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Myanmar

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Mr. Chair,
Excellencies,
Distinguished Delegates,
Ladies and Gentlemen,

A lot has happened between now and from the time I had finalized my report in late August following my visit to Myanmar in July. A lot has been reported on the situation in Rakhine State in the last two months and many allegations have been made of terrible inhuman violent acts.

While much that has happened is still uncertain, some undeniable facts have come out. What is undeniable is that hundreds of thousands of Rohingya Muslims have fled to Bangladesh from northern Rakhine and that hundreds of their villages have been torched and burnt down since the alleged attacks by Rohingya militants on 25 August.

Yet Myanmar's State Counsellor asked us to consider the 50 per cent of Muslim villages that have not been destroyed. The Commander-in-Chief then supposedly suggested the number of those who have fled has been exaggerated and that they must have fled because they felt safer in Bangladesh. And the Minister responsible for the safe return of those who have fled reportedly speculated that the hundreds of thousands of people who fled did so as a ploy to give an appearance of ethnic cleansing.

Mr. Chair,

Before I speak further on the crisis that has unfolded dramatically these last weeks, please allow me to present the main highlights from my latest report as well as some developments since July which cover a range of issues from across the country.

Excellencies,

Earlier this month, Myanmar ratified the **International Covenant on Economic, Social and Cultural Rights** albeit with a declaration in relation to the right of self-determination. I look forward to the government taking steps towards achievement of the full realization of the rights in the Covenant.

I remain of the view that **constitutional reform** must proceed to allow for proper operation of the **rule of law** in Myanmar. I take the opportunity to again draw the attention of Myanmar officials and lawmakers to the non-exhaustive list of laws which I have identified to be in contravention of international human rights standards and consider their repeal or amendment. If those laws are not prioritized for review, the **legislative reform** necessary for Myanmar to transition to democracy will certainly be incomplete.

I have in the past commended Myanmar's flourishing, widening **democratic space**; however, I find that the protection of reputation in Myanmar's national legislation appears to go beyond what is permissible under international law, effectively resulting in the criminalization of legitimate expression under which people, including journalists, continue to be prosecuted.

Distinguished Delegates,

During my July visit, I met representatives from civil society and communities affected by all three **special economic zones** currently in progress in Myanmar, specifically in Yangon, Dawei and Kyaukphyu. For all three zones, communities reported that initial phases or preparatory work had had a largely negative impact on their lives, with many of those affected still suffering negative consequences. There is a need for these projects to be carried out transparently, with communities receiving continuous information, being genuinely consulted and given the opportunity to suggest alternative options.

Land confiscation remains a major concern for not only communities affected by special economic zones but also thousands of others across the country. Though the government has established bodies to tackle the issue of land compensation, with over 9,000 cases pending, fully addressing all cases remains a big challenge, and communities are frustrated when their attempts to seek redress are unanswered.

Just over a week ago, the two-year anniversary of the signing of the Nationwide Ceasefire Agreement was commemorated. Yet it is unclear whether the **peace process** has actually advanced since that time. Additionally, reports of violent clashes between the Tatmadaw and ethnic armed groups continue, including against a group who is party to the ceasefire. I am extremely concerned at not only the ongoing escalation of conflict in Kachin and Shan States, but also continuing and increasing reports of allegations of serious rights violations as well as decreasing humanitarian access.

There appears to be an increasing number of cases of civilians being killed or injured by mortars or artillery shells, including an incident in July in which a two-year old child was killed. The regularity of incidents raises concerns that parties to the conflict, including the Tatmadaw, are either not distinguishing between military and civilian targets or not systematically taking precautions to protect the civilian population. In addition, people continue to be displaced by conflict, and the large numbers of long-term displaced people in Kachin and northern Shan States, and Kayin State remain unchanged. I encourage efforts to address factors preventing returns, including the continued presence of the military in areas of origin, concerns about housing, land and property rights and difficulties in accessing civil and identification documents.

Ladies and Gentlemen,

It has been said that dangerous and dehumanizing speech tends to precede incidents of mass atrocities. And the reports that I have received certainly point to widespread use of **hate speech** directed against the Rohingya population amounting to **incitement to hostility** and even violence. Unfortunately, there seems to be little sympathy, let alone empathy, for the Rohingya people in Myanmar. For decades, it has been cultivated in the minds of the Myanmar people that the Rohingya are not indigenous to the country and therefore have no rights whatsoever to which they can apparently claim.

I have also been receiving consistent reports of incidents against Muslims and Christians from across the country. There are reports of villages with signage either to

keep Muslims out or to announce that they are Muslim-free. Mosques that have been standing for generations and other religious structures are being shut down ostensibly for administrative reasons though affected communities are rarely informed ahead nor provided with alternative places to practice their religious beliefs in congregation. Christian worshippers participating peacefully in a service commemorating six years since renewed conflict in Kachin were deemed unlawful protestors. Christian converts are threatened to revert back to Buddhism and subject to state sanctioned violence. Local Rakhines are threatened and punished for interacting and trading with Muslims. In one instance, a Rakhine woman was publicly humiliated, had her hair shaved, made to wear a sign saying she is a traitor and walk around her village for allegedly selling food to the Muslim camp community that had been blockaded and running out of food.

