MYANMAR

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Statement by Ambassador Hau Do Suan,

Permanent Representative of the Republic of the Union of Myanmar to the United Nations in response to the report of Special Rapporteur on the Situation of Human Rights in Myanmar

Agenda Item 70 (c) Promotion and Protection of Human Rights: Human rights situations and reports of Special Rapporteurs and Representatives at the Third Committee of the 74th Session of the United Nations General Assembly

(New York, 22 October 2019)

Mr. Chairman,

The Human Right Council was established to serve as a forum for dialogue and cooperation on promotion and protection of human rights. We believe that this objective can only be achieved through dialogue, constructive engagement and cooperation, instead of confrontation and condemnation. Application of double standards, selectivity and politicisation of human rights issue will never serve the noble objectives of protection and promotion of human rights.

It is absolutely necessary that all independent mandate holders or mechanisms created under the Council (HRC) should strictly adhere to the principles of independence, impartiality and professional integrity. Everyone must be held accountable for what they say or report, as they could have a far-reaching bearing on the national interest of the affected nations and peoples.

Mr. Chairman,

Myanmar has been cooperating in good faith with the successive Special Rapporteurs on the Human Rights Situations in Myanmar since the first appointment in 1992, despite its opposition to such selective and country-specific mandates.

I am disappointed and disheartened to state today, that our good will and spirit of cooperation with the UN Human Rights body throughout the past almost three decades give us nothing but more international scrutiny with numerous country-specific resolutions; more and

more invented and unprecedented politically motivated mechanisms to exert political pressures upon my country under the name of human rights.

Mr. Chairman,

The present report of the Special Rapporteur is very much the same in its tone and tenor with the previous reports: subjective, intrusive and unconstructive. We appreciate her for the inclusion of the sub-heading " Positive Developments" under which the report acknowledges Myanmar's efforts for promotion and protection of human rights in four short paragraphs in the 65-paragraph report, not including a three-page full of recommendations.

We are particularly dismayed at her overall appraisal of the situation in the concluding remarks as she stated "The situation of human rights in Myanmar continues to deteriorate in many areas". Her statement is full of negative overtone and does not reflect the true situation on the ground.

We notice that many other comments made by the Special Rapporteur on several other occasions during her tenure, lack objectivity and disregard the sentiments of the people of Myanmar which usually cause misunderstanding, generate mistrust and further polarization among diverse communities of Myanmar.

As such, since December 2017, Myanmar has repeatedly called for the replacement of Ms. Yanghee Lee because of her absence of impartiality, objectivity, professionalism and good faiths. It is based on the unanimous decision of the Parliament of Myanmar to discontinue cooperation with Ms. Yanghee Lee.

Mr. Chairman,

Despite facing many challenges as a young democracy, the Government and people of Myanmar have never relent in our determination and efforts to transform the country into a democratic federal union. The government has placed national reconciliation and peace as top priority while striving for economic prosperity, social equity and development, prevalence of rule of law and reliable judicial system. The government has also embarked on amending the present 2008 Constitution as we need a constitution that can better protect and advance the democratic rights of the people.

We have convened three sessions of the Union Peace Conference and adopted a total of 51 basic principles to be included in the Union Peace Accord that would be the basic foundation for the Democratic Federal Union.

Ten Ethnic Armed Organisations (EAOs) have already signed the Nationwide Ceasefire Agreement (NCA). Negotiations are continuing with the remaining non- NCA signatories.

We still have a long way to go. But, we are determined to resolve differences through dialogue, negotiation and peaceful means and thus build mutual trust and understanding.

Socio-Economic Developments

Mr. Chairman,

Significant progress has also been made in economic and social sectors under the democratic government in the past four years.

Myanmar has experienced rapid economic growth with the growth rate of 6.5% in 2018-2019, becoming the fastest growing economy in the region. The World Bank forecasts that Myanmar economy will continue to grow 6.8% in 2021-2022. The GDP expanded about eight folds from USD 8.9 billion in the year 2000 to over USD 71 billion in 2018. Poverty in Myanmar has been halved from 48.2 percent in 2005 to 24.8 percent in 2017. We are promoting responsible, quality and ethical investment for the benefit of the people and to achieve more balanced growth. The new Companies Law was promulgated, and it will improve the protection of minority investors. Myanmar is now listed among the top 20 improvers of the World Bank's Doing Business Report. We are aiming to be among top 100 countries by 2020-2021. In keeping with this trend, trade and investment policies continue to be revised in line with national and global commitments and in accordance with liberal inclusive principles.

Significant progress has also been achieved in making the telecom service available to the public with affordable prices across the country within a short period of time. Currently, the mobile sector has reached over 126% SIM Card penetration over 95% population coverage. In 2010, internet penetration in Myanmar was less than 0.3 per cent of the population, the access will be raised to 50 per cent of the population in 2020.

