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

in response to the reports
of the Special Rapporteur Professor Pinheiro

Geneva, 13 March 2008

Mr. President,

First of all, allow me to share the significant political progress of Myanmar with the Council since we met last time in December.

- The Government of Myanmar issued two announcements on 9 February 2008. Announcement No. 1/2008 informed the holding of a National Referendum for the approval of the Constitution in May 2008.

- Announcement No. 2/2008 set the timeframe for the holding of the multi-party democracy general elections in 2010 in accordance with the State Constitution.

- The draft Constitution was successfully completed on 19 February 2008.

- The Government of Myanmar enacted the Referendum Law for the Approval of the Draft Constitution of the Republic of the Union of Myanmar on 26 February 2008.

- The Commission on Convening of National Referendum composed of 45 members was formed on 26 February 2008.

- The ILO delegation led by Mr. Kari Tapiola, Executive Director of the International Labour Office visited Myanmar from 25 to 28 February 2008.

- The Supplementary Understanding between the Government of the Union of Myanmar and the ILO has been renewed on 26 February 2008.

- The Minister for Relations has held meeting with Daw Aung San Suu Kyi for five times since his assignment in October 2007.

- Daw Aung San Suu Kyi also had an opportunity to meet and discuss with the members of the Executive Committee of NLD twice.

- Mr. Gambari, the Special Adviser of the United Nations Secretary-General visited Myanmar from 6 to 10 March 2008.

- During his visit, he had the opportunity to meet with the Government's Spoke Authoritative Team, members of the Commission for Convening of National Referendum, representatives from the national races group, political parties including NLD and the social organization. Mr. Gambari also had a chance to meet with Daw Aung San Suu Kyi twice.

Mr. President,

These positive and significant political developments vividly demonstrate the commitment of Myanmar Government to transform Myanmar into a democratic State in accordance with the seven-step road map and Myanmar is currently embarking on the fourth step and subsequently will proceed to the fifth step which is multi-party democracy general elections in 2010.

Mr. President,

Professor Pinheiro has just presented his oral report regarding the human rights situation in Myanmar.

We find the Special Rapporteur's report completely lacking in important attributes such as objectivity and impartiality. The report is very intrusive which tempted to intrude into the internal domestic policies of Myanmar. In doing so, it has gone above and beyond the Special Rapporteur's mandate.

The Special Rapporteur was not able to visit Myanmar after December 2007 Session. In fact, we would like to accommodate his mission but the timing is not convenient for Myanmar as the Government has been engaging in a very important and busy schedule such as the preparatory work for holding of National Referendum in two months time. Myanmar has been cooperating with the Commission on Human Rights, and now the Human Rights Council. The fact that Myanmar had received the Special Rapporteur seven times since he assumed his mandates testifies to this cooperation.

During his visits, the Government not only extended the fullest possible cooperation to the Special Rapporteur, but also furnished all first hand detail information of the country. However, the Special Rapporteur did not reflect in his reports, instead he used all unsubstantiated information originated from anti-government sources who have resorted to a negative propaganda campaign to discredit the Government of Myanmar.

Mr. President,

The Special Rapporteur has made an unobjective criticism and allegations against the seven-step road map for national reconciliation and democratic transition. In fact, the seven-step road map is based on the objective condition of the country as well as the aspirations of the entire 54 million people. We regard the Special Rapporteur's criticism as an attempt to interfere in the internal affairs of Myanmar, acting beyond his mandate. It amounts to dictating the Myanmar Government in matter which falls within the domestics jurisdiction and sovereignty of the country. We totally reject these allegations.

Mr. President,

Due to the time constraint, it will not be possible for me to refute all the allegations. However, we reject all the allegations contained in both reports and we have circulated the comments of the Government of Myanmar on these reports as an official document of this session.

With respect to freedom of expression and freedom of assembly contained in the reports, we totally reject them. In fact, the Government allows the freedom of assembly and freedom of expression in a peaceful and orderly manner according to the rule of law.

There are no political prisoners in Myanmar. The individuals who are serving the prison terms are those breaking the established laws of Myanmar.

Every responsible government including Myanmar has a duty to maintain law and order, peace and stability in the country for the well-being of the entire population. Action is taken against the activities which posed a threat to the peace and stability of the State, national unity and solidarity.Furthermore, arrest or detention of a person is made in accordance with the provisions contained in the Code of Criminal Procedure.

Myanmar tradition and cultures protect women and girls from sexual abuse and violence. Therefore, we categorically reject the unfounded allegations of sexual violence against Myanmar armed forces. When such crime is committed, the Government ensures that the full force of law is applied against the perpetrators.

Regarding the allegations of forced labour, the Government of Myanmar has been seriously taking measures in cooperation with the International Labour Organization.

Mr. President,

We reject the allegations concerning the returnees in northwestern part of Rakhine State. In reality, Myanmar is in full cooperation with the UNHCR in its efforts to reintegrate the returnees into the mainstream of the community.

The allegations regarding the intensified military campaign in ethnic areas and the description about humanitarian situation, forced eviction, forced migration and displacement of ethnic people are totally untrue and are blown out of proportion. This caters to the disinformation campaign of the insurgent groups to create a situation to enable outside intervention in the domestic affairs of a sovereign State.

Myanmar has consistently cooperated with the United Nations in the field of human rights by providing necessary information to the communications sought by the Special Rapporteurs to the extent which does not infringe upon the sovereignty and security of the State.

Mr. President,

Peace and stability has been restored in Myanmar since October 2007.The Government of Myanmar provided all information regarding the death, detention and disappearance of people during the September event. We would like to reaffirm that there were only 15 deaths during the September event and the National Investigation Body has been established to conduct necessary investigation in connection with this event.

Mr. President,

The approach of the Special Rapporteur should be based on independency, impartiality, objectivity and constructiveness. Regrettably, I would say that the Special Rapporteur takes the side of the anti-government groups which is neither appropriate for his mandate nor fair for my country.

Mr. President,

The democratic system we aim to establish will be on the foundations that are within the parameters of our history, traditions and culture.

At this important juncture when crucial steps are being taken to establish a democratic State, we consider non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of national sovereignty as fundamental principles to be utmostly upheld and safeguarded.

Mr. President,

It is our sincere wish to have a continued cooperation with the United Nations. The Cooperation between Myanmar and the United Nations cannot be taken advantage as a channel to override the fundamental principles of national sovereignty and non-interference in the internal affairs of States, as enshrined in the Charter of the United Nations.

Our engagement with the Council must be constructive and forward looking, not confrontational and condemnatory.

I thank you, Mr. President.