



# Myanmar's Indigenous Peoples and Universal Periodic Review: Issues of Transnational Advocacy

## **Abstract:**

On July 21, 2015, the Coalition of Indigenous Peoples in Myanmar/Burma ("CIPM"), a group representing 24 indigenous rights organizations in Myanmar, announced they were submitting a report to the Universal Periodic Review session on Myanmar. The use of UPR represents attempt by Myanmar's indigenous groups to address a variety of issues not traditionally associated with human rights, among them environmental grievances associated with alleged government seizure of land, deforestation, pollution, and suppression of land use rights. The use of UPR also illustrates an indigenous strategy of reaching up to an international level in order to address problems at a local one, with the CIPM resorting to the UPR in hopes of mobilizing pressure to change the behavior of the Myanmar government. This paper is an evaluation of the CIPM strategy to use the UPR to advance its environmental grievances against the Myanmar state.

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## Developments in Myanmar's Indigenous Peoples' Strategies on Environmental Issues

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By Shwe Yee Saw Myint and Thomas Kean | Friday, 30 January 2015

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The battle lines are being drawn over Myanmar's human rights record ahead of a four-yearly United Nations review later in 2015. The process seems set to be dominated by questions of whether Myanmar's reforms have stalled, as the government's critics argue.



Police officers attend an unauthorised protest in Yangon in June 2012. (Ko Taik/The Myanmar Times)

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### Indigenous Rights Coalition in Burma Plans UPR Submission

By YEN SNAING / THE IRRAWADDY | Tuesday, July 21, 2015 |

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Performers hold Mon flags as they march in Kamarvet village, Mudon Township, on Mon National Day in February 2014. (Photo: Lawi Weng / The Irrawaddy)

- <http://www.irrawaddy.org/burma/indigenous-rights-coalition-in-burma-plans-upr-submission.html>
- <http://www.mmtimes.com/index.php/national-news/12960-govt-ngos-gear-up-for-battle-at-human-rights-council.html>

## Coalition of Indigenous Peoples in Myanmar/Burma (CIPM) Grievances in Universal Periodic Review (UPR) Submission

### Environmental & Indigenous Issues

- Confiscation of land with no compensation, no environmental impact assessments, no free prior informed consent
- Decision-making re natural resources with no negotiation nor notification
- Replacement of indigenous names and destruction of cultural heritage
- Toxic waste

