

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

- Traditionally, the OIC will table a resolution entitled the "Situation of human rights of Rohingya Muslims and other minorities in Myanmar" to the 53<sup>rd</sup> Session of the Human Rights Council. It is observed that the draft resolution contains similar texts of the previous resolution. Moreover, these paragraphs indicate that the draft resolution is poorly drafted without verifiable information on incidents. The allegations referred to in the draft resolution are merely based on biased, fabricated and unwholesome attitudes towards Myanmar with a highly politicized and selective approach. Myanmar does not support any politicized and duplicated mechanisms created to pressuring Myanmar under the pretext of promotion and protection of human rights. It is of the view that these repeated paragraphs are nothing more than to please the desire of the sponsors of the draft resolution.
- PP 4, PP 5, PP 7, PP 8, PP 23, OP 17, OP 18, OP 20, OP 43 highlight the fact-finding mission and investigative mechanism on Myanmar. Myanmar reaffirms its position on the Independent International Fact-Finding Mission on Myanmar (IIFMM) which covered up the terrorist acts committed by the extremists against Muslims, Hindus, Buddhists and security forces in Rakhine State and its successor, Independent Investigative Mechanism for Myanmar (IIMM) that Myanmar never recognizes and accepts their mandates and establishments and its follow-up mechanism.
- Reference is made to PP 11, PP 12, PP 16, PP 22, PP 32, PP 36, PP 38, OP 30, OP 31, OP 32, OP 33, OP 36. The draft resolution fails to reflect Myanmar's tremendous efforts for necessary preparations to receive verified returnees including the first batch of repatriation of 1,176 verified displaced persons under the pilot project in line with the bilateral agreements and progress on the ground. Pilot project was not implemented due to Cyclone Mocha and the two countries have currently been negotiating for the earliest possible date to commence the pilot project. On 5 May 2023, the Myanmar side facilitated the Go-and-See Visit for the 28 members Bangladesh team which included 8 officials and 20 representatives of displaced persons, and they had a chance to observe the Hla Phoe Khaung Transit Centre and

three villages for resettlement. As the two countries agreed to organize that explanatory visit, a Myanmar team visited Bangladesh on 25 May 2023 and explained the preparations and plans made by the Government of Myanmar to the representatives of prospective returnees. Most of the preparations for the reception and resettlement of displaced persons from Rakhine State have been made by the Government's own resources. One of the main obstacles to commencing the repatriation process is the presence of ARSA terrorists mingling with ordinary displaced persons inside the camps in Cox's Bazar. They have been threatening the displaced persons not to return otherwise they will be killed even upon their return to Myanmar. In the first three months of 2023, 16 displaced persons were killed for their active role in the repatriation process. Discrediting Myanmar's sincere cooperation with Bangladesh to repatriate the displaced persons in line with the agreement between the two countries and the lack of support for national efforts are not the optimal ways to advance the promotion and protection of human rights.

- Reference is made to PP 26, OP 1. It is also important to highlight that the number of displaced persons is inaccurately inflated by stating over 1.1 million living in Bangladesh camps. With the officially registered lists of family households in Rakhine State which are taken door to door annually by the relevant authorities, the number of people who left Rakhine State from Bangladesh after the 2016 and 2017 incidents is just around half a million people.
- Reference is made to PP 17, PP 25, PP 29, PP 37, OP 4, OP 10, OP 11, OP 16, OP 34. With regard to humanitarian assistance to those in need, the Government of Myanmar has adopted a policy of no one left behind in addressing the challenges. In line with the Point 4 of the ASEAN Five-Point Consensus, the Myanmar Task Force and authorities have been cooperating with the ASEAN Humanitarian Assistance and Disaster Management Centre (AHA Centre) to facilitate the provision of Humanitarian Assistance to Myanmar through the AHA Centre. The Government has also been cooperating with MRCS, local NGOs and international organizations as they play a crucial role in delivering assistance to the needy population without any

political interference and manipulation. With regard to Cyclone Mocha on 14 May 2023, the Chairman of the State Disaster Management Committee and the Rakhine State Chief Minister along with the Commander of Western Command directly supervised evacuation measures in 17 townships in Rakhine State including IDP camps since the morning of 12 May 2023. Priority was given to children, elderly persons, persons with disabilities and pregnant women. The remaining people at the camps were evacuated in batches afterward. Such efforts resulted in the pre-emptive evacuation of around 63,300 people out of around 125,700 IDPs from 17 camps to safer buildings and cyclone shelters.