In the wake of the exodus of over half a million Rohingya individuals and others from northern Rakhine, much debate and analysis have come out regarding who exactly is responsible and can be made responsible for the violence that has caused this massive number of people to flee in just matter of weeks. It has been highlighted over and again how the Constitution is such that the military remains very much in control over the issue of national security and state law and order, with little oversight possible by the so-called civilian part of the Government.

Yet I believe that there is much that can be done by the civilian government. Starting with public messaging that embraces the entire make-up of the Myanmar population, of so many ethnic groups, and of various faiths. Use the show of the inter-faith alliance and solidarity from a few weeks back to combat prejudice and bigotry. Take advantage of the majority in Parliament to strike down laws that are discriminatory to show that all groups in Myanmar have equal rights.

Mr. Chair,

I have found events of past weeks devastating. The reports of villages in **northern Rakhine** that have been torched and destroyed are of villages that I had personally visited. The people reported to have fled must have included those I have met in my past trips, people who had appealed to me to be given the opportunity to live in peace, to be given the opportunity to work, to move freely to visit friends and family, to have access to doctors and medicine, and to help their children get an education or even simply feed them a proper meal regularly.

Already two weeks before 25 August, an army battalion was flown into Rakhine State to help augment the security there. I then issued a statement expressing concerns of a repetition of the alleged violations which followed the 9 October 2016 attacks. About 87,000 people reportedly fled between last October and August. After the 25 August attacks, almost seven times that number have fled in under two months.

Excellencies,

I will not go into the details of the alleged violations which led to the exodus but would strongly appeal for there to be an honest and impartial accounting of what has happened and for those responsible to answer for their action. Giving access to the Human Rights Council Fact-Finding Mission would be a good start.

My main concern is the current situation of the Rohingya community and what will happen to them next. Genuine implementation of the Kofi Annan Commission's all-encompassing set of recommendations would have gone far in addressing not only the root causes to the cycles of violence in Rakhine State that affect all communities there but also the protracted statelessness of the Rohingya population and decades-long persecution of them.

However with there likely being more of the Rohingya population located in Bangladesh now as compared to Myanmar, I am concerned that only a fraction of them will be allowed back, though all have the right to return. I am also concerned as to how long it might take for the government to ensure that the conditions for their return would be safe and dignified, as well as their being able to rebuild their lives when so much has been destroyed.

I am informed that the Myanmar government has insisted that UNHCR and IOM – expert entities on the issues of statelessness, refugees and voluntary returns – should be excluded from the bilateral discussions regarding the repatriation process. I find this unreasonable and unacceptable.

Distinguished Delegates,

The Rohingya population in Cox's Bazar – who have had their food supply blocked and been starving, been shot at while fleeing, walked for weeks to reach safety, lost family members on the way to refuge, and are now living in plastic sheets – should not be made to meet with stringent requirements if they so wish to return to Myanmar. Citizenship verification should be a different process for them to undergo, voluntarily after consultation once they are home, and not be part of repatriation. Once they return, they must be permitted to return to their place of origin, and not made to live in temporary camps as these camps may not turn out to be temporary as those who were displaced in 2012 have learnt.

Most importantly, the Myanmar government must take steps to let the Rohingya population know that they are welcomed back and that necessary steps will be taken to ensure their safety and protection. Their welfare and well-being and that of the other communities in Rakhine State – including the Rakhine, the Kaman, the Mro, the Hindu, and the Daignet – should be assured equally ahead of efforts to reconcile them and advance on economic development of the region.

Given the critical situation of the Rohingya population and its unlikely resolution in the near future, I ask the General Assembly to remain seized of the situation not just in Rakhine State but for the whole of Myanmar. The duality in Myanmar's government structure to which Mr. Kofi Annan has spoken of does not only have impact in Rakhine State but also in the rest of the country.

I also recommend that the Security Council includes Myanmar as an agenda item, and I hope it passes a strong resolution in due recognition that the crisis in Rakhine State had not only been decades in the making – but has been spilling over, and continues to spill over, beyond Myanmar's borders. For a very long time now this issue has not been simply a domestic affair.

Friends and Colleagues,

I can say without a moment of hesitation that no one would like to see the democratic process of Myanmar derail. At the same time, I cannot erase from my mind the large bright eyes of a young toddler whom I met in Cox's Bazar. He was rescued by his mother after he was thrown into a fire. His eyes were sparkling with hope and eagerness to meet what life has in store for him.

Shouldn't this little boy be given the opportunity to join with others who are part of Myanmar's democratic transition and be able to enjoy his inherent rights?

Time is of the essence ever more so in Myanmar now!

Thank you for your attention.