Agenda Item 74:(c) “Promotion and protection of human rights: Human rights situation and reports of special rapporteurs and representatives at the Third Committee of the 73rd Session of the United Nations General Assembly
(New York, 23 October 2018)

Mr. Chairman

Myanmar persistently opposes country specific mandates which run contrary to the principles of non-selectivity and non-politicization in addressing human rights.

However, we have all along extended cooperation to the successive Special Rapporteurs on Myanmar in line with our policy to cooperate with the UN. Myanmar is the only country under agenda 4 of the HRC who accepts the visits of Special Rapporteur.

For almost three decades since 1990, we have been facilitating in good faith the visits of Independent Experts and Special Rapporteurs of the UN Human Rights Council, as well as Special Advisors and Special Envoys of the UN Secretary-General since 1995.

Despite such continuous cooperation and accommodation, Myanmar is still being treated unfairly and discriminated against under the pretext of human rights. No other member of the United Nations has ever been put under such multiple human rights mechanisms. In addition to the selective scrutiny of the Human Rights Council, we have also been subjected to country–specific resolution in the Third Committee of the UN General Assembly for the past 26 years.

Mr. Chairman

We appreciate some recognitions and comments made by the Special Rapporteur in her report on the progress of the government’s efforts in the areas of justice and rule of law, prevention of gender violence, promotion of child rights, health-care, land rights, investment, business and natural resources, economic and social rights.

It has always been our earnest hope that an independent Special Rapporteur would come up with a balanced report. My delegation regrets that this is not the case for this report. The Special Rapporteur continues her negative and unconstructive criticisms and allegations based on unverified information, neglecting the government’s relentless efforts to bringing national reconciliation and peace, rule of law, and sustainable development for the people of Myanmar. We wonder whether or not the Special Rapporteur has the genuine desire to help solve the problems.

For instance, her recommendations contained in paragraph 80 of the Report are particularly damaging and apparently formulated with ulterior political intents. She called for the
UN and the international community to refer the situation in Myanmar to the International Criminal Court immediately; discouraged repatriation of the displaced persons from Rakhine; put preconditions for international investment and assistance in Myanmar. Such negative attitudes will not contribute to mutual trust and constructive cooperation between the United Nations and Myanmar.

Myanmar had extended its full cooperation to Prof. Lee, allowing her visits to Myanmar 6 times since her assumption of the post in 2015 until December 2017. However, she had gone far beyond her mandate resulting in public resentment against her. The government, therefore, had no choice, but to have suspended cooperation with her, requesting the UN for replacement of the Special Rapporteur. Myanmar has a good track record of cooperation with the Special Rapporteur over the past two decades. We will continue to work together with the mandate of the Special Rapporteur in the spirit of mutual respect and understanding to bring about positive results.

Mr. Chairman

In demonstration of our continuing desire to cooperate with the United Nations, Myanmar welcomed the appointment of Secretary-General’s Special Envoy Ms. Christine Shraner Burgener despite its rejection of the resolution which mandated her appointment. The Government has already given its consent to opening of her office in Nay Pyi Taw during her first visit to Myanmar.

We have extended full cooperation to the SESG and facilitated her third visit to Myanmar from 10-20 October, in a period of 5 months since she took up her position in June 2018.

During her recent visit, she held consultations with State Counsellor Daw Aung San Suu Kyi, government and military leaders, other stakeholders including UN agencies and diplomatic community. She also visited Kachin and Rakhine States to see and understand situation on the grounds.

In her end of mission statement on 20 October, the SESG highlighted accountability and inclusive dialogue as the two important pillars for national reconciliation in Myanmar. She said ultimately, only peace and genuine political dialogue can address these problems. She stressed the need for patience and more trust building, and offered herself to help advance the peace process toward a “home grown solution”.

We welcome the statement and fully concur with her that to find a sustainable answer to the deep rooted, multi-faceted problems of Myanmar, there is no quick fix, and requires patience, mutual trust and political solution. Forced imposition of external political agenda will only impact negatively on the current complex situation and effect democratic transition process.

In addition, we are also working closely with the United Nations on issues of concerns relating to human rights, particularly with the Special Representatives of the Secretary-General (SRSG) for Children and Armed Conflict and SRSG for Sexual Violence in Conflict. At present, we are working with the Office of the SRSG for Sexual Violence in Conflict to sign a Joint Communiqué for cooperation in the near future.
Mr. Chairman,

Let me turn to the Government’s efforts in building peace and national reconciliation which is central to the success of democratic transition and a prerequisite for sustainable and equitable development of the people of Myanmar.

