

Myanmar

Permanent Mission of the Union of Myanmar

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Statement by

**His Excellency U Nyunt Maung Shein,
Ambassador/Permanent Representative
and Leader of the Myanmar Observer Delegation
at the
Second Session of the Human Rights Council**

Geneva, 27 September 2006

Mr. President,

Since I speak for the first time in the Human Rights Council, I should like to extend to you my delegation's warm congratulations on your election as the President of this body. At the same time, I wish to assure you that my delegation will fully cooperate with you in the performance of your functions.

Allow me also to extend my greetings to Professor Paulo Sergio Pinheiro, the Special Rapporteur on the situation of human rights in my country. Our high regard for Professor Pinheiro for his personal integrity and academic qualifications and for his wide experience and wisdom has been recognized by my delegation several times before and I should like to reaffirm this recognition today.

Although there are many contentious chapters in his report (E/CN.4/2006/34) that can be argued against by my delegation, we believe that in his oral presentation today, he has updated information to his original report and highlighted important positive developments in Myanmar. This update is indeed important as events have superseded certain portions of the report originally intended for submission to the Human Rights Commission. We welcome these observations.

Mr. President,

Myanmar believes that constructive dialogue and genuine cooperation are the cornerstone for enhancing the promotion and protection of human rights. It is in this spirit that I make my statement today. In the consideration of a country's situation, the validity and credibility of the source of information used as basis should be accorded an important place in the criteria for the acceptability of allegations.

Mr. President,

In contrast to his past reports and to our deep disappointment, the Special Rapporteur in his latest report only mentioned an instance or two of positive developments in the human rights situation in Myanmar. Regarding the Special Rapporteur's report to the UNGA last year, the Myanmar representative in the Third Committee, on 27 October 2005, stated that and I quote "... every possible allegation which could be imagined, has been included in the report to mislead the international community in believing that Myanmar is the worst imaginable place on earth." This observation still applies to his present report. But most people who have visited my country realise that this is not so.

Mr. President,

We neither agree to nor accept the assertions, observations and comments set forth in the report. It would not be possible to refute each and every allegation in the report due to time constraint. However, let me take up a

number of allegations and shed light on the truth as well as on the latest developments in specific areas of human rights.

First, relating to the democratization process.

The National Convention has held three sessions since it reconvened on 11 May 2004 . During the first two sessions, the most delicate and sensitive issue of sharing of legislative power between the Central Government and the States and Regions was discussed. At the last session, matters relating to the relationships between Hluttaws (Parliaments), the rights and duties of citizens and the role of the Armed Forces have been discussed. Up to now, the National Convention has completed 75% of its work.

The National Convention will be reconvened next month, i.e., on the 10th of October and will continue to discuss the remaining Chapters dealing with Elections, Political Parties, Emergency Provisions, Amendments to the Constitution, National Flag, State Emblem, National Anthem, Transitory Provisions and General Provisions.

When the National Convention concludes its mandate, the drafting of a new constitution will commence. Subsequently, the draft will be put to a referendum and free and fair elections will be held in accordance with the constitution. Political parties will have the opportunity to field their candidates in the elections.

Second, on forced labour.

Contrary to his report which states that relations between Myanmar and ILO are deteriorating, there have been positive developments. Two persons mentioned in the report under this heading, namely, Su Su Nway and Aye Myint have been released from prison, the former during the International Labour Conference and the latter in July this year. Moreover, another case, namely the Aung Lan case has been withdrawn and the three accused Aung Than Htun, Thein Zan and Zaw Htay have been freed from charges. All three cases are resolved as requested by the International Labour Conference.

Moreover, a moratorium of six months on a trial basis is set so that no action is taken against those who submit false cases of forced labour.

Both Myanmar and the International Labour Organization are involved presently in discussions for the establishment of a mechanism to handle cases of forced labour.

Discussions are on going for the dispatch of a senior level ILO mission to Myanmar to pursue negotiations on this issue. Progress achieved will be reported to the forthcoming Governing Body of the ILO in November this year.

These actions amply demonstrate Myanmar's willingness and seriousness to cooperate with the ILO in the eradication of forced labour in the country.

Third, regarding the economic situation in Myanmar.

The present Government inherited an economy in a state of alarming decline. The previous Government had propagated a centrally planned economic system that resulted in economic ruin.

While the Government was restoring stability and consolidating national solidarity during the three-year period from 1989-90 to 1991-92, it also laid down and implemented plans to halt the economic down-turn and to stabilize the economy.

The private sector was provided with a wide-range of opportunities to realize its potential. With the economic infrastructure improving, short-term and medium-term plans have been implemented to consolidate the economic strength of Myanmar.

In implementing a four-year short-term plan from 1992-93 to 1995-96, the economy grew by 7.5 percent annually against a target of 5.7 percent. A second five-year short-term plan from 1996-97 to 2000-2001 was targeted to achieve annual economic growth by six percent. A third five-year short-term plan, which runs from 2001-2002 to 2005-2006, is in the course of implementation. The aims of the plan are:-

- to expand the establishment of agro-based industries;
- to develop the electric power sector and the energy sector in keeping with the expansion of the industries;
- to expand the agriculture sector and livestock and fishery sector for domestic sufficiency and export promotion;
- to strive for all-round development of other sectors;
- to expand education and health sectors with the aim of developing human resources: and
- to develop rural areas.

