



MYANMAR

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Explanation of Position after the adoption

by

His Excellency U Kyaw Tin,

Ambassador/ Permanent Representative

of the Republic of the Union of Myanmar to the United Nations

on

the Draft Resolution A/C.3/70/L.39/ Rev.1

entitled "Situation of Human Rights in Myanmar"

under

the Agenda Item 72 (c): Promotion and Protection of Human Rights:

in

the Third Committee

of the 70th Session of the United Nations General Assembly

New York

18 November 2015

Mr. Chairman,

1. My delegation takes the floor to explain our position on the draft resolution A/C.3/70/L.39 / Rev.1 entitled, “Situation of human rights in Myanmar” which was just adopted without a vote as orally revised.

2. First and foremost, my delegation reaffirms its principled position of strong opposition to country-specific resolutions which run counter to the principles of non-selectivity, impartiality and non-politicization.

3. The Universal Periodic Review (UPR) process is the most dependable monitoring mechanism to address human rights situations for all countries on an equal footing. Myanmar has, therefore, actively participated in its second cycle of the UPR review last week in Geneva.

4. Despite our consistent and unwavering opposition to country-specific mandates, we have steadfastly facilitated the works of successive Special Rapporteurs and the good offices of the Secretary General in line with our policy of cooperation with the United Nations.

5. In keeping with this spirit of cooperation and engagement, my delegation has refrained from calling for a vote on the draft resolution, which has shifted its tone from criticism to constructive encouragement.

Mr. Chairman,

6. As we take action on this draft resolution today, new developments towards promoting national unity and reconciliation are unfolding in Myanmar.

7. As promised by the Government, the general elections were successfully held on 8 November. It marks yet another significant step forward in its reform process. The most inclusive election contested by all major political parties concluded peacefully in a free, fair and transparent manner. Thousands of local and international observers including from the European Union and Carter Centre were present there. The success of these elections is the result of the democratic reform process initiated four and a half years ago.

8. These emerging developments in the post-election period have testified to the fact that the democratic reforms are even further strengthened and accelerated. Myanmar has entered into a dawn of a new era, moving towards further advancement of peace, democracy and development.

Mr. Chairman,

9. Myanmar has set a good example of peaceful democratic transition at a time of turmoil and chaos in many other transitions.

10. We are pleased to see that some positive developments of our reform are reflected in the draft resolution. However, the draft text does not sufficiently recognize the long lists of far-reaching progress in promotion and protection of human rights in Myanmar.

Mr. Chairman,

11. My delegation does not agree with several paragraphs in the text. For example, OP 3 wrongfully cited religion and ethnicity as ground for disenfranchisement and discriminatory disqualification of candidates. In fact, the main reason is not because of their race or religion. It is their ineligibility in meeting the criteria which requires citizenship of the candidate and both parents. Like in many other countries, the right to take part in political process such as the right to vote and to run in the elections is entrusted **only** to its citizens.

12. The contents in OP 4 were overtaken by the recent developments in Myanmar. All parties have already agreed to engage in dialogue to ensure a peaceful and smooth transition to the new government. In addition, OP 4 and OP 6 go beyond the boundary of human rights mandate and prescribe a State for its political system. Every sovereign state has the right to choose its own political system in accordance with its history, traditions, values, realities and its constitution. **My delegation therefore does not accept the intrusive language contained in OP 6.**

Mr. Chairman,

13. Moreover, **OP 10** is a ritual paragraph loaded with sweeping allegations that were handed down year after year in the same language. It is regrettable that the changes on the ground did not receive corresponding changes in the mind-set of the authors of this text. **We do not accept this OP either.**

14. **OP12** also voices undue concerns about certain domestic laws. My delegation wishes to highlight that those laws are not mandatory, as they contains only voluntary obligations. It can penalize only forced conversions to further guarantee freedom of religion. The 1982 Myanmar Citizenship Law was born out of necessity in view of the demographic and geographical location of the country. After all, those laws fall within the domestic jurisdiction and are not contrary to international legal obligations.

