



MYANMAR

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**Statement by Ambassador Kyaw Moe Tun, Permanent Representative of Myanmar
in response to the report of the United Nations High Commissioner for
Human Rights submitted under the Council's resolution S-27/1**

(Geneva, 20 March 2019)

Mr. President,

- For a country which is home to more than 130 ethnic groups in different faith, impartiality and inclusiveness are of fundamental importance for Myanmar in the promotion and protection of human rights as well as in building a democratic federal union.
- It is deeply regrettable to observe that the report of the High Commissioner, submitted under the Council's resolution S-27/1 that Myanmar has rejected, reflects the narrative from one side.
- The report itself negatively focuses on a particular group with narrow perspective. Suffering and plight of local ethnic minorities are deliberately omitted. It totally ignores the commitments and genuine efforts of the government as well as visible progress. The report has shown the complete lack of understanding on the complexities and challenges on the ground.
- The methodology is also flawed. Other than the final report of the Advisory Commission on Rakhine State, many references used in the report are based on one-sided narratives and interview with selected group of people.
- The analysis based on the information gathered from some secondary sources, and human rights groups who have already set their pre-determined agenda on the issue has made the report less than objective.
- Some elements contained in the report are also doubtful and questionable.
- Hence Myanmar shall not be obliged to accept this one-sided report and its recommendations.

Mr. President,

- In our nascent democratic transition, we have made a great deal of progress. Our reforms are still much alive. To truly protect democratic rights, the ruling party has taken a bold initiative to amend undemocratic provisions in the Constitution.

- Our delegation briefed the Council on the efforts Myanmar is making for its democratization and on challenges Myanmar is facing during the High-level Segment and the Interactive Dialogue with the Special Rapporteur on Myanmar on 26 February and 11 March 2019, respectively. Due to time constraint, I will focus more on the issue of Rakhine State at this time.

Mr. President,

- The issue of Rakhine State is huge complex with many challenges. The recent outbreak of fighting in northern Rakhine State ignited by the attacks of AA insurgents against police outposts has even further complicated the situation.
- Resolving this complex issue is an important component in our democratic process. Placing it on the top of the government's agenda, we are fully committed to find a sustainable solution for all people in Rakhine State.
- It was wrongfully portrayed as an issue of religious persecution by massive media campaign launching against Myanmar. It is neither an issue of religious persecution nor interreligious conflict. But it is, in fact, a political and economic issue involving prolonged cross-border illegal migration since colonial time, poverty and lack of rule of law and national security.
- We have been implementing a vast majority of the recommendations of the Kofi Annan Advisory Commission. After slightly over one month of the formation of the Advisory Commission, ARSA terrorist group attacked police outposts on 9 October 2016 in Northern Rakhine. Again, the terrorist attacks by ARSA took place on 25 August 2017, within the 24 hours after the release of Advisory Commission's final report.
- In the months leading up to the attacks, ARSA had been carrying out a campaign of terror, targeting on ethnic minorities as well as progovernment Muslims. The seeds of fear sown by the ARSA led to massive displacement of people.
- These terrorist attacks were carefully calculated to undermine the government's efforts in building peace and development in Rakhine State.
- Nevertheless, Myanmar is committed to find a sustainable solution to the issue of Rakhine State. Currently, to speed up our implementation process, we are working on an Action Plan to implement five priority areas covering issues of citizenship, freedom of movement, closure of IDP camps, education and health.
- Like other countries, Myanmar has its own Citizenship Law. To obtain citizenship, all people, including Myanmar nationals must undergo national verification process. People who have not been granted citizenship documents have to hold National Verification Card-NVC which certifies the residency in Myanmar. NVC card is a step towards citizenship. The process of citizenship application is now being speeded up.
- In addition, we are also finalizing a strategy for closure of the remaining IDP camps.

