

Information Update on Myanmar

(1 December 2019)

1. National Reconciliation and Peace

(a) Interfaith Forum on National Reconciliation and Peace

The interreligious body, Religions for Peace–Myanmar (RfP–M) organized its third Advisory Forum on National Reconciliation and Peace in Myanmar from 14 to 15 November 2019 in Nay Pyi Taw.

In her speech at the opening ceremony, State Counsellor Daw Aung San Suu Kyi stressed that harmony and justice are fundamental elements of many religious teachings which provided guidelines and instructions aimed at universal peace and the good of the whole human race. She also urged to build mutual respect and understanding between different religious faiths to enjoy a peaceful and secure existence for all humanity.

The first Advisory Forum on National Reconciliation and Peace in Myanmar was held from 21 to 22 November 2018 and the second forum was held from 7 to 8 May 2019 in Nay Pyi Taw, in collaboration with Religious Leaders from Myanmar and Religions for Peace (International), headquartered in New York, U.S.A.

2. Strengthening Democracy and Human Rights

(a) Amendment process of 2008 Constitution

The Joint Committee of the Union Parliament to amend 2008 Constitution was held its 61/2019 meeting in Nay Pyi Taw on 26 November 2019. The Joint Committee, formed on 19 February 2019, is tasked to amend undemocratic provisions of the Constitution in line with democratic norms. Since its inception, the Joint Committee has held the meetings for 61 times.

(b) National Committee on Prevention and Response to Conflict-related Sexual Violence discusses draft action plan

The National Committee on Prevention and Response to Conflict-Related Sexual Violence discussed its draft action plan at the Ministry of Social Welfare, Relief and Resettlement in Nay Pyi Taw on 13 November 2019. The draft National Action Plan was prepared based on three UN Security Council resolutions related to the prevention of conflict-related sexual violence and the six priority areas for cooperation mentioned in the Joint Communique on Prevention and Response to Conflict-Related Sexual Violence which Myanmar signed with the United Nations on 7 December 2018.

3. Developments in Rakhine State

(a) Accountability

(i) State Counsellor will lead the effort at the International Court of Justice (ICJ) to defend Myanmar's national interest

For the national interest of Myanmar, State Counsellor Daw Aung San Suu Kyi, in her capacity as Union Minister for Foreign Affairs, will lead a team to The Hague, Netherlands, to defend the case submitted by Gambia, on behalf of the Organization of the Islamic Cooperation (OIC), to the International Court of Justice (ICJ). Under the Charter of the United Nations, all Members of the United Nations, including Myanmar are bound by the statute of the ICJ.

In its Press Release on 27 November 2019, the Ministry of Foreign Affairs stressed that “It is heartening to see that people from all walks of life, those in the Union as well as those living abroad at present, are expressing their strong support for the state Counsellor and her leadership in the endeavours to contest the case at the ICJ. The issue before the ICJ is of national concern and affects the interests of all our people. Their support sustains us and their unity is the strength of the nation. The Government will not cast aspersions on any nation, race, religion, or group, either directly or indirectly, as we defend our nation at the ICJ.”

(ii) High-level Briefing on the case filed by the Gambia against Myanmar at the ICJ holds

A high-level briefing on the case filed by the Gambia against Myanmar at the International Court of Justice concerning the alleged violations of the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention 1948) was held at the Presidential Palace in Nay Pyi Taw on 23 November 2019.

At the Briefing, the Union Minister for Office of the State Counsellor U Kyaw Tint Swe and Union Minister for International Cooperation U Kyaw Tin gave briefings on the recent developments in the international arena with regard to Myanmar.

Recently, there have been a number of orchestrated moves at the international arena to push for accountability for the alleged violations of human rights following the

brutal attacks committed by ARSA terrorists on multiple border police outposts in Rakhine State and the counter attacks made by the security forces in October 2016 and August 2017. The current Government took immediate steps to resolve this complex issue of Rakhine State as a top priority soon after taking office in 2016 including setting up of the Central Committee on Implementation of Peace, Stability and Development of Rakhine State in May 2016 and the Rakhine State Advisory Commission led by former United Nations Secretary-General Dr. Kofi Annan in September 2016.

