

Statement by H.E. Mr. Kyaw Moe Tun
Permanent Representative of Myanmar
During Item 4 : Interactive Dialogue with Fact-Finding Mission on
Myanmar
at the 39th Session of the Human Rights Council
Geneva, 18 September 2018

Mr. President,

It has always been the cornerstone of our foreign policy to cooperate with the United Nations. However, our delegation has rejected the Independent International Fact-Finding Mission on Myanmar (FFM) since its establishment by the Human Rights Council in March 2017, as it will not contribute to our efforts to bring national reconciliation, peace, and inclusive and sustainable development in Rakhine State.

The Government has therefore made it clear that it would not be able to accept its mandate and the results of its findings. Its establishment, composition and mandate, raised serious and genuine concerns that it would lack impartiality and hinder the Government's own efforts to find long-term solutions to the situation in Rakhine State.

The one-sided Report of the FFM has only served to strengthen the Government's concerns. Not only is this report detrimental to social cohesion in Rakhine State, it also undermines the Government's efforts to bring peace, national reconciliation and development to the entire nation.

Mr. President,

The sincerity of the FFM is also questionable, as it has released the unedited version of the report on purpose on 27 August 2018, just one day ahead of the UN Security Council's public debate on the situation of Myanmar. In fact, the FFM was mandated to submit its report to the Human Rights Council only on today. There is reasonable ground to raise questions about the FFM's motive, sincerity, independence and impartiality.

Mr. President,

There are many obvious reasons to question the impartiality and objectivity of the FFM's report. The way the report portrayed about the national races of Myanmar is misleading. Instead of encouraging integration, the report seems encouraging disunity of the nation dividing between national races.

The methodology of their investigation is also flawed as their Report was prepared based on results of interviewing selected groups of displaced persons in Cox's Bazaar and information gathered from some NGOs, INGOs and human rights group. They did not bother to interview even non-Muslims displaced persons staying in Cox's Bazaar. No wonder their findings are found to be identical with the reports of certain human rights groups. Their accusations are based on the stories told by those alleged victims living under continuous threat and influence of ARSA terror group and not supported by concrete evidence.

Regardless of the lack of balance, impartiality and fairness, the Government of Myanmar take the allegations of human rights violations seriously. The Government will not condone human rights violation. We stated time and again that action will be taken against anyone if there is sufficient evidence. At the recommendation of Advisory Board for the Implementation of the Recommendations on Rakhine State, the Government established the independent Commission of Enquiry led by Ambassador Rosario Manalo, an eminent diplomat from ASEAN. Ambassador Kenzo Oshima, former UN Under-Secretary-General, from Japan is also a member. The Commission is tasked to investigate allegations of human rights violations and related issues following the terrorist attacks with a view to seeking accountability and reconciliation, and to formulate recommendations on steps to be taken to ensure peace and stability in Rakhine State. Myanmar is willing and able to investigate and take legal action with regard to those allegations.

Moreover, the report does not reflect the Government's efforts for the Peace process and national reconciliation. While striving tirelessly for solving the issue in Rakhine, the Government is trying to end ethnic conflicts that have ravaged the country since its independence in 1948 and to bring peace with myriad of other ethnic armed groups. The new government has taken steps for taking forward the peace process that was initiated by the previous government

with an aim to put an end to the armed strife and to construct a strong democratic federal union.

Since 2016, three sessions of Panglong Peace Conference were held. At the first Peace Conference, a seven-step roadmap for peace and national reconciliation was achieved. In the Second Peace Conference, 37 principles were adopted. 2 more ethnic armed groups joined the Nationwide Ceasefire Agreement, brought the signatories to 10 before the Third Peace Conference which adopted 14 more principles. Challenges remain and conflict continues to break out. The government is constantly alert to the challenges and determined to resolve them through dialogue and negotiation, by persevering in the endeavor to build mutual trust and understanding.

