MYANMAR

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STATEMENT BY

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UNION MINISTER FOR THE OFFICE OF THE STATE COUNSELLOR AND CHAIRMAN OF THE DELEGATION OF THE REPUBLIC OF THE UNION OF MYANMAR

28 SEPTEMBER 2019

STATEMENT BY H.E. U KYAW TINT SWE
UNION MINISTER FOR THE OFFICE OF THE STATE COUNSELLOR AND
CHAIRMAN OF THE DELEGATION OF THE REPUBLIC OF
THE UNION OF MYANMAR
AT THE 74th SESSION OF THE UNITED NATIONS
GENERAL ASSEMBLY

NEW YORK, 28 SEPTEMBER 2019

Mr. President,

Excellencies,

Distinguished delegates,

I would like to congratulate you on your election as President of the 74th session of the General Assembly. We are confident that under your able leadership this session will achieve fruitful results.

Myanmar considers this year's theme, **"Galvanizing multilateral efforts for poverty eradication, quality education, climate action and inclusion"** to be most timely. These count amongst the most daunting challenges the world faces today which can only be overcome through the coordinated efforts of the entire international community.

POVERTY ERADICATION

Mr. President,

Eradicating poverty in all its forms is the greatest global challenge. In Myanmar we pursue a careful balance between economic and social development on one hand and environmental protection and sustainability on the other. The government is resolute in its commitment to address poverty. To this end, we have developed a range of strategies which go beyond simply stimulating economic growth. Our efforts are bearing fruit, with poverty in Myanmar halved from 48.2 percent in 2005 to 24.8 percent in 2017.

Myanmar has also experienced rapid growth in recent years, becoming one of the region's fastest growing economies with an annual growth rate of 6.5 % in 2018-2019.

CLIMATE ACTION AND THE ENVIRONMENT

Mr. President,

The adverse impacts of climate change pose significant obstacles to poverty reduction and threaten hard-won progress toward achieving sustainable development. Indeed, climate change could be considered the defining issue of our time. In this connection, I welcome the convening of the Climate Action Summit, and wish to underscore the urgency of responding to climate change, and the importance of implementing both the Paris Agreement and the Kyoto Protocol.

MULTILATERALISM

Mr. President,

The United Nations is at the heart of multilateralism on which we place our hopes and aspirations. This said, our world is facing the challenges of transition and geopolitical shifts. The UN and other multilateral institutions need to recognize the disconnect between the expectations of peoples and nations and the responses of institutions and policies. Such a disconnect creates mistrust in international systems and institutions and feed the growth of unilateralism.

Countries are coming to the realization that in the new geopolitical order it is getting harder to find a common thread that ties their members together.

Mr. President,

The UN should take a stern look at how it is evolving. It must avoid the mistake of allowing unwieldy mandates or unilaterally extending its powers with no corresponding due diligence. Multilateral institutions should never be used as a tool to target member states. They should uphold the sovereignty of nations, working in concert for a greater good, ensure equality of actions and scrupulously avoid double standards and ‘exceptionalism’. Left unchecked, the UN as a beacon of peace and security may end up with huge deficits of trust. This cannot be allowed to happen as there are critical issues that can only be addressed through multilateral efforts. No nation should be made to feel that its value in the UN is decided by the degree of material wealth and political influence it can muster.

DEMOCRATIZATION

Mr. President,

Myanmar is undergoing a process of democratization and in doing so it has embraced the culture of political dialogue to solve internal conflicts by peaceful means. We regard rule of law as a fundamental principle of democratic governance. The government and the legislature are seeking to make our laws more transparent to ensure that each and everyone is equal before the law.

CONSTITUTIONAL REFORM

Mr. President,

To attain progress in these and many other areas, we need a constitution that can truly protect and advance the democratic rights of the people. In this regard, the Hluttaw (Parliament) has taken a bold initiative towards the amendment of a number of provisions in the Constitution. Our democratic endeavours and associated reforms are continuous and vibrant.

PEACE AND RECONCILIATION

Mr. President,

The achievement of national reconciliation and peace is our government's topmost priority. We have convened 3 sessions of the Union Peace Conference and adopted a total of 51 basic principles to be included in the Union Peace Accord. A total of ten Ethnic Armed Organisations (EAOs) have already signed the Nationwide Ceasefire Agreement (NCA).

Despite the recent successes in broadening the Agreement's coverage, there is still a long way to go before all remaining non-signatories are on board. Notwithstanding challenges, negotiations continue. We are determined to resolve differences through dialogue, negotiation and peaceful means and thus build mutual trust and understanding.

