



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



UNITED NATIONS HUMAN RIGHTS COUNCIL
53rd session

Panel discussion on durable solutions to the Rohingya crisis and to end human rights violations and abuses against Rohingya Muslims and other minorities in Myanmar

MYANMAR

22 June 2023

The Republic of the Union of Myanmar, as represented by the National Unity Government, welcomes the panel discussion on durable solutions to the Rohingya crisis and to end human rights violations and abuses against Rohingya Muslims and other minorities in Myanmar.

Myanmar extends its appreciation to the UN Deputy High Commissioner for Human Rights and to the distinguished panelists.

Myanmar recognizes the Rohingya people as an integral part of Myanmar and as nationals. It is committed to creating the conditions needed to bring them home and to end their internal displacement in voluntary, safe, dignified, and sustainable ways.

The Rohingya in Myanmar have long suffered discrimination, repression, marginalization, and extreme poverty, have been refused their identity, and have been subjected to state policies and practices that have systematically denied them their rights, freedoms, and opportunities for advancement.

This treatment paved the way for repeated waves of atrocity crimes against the Rohingya, most recently in 2016 and 2017, when the military launched a deliberate and systematic offensive of mass murder, disappearances, gang rape, arson, and forced displacement in Rakhine State.

Ashamed at the historic policies, practices, and rhetoric that laid the ground for atrocities against the Rohingya and other minorities, Myanmar is committed to social change, accountability, and to the complete overhaul of discriminatory laws in consultation with minority communities and their representatives.

The National Unity Government continues to advance the implementation of its 'Policy Position on the Rohingya in Rakhine State.' This has seen the Cabinet approve the replacement of the *Citizenship Law* 1982 with a new law that will protect against statelessness and base citizenship on birth in Myanmar or birth anywhere to Myanmar citizens. The Cabinet has also approved the post of Deputy Minister for the Ministry, focusing on Rohingya Affairs, and the appointee will be a member of the Rohingya community.

Myanmar, as represented by the National Unity Government, is committed to delivering justice to survivors of historic and continuing military atrocities and to securing accountability for perpetrators. It continues to extend its full cooperation to *The Gambia v. Myanmar* case before the International Court of Justice under the *Genocide Convention*. Further, consistent with its Article 12(3) Declaration under the Rome Statute submitted in July 2021, Myanmar maintains its call on the International Criminal Court to expand its current investigation into Bangladesh/Myanmar to cover all of Myanmar's territory.

Myanmar is also cooperating with OHCHR and the Independent Investigative Mechanism for Myanmar (IIMM) and remains committed to fully implementing the recommendations of the Advisory Commission on Rakhine State as well as relevant recommendations of the Independent International Fact-Finding Mission on Myanmar and successive Special Rapporteurs on Myanmar.

When it comes to securing the voluntary, safe, dignified, and sustainable return of Rohingya refugees to their homes in Myanmar, as Deputy High Commissioner Al-Nashif said during the panel discussion, “sadly, those conditions do not yet exist on the ground.” The Special Rapporteur on Myanmar, Tom Andrews, recently called on Bangladesh to immediately suspend a pilot repatriation project for Rohingya returns. To the Special Rapporteur, these refugees would ‘face serious risks to their lives and liberty’ by the junta if they were returned.¹

The junta continues to attack and kill high-profile Rohingya individuals and their relatives in targeted reprisals, including for supporting the Spring Revolution. It also denies the existence of the Rohingya identity. In a statement issued on 6 March 2023 after the HRC52 interactive dialogue with the UN High Commissioner for Human Rights on the situation in Myanmar, the junta stated that ‘it does not recognize the politically created term “Rohingya” that has never existed in legal and historical records of Myanmar.’²

In a murderous move that the UN in Myanmar has labelled as “unfathomable” and “devastating”,³ the junta has blocked the delivery of humanitarian assistance to Rakhine State following Extremely Severe Cyclone Mocha. This comes after the junta prevented communities, including the Rohingya, from relocating to safety before the cyclone hit. To High Commissioner Türk, the cyclone’s “damage and loss of life was both foreseeable and avoidable – and is clearly linked with the systematic denial of human rights.”⁴

The junta’s weaponization of aid for military gain has yet again been exposed. As with Cyclone Nargis in 2008, it has put its own interests above the people’s survival. The delivery of urgently needed humanitarian assistance remains a desperate race against the clock. The National Unity Government has expanded its programming with ethnic partners, civil society, and UN entities and welcomes the UN Humanitarian Country Team’s launch of a Flash Appeal seeking USD 333 million to fund assistance.

¹ See <https://www.ohchr.org/en/press-releases/2023/06/bangladesh-must-suspend-pilot-project-return-rohingya-refugees-myanmar-un>.

² See ‘Response on the Interactive Dialogue on the United Nations High Commissioner for Human Rights’ report on Myanmar at the 52nd Session of the Human Rights Council (Geneva, 6 March 2023)’.

³ See <https://myanmar.un.org/en/235958-humanitarian-access-suspended-cyclone-ravaged-rakhine-state>.

⁴ See <https://www.ohchr.org/en/statements/2023/05/turk-there-should-be-un-human-rights-office-everywhere>.

Consistent with its democratic mandate and its international obligations, Myanmar, as represented by the National Unity Government, accepts its responsibility to promote, protect and fulfill the human rights of the Rohingya and all other minorities in Myanmar.

Myanmar calls on the Human Rights Council and UN Member States to:

- Urgently redirect and upscale humanitarian assistance to and through established ethnic and civil society networks in Rakhine State and in neighbouring states and regions.
- Expand partnerships with the National Unity Government and ethnic organizations to facilitate the urgent delivery of humanitarian assistance to all Myanmar communities in need, including cross-border aid.
- Work with Myanmar's neighbours and other States in the region to ensure that the rights of all Myanmar asylum-seekers and refugees in their countries, including the Rohingya and other minorities, are protected and that non-refoulement is respected at all times.
- Increase support for the Rohingya in Bangladesh, including by meeting the UN's Appeal for USD 876 million and its supplementary Cyclone Mocha Appeal.
- Take individual and collective action to immediately end the direct or indirect supply, sale, transfer, or diversion of arms, munitions, dual-purpose technology, aviation fuel to the junta, and related technical training, financial resources, advice, services, or assistance. UN Member States should also strip the junta of cash revenues through strengthened economic measures against its business enterprises and economic interests.
- Request the UN Security Council to formally place the situation in Myanmar on its agenda as a threat to international peace and security and to urgently address the junta's failure to comply with Security Council resolution 2669 (2022) on Myanmar, including by adopting a follow-up resolution that sets out measures under Chapter VII of the UN Charter.
- Use universal jurisdiction and national courts to prosecute alleged perpetrators of atrocity crimes committed in Myanmar, including through coordination with the IIMM.
- Encourage the International Criminal Court to expand its current investigation into the situation in Bangladesh/Myanmar to cover all Myanmar territory, in line with the National Unity Government's Article 12(3) Declaration.