

Myanmar's observations on draft resolution entitled "Situation of human rights of Rohingya Muslims and other minorities in Myanmar"

(5 July 2022, Geneva)

1. The 50th Session of Human Rights Council will adopt resolution on Myanmar. It is observed that the draft resolution does not reflect accurate facts and fails to mention progress and positive developments on the ground while it incorporates fictitious accusations and sweeping allegations. And therefore, the draft resolution is not balanced and impartial but politically motivated and selectively targeted against the country-specific situation of Myanmar. Therefore, it contradicts the purposes and principle of the Human Rights Council. The poorly drafted lengthy resolution contains many repetitive and redundant elements and the followings are Myanmar's observations.

UN Mechanisms

2. PP 3 to PP 8, PP 17, OP 15, OP 16, OP 17, OP 18, OP 22 indicates the numerous United Nations mechanisms against a developing country amidst numerous resolutions. It is regrettable to note that the OIC tables a resolution against Myanmar while many members of the OIC do not support the country specific resolutions and mandates. Since the beginning of the establishment of the fact-finding mission on Myanmar in March 2017 which covered up the terrorist acts committed by the extremists against Muslims, Hindus, Buddhists and security forces in Rakhine State, Myanmar did not recognize and accept such mandate and its follow-up mechanism.

Allegations

3. Reference is made to PP 9, PP 10, PP 11, OP 1, OP 24. It is well known that overall situation in Rakhine is peaceful and stable. These paragraphs do not include any specific account to support the allegations.

Repatriation

4. Reference is made to PP 12, PP 16, PP 21, PP 25, PP 29, PP 32, PP 33, OP 25, OP 27, OP 28, OP 29, OP 33. Myanmar and Bangladesh formed the Ad Hoc Task Force for Verification of Displaced Persons from Rakhine State in July 2021. The first meeting of the Ad Hoc Task Force for Verification of Displaced Persons from Rakhine State was held on 27 January 2022 and the two sides discussed continued cooperation under the three bilateral instruments to complete the verification process as well as to overcome technical problems and information gaps in the process. The tripartite MoU signed between Myanmar Government and the UNDP-UNHCR on 6 June 2018 to help create a conducive environment for the voluntary, safe, dignified and sustainable repatriation of displaced persons from Bangladesh as well as support recovery and resilience-based development for the benefit of all communities living in the northern Rakhine State, was renewed on 11 March 2022. The fifth meeting of Myanmar-Bangladesh Joint Working Group (JWG) on the repatriation of displaced persons from Rakhine State was held virtually at the Ministry of Foreign Affairs in Nay Pyi Taw on 14 June 2022.
5. Myanmar and Bangladesh are negotiating to enable the repatriation of verified displaced persons from Rakhine State. The Myanmar side is undertaking the preparatory works for resettlement of displaced persons in the respective villages in order to commence the first batch as early as possible.
6. Myanmar has also been facing challenges in examining verification forms sent by Bangladesh side since the forms are not duly completed while addresses are inaccurate, names are pronounced and written differently in Myanmar language, members of households are different from those of registered household list, to name a few. As of 30 June 2022, the Myanmar immigration authorities have checked the data of 58,373 persons and their detailed information has already been sent back to Bangladesh for necessary action.
7. Over 700 displaced persons have returned to Myanmar with their own volition, although the bilateral mechanism could not commence the repatriation process yet. So, it is necessary to recognize that many displaced persons have been facing life-threatening

challenges and could not return to Myanmar, as extremists are active in the camps in Bangladesh side. Twenty individuals who advocated to join the repatriation process were killed by the so-called ARSA which is still active in Cox's Bazar Camps.

Number of displaced persons

8. Reference is made to PP 26, PP 27 and OP 32. Myanmar does not accept the numbers of displaced persons mentioned in PP 26 which are significantly exacerbated than the actual number. Before 2017 incident, the agreed number of remaining persons to be repatriated from Bangladesh is only over 6365. It is also necessary to pay equal attention to the demand side of irregular and illegal migration in the region and Myanmar has been working closely with all neighbouring countries bilaterally as well as through multilateral fora in combating human trafficking and people smuggling. It is not convinced that irregular migrants hosted by some countries in the region are from Myanmar while such persons are economic migrants from another country looking for a greener future. The 2015 irregular migration movement is a clear example, in this regard.

Camp Closure

9. Reference is made to OP 25 and 26. The National Committee for Resettlement of Internal Displaced Persons and Temporary Camps Closure was formed in March 2021. The Government has been resettling the IDPs after the closure of two IDP camps in Kayin State and Kyauktalone IDP camp in Rakhine State. The program of camps closure is ongoing in Chin, Rakhine and Shan States.

