among others.

RECOMMENDATIONS FOR INTEGRATING

JUSTICE AND ACCOUNTABILITY IN

U.S. POLICY AND DEVELOPMENT ASSISTANCE

With respect to international justice mechanisms and proceedings, the United States should:

- Impose **targeted sanctions on all high-ranking Myanmar military officers**, all members of the newly-created State Administrative Council, and **Myanmar military-owned and affiliated businesses and corporations** that are propped up by international foreign direct investment.
- Support the ongoing case filed by The Gambia at the **International Court of Justice** through public statements of support and funding.
- **Support ongoing mechanisms and special procedures of the United Nations Human Rights Council (UNHRC)**, including the UN Independent Investigative Mechanism for Myanmar (IIMM) and the Special Rapporteur for Human Rights in Myanmar, through diplomatic support and backstopping for investigative access at the country level, and, when possible, high level briefings and engagements in other multilateral bodies, including the UN Security Council.
- Invest in and increase **support for ASEAN regional human rights civil society and intergovernmental mechanisms** that offer ethnic and religious minority leaders the opportunity to participate as civil society representatives from Myanmar, and potentially interface with Myanmar government officials. This would send a strong message of international solidarity for officially recognizing Rohingya and other ethnic minorities as part and representative of the country, particularly in international fora.

Human rights policies like targeted sanctions are critical for political and diplomatic pressure, but the U.S. also needs to think more about integrating complementary human rights investments—long-term support that cultivates and empowers a movement and engages grassroots communities in locally-focused programs focused on justice, women's rights, education, and broader social development initiatives. Long-term prospects for democracy and human rights lie with empowering a civil society movement to participate more fully in their own country's politics. Cultivating and supporting human rights and humanitarian movements will create the long-term local pressure and capacity for democratic outcomes that are characterized by greater equity, social justice, and accountability.

RECOMMENDATIONS FOR INTEGRATING JUSTICE AND ACCOUNTABILITY IN U.S. POLICY AND DEVELOPMENT ASSISTANCE (CONT'D)

With respect to promoting justice and accountability among civil society, the United States should:

- **Increase and dedicate specific funding for Rohingya- and ethnic minority-led civil society and human rights groups working for justice and an end to impunity**, both those that are established and in the process of being established. This is critical not only within Burma, but **particularly among cross-border refugee and IDP communities in Bangladesh, Thailand, Malaysia and the diaspora further afield**. In the decades before 2011, U.S. government funds supported the Burmese democracy and human rights movement, which was mostly in exile in Thailand and abroad. Given the recent political events, it is likely that the cross-border ethnic human rights movements—operating in areas beyond the official control of the military and government—will stand again as guardians of Burma’s democracy movement. The Rohingya in particular now find themselves in a similar situation that their Karen, Shan, and Kachin compatriots found themselves in more than 20 years ago. There are currently only a handful of human rights donors that actively support cross-border human rights organizations. There are, however, a plethora of emerging grassroots Rohingya and well-established ethnic minority activists and organizations—many that are women- and youth-led—working on human rights documentation, advocacy, transformative justice, media, education, health, and other key issues that could benefit from U.S. direct financial support and broader networks.
- **Support and cultivate a cross border/exile civil society movement that prioritizes local ownership of social and community development programs**. Previous support to ethnic-led community social systems has provided a generation of ethnic leaders the foundation to continue or return and work for their country’s ongoing development. The withdrawal of support from these ethnic-led systems, as well as a continuing lack of direct support to Rohingya- and ethnic minority-led community groups will only further disempower and prolong the disenfranchisement experienced by nearly 2 million refugees and IDPs suffering in protracted displacement. Such support is critical in building credibility and gaining ownership of democratic community institutions, such as health and education, and gaining equal seats at the table among government power holders and even more established civil society allies, when those opportunities for engagement finally occur.

RECOMMENDATIONS FOR INTEGRATING JUSTICE

AND ACCOUNTABILITY IN U.S. POLICY AND

DEVELOPMENT ASSISTANCE (CONT'D)

- In light of the coup, **provide direct funding support that fosters growth and connections among ethnic minority leaders, particularly from refugee and IDP communities, and other Burmese civil society leaders from central Burma.** The secure convening space that the international community holds is a key resource to counter the divide and rule strategy of the Burmese military.
- **Expand opportunities specifically for Rohingya and other minorities from Burma that have been rendered stateless to participate in U.S.-sponsored international leadership, engagement, and scholarship programs.** With current limitations, it seems that only those with Myanmar citizenship papers can participate in programs such as the Fulbright Awards or Burma Leadership Program, among others. Given the ongoing atrocity crimes and discrimination that minority communities face, their administrative exclusion from U.S. programs compounds the discrimination they face at home. The U.S. government should consider expanding its higher education and public diplomacy programming to specifically benefit the next generation of Rohingya and other ethnic minority refugee and IDP youth leaders wherever they may reside, including Bangladesh, Thailand, Malaysia, or even the West. The nature of the Rohingya genocide and the widespread dispersal of Burma's diaspora and exile communities necessitates a global and long-term approach to leadership and educational empowerment to effectively achieve democracy in Burma.

For more information

Unitarian Universalist Service Committee
689 Massachusetts Ave
Cambridge, MA 02139

info@uusc.org

uusc.org/burma