



# MYANMAR

*Please check against delivery*

**Statement by Ambassador Kyaw Moe Tun, Permanent Representative of Myanmar  
on the Agenda Item 2: Report of the United Nations High Commissioner for  
Human Rights submitted under the Council's resolution 39/2**

(Geneva, 27 February 2020)

**Madam President,**

At the opening of the 43<sup>rd</sup> Session of the Council, UN Secretary General Mr. Antonio Guterres mentioned that he did not experience democracy until he was twenty-four years old and saw the dictatorship oppress not only its own citizens but also people under colonial rule in Africa.

**Madam President,**

Changing one system to another requires time and space. The present democratically elected government of Myanmar which came into office in 2016 has been transforming the country from the authoritarian to a democratic federal union in the midst of multiple challenges resulted from decades of armed conflict, years of underdevelopment and social and political stagnation.

National reconciliation and peace, democracy and human rights, and sustainable and inclusive development are irrefutably interlinked in building democratic federal union of Myanmar. Achievement of the national reconciliation and peace is Myanmar's highest priority. The Government is persistently striving very hard to advance the achievement. The peace process is gaining momentum with 51 agreed basic principles between the Government and the ethnic armed groups during last three years. Next session of the Union Peace Conference is scheduled to be held in the first four months of this year.

In addition to the peace process, the issue of Rakhine is complex and delicate. It poses huge challenge for Myanmar. Its root causes including historical should be looked at

objectively and comprehensively. The issue in Rakhine State is a political and economic issues involving cross-border migration since colonial time, poverty, lack of rule of law and security. Moreover, human emotions streaming from historical tension, mistrust and fear between the communities cannot be overlooked. As mentioned time and again, we share the concern of the international community over the conflict in Rakhine State and those affected by the conflict.

The present Government took number of concrete steps, with an aim to find a sustainable solution, to address the issue immediately after it came into office starting from the establishment of the Central Committee for the Peace and Development in Rakhine State headed by the State Counsellor and followed by the formation of the Rakhine Advisory Commission headed by former UN Secretary General Dr. Kofi Annan. However, ARSA terrorist group made deliberate attempts to derail the Government's efforts for finding sustainable solution to the issue of Rakhine by instigating terrorist attacks in 2016 and 2017. These attacks caused the mass displacement and current humanitarian situation. The armed conflict between Tatmadaw and AA added further challenges and complexity to the issue.

Even at this juncture, we never fail to lose our sight for finding the sustainable solution. Our top priority now is expeditious commencement of repatriation in accordance with the agreements signed between Myanmar and Bangladesh. It is vital important for implementing the agreements sincerely and honestly. In this regard, we again encourage our friend and neighbour to strictly adhere to the signed agreements and to extend genuine and sincere cooperation. Though the repatriation has not started yet, more than 300 displaced persons have returned to Rakhine on their own volition. There are displaced persons including 444 Hindu expressed their desire to return but their repeated request have been unheeded. We again call for their repatriation immediately.

**Madam President,**

I would like to reiterate that Myanmar is willing and able to address the issue of accountability. The Independent Commission of Enquiry (ICOE) submitted its final report to the President of Myanmar in January 2020. The report is not based on narratives but based on the interviews with around 1,500 witnesses. It is comprehensive. The Commission has found that war crimes were committed during the conflict in Rakhine by members and collaborators of ARSA, by members of the security forces and civilians.

The report also indicated that the ICOE found no evidence suggesting that these killings or acts of displacement were committed pursuant to an intent or plan to destroy the Muslim or any other Community in northern Rakhine State. Furthermore, the findings of the Commission's Evidence Collection and Verification Team (ECVT) reveal no

indication of pattern of conduct from which one could be reasonably concluded that the acts were committed with “genocidal intent”.

In concurrence with the recommendations by the ICOE’s report, Myanmar President has transmitted the full report with annexes to the Union Attorney General for further investigation and prosecution of crimes committed by civilians during the internal armed conflict in Rakhine, and similarly to the Commander-in-Chief of the Myanmar Defence Services. Tatmadaw has made announcement that the Office of the Judge Advocate General will take action against any offence committed by Tatmadaw with military justice procedure if there is credible evidence.

Further reflecting to the recommendation of the ICOE’s final report, the criminal investigation and prosecution team was formed on 24 January 2020.

Recalling 27<sup>th</sup> anniversary of the adoption of the Vienna Declaration and Programme of Action, we would like to stress that any attempt to take the matter to any international judicial or legal body shall be rejected as national remedies have not been exhausted.

**Madam President,**

While meeting with the local communities in all over the country, State Counsellor Daw Aung San Suu Kyi always emphasizes of realizing our goal of building a democratic federal union through understanding despite different approaches and urges them for living in harmony and unity and helping each other.

At this time of utmost efforts by our leadership to bring all communities together, we expect the helping hands and constructive approach from the international community. As such the reports and statements of the OHCHR and the approaches of the Council should contribute to our efforts for reconciliation, living in harmony and unity, and they should not be in a way of creating hatred among communities and disunity of the country.

In conclusion, Madam President, I would like to reiterate that understanding the situation in Rakhine and the historical background requires deeper analysis and holistic approach. Targeting unfairly and disproportionately under special scrutiny by multiple mechanisms of the UN will not contribute positively to our efforts for building a democratic federal union. Whatever challenges we have, we are resolute to overcome them for achieving our goal of democratic federal union.

I thank you, Madam President.

\*\*\*\*\*