THE SITUATION IN RAKHINE STATE

Mr. President,

Let me now touch upon recent developments in Rakhine State. Our democratic transition is still young and as yet incomplete. We must overcome a range of challenges, from

imperfect constitution to continued conflicts. The situation in Rakhine State, an issue that has deep and historical roots, counts amongst these challenges.

We fully share the concern of the international community over the violence that affects communities in Rakhine. In fact, the government's efforts to bring peace and stability predate the violent attacks by the ARSA terrorist group in 2016 and 2017 that triggered off the current humanitarian crisis. Since assuming office in 2016, the elected civilian government has placed the highest priority on addressing the situation in Rakhine State. To find a lasting solution, we established a Central Committee for the Implementation of Peace, Stability and Development in Rakhine State, chaired by our State Counsellor and subsequently the Advisory Commission on Rakhine State headed by Dr. Kofi Annan. Our aim was to find long-term, durable and practical solutions to these delicate and sensitive issues of Rakhine.

Our priority now is to expedite repatriation and to create a more conducive environment for verified returnees. To this end, we are cooperating with Bangladesh, UNDP and UNHCR, ASEAN, friends and well-wishers.

Myanmar is aware of the many obstacles, including destructive movements in the camps aimed at preventing repatriation and exploiting the plight of displaced persons that need to be addressed. Smooth and successful repatriation requires genuine political will, and committed efforts as well as strict adherence to the signed Agreements.

Mr. President,

The displaced persons now in Cox' Bazaar who had been resident in Rakhine have different legal status. We are willing to repatriate them in accordance with the bilateral agreement signed between Myanmar and Bangladesh. The agreement calls for the issuance of identity cards to the returnees. Those who qualify for citizenship under our Citizenship Law will be issued with citizenship cards. The rest will be issued with National Verification Cards (NVC). NVCs are similar to the "green card" much sought after by immigrants in the United States.

Myanmar strongly holds the view that issues between neighbours can and must be resolved bilaterally in an amicable and friendly manner. The current issue of displaced persons in Cox' Bazaar can and must be resolved bilaterally particularly as Myanmar and Bangladesh have signed a bilateral agreement to address this issue since November 2017. Despite obstacles, including killings and threats by ARSA, some 300 people from camps in

Cox's Bazaar have returned under their own arrangement and of their own volition. They have resumed their lives in conditions of safety and dignity.

There have been persistent calls to put pressure on Myanmar. There is also a call to set up a "Safe Zone" inside Myanmar. Such a demand is neither warranted, nor, workable.

We call on Bangladesh to faithfully implement the bilateral agreement, which is the only feasible way to resolve the issue of the displaced persons**.** We also call on Bangladesh to allow the speedy repatriation of those who have long expressed their desire to return, including the some 400 people of Hindu faith. Grand standing, introducing new elements, putting forward new conditionalities will be a futile exercise. The people of Myanmar are pragmatic and resilient. We value friendly relations with all nations but we do not respond well to coercion that is removed from the fairness and consideration due to a sovereign independent member of the family of nations.

On the 15th of this month, Myanmar's Hluttaw (Parliament) celebrated the International Democracy Day, where Politicians from various political parties made statements. I wish to highlight one of the statements on Rakhine by the Member of Parliament from an ethnic minority. He said in regard to the external pressure exerted on Myanmar "they are flouting our territorial integrity and national sovereignty. Only peoples of sovereign independent nations can enjoy the true essence of Democracy."

ACCOUNTABILITY

Mr. President,

The Government of Myanmar sympathizes sincerely with all those who have been affected by the problems in Rakhine State.

Myanmar is not opposed to accountability for any wrong doing related to the large outflow of displaced persons to Bangladesh. We firmly stand for principles which are the cornerstones of the international legal order.

On 30 July 2018, President U Win Myint activated a special investigation procedure pursuant to which the Independent Commission of Enquiry is currently preparing its report, with recommendations for further action. Like some other member states of the United Nations, Myanmar has a military justice system, provided for in our 2008 Constitution. A military investigation into Rakhine-allegations is currently being undertaken by the Office of the Judge Advocate General. A recent announcement suggests that there will soon be a court

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

On 4 July 2019, the Prosecutor of the International Criminal Court requested a pre-trial chamber to authorise an investigation into Rakhine-allegations. Independent scholars have already identified the request as problematic in that: it excludes alleged crimes committed by the Arakan Rohingya Salvation Army (ARSA) with deliberate omission of the undisputed fact that their actions precipitated the displacement; that she relies heavily on human rights reports that contain factual errors with regard to both international and Myanmar law; and that her request mischaracterizes the criminal justice system of Myanmar. This critique is all the more serious when we consider that Myanmar is not a party to the Statute of the International Criminal Court. The Government's position remains that the Court does not have jurisdiction over alleged crimes in our country.

