

Nay Pyi Taw, August 19

1. Chairman of the State Administration Council Prime Minister Senior General Min Aung Hlaing, and Ms. Noeleen Heyzer, Special Envoy of the United Nations Secretary-General on Myanmar, met on 17 August 2022 and the Special Envoy issued an unconstructive statement regarding the meeting.
2. At the meeting, they agreed to restrain in releasing news in order to maintain further cooperation between Myanmar and the United Nations.
3. Introduction by Special Envoy of the United Nations Secretary-General on Myanmar

I came here as an old friend of Myanmar and I will try my best to support the country. The issues related to Myanmar are multidimensional with many challenges. I would like to address those challenges based on four points. First, I would like to have continued dialogue and engagement between us. I have realized that State Administration Council of Myanmar has been implementing the nine objectives. Second, I would like to discuss how to provide humanitarian assistance to Myanmar. I have learned the last point of the three political objectives which stated that Myanmar practices “independent, active and non-aligned foreign policy and upholds the principles of peaceful co-existence among nations. We also share the principle of peaceful co-existence among countries. As for myself, I will extend assistance to implement that policy into action. United Nations Secretary General Mr. Antonio Guterres is the guardian of the United Nations Charter. The specific provision of the Charter stated about sovereignty. I’ve noticed that Myanmar stated itself as a sovereign country. The United Nations was established with the aim of preventing future conflicts and crises in the world. The Most important is peace and security. Speaking of sovereignty, the UN always recognizes and respects the sovereignty of states.

I have noted well what you have said that to develop Myanmar’s economy, it is focusing on the agriculture sector. I also welcome the point of running the economy suitable to the current situation. I personally invited an economist to come and observe the economy of Myanmar. Myanmar is a country with rich natural resources. However, those resources are still untapped. The said economist made comments that it is necessary for Myanmar to utilize the untapped resources for the development. Myanmar is one of the first countries which signed the Universal Declaration of Human Rights. I appreciate such meritorious record in Myanmar’s history. You have the power to shape the future of Myanmar and of the next generations. It can be clearly seen how and which approach Myanmar will take in implementing the nine objectives.

I would like to make some requests that would become the foundation of our future engagement. I hope my suggestions and requests will also pave the way to build an inclusive and prosperous country.

4. Discussion by Prime Minister, Chairman of State Administration Council

As this is our first meeting, I have given you the floor first to deliberate your ideas in order to learn your perspectives. Currently, I am taking the responsibility to lead the Myanmar Government. In this regard, we have been carrying out the duty for the betterment of Myanmar. However, my tenure as the Head of the Government is limited. The aforementioned matters what you have pointed out are to be implemented by the incoming government after the General Election. Legally speaking, the President is eligible to take two consecutive terms (ten years). The said matters are also be implemented by the elected President during his ten-year tenure. At present, the Government is taking its responsibilities in accordance with the provision of the state of emergency. What is more important in particular is how to cooperate between us and it is more appropriate to address this issue.

The economic sector of Myanmar lacks in many ways. For instance, you have also mentioned earlier that Myanmar's abundant natural resources are lacking of the required technology. Indeed, the natural resources above and underground are just the reserve of the country and I am considering how to utilize the land, soil and human resources to develop the country.

Even though it is more preferable to bring about the country's development through human resources rather than relying on the use of natural resources, there is no capacity enough to do so. It doesn't mean whether I accept or reject your views. I would like to discuss about Myanmar and the United Nations. Myanmar gained her independence in 1948 and became the member of the United Nations subsequently. It will turn the 75th year of Myanmar's participation to the United Nations soon. The then Deputy Commander-in-Chief of Defence Services and the Commander-in-Chief (Army), Vice-Senior General Maung Aye, attended the Golden Jubilee (50th Anniversary) of the establishment of the UN. Moreover, Myanmar has been complying with the UN Charter.

