

Speech: Security Council briefing on the UN Fact-Finding Mission in Burma

Statement ahead of Procedural Vote

I would like to make a statement on behalf of the United Kingdom, Cote d'Ivoire, France, Kuwait, the Netherlands, Peru, Poland, Sweden, and the United States of America.

We have read carefully the letter that was sent on the 18th of October from you and colleagues Mr President.

We have requested the Chair of the UN Fact-Finding Mission on Myanmar to brief us today. The report produced by the Mission is the most authoritative and comprehensive account of the human rights violations that have occurred in the country since 2011. It details, in particular, the events that took place in Rakhine State on and around 25 August 2017 and led to the forcible displacement of over 725,000 refugees across an international border into Bangladesh.

As we will hear, the Fact-Finding Mission's findings are of the gravest nature.

The report concludes that "gross human rights violations and serious violations of international humanitarian law have been committed in Myanmar since 2011 and that many of these violations undoubtedly amount to the gravest crimes under international law".

It makes a specific recommendation to the Security Council to "ensure accountability for crimes under international law committed in Myanmar".

Ensuring the prevention of such crimes – genocide, war crimes, and crimes against humanity – is one of the reasons that the United Nations and the Security Council were established in the first place.

As members of the Security Council we are today faced with a situation that clearly endangers international peace and security, and also a specific request for this Council to act.

It is therefore absolutely without doubt the Security Council's responsibility to hear these allegations concerning the gravest crimes under international law related to this situation and to deliberate on how to proceed, and so Mr President, we will vote in favour of this meeting.

Statement during Security Council meeting

Thank you Mr President to the Chairman for that compelling, and shocking and moving briefing.

As I said on behalf of the nine Council members that called for this meeting,

the briefing we have heard today concerns allegations of the gravest crimes against international law – genocide, war crimes, and crimes against humanity.

On this day in 1945, the UN came into being. We agree with you Mr Chairman; What is the United Nations for – What is the Security Council for if it cannot deal with some of worst things that a government can do to its own people?

The Security Council has a solemn responsibility to consider these matters and decide how to proceed.

Despite the objections of Council members here today, we believe it is right that this meeting is taking place. I will come in my remarks to what should happen in our view after this meeting.

Mr President, I wanted to draw out two points from the Mission's report and Mr Darusman's briefing today.

The first concerns the situation in Rakhine which is an "enduring catastrophe".

Human rights violations against the people of Rakhine – ethnic Rakhine as well as Rohingya – continue to this day. The Rohingya in particular continue to face daily intimidation, restrictions on their freedom of movement, access to markets, education and healthcare, continued discrimination and denial of their right to citizenship. As the Chairman said; the Rohingya Muslims who are left behind in Rakhine are not safe and cannot be safe and the Rohingya who are in the camps in Bangladesh cannot go home until these matters are addressed.

Although the Burmese authorities have previously claimed that 81 out of 88 of the Annan Commission recommendations have been implemented, there is in fact, Mr. President, very little evidence that sincere efforts have been made to address the acute deprivation of human rights that lies at the root cause of this crisis.

And although we have previously welcomed the signing of the MoU between the government, UNHCR, and UNDP, those UN agencies continue to be denied access to large parts of Rakhine.

The conditions for safe, voluntary and dignified repatriation are manifestly not in place. Any calls for immediate repatriation in the current circumstances are deeply irresponsible. We need first to see the Burmese government cooperate fully with the United Nations and make genuine progress to change the situation, in line with the Annan Commission recommendations.

In the meantime, the UK commends the government and people of Bangladesh for continuing to show great generosity in continuing to host the refugee population and cooperate in good faith with the Burmese government. The needs of the refugees continue to be great – including protection, legal status, assistance – and we call on the international community to intensify its support through the UN's Joint Response Plan.

My second point Mr President; Rakhine is the most egregious example of the Burmese military's conduct. But it is not the only one. The report makes clear the Burmese military is conducting human rights violations across the country against other ethnic communities, most notably in Kachin and Shan states.

Accountability is vital to get justice for the Rohingya and others who have suffered. It is necessary to give the Rohingya confidence that they can return to Myanmar/Burma. But, fundamentally, it is necessary in order to prevent the Burmese military from committing these same crimes again and again against the people of Myanmar.

It is vital Mr President that this Council acts to uphold the Charter. I take very seriously what the Chairman said about the need to send a signal from this Council to other countries around the world who's governments may be tempted to take a leaf out of the Burmese military's horrific playbook and execute such crimes on their own people.

Myanmar/Burma has established a domestic Commission of Inquiry. We note the Fact Finding Mission's conclusion that this Commission "cannot provide a real avenue for accountability".

We note also the six Generals who the report mentions with Command Responsibility starting with the senior General.

We note too that previous commissions of inquiries have been a whitewash and they have preserved the military's long-standing impunity. The government has repeatedly denied the crimes described to us today. It has locked up journalists who have exposed government wrongdoing, most notably the two Reuters journalists Wa Lone and Kyaw Soe Oo – I repeat the UK's call for their immediate release.

If there is to be any faith in this latest Commission of Inquiry, it should be independent and report transparently on its progress. It should operate according to international standards – as the Fact Finding Mission itself did – and it should cooperate with other bodies gathering evidence such as the Fact Finding Mission and the ongoing Independent Mechanism established by the Human Rights Council earlier this month. We have repeatedly asked the Burmese government to work closely with the High Commissioner for Human Rights and the findings of the Commission of Inquiry should lead to an independent judicial process where all – including the military – are equal before the law.

Otherwise, if there is not going to be domestic accountability in Burma, then the UK believes that we must consider all options including ICC referral or an ad-hoc tribunal.

Mr President, I never thought in my diplomatic career that I would hear a briefing to the Security Council a briefing as compelling but detailing such awful treatment of a people as we have heard today.

The crimes we have heard echo those committed in Rwanda and Srebrenica some

twenty years ago. The Security Council acted in those two situations. It acted too late to prevent them which is all to our lasting shame but it did act to ensure accountability was brought to bear on those responsible. As you have said Mr Chairman, national sovereignty is not a licence to commit crimes against humanity. It is not a licence to wreak such havoc on the livelihoods and lives of your own people.

The UK now plans to work with our partners to press for progress in creating conditions so that the refugees can return but also so that we can have accountability that genuinely ends the Burmese military's impunity.

In the face of the acts we have heard described today, we believe this is a responsibility that the Security Council owes not just to the Rohingya, not just to peoples of Burma but it owes them to people everywhere around the world.

Thank you