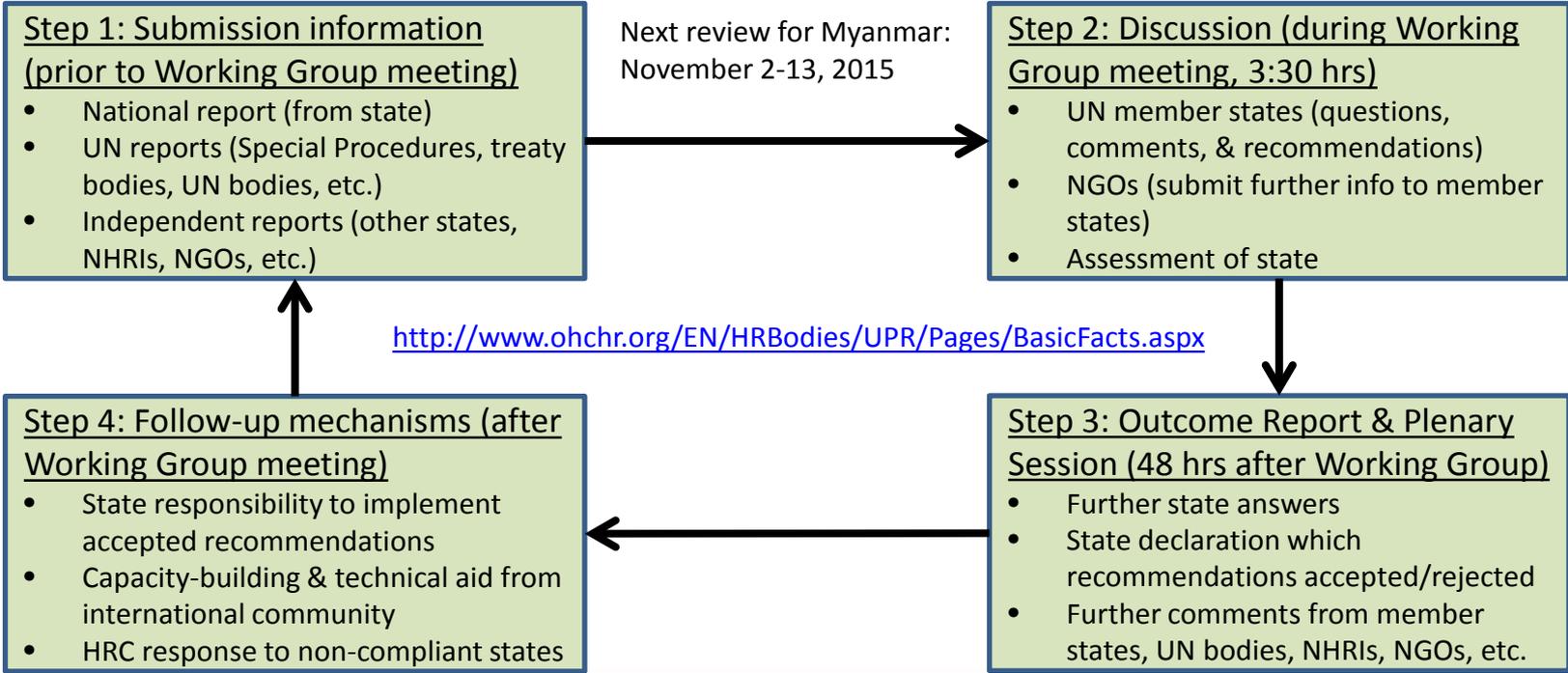
### Human rights violations

- Violation of rights to subsistence, cultural practice, customary law
- Violation of right to self-determination
- Violation of rights re cultural heritage
- Violation of rights of free speech, free assembly, equality under the law, access to law
- Violation of right to life

