



MYANMAR

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**Statement by Ambassador Kyaw Moe Tun, Permanent Representative of Myanmar
at the Interactive Dialogue with the Special Rapporteur on the Human Rights Situation
in Myanmar at the 40th Session of Human Rights Council
Geneva, 11 March 2019**

Mr. President,

- Human rights and inclusiveness are fundamental to the successful transformation of Myanmar into a democratic society. The people of Myanmar have long been deprived of their inherent rights to peace, democracy and development due to prolonged internal armed conflicts and more than five-decade long military rule.
- In a multi-ethnic country like Myanmar, making unity out of diversity is a great challenge. Since taking state responsibilities in 2016, the democratically elected civilian Government spared no efforts in striving for sustainable peace and genuine national reconciliation, all-round development, promotion of rule of law and good governance while embracing democratic practices, human rights value and principle of inclusiveness.
- Despite numerous challenges and constraints, Myanmar will continue to do its best to take its primary responsibility to promote and protect the fundamental rights of all people without losing sight of the country's future.
- We are of the view that a country without peace and stability cannot achieve economic development. Thus, as its priority goals, the Government set rule of law and raising the socio-economic lives of people, national reconciliation and internal peace, and establishing a basis foundation for a democratic federal union by amending the Constitution.
- Within 3 years, there are visible improvements in many areas including health, education, and socio-economic sectors. These positive changes will be reinforced by on-going implementation of the Myanmar Sustainable Development Plan – MSDP 2018-2030 which is in accord with the Sustainable Development Goals.
- Reforms are being taken in the economic sphere by promoting responsible investment with careful consideration of environment and social governance.

- Ethnic strife and armed conflicts in Myanmar can only be ended through political means. Therefore, as part of its agenda for peace, the Government has already convened 3 sessions of Union Peace Conference – the 21st Century Panglong Conference and agreed on a total of 51 basic principles for building a democratic federal union. We are planning to convene three more sessions by 2020 to finalize those fundamental principles.
- As we are in need of a constitution that can truly protect the democratic rights of the people, the ruling party has recently taken a bold initiative to amend the undemocratic provisions of the 2008 Constitution. As a result, a joint parliamentary committee was formed and its work has already begun. Our democratic struggle and reforms are still very much alive.
- The reforms are taken to promote all aspects of human rights especially for children, women, persons with disabilities and other vulnerable groups. Promotion and protection of human rights is now at the core of what we plan, and how we take the decision.

Mr. President,

- Being a strong supporter for the UPR mechanism, Myanmar will submit its national report to the UPR third cycle in 2020. Myanmar is already a state party to CRC, CEDAW, CRPD and ICESCR, and we have set the target to sign the ICCPR this year.
- We are already in a process to enact human rights related legislations including the new Child Right Law and draft laws to address the issue of hate speech and violence against women.
- Over the years, we welcome the visits of the Special Envoy of the UN Secretary-General, the SRSG on Children and Armed Conflict and the SRSG on Sexual Violence in Conflict. The Special Envoy has made five official visits to Myanmar so far since she assumed her post in May last year. Her office is up and running in our capital.
- A National Committee has already been set up in January to prevent the issue of six grave violations relating to the children and armed conflict. A national committee will be established and a national action plan will also be drawn up to implement the Joint Communiqué that Myanmar signed with Special Representative for Sexual Violence in Conflict last December.

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 the issue of Rakhine is an important component of our democratic process. The Government is fully committed to find a sustainable solution that would lead to

peace, stability and development for all people in Rakhine State. We have been implementing a vast majority of the recommendations of the Kofi Annan's Advisory Commission.

- We share the concern over the plight of all affected communities due to violence triggered by provocative coordinated attacks of ARSA against multiple security outposts in October 2016 and August 2017. In the months leading up to the attacks, ARSA had been carrying out a campaign of terror, targeting on ethnic minorities as well as pro-government Muslims. The seeds of fear sown by ARSA led to massive displacement of people.
- The most pressing task today is to focus on expeditious commencing the repatriation process to resolve the humanitarian situation. I would like to reiterate Myanmar's readiness to receive the verified returnees in a voluntary, safe and dignified manner in accordance with the bilateral agreements with Bangladesh.
- Last month, we informed Bangladesh side to resume the Joint Working Group Meeting in April to start repatriation of the verified displaced persons including 444 Hindus who are desperate to return on their volition. In this regard, I would like to ask the Special Rapporteur whether she is aware of the displaced persons in the Camps in Cox's Bazaar who repeatedly express their desire to return to Rakhine State.

Mr. President,

- In order to create conducive environment for the returnees, we are working not only with UNDP and UNHCR but also with 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.

Mr. President,

- We will not accept any call for referring the situation in Myanmar to the International Criminal Court (ICC). As you are aware, the Government of Myanmar has resolutely rejected the ICC's ruling of 6 September 2018 in connection with Rakhine State. Myanmar is not a party to the Rome Statute, and the Court has no jurisdiction over Myanmar whatsoever.
- Whilst the Government is unable to accept this legally dubious intervention by the ICC, Myanmar is fully committed ensuring accountability where there is credible evidence of human rights violations committed in Rakhine State.
- The Government of Myanmar established an Independent Commission of Enquiry in July last year. The Commission will investigate all alleged violations of human rights and atrocities committed in Rakhine State as part of Myanmar's efforts to address the issues of accountability. The Government is willing and able to address the accountability issue.

Mr. President,

- Let me turn to our position with regard to the current special rapporteur.
- Over the past two decades, Myanmar has consistently facilitated the visits of Human Rights Council's special mandate holders. We also extended our fullest possible cooperation to the current special rapporteur. However, her failure to comply with the code of conduct and her clear lack of impartiality in carrying out her mandate caused public resentment against her leading to unanimous decision of the Parliament in July 2017 to deny her access to the country.
- Therefore, we are obliged to discontinue our cooperation with the current special rapporteur and look forward to cooperate with a new Special Rapporteur.

Mr. President,

- Our goals for promotion and protection of human rights can be achieved through dialogue, constructive engagement and cooperation, instead of confrontation and condemnation which are always counterproductive and highly divisive.
- In this regard, we need to make sure that every independent mandate holder or mechanism created by the Council strictly adheres to the principles of independence, impartiality and integrity. We must also take into account of each nation's particular circumstances such as its own historical and cultural background, capacity constraints as well as other challenges and complexities facing the individual country.
- Accuracy of information is vital in making a right policy decision. It is also equally important for a mandate holder to avoid any harmful acts such as bias reports, non-constructive statements that will affect the prevailing social cohesion and unity in a country.

Mr. President,

- In conclusion, as committed, Myanmar will continue to march its journey towards a democratic federal union in which the value of human rights and democracy take firm root.
- We hope that the international community will constructively contribute to our efforts in this regard in line with the country's circumstances and needs.
- I thank you.