The Government has signed three bilateral agreements with Bangladesh with the intention of the implementation of the arrangement for repatriation and resettlement of the displaced persons. The Government has been cooperating with the United Nations Development Programme (UNDP), the United Nations High Commissioner for Refugees (UNHCR), ASEAN and other development partners as well as donor countries to create conducive environment for the potential returnees. Preliminary Needs Assessment (PNA) in Rakhine State has been conducted by ASEAN. Myanmar and ASEAN has agreed on the implementation of seven prioritized projects to follow up the recommendations of the PNA and to establish Ad Hoc Support Team of ASEAN Secretariat. The Government has also launched the National Strategy for Closure of IDP camps on 19 November 2019.

The Government has established an Independent Commission of Enquiry (ICOE) led by Ambassador Rosario Manalo in July 2018 and the Tatmadaw also established their own Court of Inquiry and has been making investigations.

The Government has been cooperating with the Office of the Special Envoy of the United Nations Secretary-General and had recently facilitated her ninth visit to Myanmar. Myanmar would welcome those wishing to help in a practical and balanced approach to resolve the Rakhine issue.

State Counsellor Daw Aung San Suu Kyi, in her capacity as Union Minister for Foreign Affairs, will act as the Agent. The case will also drag on for years and Union Minister for the Office of the State Counsellor U Kyaw Tint Swe is appointed as Alternate Agent. Oral presentations of the case will take place in The Hague, Netherlands on 10, 11 and 12 December 2019.

(iii) Establishment of a Special Unit on International Criminal Justice

The Office of the President of the Government of the Republic of the Union of Myanmar formed a Special Unit on International Criminal Justice on 26 November 2019 in order to strengthen capacity and expertise, and provide legal opinion to relevant Ministries on issues related to international criminal law. The Special Unit will be led by the Union Attorney General's Office and comprised of legal experts from the Ministry of Foreign Affairs, the Union Attorney General's Office and the Office of the Judge Advocate General.

(iv) Court-Martial Trial on Incident of Gutapyin Commences

The Court of Inquiry, chaired by Maj-Gen Myat Kyaw established in accordance with the Defence Services Act and the Defence Services Rules submitted its opinion that some incidents in Gutapyin village should be tried by the Court-martial. With respect to such opinion, in carrying out the processes of Military Justice, the trial of the Summary General Court-Martial against the accused military personnel will commence at the local Regiment in Buthidaung on 26 November 2019.

It is learnt that the Tatmadaw is cooperating with the Independent Commission of Enquiry-ICOE. When the report of ICOE comes out, if such report mentioned that Tatmadaw members are involved in committing the offence, the investigation will be followed and action will be taken against them.

(v) Launch of the National Strategy for Closure of IDP camps

The Committee for Accepting and Resettling Returnees was formed in July 2018. Under the leadership of the Ministry of Social Welfare, Relief and Resettlement of Myanmar in cooperation with relevant stakeholders, including Expert, Professor Walter Kälin, was successfully launched on 19 November 2019. This National Strategy will cover Kachin, Shan, Rakhine and Kayin States and be followed by action plans.

On 1 December 2019, Union Minister for Social Welfare, Relief and Resettlement Dr. Win Myat Aye met with representatives of UN Agencies led by United Nations Resident Coordinator in Yangon, Myanmar. They discussed matters related to the implementation of the Strategy including cooperation between local and foreign organizations to implement the National Strategy.

(vi) Committee for Implementation of the Recommendations on Rakhine State holds 20th coordination meeting

The Committee for Implementation of the Recommendations on Rakhine State organized its 20th coordination meeting in Nay Pyi Taw on 18 November 2019. The Committee was formed on 12 September 2017 to implement the recommendations of two commissions in coordination with respective Hluttaw, Rakhine State government, relevant ministries, NGOs, partner organizations, partner countries, UN agencies and ASEAN member countries.

The Committee releases a report in every four months, while it is focusing on social harmony and socioeconomic development in Rakhine State. The Committee is coordinating with the working groups of the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine (UEHRD) to foster works of the Committee. The Committee is taking priorities on the issues of citizen identification, right to travel, IDP issues, education and health in line with the existing laws.

(vii) ICOE releases Press Statement

The Independent Commission of Enquiry (ICOE) issues a press release on 20 November 2019. It is mentioned that ICOE held its twelfth meeting on 18–20 November 2019 in Nay Pyi Taw and Yangon.

The Commission met with Lieutenant General Aung Lin Dwe, Judge Advocate General, Major General Myat Kyaw, Head of Court of Inquiry, and Major General Thaung Naing, Deputy Judge-Advocate-General and Leader of Legal Advisory Team. Both sides exchanged views on their respective activities, expressed appreciation for the meeting and look forward to further engagement and cooperation.

