

**Statement by Permanent Representative H.E. Mr. Kyaw Moe Tun Interactive
dialogue with the Independent International Fact Finding Mission on
Myanmar (FFM) at the 42nd Session of Human Rights Council
Geneva, 17 September 2019**

Mr. President,

This is a sad day for those who advocated guiding principles and purposes of the UN because of the irresponsible act of FFM.

I stand before the Council representing Myanmar, and I bring you the voices of Myanmar people.

Confederation of Trade Unions in Myanmar recently issued a statement by urging the UN to be neutral. In the statement, it said, (Quote) “FFM’s unwitting action will be driving out the workers off the formal economy towards a black economy, the hazards of trafficking, and the uncharted territory of becoming migrants in another country. The FFM will be held responsible for wreaking havoc on the lives of the workers in Myanmar who are seeking out a living in one of the lowest income communities of the ASEAN region. The FFM’s pressure is bound to make the working population of 22 million in this country lose confidence in the United Nations and hinder the efforts to develop a community that accepts Social Dialogue”. (Unquote)

Mr. President,

The whole of Myanmar including the Government, Chambers of Commerce, UEHRD, private companies issued statements rejecting with same strong voice to FFM’s reports and its unfounded allegations.

Myanmar has clearly stated its position on FFM. Myanmar categorically rejected its establishment. Its establishment, composition and mandate raised serious concerns due to lack of impartiality.

People and government of Myanmar reject FFM’s reports and its purported conclusions and recommendations. There is a reasonable ground to raise questions about the reports’ motive, sincerity, independence, impartiality, and most importantly, credibility. As such, rather calling them FFM’s reports, we simply call them “the Darusman’s reports”.

Myanmar strongly objected its extension, the establishment of IIM, which is selective discriminatory scrutinization on Myanmar, serving the political purpose of those who wish to exploit human rights body for their political agenda.

People of Myanmar, who used to stand with the UN in their long struggle for democracy and human rights, are increasingly disappointed with less than objective stand taken by some elements of the UN with regard to Myanmar.

I wish to stress that the work of FFM should not be allowed to cast a dark shadow over the Human Rights Council and the UN system as a whole.

Mr. President,

“The Darusman’s reports” aim to harm the interests of Myanmar people. Collateral damage is the most worrisome. To precise, narrative of FFM for economic isolation will inflict economic hardship to millions of innocent people and cause negative impact on the enjoyment of all human rights, including the right to development. It is worth reminding ourselves that the development is a comprehensive economic, social , cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom as stated in the Declaration on the Right to Development adopted by General Assembly resolution 41/128 of 4 December 1986.

The fabricated report of FFM has painted a distorted picture of the UEHRD, the humanitarian body, through which the government, public and private organizations, local NGOs and CSOs, affiliated countries, UN agencies and INGOs, all are working together for humanitarian assistance, resettlement and sustainable development in Rakhine.

FFM irresponsibly blames the border fencing. Not to mention other countries, Myanmar has the sovereign right to construct border fencing along its demarcated boundary for security and to prevent illegal border crossing. In our case, the construction of the border fence first began in 2009. It is being carried out in phases. Work on the fence will continue until it is completed on the whole stretch. The border fence does not prevent displaced persons to return to their villages of origin or access to their properties and communities because there already existing prescribed points of entry for them.

FFM fully adheres to what it wants to focus. It totally follows one-sided unsubstantiated allegations, misinformation, and secondary sources while rejecting contradicting evidence and facts.

The atrocities and massacre of hundreds of innocent ethnic minorities, Hindus and pro-government Muslim people, committed by ARSA and its terror attacks on 30 border police outposts were deliberately discounted in FFM's findings.

Mr. President,

Myanmar is closely cooperating with the UN Office of the Special Representative of the Secretary-General on Sexual Violence in Armed Conflict to address the issue of sexual violence in Myanmar. Consequently, a national-level committee has been established and an action plan is being developed. Myanmar's new draft law on Prevention and Protection of Violence against Women stipulates the need to protect women from all forms of violence, including domestic abuse, workplace harassment and violence through tradition and customary practices. Sexual violence is closely linked to the issue of gender inequality and discrimination. Myanmar focuses on raising awareness and preventive education, strengthening justice and accountability.

Myanmar has a separate mechanism to deal with six grave violations on children in armed conflict. A new Myanmar Child Rights Law was also enacted recently to guarantee the rights of the child in accordance with the Convention on the Rights of the Child.

As stated repeatedly, the leadership of the democratic Government of Myanmar who have long been striving for human rights and democracy will never tolerate any violation of human rights to anyone. Myanmar is willing and capable of addressing the issue of accountability. Our national accountability mechanisms are investigating alleged violations committed by all sides and related issues following the terror attacks of ARSA in Rakhine.

Perpetrators will be taken action according to the law, if there is credible evidence. Impunity is not accepted by policy or by practice.

As our national remedies have not been exhausted, Myanmar strongly rejects any mechanism or any move to bring the issue before international judicial or legal body. This action, in no way, contributes to address alleged violations of human rights.

In “the Darusman’s reports”, some terminologies were wrongly interpreted. For example, the word “clearance operation” was unfortunately lost in translation. In Myanmar Tatmadaw, the terminology of “clearance operation” refers to a “counter-insurgency operation” and “counter terrorism operation” against insurgents. This terminology has been used a long time ago. This usage has been mistakenly translated into English as clearance operation. It must be understood that these operations do not clear the whole area.

Based on the above findings, there are reasonable grounds to conclude that FFM has lack of thorough understanding of our history, our culture, our living style and our languages. It has adverse effects on Myanmar and its people. Albert Einstein said “A little knowledge is a dangerous thing”, but here I would say false knowledge is dangerous than ignorance.

Mr. President,

Vienna Declaration adopted by World Conference on Human Rights in 1993 explicitly stated that international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. The selective scrutinization on Myanmar should not distract us from the dire situation elsewhere which deserve our full attention.

Mr. President,

In conclusion, strong democratic institutions that will guarantee basic human rights of our people are necessary in Myanmar to ensure good governance based on transparency, accountability, and enhancement of integrity. We are also seeking democracy-friendly development growth. Still, our democratic reform is very much alive. The progress we have made in our reform journey is nothing short of remarkable.

We have clear-eyed vision. We know where we are headed. We are determined to get there no matter how daunting the challenges we have.

We wish to call for constructive support and cooperation that could promote our social and economic progress, strengthen our democratization process, and benefit to our further political reforms.

I thank you, Mr. President.