- Various UN agencies and international organizations (IOs), international non-governmental organizations (INGOs) have been enjoying access to different parts of Myanmar as they have maintained field presence in States and Regions of Myanmar. Myanmar has facilitated over 46 field visits of UN agencies: WFP, UNDP, UNICEF, UNOPS, UNFPA and ICRC to different places including Rakhine State, Shan State, Kachin State, Kayin State, Kayah State, Mon State, Mandalay Region and Magway Region and 62 field visits of the donor communities in 2021, 2022 and 2023. Against this backdrop, alleging restrictions on humanitarian access is not rational. The Myanmar Government will continue facilitating the delivery of broader humanitarian assistance to the people in an equitable and non-discriminatory manner while giving special consideration to the safety and security of humanitarian personnel.
- Reference is made to PP 9, PP 10, PP 12, PP 16, PP 37, OP 1, OP 4, OP 5, OP 9, OP 10, OP 11, OP 25, OP 36. There is neither real evidence nor relevance, easily referring to a handful of sources without verification for human rights violations. To protect civilians is a responsibility and obligations of the State. Since taking the state's responsibility, the State Administration Council (SAC) has been exercising maximum restraint in the face of terrorism with minimal force while taking the necessary counter-terrorism operations and has been taking defensive measures only when the lives and properties of the people are threatened by terrorist groups or its forces are under attack. As such, Myanmar does not accept groundless

accusations as it strictly follows the rules of engagement-ROE and serves duties not to harm the people. Perpetrators for violations of human rights are prosecuted in accordance with the law. Moreover, Myanmar National Human Rights Commission (MNHRC) has been established as an independent body in order to educate, promote and protect human rights of Myanmar and all the complaints are thoroughly reviewed and addressed. The draft resolution clearly ignores Myanmar Government's endeavours for national reconciliation. There have been effective rounds of talks with Ethnic Armed Organizations (EAOs) and a total of 106 rounds of peace talks were held under the current government. Myanmar keeps the Peace Door open to more EAOs. If the international community has genuine intention to see the cessation of violence in Myanmar, they should encourage the remaining EAOs to conduct peace talks with the Government and avoid making encouragement and engagement with the terrorist groups such as NUG and its affiliated groups.

- In addition, The Ethnic Rights Protection Law was enacted and the Ministry of Ethnic Affairs was established and tasked for the promotion and protection of the rights of the ethnic groups. Article 347, 348 and 349 of the State Constitution 2008 stipulates that the citizen shall enjoy equal rights before the law regardless of race, religion, status and gender and Article 22 of the Constitution also states that the Government "shall assist to develop language, literature, fine arts and culture of the National races; to promote solidarity, mutual amity and respect and mutual assistance among the National races; to promote socio-economic development including education, health, economy, transport and communication, so forth, of less-developed National races."
- Furthermore, Myanmar strongly opposes the reference to the Security Council and International Criminal Court in PP 15, PP 19 and OP 5. The recommendations go beyond the mandate of the Human Rights Council and there is no concrete evidence to support the claims that international crimes have been committed in addition to the fact that the developments in Myanmar are solely internal affairs and do not pose any risk to international peace and security. Additionally, Myanmar

is not a party to the Rome Statute and the International Criminal Court has no jurisdiction over Myanmar whatsoever. Therefore, Myanmar, as a non-State Party, is under no obligation to enter into litigation with the Prosecutor at the ICC or even to accept notes verbales emanating from their Registry by reference to article 34 of the Vienna Convention on the Law of Treaties (“Vienna Convention”). The intrusive recommendation is totally irrelevant and interferes in the internal affairs of Myanmar. Therefore, Myanmar categorically rejects them.