# UN Human Rights Council Universal Periodic Review

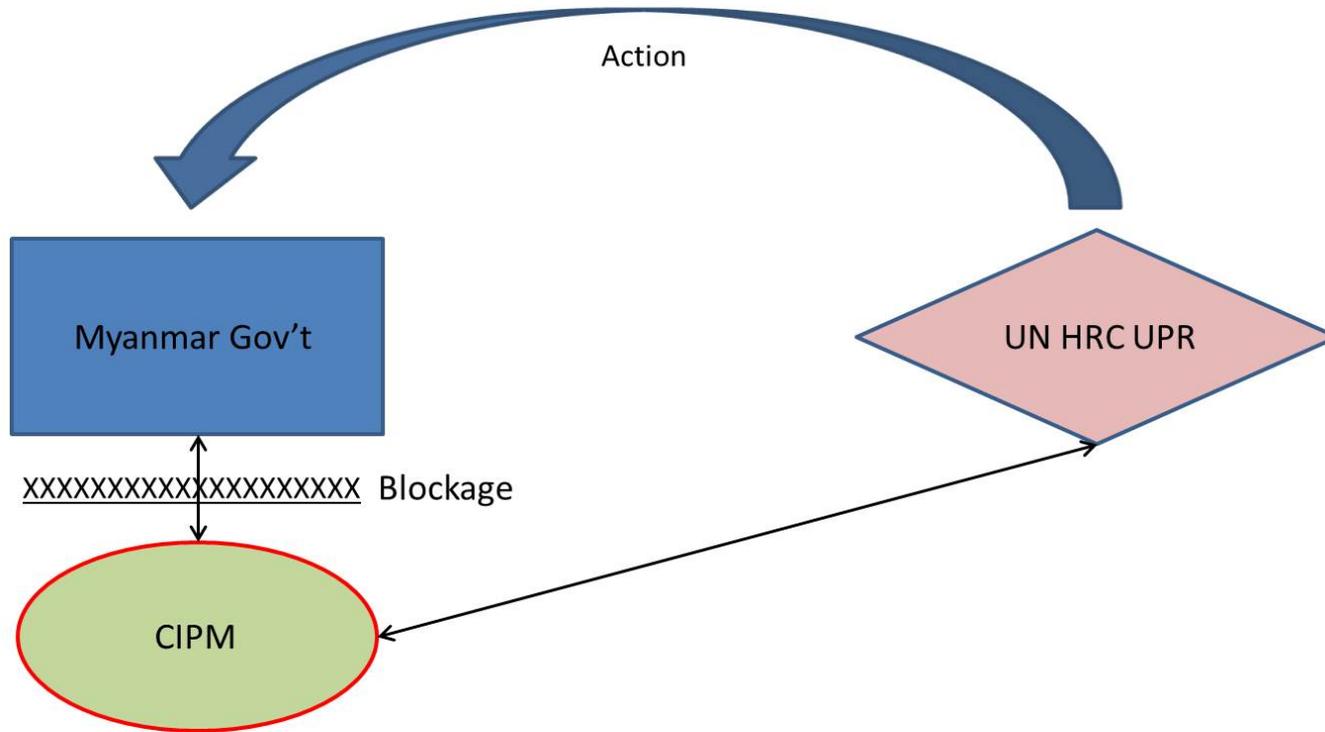
**Background:**

- Human Rights Council (HRC) formed 2006 (UNGA A/Res/60/251)
- Universal Periodic Review (UPR) adopted 2007 (HRC A/HRC/Res/5/1)
- State-led periodic review of all UN member states, each state being reviewed every 4 years
- UPR Working Group meets 3x every year in 2-week sessions , reviews 14 states each session
- Accountability: transparent, public assessment (webcast of Working Group and publication of Outcome Report)
- Constructive: identify issues, provide assistance





# An Exercise in Transnational Advocacy: Coalition of Indigenous Peoples in Myanmar/Burma (CIPM) and the UN HRC Universal Periodic Review



## UPR Issues for the CIPM

Nature of blockage facing CIPM	Nature of Pressure from the UPR
<p>Issues that can be addressed by UN human rights system</p> <ul style="list-style-type: none"> <li>• Concept of indigeneity in Myanmar</li> <li>• Concept of human rights in Myanmar</li> <li>• Corruption and weak rule of law</li> </ul> <p>Issues that lie outside UN human rights system</p> <ul style="list-style-type: none"> <li>• Underdevelopment</li> <li>• Unstable political environment</li> <li>• Democratization</li> </ul>	<p>UPR may not meet CIPM expectations</p> <ul style="list-style-type: none"> <li>• UPR is a form of peer-review</li> <li>• Outcome report not prescriptive, but transcript of findings &amp; recommendations</li> <li>• Follow-up is not coercive, but cooperative, w capacity-building and technical aid</li> <li>• Potential for naming &amp; shaming, but persistent violators are only urged to change &amp; listed in HRC records</li> <li>• Constructivist experiment in transformation of normative identity, and so requires time</li> </ul>

## Concerns for the Future

UPR requires time to work, but environmental degradation may not have that time

Transnational advocacy networks (TANs) – can be effective in driving procedural change (e.g., making Myanmar government accept indigenous participation in decision-making), but it has issues:

- Effective in carrying discussions on issues, not as effective as transnational social movements in creating discussion on issues (e.g., opening discussion on indigenous & human rights in Myanmar)
- Episodic & issue-specific, so results in breakdowns in indigenous movements (in contrast, social movements are sustained so less risk of breakdowns)

Possible solutions

- UPR is only 1 form of TANs, and TANs is only 1 type of strategy, so useful to integrate UPR as 1 element of wider approach
- Form alliances between indigenous issues and civil/political movements to access resources & opportunities for appeal associated with mainstream movements
- Maintain unity of CIPM base to maintain connection between local and international