There were conflicts between the Eastern and Western blocs during the Cold War that occurred chaos and instability in the world. Similarly, the present era is on the brink of facing instabilities. I see it indeed imperative to avoid such circumstances. Myanmar has never violated the Charter of the United Nations until now. Likewise, the United Nations should take approach of treating its members in accordance with the Charter. In doing so, the members would be able to entrust their faith in the United Nations. Developing countries like Myanmar are looking forward to receiving peace and tranquility under the umbrella of the United Nations. Such privilege is indeed necessary for the member countries.

It is our understanding that the role of the United Nations is to support in the areas which is facing challenges, difficulty and hardship. You have mentioned earlier the Secretary of the United Nations as the guardian of the UN Charter. Not only Myanmar is a member of the UN

but also a Myanmar citizen, U Thant, served as the Secretary General of the United Nations. I met and discussed with former UN Secretary General Mr. Kofi Annan for three times. The UN Secretary General should be the reliable person of member countries in order to make consultation on good or bad things.

I have been serving as Commander-in Chief of Tatmadaw since 2011 which turns to 11 years. Through the experience received during these years, I regret to observe that the statements by the United Nations are one-sided. Accordingly, I am of the view that you, in your capacity as the special envoy of the Secretary-General to Myanmar, should overcome this issue as a priority.

The mandate of the Special Envoy of the United Nations Secretary-General on Myanmar was created 30 years ago. To improve the relations between Myanmar and the United Nations, we have constructively engaged with the Special Envoy of the United Nations Secretary-General on Myanmar. I do not have any personal feeling on you. With the aim to cooperate with the United Nations, I have agreed to meet you. Although there are many difficulties, we have facilitated your visit to Myanmar. It was stated not to interfere in the domestic affairs of the sovereign state. Myanmar exercises the Five Principles of the Peaceful Coexistence and it has clearly stated in Myanmar's Foreign Policy. Non-interference in each other's internal affairs, mutual respect for sovereignty and territorial integrity are included in the Five Principles.

The Tatmadaw took the responsibility of the State after declaring state of emergency in accordance with the State Constitution (2008). While Myanmar has been taking lawful measures, it is incomprehensible why the United Nations does not acknowledge it and there are many questions around. While the United Nations has been talking about non-interference, I wish to get a clarification why the United Nations does not realize the measures we have been taken. It is learned that you have landed Myanmar with the Singapore airline on 16 August 2022 as Myanmar is in stability. Otherwise, the Singapore airline will not fly to Myanmar and sixteen commercial air lines have been operating in our country. You have spent three hours in the Yangon International Airport and landed Naypyitaw International Airport in the evening. You would more realize the situation on the ground if you travelled from Yangon to Naypyitaw by car and looked around Yangon instead of taking the flight. It is more appropriate to make comments on Myanmar only after realizing the real situation of the country.

We cannot understand that the United Nations have issued many statements, expressing their concerns on Myanmar while the situation in Myanmar has gained stability. Indeed, we have been carrying out the matters relating to the rule of law and stability in accordance with the law. The Tatmadaw has been taking responsibility based upon the needs of the State and the Government has been established pursuant to the 2008 State Constitution. As

we are the Government that legitimately abides by the law, all the matters are to be done according to the law. This is what the United Nations should take into consideration. We also wish to highlight that there are also many discrepancies between their perception and the reality on ground. Myanmar has been facing many difficulties due to the COVID-19 pandemic in 2021. The economic sector has contracted in the face of second and third waves of COVID-19 in Myanmar. The Myanmar Government has made every endeavor to overcome these challenges and on the other hand, has been looking forward to cooperation with organizations such as the United Nations. But we have not received any assistance. The WHO itself that has implemented the principle of the United Nations “Leaving No One Behind” has not rendered any assistance to Myanmar. This is very distressing. This is also the life-and-death matter. Even if it was the war-torn state, the aid was given at the end of human sufferings. In this regard, we are of the view that there is no reason not to render the assistance when Myanmar is facing challenges. Fortunately, Myanmar’s neighboring and friendly countries, particularly Thailand, China and India have provided a lot of assistance towards Myanmar. Such provision has helped save numerous lives in Myanmar. ASEAN, through AHA Centre, has only rendered a few assistance to Myanmar. Myanmar, in its own effort, has been making every endeavor. While Myanmar has been facing numerous difficulties, the UN side has given us pressure. Not only the United Nations but also the ASEAN have been, in several ways, put a lot of pressure on Myanmar. Although we were trying to elucidate, our representative was not accepted. It is necessary for the United Nations to review the decision made by the Credentials Committee regarding Myanmar’s representation at the United Nations fora. This is the very first matter to be solved in the area of cooperation with the United Nations.