- Reference is made to PP20, PP 21, OP 5, OP 6, OP 7, OP 8. Myanmar noted the judgement of the International Court of Justice (ICJ) of 22 July 2022 as it will become not only a source of international law and but also set a precedent for future cases.
- Reference is made to OP 13. Myanmar is a multiethnic and multi-religious country with a 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.
- Reference is made to OP 15. Myanmar has enacted the necessary Child Law in order to fully protect children’s rights in Myanmar. The Child Rights Law in 2019 also illegalizes recruiting a person under age 18. Myanmar government is already committed to eliminating underage recruitment of the Tatmadaw. To this end, the Myanmar government formed the Committee on the Prevention of Recruitment of Child Soldiers and works with the CTFMR since 2012. The National Action Plan on the prevention of killing, maiming and sexual violence against children in armed conflict has been finalized in 2020 and implementation of the National Action Plan (2022-2023) is underway. Myanmar commits to the rights of all children and Myanmar will continue to cooperate with the international community.

- Reference is made to OP 23 and OP 24. As a responsible member state of ASEAN, Myanmar has been constructively cooperating with the Special Envoy of the ASEAN Chair in implementing the ASEAN five-point consensus. To achieve ever-lasting peace and stability in the country, the Government has already declared a unilateral ceasefire and the Head of State himself is holding several rounds of dialogues with Ethnic Armed Organizations (EAOs) including in facilitating the delivery of broader humanitarian assistance to the population, without any discrimination in cooperation with the AHA Centre. The resolution ignores the notable progress made by Myanmar in the implementation of the five-point consensus. The State Administration Council is carrying out all its duties in accordance with the Five-Point Road Map and has focused particularly the implementation of three main tasks of the ASEAN five-point consensus; namely the cessation of violence, inclusive political dialogue and provision of humanitarian assistance as these tasks complement Myanmar's Five-Point Road Map. During the informal ASEAN Leaders' Meeting which was held on 24 April 2021 in Jakarta, Myanmar informed the meeting that it will give careful consideration to constructive suggestions made by ASEAN Leaders when the situation returns to stability in the country since priorities at the moment were to maintain law and order and to restore community peace and tranquility. It is regrettable to note that the said draft resolution again neglects the endeavours of Myanmar and ASEAN five-point consensus implementation is used as another means of pressure on the Myanmar Government disregarding the fact that it is a Myanmar-owned, Myanmar-led process.
  
- Reference is made to PP 24, PP 36, OP 15, OP 21, OP 22, OP 26. Myanmar stands ready to grant appropriate citizenship status to those who met the 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 a national verification process and relevant citizenship status is granted as per the Law. In this regard, calls for repealing and replacing 1982 Citizenship Law and amendments to the Vacant, Fallow and Virgin

Lands Management Law in the draft resolution are tantamount to interference in the internal affairs of Myanmar. Being a sovereign state, Myanmar has every right to exercise its jurisdiction.

- Reference is made to OP 29. The Government of Myanmar has undertaken measures for humanitarian assistance and resettlement for Internally Displaced Persons (IDPs) in Kachin, Shan, Kayin and Rakhine State since 2016. The National Strategy on Resettlement of IDPs and Closure of IDP camps was launched on 19-11-2019 which provides a framework for closing IDP camps, rehabilitating IDPs and ultimately finding solutions ending their displacement in line with the relevant laws and policies of Myanmar, applicable international human rights and humanitarian law, the UN Guiding Principles on Internal Displacement, the recommendations of the Advisory Commission on Rakhine State and the Union Accord, Social Sector Agreement of 29-5-2017. Then, the National Committee for Resettlement of Internal Displaced Persons and Temporary Camps Closure was formed in March 2021. One IDP camp from Kachin State, 11 IDP camps from Shan State have been closed from 2021 till March 2023.
  
- Reference is made to PP 12, PP 24, OP 32, OP 35, OP 36. The said resolution only contained the unfounded allegations and failed to reflect terrorizing acts and terror threats of ARSA which are the actual accounts that led to the displacement of people in Rakhine State to the other side of the border in 2016 and 2017 incidents. Massive attacks of ARSA explain that it aims to call increased attention to the international community through narratives of victimhood to claim the wider political agenda and it has become an extensive disinformation campaign. Besides, the sufferings of local ethnic people and Hindus inflicted by violent acts of the ARSA terrorists have been ignored. Repeated calls to address root causes with one-sided narratives have a negative impact on social cohesion in Rakhine State provoking resentment among the different communities and unconstructive perception is not conducive to the successful implementation of the repatriation process.