The democratic government of Myanmar is convinced that lasting peace will be possible only when a democratic federal union is established by political means and, ending of ethnic strife and armed conflicts is essential to realize this objective.

The government is, therefore, holding the Union Peace Conferences-21st Century Panlong to reach agreement on the fundamental principles for a democratic federal union. The three sessions of the Peace Conference held so far have adopted fifty-one fundamental principles that cover the areas of political, economic, social, land and environment which will become part of the Union Peace Accord.

Mr. Chairman

Addressing the issues in Rakhine State is fundamental part of building peace, national reconciliation, security and governance in Myanmar.

The Government of Myanmar is now undertaking with high priority, preparation of necessary conducive conditions for the safe, voluntary and dignified repatriation of the people who fled to Bangladesh. In accord with the bilateral agreements and arrangements with Bangladesh, Myanmar has been ready to receive the first batch of verified returnees since January this year. We welcome recent statement made by Bangladesh Foreign Minister Ali that Bangladesh will repatriate the first batch of 6000 displaced persons in the near future.

During the high level week of the 73rd session of the UN General Assembly, an informal meeting was held among China, Myanmar and Bangladesh. The Secretary-General was invited and present at the meeting. The meeting reached a three-point consensus on resolving the issue of displaced persons in a friendly and expeditious manner. As a result of the consensus, the third meeting of the Joint Working Group will be held on 29-30 October in Dhaka to work out detail arrangements for the first repatriation at an early date.

We are also reaching out to our regional partners in ASEAN for their further assistance in relation to Rakhine State. Recently, we have extended an invitation to the ASEAN Troika comprising Foreign Ministers of Singapore(current Chair), the Philippines (past Chair) and Thailand (incoming Chair) and the Secretary-General of ASEAN to Myanmar in the first week of November to exchange views on how ASEAN can assist Myanmar in addressing the complex issues in Rakhine State.

We highly appreciate the assistance and cooperation rendered by our fellow ASEAN countries and other neighbouring countries including China, India and Japan for the resettlement and rehabilitation of the returnees.

At the same time, we have been continuing our close cooperation with the UN. We have signed a MOU with the UNDP and the UNHCR for assisting the speedy and efficient resettlement and rehabilitation of returnees. The UN team has completed the first phase of field assessment at 23 villages in northern Rakhine. They are now doing the second phase field assessment in additional 26 villages.
The Government has been implementing 81 out of 88 recommendations submitted by the Advisory Commission for bringing peace, stability and development to Rakhine State.

Mr. Chairman,

Regarding the accountability in Rakhine, the Government of Myanmar has established an Independent Commission of Enquiry (ICOE), led by Ambassador Rosario Manalo of the Philippines, an eminent diplomat with rich experience in the field of human rights. The Commission also includes Ambassador Kenzo Oshima of Japan, another prominent diplomat and former USG for Humanitarian Affairs, and two highly respected members from Myanmar. The Commission will investigate allegations of human rights violations and related issues following the terrorist attacks on 9 October 2016 and 25 August 2017 by the Arakan Rohingya Salvation Army (ARSA) in Rakhine State with a view to seeking accountability and reconciliation. The Commission will conduct its mandate in the principles of independence, impartiality and objectivity, and will submit its report within a year. We are willing and able to take on the accountability issues for any alleged human rights violation where there is sufficient evidence. We need to give time and space to the ICOE.

I shall keep some of the facts for the interactive dialogue with the FFM which will take place right after this. It clearly shows how far politicization has wrought duplication of our works in this chamber.

Mr. Chairman,

In Rakhine State, hundreds of new jobs and opportunities have been created for local people through public-private partnerships in recent years. An assessment has been made on the viability of a new Special Economic Zone that would bring new jobs and businesses to the region. In terms of new infrastructure, electrification has been expanded and new roads and bridges have been built, including a new highway connecting remote areas only accessible by boat previously.

Mr. Chairman,

The challenges facing Myanmar are complex and multifaceted. The greatest strength of a democratic transition is the unity, determination and active participation of the people under the leadership of the State Counsellor Daw Aung San Suu Kyi. We have strong faith in the strength of our national resilience in facing the formidable challenges that we are encountering today.

We are resolute to fulfil the ultimate aspiration of the people to build a democratic federal union where justice, freedom and equal opportunity for all its citizens are guaranteed.

The international community can best assist Myanmar in realizing its democratic nation building by rendering constructive contribution towards Myanmar’s endeavours based on understanding and mutual respect.

I thank you.

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