



Union Minister for Foreign Affairs Zin Mar Aung – Press statement on ICJ

21st Feb 2022, 10.00am CET, 15.30pm Myanmar Time

Today, I want to address the issues that the judges of the International Court of Justice will have to consider in regard to proper representation of Myanmar in the case of The Gambia v. Myanmar.

First of all, I would like to thank the organisers of this conference for inviting me to join this event today. I am glad to have this opportunity to explain our position on that case and why we assert our responsibility to represent Myanmar in this proceeding. Our fundamental point is simple - Our goal is to bring justice.

At stake in this decision is justice for the Rohingya victims of the military violence. This violence caused uncounted thousands of deaths, vast dispossession and exile. The suffering of the Rohingyas continues to this day.

As the Government of Myanmar, we are acutely conscious of this suffering. As we wrote on 7 September 2021, “the entire world knows that the military is constantly committing inhumane war crimes.”

Now, the judges of the International Court must determine who has the duty to speak for Myanmar in this case. They face a choice – between the people’s government and the same military who inflicted so much suffering on our Rohingya sisters and brothers. Who in this choice will bring justice to the Rohingya?

The National Unity Government that I represent is the true government of Myanmar, deriving its legitimacy from elected representatives. Ethnic and national political parties have come together in the face of evil and after an illegal coup to form this government, with the duty to confront the military and to build a new, inclusive federal democracy in place of rule by hate.

This new Myanmar will include a special place for Rohingya communities. The National Unity Government is deeply saddened by the violence inflicted on them in 2017, and is committed, as

we have made clear, “to bring the perpetrators to justice, not only for the realisation of justice but also for the deterrence against future atrocities.

It is in the interests of justice for the sake of our Rohingya brothers and sisters that we have engaged with the International Court over these last months.

- We have submitted periodic reports as required by the Court in its Provisional Measures of 23 January 2020. We have named our Ambassador to the United Nations, HE U Kyaw Moe Tun, as Agent for the Court, in place of Daw Aung San Suu Kyi who remains unjustly detained by the military.
- We have withdrawn the preliminary objections that were submitted before the coup. They are no longer relevant. The need for justice requires this. And, as we have withdrawn these amendments, the Court should now discontinue the current hearing and proceed to the merits.

The Court can play a powerful role for Myanmar. As a government, it is our stated aim **“to bring an end to the conflicts and problematic root causes in the Union, to ensure all ethnic nationalities and populations can... build a Federal Democracy Union.”** We believe that the Court, inspired and guided by the principles of the United Nations, will share this goal with us.

The Court has also been approached by representatives of the illegitimate military junta that currently occupies Nay Pyi Taw. They have received communications from some ambassadors and from military Attorney General, who has been sanctioned by the United States of America for her part in the unlawful coup and the violence that has flowed from it.

For representing Myanmar, a person should be empowered to do so by the people of Myanmar.

They are not the government of Myanmar. They are not empowered by the people.

The military act only by the power of the gun. Yes, they have the guns, but they cannot thereby stand here for law and justice. Are we saying, in this place, that force is law?

And even force is failing them - as the people of Myanmar resist this junta. The people do not accept their authority and never will.

Regrettably, we now face the risk that international judicial institutions in The Hague might be seen as inadvertently undermining democracy in Myanmar. The military have not received credentials for the United Nations. They have been barred from ASEAN and from many other international fora.

We have faith in international justice. The Charter of the United Nations is founded on respect for self-determination, and the General Assembly has called for the results of our elections to be respected.

We do not believe that the International Court of Justice will want to allow the military, to appear before them as if they speak for the Republic of the Union of Myanmar.

It would be a most profound injustice to the Rohingya if the military were to be both their abusers and have any voice in the Court. This is why many hundreds of Rohingyas have written to the Court, urging the Judges not to allow the military this legitimacy.

We request the Court to hear our voice, and to allow justice to proceed.

We urge the international community to support the Rohingya victims, and not to allow their military persecutors this platform.

We call on the military to end this illegal coup and ask all people of good will across the world to heed the sufferings of all of the people of Myanmar. Our cause is for justice.

We understand the Court was following an administrative anomaly, which is unique and solely to the ICJ. We believe this hearing does not give any legitimacy to the junta. So, the junta remains fully illegal and illegitimate.

We, the National Unity Government remains dedicated to its international commitments and focused on international accountability for all atrocity crimes. We are seeking cooperation with relevant international mechanisms and bodies and continue to gather and submit evidence of human rights violations. We have granted jurisdiction to the International Criminal Court (ICC) for all crimes covered by the Rome Statute since 2002, and we are seeking the support of all those who care about human rights and justice to work with us for the good of the people of Myanmar.

Thank you for allowing me to speak here today.