We wish to highlight the political situation in Myanmar. The Tatmadaw has conducted necessary measures to pave the way for multi-party democracy in Myanmar. The State Constitution was not drafted by the Tatmadaw but portrayed by over 1,000 individuals from 8 strata of citizens in the country including political experts, civil servants, farmers and workers. There are many armed groups who are taking their paths towards multiparty democracy. Nonetheless, some countries have not noticed the fact that the Tatmadaw has brought the armed organizations on the table for peace and stability. The Tatmadaw is well aware of the fact that the armed conflicts should be prevented while moving towards democracy. In this regard, the Tatmadaw has invited all the ethnic armed organizations to peace dialogues and held discussions for them to become the legally armed organizations as part of the Tatmadaw. However, KNU, KNPP and KIA have not joined the peaceful path but kept to hold arms. Up to date, there are over 20 battalions from ethnic armed organizations who are joining as part of the Tatmadaw and taking their duties. They have still existed as the legitimate armed organizations, joining as part of the Tatmadaw. But this situation has never been mentioned by anyone.

There were three General Elections in Myanmar in 2010, 2015 and 2020. In the 2010 General Election was organized in 325 townships out of 330, the 2015 General Election was organized in 323 townships, and the 2020 General Election was organized in 315 townships respectively. It is found out that the declining of areas where the General Elections were taken place. Although, the area where the General Elections organized should be increased, the areas were decreasing due to instability, armed conflicts and threats. In democratic system, it is vital to hold the elections. Losing rights to vote is a negative sign for the democratic system. It is a duty of the government or the institution who takes the responsibility of the state to ensure everyone who has the right to vote can cast his / her vote. Therefore, it is the first priority for the country to have stability. While the country is striving for the political stability, the terrorist activities were taken place after the 2020 General Election without following democratic principles. Due to the terrorist attacks, the country's stability was affected. It was also affected by the issues with ethnic armed organization and denial to address the electoral fraud. The terrorist activities and existence of threats posed by the ethnic armed organization create difficulties to convene the General Elections. With regard to the violence, we are not committing such act but defending the terrorist attacks against the government and civil servants. Very recently, in this morning (on 17 August), the terrorist abducted the passengers from the highway bus and passengers and the terrorist were killed during the skirmish on the bridge in Sagaing Division located in the western part of Mandalay region.

The so-called PDFs have killed the educational staffs, medical staffs and the monks. Those terrorist acts are resulted by the General Election. However, the International Community never mentions those violence and cites that the State and Administration Council have not been carrying out in a democratic way. Myanmar wishes the United Nations review to the real situation of Myanmar.

5. Discussion on the propose of the ASEAN's Special Envoy to Myanmar and ASEAN's Five-Point consensus

It is necessary to build mutual respect and understanding to maintain the situation properly. I also accept the fact that the reporting should be made based on the situation on the ground. Firstly, I would like to propose that there should be consistent meetings between us and make progress. The second point is the legitimacy of Myanmar Government and the representation of Myanmar at the United Nations. The Secretary General of the United Nations does not have mandate to decide the representation and the recognition of Myanmar at the United Nations. Only the member states of the United Nations can recognize Myanmar's representation. Accordingly, the Secretary-General of the United Nations has been seeking all possible means to assist Myanmar. One of the five-point consensus of ASEAN, is the immediate cessation of violence in Myanmar which is an important point in finding solutions on Myanmar. I am the one who mentions that the

violence are made by both sides as well as the one who firstly acknowledges the usage of “Myanmar Led, Myanmar Way”.