Mr. President,

- We fully share the concern over the plight of all affected communities due to violence triggered by provocative coordinated attacks by ARSA terrorists against multiple security outposts.
- It is an urgent need for us to start repatriation of the displaced persons in accordance with the agreements between Myanmar and Bangladesh signed on 23 November 2017 and 16 January 2018.
- I wish to reiterate that Myanmar remains ready and willing to receive the verified returnees in a voluntary, safe and dignified manner in accordance with the bilateral arrangements. We are hopeful that Bangladesh will also be ready to commence repatriation soon.
- Last month, Myanmar informed Bangladesh to resume the Joint Working Group Meeting in April for expeditious repatriation of the verified displaced persons including 444 Hindus who are desperate to return on their volition.
- If both sides strictly follow the bilateral arrangements, our two neighbours can make the repatriation a success.
- At the same time, we must stop the movements in Cox's Bazar to impede the repatriation process.
- In order to create conducive environment for the returnees, we are working with UNDP and UNHCR, our ASEAN friends and regional partners.
- We have already informed the UN side of our agreement in principle to extend the MOU between Myanmar, UNDP and UNHCR which will expire in early June this year.
- The ASEAN ERAT (ASEAN Emergency Response and Assessment Team) delegation conducted a field visit to Maungtaw, Northern Rakhine early this month. At the time of repatriation, ASEAN assessment team will be there to assess the repatriation process which will enhance trust and confidence of the returnees.
- The Government also mobilizes funds from public, private and the people through UEHRD (Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine). Recently, the Rakhine State Investment Fair was held to generate job opportunities, income and long term development. In addition, a number of projects have been implemented in order to strengthen social cohesion in Rakhine State. Development is the best recipe for ending the communal conflicts.
- We are disappointed to hear the irresponsible comments of the Special Rapporteur on the situation of human rights in Myanmar on the Rakhine State Investment Fair which is aimed for bringing prosperity to all people in Rakhine State.

Mr. President,

- It is regrettable that the report of the Fact Finding Mission on Myanmar (FFM), despite its flaws, has obscured the view of many delegations and misled their judgement on this issue. Here I would like to reiterate our firm position that Myanmar has categorically objected FFM since its establishment, as well as its narrative-based report.
- Regardless of the flaws of FFM, Myanmar takes seriously with regard to the allegations on the violation of human rights. Where there is credible evidence to support allegations, legal action will be taken against those who violate.
- The Government of Myanmar established an Independent Commission of Enquiry to investigate all alleged violations of human rights in Rakhine State. The ICOE has requested Bangladesh to allow a visit to Cox's Bazaar. We believe that it will come up with an evidence-based report, not a narrative-based this year.
- The Armed Forces of Myanmar recently set up the investigation court to further scrutinize all alleged violations of human rights related to the incidents in Rakhine State.
- In this regard, I wish to stress that the Government is willing and able to address the accountability issue. Therefore, we strongly reject any move to bring the issue to international judicial system.

Mr. President,

- Sadly, the world's attention is narrowly focused only on the negative aspects related to the issue in Rakhine State. Despite the positive developments, Myanmar has been unfairly targeted and disproportionately put under special scrutiny by multiple mechanisms of the UN.
- Understanding the situation in Rakhine State requires deeper analysis and wider perspective. It should not be seen in isolation with narrow perspective. Taking into careful consideration of its particular circumstances such as historical and cultural background, demographic trend, underdevelopment, capacity constraints, challenges and complexities is also vital. The challenges cannot be overcome overnight. It needs time and space.
- As I stated in the Council last September, we are ready to renew cooperation with the OHCHR. I wish to urge the High Commissioner to extend the technical assistance to Myanmar for promotion and protection of human rights under the work plan proposed by the OHCHR last year.
- In conclusion, Mr. President, we are participating in the interactive dialogues in good faiths. Only through constructive dialogue and cooperation can achieve our common goal of promotion and protection of human rights of people all over the world.
- I thank you.
