



**Republic of the Union of Myanmar
National Unity Government
Ministry of Human Rights**



**UNITED NATIONS HUMAN RIGHTS COUNCIL
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ITEM 4 – Situation of human rights in Myanmar

**Statement on the report of the Secretary-General on progress made in the implementation of
follow-up action to the recommendations of the Rosenthal Report**

MYANMAR

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The Republic of the Union of Myanmar restates its commitment to partnership and close coordination with the United Nations (UN) Resident Coordinator a.i. in Myanmar, the United Nations Country Team (UNCT), and with individual UN agencies, funds and programmes.

Myanmar is however deeply disappointed by the Secretary-General's report on 'progress made in the implementation of follow-up action to the recommendations' set out in the Rosenthal Report, which addressed systemic UN failures of the Rohingya in Rakhine State.

In his opening remarks at HRC46 a year ago, the Secretary-General warned that Myanmar was a "perfect storm of upheaval".¹ The situation has since sharply deteriorated, prompting the High Commissioner for Human Rights to repeatedly label it as a human rights "catastrophe". As the High Commissioner has recently reported, the military junta's escalating atrocities include acts:

that may amount to crimes against humanity... in particular, murder, forcible transfer of population, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture, persecution against any identifiable group or collectively on political grounds, enforced disappearances, and other inhumane acts... When linked to an armed conflict, some of these acts may also amount to war crimes.²

Yet the Secretary-General's report ignores the human rights situation in Myanmar and says little on the UNCT's responses to it. Confusingly, the report allocates as much space to discussion of the UNCTs in Chile, the Philippines, Mexico and Sri Lanka as it does to Myanmar.

The Rosenthal Report found that the UN system in Myanmar had collectively failed to convey the UN's 'principled concerns regarding grave human rights violations'.³ The content of the Secretary-General's report suggests that this remains the status quo.

While the report speaks of the 'transformative vision of human rights' set out in the Secretary-General's *Call to Action* and confirms that 'human rights are the responsibility of each and every United Nations actor', it stops short of clarifying how this transformative vision will reach the

¹ <https://www.ohchr.org/en/statements-and-speeches/2021/02/secretary-general-guterres-calls-global-reset-recover-better-guided?LangID=E&NewsID=26769>.

² A/HRC/49/72 at para. 65

³ Rosenthal Report at p.24.

Myanmar people and through what principled UN actions. Mention is made of the UNCT's Human Rights Strategy – adopted in July 2020 – without address of whether and if so how it has been updated to respond to the junta-induced human rights crisis.

The report also discusses the central role of the Resident Coordinator in formulating a 'common position for the UNCT regarding engagement with the military authorities' without clarifying what concrete steps – informed by the UNCT's *Engagement Guidelines* – have been taken to ensure that legitimacy is not granted to the military junta. The junta, significantly, is led by individuals that the Independent International Fact-Finding Mission on Myanmar recommended be investigated and prosecuted for genocide, crimes against humanity and war crimes, including against the Rohingya.

The Republic of the Union of Myanmar's concerns with the Secretary-General's report are compounded by its late release, and by the failure of the Resident Coordinator a.i. to participate in the enhanced interactive dialogue as requested by the Human Rights Council.⁴ When added to the continuing delay in the appointment of a permanent Resident Coordinator, this shows an alarming lack of seriousness in confronting a "perfect storm of upheaval".

A repeat of past UN failures seems inevitable if this approach continues. The cost will borne out in civilian lives, only to be followed by renewed pledges of "never again" and reactivated cycles of internal inquiry.

Myanmar therefore strongly recommends that the Secretary-General:

- Establishes an independent and wide-ranging inquiry led by international experts into the UN's progress in its implementation of follow-up actions to the Rosenthal Report, with an added focus on the UN's response since 1 February 2021. The inquiry should produce and deliver to the Human Rights Council a comprehensive public report with findings and recommendations
- Ensures that UN humanitarian assistance in Myanmar is delivered through the National Unity Government, Ethnic Organisations, international and local non-governmental organisations, and civil society and community-based organisations
- Commissions a new UNCT Human Rights Strategy, with all UN projects and programmes to be screened for human rights compliance and conflict-sensitivity and informed by due diligence, risk assessments and the do no harm principle. Priority must also be given to the protection of Myanmar national UN employees
- Expedites the appointment of a permanent Resident Coordinator in Myanmar, in consultation with the National Unity Government and civil society
- Provides the Resident Coordinator and the High Commissioner's Myanmar Team with additional resources and access to expertise in support of their respective human rights mandates
- Makes public the UNCT's *Engagement Guidelines* on UN interactions with the military junta
- Ensures the future participation of the Resident Coordinator in enhanced interactive dialogues and other such events as requested by the Human Rights Council.

⁴ Resolution 46/21 at operative para. 55.