Fourth, regarding refugees and IDPs.

As Myanmar is not a country in armed conflict, we reject the assertion of the presence of a large number of internally displaced persons. Since its independence almost five decades ago, the country for the first time is enjoying peace and tranquility due to the return to the legal fold of 17 out of 18 armed groups. Since clashes with small and splintered insurgent groups are in the border areas only, such skirmishes cannot result in IDPs in the magnitude portrayed in the report.

When Myanmar Armed Forces launched military operations to ensure peace and stability and the rule of law, these armed groups fled into Thailand. Their families are also living there under the pretext of refuge. These armed groups fabricate allegations and accusations to discredit the government of Myanmar. They are encouraged by certain organizations which are opposing Myanmar and the insurgent and their families at the refugee camps convey fabrications to the international community through various means.

With respect to those who crossed over into Thailand illegally in search of a livelihood, an arrangement has been agreed to at a meeting of the delegations of Myanmar and Thailand at Deputy Minister level last month in Bangkok. Through this arrangement, the status of the migrant workers would be changed from illegal to legal.

Fifth, regarding health.

At a time when Myanmar has acknowledged the seriousness of HIV/AIDS and doing its best in taking action against the spread and for the treatment of the disease, the Global Fund which had been providing assistance to my country withdrew its commitment and left the country in 2005 due to external political pressure. The Global Fund was instrumental in assisting the country in its efforts to tackle the three diseases of HIV/AIDS, malaria and tuberculosis.

We are, however, grateful to the commitment of contribution largely from the European Union in providing funds to the same amount committed by the Global Fund. We deeply appreciate the EU's gesture and efforts and will cooperate fully to ensure its successful implementation.

Sixth, cooperation with the UN.

At the invitation of my Government, Mr. Ibrahim A. Gambari, Under Secretary-General for Political Affairs of the UN, visited Myanmar in May this year. During the visit, Mr. Gambari called on the Chairman of the State Peace and Development Council and exchanged views on issues of mutual interest. The visit was deemed successful by all quarters and constitutes a new chapter in the history of Myanmar's relationship with the UN.

We have extended a second invitation to him. Mutually convenient dates remain to be worked out.

Myanmar has consistently cooperated with the United Nations in the field of human rights by providing necessary information sought by the UN bodies such as the then Commission of Human Rights and its country and thematic rapporteurs.

Seventh, with regard to the relocation of the Capital.

The Special Rapporteur alleges that forced labour was used in the construction of the compound. The truth is that construction of buildings and other infrastructure has been undertaken by private contractors who hire workers and duly pay them. It is not the Government that undertakes this task. He goes on to say that civil servants who refuse to move may be criminally charged and that no resignation or retirement are reportedly permitted. All such observations are entirely groundless and based on hearsay. Civil servants even at the senior levels who wished to retire were indeed permitted to retire.

Eighth, with regard to the drugs.

The Special Rapporteur noted the progress which Myanmar has achieved in the reduction of poppy cultivation and opium production. As to his observations on narcotic drugs, I should like to state here that Myanmar neither produces nor imports the precursor chemicals used for producing stimulant drugs. However, we are closely cooperating with our neighbour in the interdiction of these precursor chemicals and in the eradication of stimulant drugs. Myanmar alone cannot be successful in the fight against drugs but needs cooperation with United Nations agencies and the international community particularly the neighbouring countries

Mr. President,

The Special Rapporteur made a reference to Myanmar and the UN Security Council. This is beyond the mandate of this Council and it should be left to the appropriate forum. Suffice it to say here that Myanmar does not pose a threat to its neighbours or to the region let alone at the international level. On the contrary, we are contributing to regional peace and stability by building and consolidating unity internally and implementing a democratization process.

Mr. President,

The perception that there are vast violations of human rights in Myanmar is not accurate. Allegations of human rights violations are entirely based on information collected from or provided by a few remaining insurgent groups confined to border areas and foreign funded expatriates with a hidden political agenda.

The Government is making every effort to fulfill the basic needs of the people, such as food, clothing, and shelter, which are fundamental human rights. As peace and security prevails in the country, people enjoy the right to life. Furthermore, the right to development and the economic, social and cultural rights are promoted by developing infrastructures throughout the country.

While focusing on these rights, the Government does not neglect the promotion and protection of other human rights either. The rights of vulnerable groups of society, such as women and children, are also given special attention. The Government has made every effort to ensure that their rights are adequately protected.

Myanmar became a State Party to the Convention on the Rights of the Child (CRC) on 14 August 1991 and to the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) on 22 July 1997 to further demonstrate her commitment to the protection of human rights, especially women and children. Necessary mechanisms have been put in place towards that end.

Mr. President,

With the demise of the Commission and the birth of the Council, we believe that a new era of constructive dialogue and genuine cooperation has been ushered in and the game of naming, blaming and shaming is over. It is in this context and spirit that we expect the outcome of this Second Session of the Council to be based on a principled approach encompassing such principles as universality, impartiality, objectivity, non-selectivity and non-politicisation. Our engagement with the Council must be constructive and forward looking, not confrontational and condemnatory.

I thank you, Mr. President.