6. Positive responses of the Chair of the State Administration Council, Prime Minister of the Republic of the Union of Myanmar.

You have stated that you will be engaging with other stakeholders in your future visits to Myanmar depending on the observation of the situation. You have to report to the officials concerned. Their responses and remarks highly depend on your reports. We will also observe on what you report and how you report the outcomes of the visit. It is important to have mutual understanding between us.

We have been responding the terrorist activities by exercising maximum restraint but we will have to counter attack if they attack us and the innocent people. With regard to the ASEAN Five-Point Consensus, I have yet touched this issue until now. I just referred to the five principles of peaceful-coexistence which our country is adhering to such as mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other’s internal affairs, equality and mutual benefit, and peaceful coexistence. We are dealing with the international community in accordance with the five principles of peaceful coexistence. Your visit to Myanmar is the official visit and we have received you at the President Office. Your visit is a visit to a country possessing sovereignty and territorial integrity. If you don’t accept the proposal of Myanmar, a member of the UN, you (UN) should not accept the proposal made by opposition groups.

7. Discussion of the UN Special Envoy on the development of Myanmar

I have no mandate to make any decisions but to point out and discuss about the development of Myanmar. The purpose of calling on you in Myanmar is to convey the message of the Secretary-General. I would like to make two specific requests to you which are to halt the aerial bombing and to stop burning the villages and houses of the people.

8. Response of the Prime Minister and Chairman of the State Administration Council

I would like to discuss about the two requests you made. We are just targeting the location of the insurgents who attack security forces and countering them. We will never initiate the attack if there is no attack on us. And there is no government and country in the world that accepts armed attacks. I categorically reject the allegation on burning the villages and houses of the people. The Tatmadaw always protects the people of Myanmar. Tatmadaw has been providing relief services to people whenever they are hit by natural disasters.

For example, with the permission of the Government, the Nippon Foundation has provided the assistance to refugees in Myanmar. There are also other organizations which

have provided the assistance to them. It is a common sense that we would never burn and destroy the houses of people to whom we are responsible to protect. Therefore, I totally deny the alleged burning of villages.

9. The proposal of the UN special envoy on the cooperation between Myanmar and United Nations

Since Myanmar is a member of the United Nations with a good legacy, Mr. Antonio Guterres, the UN Secretary-General, wishes Myanmar to re-engage with UN. We value and respect Myanmar. Secondly, I would like to discuss about the execution of the death penalty on the prisoners. Regardless of past executions, I hope that leniency and humanitarianism will be taken into consideration for flexibility on further execution.

As you are a kind-hearted person, I do believe that leniency will be taken into consideration for execution in the future. Thirdly, I would like to discuss on how the provision of humanitarian assistance will be proceeded. I would like to encourage you to provide humanitarian assistance by using different channels. I also had a meeting with Mr. Prak Sokhonn, Special Envoy of the ASEAN Chair, right before my visit to Myanmar. Mr. Prak Sokhonn said he had a meeting with Lieutenant General Yar Pyae, Union Minister for Ministry of Union Government's Office and the Chair of the National Solidarity and Peace-making Negotiation Committee and discussed the possible ways for the inclusion of all Ethnic Armed Organizations in the peace process. I would like to have a meeting with Lieutenant General Yar Pyae during my visit if the schedule permits. I took note that during visit of Mr. Wang Yi, Foreign Minister of the Peoples' Republic of China, it was stated that Myanmar would carry out constructive and all inclusive consultations.