Accountability, ICOE, Advisory Commission

10. Reference is made to PP 15, PP 22, PP 23, OP 9 and OP 19. It is observed that the conclusions resulted from unfounded sweeping allegations cannot be impartial and objective. The successive resolutions against Myanmar ignore the fact that violence in Rakhine State in 2017 was a clear act of terrorism which is the root cause of the issue. Myanmar, nonetheless, took necessary investigations along with measures to address

the accusations and accordingly, the Government has been prioritizing and implementing the appropriate recommendations.

Media freedom

11. Reference is made to PP 13, PP 14 and OP 12. Fundamental human rights including freedom of expression and of peaceful assembly and association are protected under Myanmar's Constitution and relevant laws. At the same time, Myanmar cannot allow these rights are used to violate human rights of others and public order. Numerous international media and local media are functioning in the country and Myanmar does not impose any restrictions for exercising their lawful activities. Licenses of a total of 11 media outlets were revoked for disseminating false news, inciting public to commit violent and supporting terrorist organizations like NUG, CRPH and PDFs. Due to the destructive acts of the terrorists groups CRPH, NUG and PDF, a total of 1240 telecommunication towers along with fiber optic cables were destroyed and resulted in disruption of service to 1.5 million population. The terrorist groups also misused cell phones and SIM cards to detonate bombs as a remote control and launched over 300 bomb attacks in public areas. Concurrently, some social media platforms and ICT corporations have removed applications and ban pages which do not entertain the views and narratives of some western Government, thus, this act is denying right to information.

ICJ

12. Reference is made to PP 19, PP 20, OP 5, OP 6 and OP 7. In addition to the numerous Mechanisms against Myanmar, the sponsors of the draft resolution also brought the issue to the International Court of Justice without exhausting domestic remedies.

Access

13. Reference is made to PP 17, 24, OP 14, OP 31. In Myanmar, United Nations agencies and hundreds of INGOs maintain their presence in all States and Regions of the country. Particularly in Rakhine State, 15 United Nations agencies along with almost 30 INGOs

have maintained field presence in addition to numerous travels conducted by the respective organizations and the donor embassies. It is, therefore, irrelevant to question about access and the Government has been regularly facilitating the travel requests from the western embassies, UN agencies, International Organizations and INGOs as long as the proposed area is safe to travel.

Hate speech

14. Reference is made to OP 10, OP 11. Myanmar is a multiethnic and multi religious country with pluralist society which respects and protects the freedom of religion and of belief in its Constitution and in practice. Myanmar wishes to remind the sponsors of the draft resolution that the elements contained in the paragraph and the draft resolution itself amount to hate speech with religiously motivated languages. The Human Rights Council should not be the place to disseminate religious intolerance among the members of the United Nations.

1982 Citizenship Law

15. Myanmar further rejects the intrusive languages contained in OP 13, OP 20 and OP 23 as amending the laws which falls within the domestic jurisdiction of a sovereign state. Myanmar stands ready to grant appropriate citizenship status to those who met criteria set out in the 1982 Myanmar Citizenship Law upon application. The Law applies to everyone without any discrimination within the country. Everyone who wishes to obtain citizenship must undergo national verification process and relevant citizenship status is granted as per the Law.

16. Reference is made to the term “Rohingya” mentioned in the draft resolution. While Myanmar has been granting citizenship status to the eligible persons in accordance with the 1982 Myanmar Citizenship Law, it does not recognize the invented term “Rohingya” as it has never existed in legal and historical records of the country. The

people of Myanmar cannot accept the term “Rohingya” with the wider political agenda to claim ethnicity and territorial status.

Decisions

17. Reference is made to OP 36, OP 38 and OP 39. Myanmar wishes to recall that the United Nations Mechanisms spent nearly 15 million US dollars every year almost a hundred of posts. It is disappointed to note that the resolution tasks the High Commissioner for Human Rights to present an oral and a written report to the Human Rights Council and to submit a report to the panel discussion, in addition to hold a panel discussion at the Human Rights Council. It further tasks the High Commissioner for Human Rights to submit a written report to the General Assembly. It clearly shows the duplication and multiplication of work while these mechanisms are additional to those of the Special Rapporteur on the situation of Human Rights in Myanmar and the Special Envoy of the Secretary-General on Myanmar. It is evident that the intention of creating mechanisms, adopting resolutions and holding the discussions on Myanmar is to interfere in the domestic matters of Myanmar to push the domestic situation in the direction of their preference and not to promote human rights per se.

Permanent Mission of the Republic of the Union of Myanmar to the United Nations Office and other International Organizations

GENEVA