

Myanmar

Permanent Mission of the Union of Myanmar

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Statement

by

His Excellency U Wunna Maung Lwin,
Ambassador/Permanent Representative
of the Union of Myanmar

at the

Resumed Sixth Session of the Human Rights Council

Geneva, 11 December 2007

Mr. President,

Since I speak for the first time in the Human Rights Council, I should like to extend to you my delegation's warmest congratulations on your election as the President of this body. My congratulations also extend to other members of the Bureau.

Allow me to extend my greetings to Professor Pinheiro, the Special Rapporteur on the situation of human rights in Myanmar. We have high regard for his personal integrity, academic qualifications and knowledge.

We would like to express our appreciation for acknowledging his gratitude to the Government of Myanmar for the hospitality, accommodating his proposed agenda, providing information and access to the most of the places he requested.

As a member of the United Nations, Myanmar has cooperated with the Human Rights Council in a spirit of goodwill and sincerity. The fact that Myanmar has extended its invitation to the Special Rapporteur and provided the information he requested during his visit testifies to this cooperation.

However, we are very much disappointed with his report contained in the document A/HRC/6/14 as it does not reflect the true situation on the ground. In fact, it is far from reality. The report lacks objectivity and impartiality.

Mr. President,

Myanmar believes that constructive dialogue and genuine cooperation is the cornerstone for enhancing the promotion and protection of human rights. It is in this spirit that I make my statement today.

Myanmar went through a daunting challenge in the past few months . We have been able to restore peace and stability and the situation is back to normalcy all over the country.

In this respect, I would like to highlight the following significant developments in Myanmar:-

- The National Convention which is the first step of the seven step road map has been successfully concluded on 3 September 2007.
- Myanmar is now moving to the third step of the road map as the Commission for Drafting of the State Constitution has been formed with 54 members and convened its first meeting on 3 December 2007.
- People all over the country have been holding peaceful mass rallies within the bounds of the law to welcome the successful conclusion of the National Convention as well as the establishment of the Commission for Drafting of the State Constitution and to demonstrate their aversion to the recent provocative events.

- The Government of Myanmar has appointed the Minister for Labour U Aung Kyi as the Minister for Relations to liaise with Daw Aung San Suu Kyi on 8 October 2007.
- Since the assignment, the Minister for Relation has been able to hold meetings with Daw Aung San Suu Kyi three times.
- Almost all those detained in connection with the September event have been released. To date, only 80 persons remained in custody for investigation. Those in the custody have been found for violation of existing laws in Myanmar.
- The Government granted amnesty for 8585 prisoners between 16 November and 3 December 2007 to mark the successful completion of the National Convention in September 2007, the commencement of the functions of the Commission for Drafting of the State Constitution, forging the national solidarity in the country and cooperation with the international community including the United Nations.
- Ambassador Gambari, the Special Representative of the Secretary General of the United Nations visited Myanmar twice from 29 September to 2 October and from 3 to 8 November 2007.
- During his first visit, he was received by Senior- General Than Shwe, the Chairman of the State Peace and Development Council. He had the opportunity to meet with the Prime Minister and Cabinet Ministers in both visits. He also had the occasion to meet with the representatives of ethnic nationalities from all the seven states of Myanmar and responsible personnel from Myanmar NGOs .
- During both visits, he had the opportunity to meet with Daw Aung San Suu Kyi three times.
- In his briefing to the United Nations Security Council on 13 November 2007, Mr Gambari underlined to take note of the initial positive steps taken by the Government since his last visit in October 2007.
- The Special Rapporteur on the situation of human rights in Myanmar Professor Pinheiro visited Myanmar from 11 to 15 November 2007.
- The Government of Myanmar accommodated his proposed programme and arranged to meet the persons he would like to meet and provided access to the most of the places he requested.
- He had the opportunity to meet the Cabinet Ministers, government officials and representatives from various organizations. He expressed his gratitude to the Government for accommodating his proposed agenda.
- The Special Rapporteur received full cooperation of the Government of Myanmar during his visit.

Mr. President,

Myanmar has made many positive developments and the Special Rapporteur was able to see that peace and stability has been restored in the country. However, his report is very intrusive and filled with unfounded sweeping allegations which we totally reject. His report was not based on the reality, instead it was very much relied on the distorted information provided by anti government sources.

I strongly condemn and reject the allegation made in paragraph 51 of his report. In fact, the Prime Minister never made such commitment during his conversation with Mr. Gambari, the Special Representative of the Secretary General of the United Nations. Besides, the arrests carried out were for those who had violated the existing laws of Myanmar and were not related with the September event. We regard this allegation as the infringement of the sovereignty and it also tarnishes the image and dignity of the Head of Government.

There are also many assertions he had made in paragraphs 37,38, 63, 64, 65 and 68 which we regard as intrusion of the sovereign right of the State. These paragraphs are unacceptable to my delegation and we totally reject them.

We also find that the allegations contained in paragraphs 16, 18, 27, 28, 31, 32, 35 and 66 were received from the unreliable sources. He mentioned the words such as "rumours", "not yet verified" and " unconfirmed reports" in these paragraphs. These allegations are nothing new and they originate from anti-government groups. The allegations based on unreliable sources are misleading to all. We reject these paragraphs. Therefore we have circulated the comments of the Government of Myanmar on his report as an official document of this session.

Mr. President,

The report of the Special Rapporteur tempted to intrude into the internal affairs of the country by criticizing the efforts of the Government of Myanmar to restore law and order and to prevail peace and stability.

Every sovereign State has the right to take necessary measures for prevailing of the law and order in its country. Exercising its sovereign right to handle the violent situation should not be construed as the violation of human rights. Moreover, political opportunists should not be encouraged to abuse the situation under the pretext of human rights obligations.

Mr. President,

The Special Rapporteur also made 17 recommendations as immediate and transitional measures. We have made comments on these recommendations in the document. In fact, the Government of Myanmar has

been taking appropriate measures for the recommendations he made in his report.

On 31 October 2007, the Government of Myanmar has established the Investigation Body chaired by the Minister for Home Affairs with a view to investigating offences against fundamental human rights during the September event. Therefore, it is not necessary to invite any kind of international commission or mechanism to conduct further investigation as recommended by the Special Rapporteur.

Mr. President,

Let me reiterate that Myanmar has fully cooperated with the Human Rights Council. We have invited the Special Rapporteur to visit Myanmar in a timely manner. Despite such cooperation, the Special Rapporteur failed to take into account the sovereignty and integrity of Myanmar. He further failed to recognize the right of the Government to take appropriate measure in order to restore peace and stability. The Government had exercised utmost restraint throughout the event.

Putting more pressure with a view to politicising the situation of Myanmar will be counter productive. The promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of member States to comply with their human rights obligations for the benefit of all human beings. In this respect, condemning, naming, shaming and blaming on us will not help to improve the situation in Myanmar.

Mr. President,

In the light of the positive developments as I have explained earlier and constructive cooperation by Myanmar with the United Nations especially with the Human Rights Council, my delegation hope that the Council will exercise its wisdom in considering the report submitted by Professor Pinheiro. We on our part will continue to cooperate with the United Nations in good faith.

I thank you.