There is no restriction on internet access. People in Myanmar have numerous options to get access to the news and information without suppression.

Recently, there was temporary internet shut down in a few townships in Rakhine and Chin States due to security reasons. However, the internet service has been restored in much of those areas as the condition improved.

Mr. Chairman,

Advancement in electricity supply is another significant achievement under the present Government. In the past four years, national household electrification increased from 30% to 45.12%, and projected 50% by the end of this year. The Government is planning to supply electricity to the whole country by 2030.

60 percent of Myanmar's present electricity is generated from hydropower. In future power development plan, hydropower projects are planned to be developed phase by phase taking into account the environment impacts. The Government is looking into more renewable energy development options for the future including solar, wind and biomass.

Recently, there were calls for restriction of investments and even to impose sanctions against companies and businesses in Myanmar for human rights reasons. Such sweeping punitive actions will only hurt the ordinary working people and their innocent family members including children and older persons. It would only bring negative impact on the democratization process and the Government's effort to combating poverty and economic and social development of the people. The West's almost thirty years economic sanctions imposed on Myanmar in the recent past failed to achieve most of their objectives, but only brought hardship and poverty to the ordinary people.

Promotion and Protection of Human Rights

Mr. Chairman,

The people of Myanmar continue to exercise their rights to freedom of expression, association and assembly. As a multi-ethnic and multi-religious country, freedom of religion is guaranteed by the Constitution. Although Myanmar is an overwhelmingly Buddhist country, there is no discrimination against other faiths. All religions in the country are thriving side by side in peace and in harmony for centuries.

This year, Myanmar has made significant steps in the area of the rights of the child. Myanmar recently enacted the revised Child Rights Law to be in line with CRC and ratified the

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC) during the 74th UNGA High-Level Week to reinforce our on-going efforts to protect and promote child rights to fulfill our international commitments.

Situation in Rakhine State

Mr. Chairman,

With regard to the situation in Rakhine State, we are now working hard to expedite repatriation and to create a more conducive environment for verified returnees. To this end, we are working hard to cooperate with Bangladesh, UNDP, and UNHCR, ASEAN, friends, and well-wishers.

The only feasible way to address the issue of displaced persons is to strictly implement the existing signed agreements and arrangements that we have bilaterally agreed to. Patience, understanding, practicality and working with good faith are the essence of success for this process. Finger pointing, political grandstanding, setting of new conditions and internalization of the issue will not lead to the solution, but would rather prolong the plight of the displaced people.

Accountability

Mr. Chairman,

Let me turn to the issue of accountability. My delegation categorically rejects the Special Rapporteur's recommendation to the UN and the international community to refer the situation of Myanmar to the ICC or alternatively to consider establishing an international tribunal. Advocating Myanmar with punitive action, including referring it to international tribunals such as the ICC or ICJ will only generate opposite result that member states need to avoid for ensuring continued cooperation between Myanmar and the international community.

We have repeatedly stated that Myanmar is not opposed to accountability for any wrong doing related to the allegations of serious violation of human rights in Rakhine State. Accordingly, the Independent Commission of Enquiry (ICoE) was established. The ICOE is currently preparing its report, with recommendations for further action. Recently, the military also established a Court of Inquiry to investigate the allegations contained in human rights reports. The creation of the military court was based on suggestions from the Office of the military Judge Advocate-General. The military announced that there will soon be a court martial.

The integrity of these independent investigations should not be compromised by international actors.

We have the will and ability to address the accountability issue. Moreover, Myanmar is not a party to the Statute of the International Criminal Court, and the Court does not have jurisdiction over alleged crimes in our country.

Myanmar also strongly objected the establishment of the Independent Investigative Mechanism (IIM) on Myanmar. This mechanism is an unprecedented discriminatory scrutinization on a selective member country. It was set up beyond the mandate of the UN General Assembly and the Human Rights Council. Therefore, we do not recognize nor will we cooperate with this mechanism. More than USD 26 million budget allocation for the Mechanism for 2 years will be a wanton waste of the scare resources of the UN, particularly at this time of serious liquidity crisis faced by the UN.

Conclusion

Mr. Chairman,

Like other nations in transition, Myanmar has been tackling the challenges in the areas of promotion and protection of human rights and democratization process. When considering human rights situation in a country, we must take into consideration each nation's particular circumstances, such as its own unique historical, cultural and political complexities, and capacity constraints. While the primary responsibility to safeguard the sprouts of rights and freedom of the people rests with the government, the international community should render necessary support to governments to build up their capacity in fulfilling their responsibility.

Therefore, we reiterate our call on the international community to maintain their constructive cooperation and support to our democratization process. We would like to thank most sincerely all our friends and partners who offer their unwavering support to the People and the Government of Myanmar.

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