The Commission also met with Ms. Christine Schraner Burgener, United Nations Secretary General's Special Envoy on Myanmar who was updated on the latest progress of ICOE's work. The Special Envoy reiterated her strong support to ICOE's work.

Professor Dr. Aung Tun Thet, on behalf of the ICOE, received Mr Adel M F A Al Adgham, Charge d' Affaires, a.i. of the Embassy of the State of Kuwait, Yangon, Myanmar and shared information about the work of ICOE and its progress.

ICOE will send a letter to the Commander-in-Chief of Tatmadaw relating to pertinent information and evidence for further investigations by Tatmadaw.

Since the visit of the Advance Team of ICOE to Bangladesh in August this year, efforts have been made to dispatch ICOE's Evidence Collection and Verification Team (ECVT) to Cox's Bazar, Bangladesh in the first week of November. ICOE provided advance information requested by Bangladesh including the logistical arrangements needed by ICOE to carry out its visit, the composition of ECVT team, the methodology of data collection as well as other information requested by the Bangladesh authorities. By the end of November 2019, final approval of ICOE's visit had yet to be granted. This situation has given rise to serious concerns for ICOE considering that the conclusion of its work is fast approaching.

Discussions continued among the members of Commission, particularly with respect to its Final Report.

The thirteen meeting of ICOE is scheduled for the first week of December, 2019.

(viii) ICOE interviews Military, Police and Witnesses

The Evidence Collection and Verification Team (ECVT) of Independent Commission of Enquiry (ICOE) is conducting interviews with twenty-nine 29 military personnel who were assigned in the affected areas of Maungdaw, Buthidaung and Rathedaung in Northern Rakhine during the military operations from 25 August 2017 to 5 September 2017. The interviews started in Nay Pyi Taw on 25 November 2019 and expected to be completed by 27 November 2019.

Furthermore, ICOE on 21st October 2019 had interviewed 20 police personnel who were stationed at the 30 police outposts that were attacked in the early hours of 25 August 2017.

The ICOE has also interviewed about 1,500 witnesses from various communities in Northern Rakhine State. They include Muslims, Rakhine, Mro and Dynet, etc. All evidence collected is currently being analysed by the ICOE's ECVT.

Taking into account the work and mandate of the Court of Enquiry and the Legal Advisory Team, the ICOE has sent a letter to the Commander-in-Chief of the Myanmar Armed Forces on 22 November 2019 to share relevant findings of ICOE for further investigation through the Court of Inquiry.

This positive cooperation of the Myanmar Military (Tatmadaw) comes following the recent working level meeting between the ICOE and the Office of the Judge Advocate

General, the leaders of the Court of Enquiry and Legal Advisory Team. The ICOE is also appreciative of the support provided by the Myanmar Police Force under the Ministry of Home Affairs.

(b) Cooperation with UN

Special Envoy of the United Nations Secretary-General Ms Christine Schraner Burgenerand paid her ninth official visit to Myanmar from 12 to 21 November 2019.

During her visit, the Special Envoy met with Union Minister for Home Affairs Lieutenant General Kyaw Swe, , Union Minister for Social Welfare, Relief and Resettlement Dr. Win Myat Aye and Chairman of the Union Election Commission U Hla Thein on 13 November 2019. On 14 November 2019, Special Envoy met with Union Minister for the Office of the State Counsellor U Kyaw Tint Swe and Union Minister for International Cooperation U Kyaw Tin in Nay Pyi Taw respectively. She met with Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine (UEHRD) on 16 November 2019. She also met with locals and returnees in Maungtaw on 18 November 2019.

Myanmar, with the collaboration of UNDP and UNHCR, is implementing 43 Quick Impact Projects (QIPs) and assessments over QIPs has been carried out for six times in Rakhine State.

(c) Repatriation

At the 3rd Joint Working Group (JWG) Meeting on the Repatriation of Displaced Myanmar Residents from Bangladesh held in Dhaka in October 2018, the Bangladeshi side handed over the list of 22,432 displaced persons to the Myanmar delegation.

As of 18 November 2019, Myanmar has verified 21,243 persons, that is, 95 % of the list of 22,432 persons provided by Bangladesh. Among them, 13,007 were verified as former residents; 125 as suspects to be involved in the terrorist attacks; 8,116 as not included in the registered list of family household in Myanmar.

Permanent Mission of the Republic of the Union of Myanmar,
Geneva.

1 December 2019