The ICC Prosecutor is focusing on the outflow from Rakhine to Bangladesh, while she is silent on the broader picture of the various reasons, immediate as well as long-standing, that brought about the displacement, and the various actors who were involved. This silence widens the divide between the International Criminal Court and the people of Myanmar who have been made to feel that their concerns are of less import than the perceptions of influential nations and organizations acquainted but superficially with the true situation on the ground.

Mr. President,

Myanmar was a British colony for nearly one hundred years. During this period, the colonial power transferred hundreds of thousands of civilians from British India to then Burma to propel the rapidly expanding rice production and export. In 1927 alone there were more than 480,000 such transfers into occupied colonial Burma. The Burmese were reduced to a minority in their own main city, Rangoon (Yangon). Immigrants from Bengal, mainly from the Chittagong region, "moved en masse into western townships of Arakan". As in other colonized territories across the world, our local population had no say whatsoever with regard to the seismic demographic transformation of their lands. Nevertheless, Myanmar accepts it as part of the chequered legacy for which we assumed responsibility when we won our independence in 1948.It was only in 1949, with the adoption of the fourth Geneva Convention, that international law expressly prohibited the transfer of civilians into occupied territories. But there was no recognition of the troublesome consequences of such operations.

If the international community passes fundamentally different judgments on occurrences of one and the same practice **albeit (|al.be.it| ȯl-`bē-ət)** at a different time, perceptions of double standards will grow. If left unaddressed, such perceptions will undermine respect for international criminal justice and fuel the danger of extreme polarisation.

As this General Assembly Session is focusing on the galvanization of multilateral efforts for *inclusion*, we should reflect on the relationship between root causes of violent conflicts, accountability, social cohesion, and polarisation. International actors should turn every stone to contribute to the strengthening of national accountability capacity, and at the same time ensure that they themselves uphold the highest standards of quality control in their international human rights and criminal justice efforts.

DARUSMAN REPORTS

Mr. President,

Myanmar has objected to the formation of the Fact Finding Mission since its inception because of our serious concern over its composition and mandate, as well as its capacity for fairness and impartiality. Events have proved that our concerns are justified. Darusman Reports, without exception, are biased and flawed, based not on facts but on narratives. The latest reports are even worse. We cannot help but conclude that these were prompted more by hostility towards the democratically elected government and the peace loving people of Myanmar than by a genuine desire to resolve the challenges of Rakhine. Therefore, we also reject the establishment of the new Investigation Mechanism (IIMM) set up to bring Myanmar to tribunals to which we object strongly. These include the International Criminal Court (ICC). Our position on the ICC is abundantly clear. The ICC does not have jurisdiction over Myanmar.

ROSENTHAL REPORT

Mr. President,

We are also disappointed by the Rosenthal Report. The facts presented are inaccurate, distorted and lack professional objectivity. The methodology is technically flawed and highly biased, based on pre-conceived ideas.

We request the members of the United Nations to differentiate motives behind the actions in this Assembly: a genuine will to protect human rights or to hijack human rights issue for political purposes.

As we address the delicate issue of Rakhine, we need truth, fairness and constructive support. Exertion of discriminatory scrutinization and political pressure with malicious intent, will not contribute to our efforts in resolving the problems.

In this regard, we, the government and people of Myanmar, truly appreciate the support rendered by many friends and partners and their constructive cooperation based on genuine goodwill. It benefits not just people of Myanmar but peoples all over the world who value justice and fair play for all nations, both great and small.

CONCLUSION

Mr. President,

The people of Myanmar have waited decades for the emergence of democracy in our country. Transformation from authoritarianism to a democratic system is a daunting challenge**.** But it is a challenge that our government and our people have taken on with faith and determination. Our peace process, based on an inclusive framework for political dialogue with all ethnic armed groups, will continue. We will use the platform of the 21st Century Panglong, the Union Peace Conference, to create the Democratic Federal Union to which our people aspire. We will strive to build a society that respects human rights and fundamental freedoms, a society where all citizens can attain peace, prosperity and freedom from fear.

We invite the international community to join hands with us, in a constructive way, to ensure that democracy takes firm root in Myanmar.

Thank you Mr. President.

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