I would like to recall the statement made by the UN Secretary-General on 31 August 2016 during the opening of the First Panglong Peace Conference in Nay Pyi Taw, Myanmar. He said “I congratulate all sides for the patience, endurance, determination and spirit of compromise you have demonstrated in support of national reconciliation. There is a long road ahead, but the path is very promising.” He continued, “We will continue our efforts to smooth differences, lower tensions and move parties towards better understanding and dialogue in line with the goals and values of the United Nations Charter”.

Mr. President,

Addressing the destabilizing issues in Rakhine State is fundamental part of building peace, national reconciliation, security and governance in the country. Within 2 months in the office, the new government established the Central Committee for Implementation of Peace, Stability and Development in Rakhine State. Soon after, the Advisory Commission, headed by former UN Secretary-General Dr. Kofi Annan, was set up in September 2016. The Advisory Commission submitted the final report together with 88 recommendations to the government on 24 August 2017. To date 81 out of 88 recommendations have been implemented or under implementation.

Here, I would like to pay tribute to Dr. Kofi Annan. His compassion, his integrity and his courage shone through his acts and the recommendations of the Commission reflected his wisdom and his wide experience. His approach was constructive and caring.

Mr. President,

We share deep sympathy and concern for all displaced persons especially women and girls. The government pays high priority to the repatriation. The repatriation has to be effected through the implementation of the Arrangement signed between Myanmar and Bangladesh on 23 November 2017. Since then, Ministerial delegations from Myanmar visited Bangladesh. Recently the Foreign Minister of Bangladesh visited Myanmar including Rakhine State and saw the first hand preparations Myanmar has made for resettlement of returnees.

With regard to repatriation, no one needs to give pressure on Myanmar. We are ready to receive the verified displaced persons. But we need the cooperation of Bangladesh to send back those wishing to return.

We also recognize the crucial role of the United Nations in addressing an issue of this nature. The government of Myanmar also signed with UNDP and UNHCR an MOU that aims at assisting speedy and efficient resettlement and rehabilitation. The implementation of the MOU has been commenced and the UN teams are now on ground making first phase of their assessment.

Involved at various fronts and levels is the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine State (UEHRD). It is an enterprise that brings together peoples and organizations from all parts of the nation to work with the government to bring Rakhine into framework of our national plan for sustainable development.

The report pointed out that the trained leaders and untrained villagers involved in the terrorist attacks of ARSA. No country can condone terrorism under any form and any circumstance. The provocative terrorist attacks of October 2016 and August 2017 have affected the course of our earnest endeavor to build a peaceful, fair and prosperous future for all people in Rakhine State.

Mr. President,

Members of the Mission conveniently failed to reflect such efforts of the government in their report.

The report is based on one-sided perception of Myanmar history without consulting any of the many studies about the history of the conflict that goes back to the end of the 18th century. If they wish, such information are only one click away at this digital age.

Accuracy of information is vital in making a right policy decision. It is learnt that some scholars even wrote to members of the Commission pointing out inaccuracies in the report.

Above all, the FFM under tremendous pressure reported the information they wanted to believe and jump to a dangerous conclusion that could derail the democratization processes.

Mr. President,

In conclusion, I would like to draw your attention of the statement of 4 Christian denomination organizations of Myanmar on 23 August 2018, “In this present situation, we feel that destructive elements, undue pressures and disturbances are hindering the Peace Building among the different entities and Union’s strides towards building a Democratic Federal Union”.

This is a critical juncture for Myanmar in its journey towards a peaceful, prosperous democratic federal union. We strongly object any attempt to make disunity of the country. We are resolute to achieve our goal of creating a strong democratic federal union.

I would like to stress that prevention of hate-speech toward a member state based on unverified information and prevention of inflaming mistrust among communities should start from here in this room. Constructive and cooperative dialogue is important for promotion and protection of human rights.

Non-constructive measures and retributive actions will only lead to further polarization of the communities, even worsen the situation we wish to resolve and will do nothing but impose greater impediment to our serious efforts to speedy repatriation of the displaced persons languishing in miserable conditions. What we should do now is to focus on solving the humanitarian situation and help the efforts of this nascent democracy to build a peaceful, prosperous and harmonious society in Rakhine. Nothing else.

I thank you.