15. More importantly, we would like to put on record once again our objection to the use of the nomenclature, "*Rohingya*" throughout the text. Such terminology has never been part of ethnic national races of Myanmar. It was invented only in early 1950s to falsely claim as an ethnic nationality group for their own agenda. Insistence on using this deceiving word would provoke resentments among the people, posing a huge obstacle to resolve this sensitive issue.

Mr. Chairman,

16. Let me now turn to **OP 14** which is replete with many elements that we could hardly accept. Due to time constraint, I will refrain from responding to every unacceptable element in the paragraph. My delegation shares the concerns about the communal tension in Rakhine State. At the same time, one should pay very careful attention to its history and both sides of the story. Then and only then, one can make a fair judgement. The two communities have a long history of living in peace and harmony. However, the inter-communal violence has unfortunately created scars for both the communities. As such, this complicated issue cannot be resolved overnight. Exaggeration and politicization of the issue will only fuel the flames.

17. The paragraph fails to reflect measures taken by the Government to address the issue, such as restoring and maintaining peace and stability, providing humanitarian assistance, gradual and voluntary resettlement, citizenship verification, economic development and promoting interfaith dialogue.

18. No more new violence recurred in Rakhine State since 2012. Citizenship is always open to those wishing to take part in verification process. External interference not to join the verification process is hindering the process. Despite this challenge, over 900 applicants along with their family members were granted due citizenship. At the same time, we have introduced the reintegration programme which has resulted in resettlement of first batch of over 2,000 households this year. There is no policy or practice of restricting marriage or birth as alleged. This can be testified by the common sight of average household packed with 50 or so family members.

19. For the reasons cited above, my delegation wishes to put on record our strong reservations on Op 12 and OP 14 of this resolution.

Mr. Chairman,

20. We also find **OP 15** far from reality. It portrays as if the government was not cooperating at all with aid agencies to provide humanitarian assistance. Nowhere else is humanitarian aid agencies more concentrated than Rakhine State. Access to other basic services such as education, health care, food and water are also granted to any community. They can equally enjoy such service but only to a level as a developing county can provide to its population. There is no restriction of movement in those areas where the communities have learned to live in harmony.

21. Development assistance and education to both communities is the key not only to address root causes, but also to win the cooperation of the local community. We therefore welcome the UN country team's initiative encouraging to step up international assistance from humanitarian to development.

Mr. Chairman,

22. I would like to underline that the Special Rapporteur proposed visit to Rakhine State during her last visit was not materialized because of severe weather condition preventing a safe flight there.

23. With regard to opening of an OHCHR country office, Myanmar believes that terms and conditions of such an office must be mutually agreed. In particular, it must meet with the needs of the host country, not the other way around.

Mr. Chairman,

24. Myanmar has come a long way. Political reforms have made Myanmar far freer and open than it was in the past. In the post-election period, all leaders and politicians are now embracing the political culture of dialogue. Despite its challenges, Myanmar is now in a New Era, raising hopes and auguring well for greater prospects for peace, national unity and reconciliation.

25. In this regard, we are pleased with the concluding message of the draft which urges the international community to continue their support and encourage to Myanmar's efforts for peace, democratization and economic development.

26. We see the most significant new element in OP 20. The new element requested the Secretary-General to bear in mind the considerations contained in his report A/70/332 relating to the future of the mandate of his Special Adviser. The relevant paragraph invites the member states to assess the feasibility of the continuation of good offices mandate, including its gradual scaling-down by the end of 2016.

Mr. Chairman,

27. We hope that these exemplary changes in Myanmar should be duly responded by corresponding changes at this Committee. As Myanmar has advanced further on its journey of democratic transition bringing better standard of promotion and protection of human rights for our people, the time has come to put an end to tabling of this country specific resolution.

28. Myanmar stands ready to continue to work together with the United Nations and the international community to promote peace, democracy and development in the country.

29. I thank you. Mr. Chairman for your indulgence.
