MYANMAR

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Explanation of Position after the adoption

By

H.E. U Kyaw Tin,

Permanent Representative

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

on

the Draft Resolution A/C.3/68/L.55/Rev.1

entitled " Situation of the human rights in Myanmar"

under

the Agenda Item 69 (c): Promotion and protection of human rights:

human rights situations and reports of special rapporteurs and representatives

in

the Third Committee

of the 68th Session of the United Nations General Assembly

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Mr. Chairman,

My delegation is taking the floor to explain its position on the draft resolution A/C.3/68/L.55/ Rev.1, as orally revised, entitled, "Situation of Human Rights in Myanmar" which was just adopted without a vote.

First and foremost, my delegation wishes to reaffirm its principled position of opposition to selective tabling of country specific resolutions. We believe that the UPR is the sole monitoring mechanism to fairly address human rights situations in all countries. We also believe that promoting and protection of human rights should be based on the principles of cooperation and genuine dialogue through strengthening the capacity of member states to comply with their human rights obligations.

Mr. Chairman,

Myanmar's drastic policy changes over the past years are well known. We have opened up the country and reached out to the international community for broader engagements. We have put in place bilateral human rights dialogues with the United States, Japan and the European Union. At such a time of unprecedented engagements, we have opted for cooperation rather than confrontation in addressing human rights issues. It was with this spirit that we started to cooperate with the EU last year when it shifted its policy towards Myanmar to a constructive and encouragement approach. In keeping with our position of previous year, my delegation has once again refrained from calling for a vote on the draft resolution L.55/Rev.1 which encourages our on-going reform process.

My delegation is pleased to see a good number of constructive paragraphs in the draft resolution which welcomed positive developments in several areas such as political and economic reform process, greater freedom of political activity, freedom of assembly, speech and press, continued releases of prisoners of conscience, legislative reforms and etc. We are also pleased to note that the draft resolution also recognized the progress in the Government's peace process and in ending the forced labour and recruitment of underage soldiers.

However, I have to say that not everything in the resolution is agreeable to us. We have some concerns on certain paragraphs. Despite our repeated requests, the draft resolution still carries some sensitive or undesirable languages, particularly in OP 5, 10 and 14. My delegation therefore wishes to explain our position in this regard.

As we all agree, no country is perfect in its human rights record. Myanmar is no exception. We do recognize that there remain some human rights challenges in our country. However, we found it hard to go along with the language in OP 5, which is excessively replete with unverified allegations. The government has taken steps to address human rights

issues through various measures including strengthening of national human rights commission, legislative reforms, accession to international instruments, capacity building of security forces and promotion of human rights awareness.

Mr. Chairman,

We also share the concern about the unfortunate communal violence surfaced in Rakhine State last year when some miscreants exploited the opportunity of new-found freedom and political openness at the time of rapid transition. But we wish to reiterate that it was just inter-communal clashes, not an attack against a certain religion as inaccurately portrayed in the resolution. Different faiths are living in peace and harmony in the remaining parts of the country. However, we do recognize the urgent need to address this major challenge for Myanmar.

The most important point here is that the government has high-level commitment to prevent its recurrence and has taken actions against perpetrators without discrimination. During the recent visit of OIC high-level delegation to Myanmar, the government has reiterated its assurance to put an end to all acts of violence, to protect the civilian population and to ensure full respect for human rights and fundamental freedoms. The government has also been working with the international community to provide humanitarian needs and to promote inter-faith dialogues. The facilitation of the recent visit of the OIC delegation to Myanmar demonstrates our readiness to engage with international community to alleviate the humanitarian situation.

The communal violence brought miseries, fears and loss of lives and properties to both communities. Sharing the concerns about this situation, my delegation goes along with the calls for accelerating efforts to bring about an improvement in their situation and to promote tolerance and peaceful coexistence in all sectors of society. In fact, these measures are exactly what the government has been implementing with firm resolve.

My delegation however has to to reiterate its long standing position against the use of the word, "*Rohingya minority*" in the text. Its inclusion should not be implied to our recognition of such characterization which has never been included among over 100 national races of Myanmar. Regardless of this, the rights to citizenship or any other demands such as the rights to land ownership, or movements or access will be considered in accordance with the laws of Myanmar and the prevailing security conditions.

Mr. Chairman,

Myanmar has been negotiating with the OHCHR to reach an agreement for opening of its office, initially focusing on capacity building to fulfill its voluntary commitment. We firmly believe that opening of any UN office must naturally be based on the mutually

convenient terms and conditions at a pace comfortable to the host country. We therefore found it difficult to concur with the non-constructive tone and prescription of mandate in OP 14. My delegation therefore reserves its right to choose the mandate of the office to be opened in Myanmar.

Mr. Chairman,

Myanmar is advancing well on its path of democratic transition, resulting in drastic improvement in promoting democratic values and human rights. In light of these developments, the country-specific issue of Myanmar should not remain under scrutiny by the United Nations. This is not the time to expand monitoring of the situation of the country. On the contrary, the time has come to remove the issue from the agenda of the UN General Assembly and to end the mandate of the Special Rapporteur. It would set a bad precedence if a country that has changed positively continued to be subject to censure by this Committee.

In keeping with our consistent policy, we remain committed to cooperate with the United Nations in a fresh approach refocusing on the socio-economic development which is essential for the success of the ongoing reform process. There are ample ways for the United Nations and the international community to continue their assistance to our democratic transition without continued resorting to a country-specific resolution.

Mr. Chairman,

Before concluding, we wish to thank the members of the Non-Aligned Movement, our friends in the region who have took a principled position and stood in solidarity with Myanmar over the past two decades. Our gratitude also goes to the EU delegation and members of OIC for their flexibility and to all those delegations who have helped us in reaching a constructive draft resolution. I will be remised if I do not mention our thanks to you Mr. Chairman and your Bureau for guiding the Committee in a fair and efficient manner.

I thank you.