10. Chairman of the State Administration Council and Prime Minister apprising on matters related to works implemented by the State Administration Council –

We are working on holding inclusive dialogues. We are meeting with the Ethnic Armed Organization (EAOs) and the Union Election Commission (UEC) is also meeting with political parties. Lt. Gen. Yar Pyae is also holding meetings with both political parties and the EAOs. If you wish to meet with Lt. Gen. Yar Pyae, we can arrange a meeting for you to discuss with him on 18 August 2022. We wish to meet with all stakeholders. However, for us to meet with them, those groups opposing the State first need to cease all their activities. Otherwise we cannot have dialogue like having a casual talk on the sidewalks. We also need gentlemen's agreement. On 22 April 2022, I invited the EAOs for dialogue. So far, I have met with ten EAOs and in the coming week, we will be having second round of dialogues with them. And, we will be meeting again in September for third round of meeting. We are also meeting with political parties. Even though we can arrange the meetings with legally existing political parties at any time, it is absolutely impossible to discuss with the terrorist groups which are opposing the Government. They, first, need to assure that they will not commit terrorist

attacks and if they comply, then, we will find ways to start the dialogue with them. Regarding the death sentences, even though we have legislative, administrative and judicial powers, we have never exercised beyond the laws. They were given sentences which they deserved, as they were found to have been committed inhumane brutal crimes. Some of them have murdered 4, 5 or 6 persons. We would like to ask how you would feel if your relatives were killed. We have to take necessary legal actions with a view to prevalence of rule of law in the country.

11. In Response to the issues raised by the Special Envoy of the United Nations Secretary-General on Myanmar with regard to legal actions against children

Mr. Antonio Guterres, Secretary-General of the United Nations is exploring ways to bring Myanmar back to the international community. If Myanmar releases political prisoners, it will build more trust for Myanmar in the international fora. I know that it will be difficult for Myanmar. Moreover, if Myanmar could release Mr. Sean Turnell, an Australian Economist, it will demonstrate friendly relations between Myanmar and Australia. I know that you accord priority to children's education. So, if the children are detained in prisons, I would like to request you to release them.

12. Chairman of State Administration Council and Prime Minister's Response relate to actions in line with existing laws

Regarding the issue of children, we have a few numbers of detainees who are 16 and 17 years old. We have leniently sentenced them. With regard to the case of Mr. Sean Turnell, should the Australian Government takes positive steps, we will not need to take stern actions. In the Mr. Sean Turnell's case, the evidence shows that severe penalties could be imposed. The terrorist attacks in Myanmar claimed over 3,500 innocent civilians including 48 teachers, 12 healthcare staffs, 53 monks, 1 nun and including 82 children. These innocent civilians were murdered without committing any crime. We would like to know how to find solace for the members of the bereaved families and relatives. As Mr. Antonio Guterres represents the whole world, I represent Myanmar. Therefore, I am responsible to ensure public security, the rule of law and to restore democracy in Myanmar.

13. Discussions pertaining to Bengali Issues by Special Envoy of the United Nations Secretary General on Myanmar

As the fifth point, I would like to discuss the ongoing issue between Myanmar and Bangladesh. Since I plan to visit Bangladesh after Myanmar, I would like to discuss about over 1.2 million refugees who are sheltering in Bangladesh. Currently, I have already learnt that the two Governments have reached agreements on return of the displaced persons, and over 1000 displaced persons were repatriated under pilot project. I would also like to

discuss about the arrangements on the safe return of refugees to the Rakhine State and their sustainable development.

(Notes: During the discussion, the Special Envoy of the United Nations Secretary General on Myanmar did not use the word “Rohingya”.)

Chairman of the State Administration Council, Prime Minister’s response on matters pertaining to solving the Bengali issue in accord with the bilateral agreements and existing laws –

We have reached an agreement with Bangladesh to repatriate the Bengali who fled to Bangladesh. In 1992, there were four agreed points between Myanmar and Bangladesh regarding the matter. First point is repatriation must be on voluntary basis while other points include that they need to prove that they were born in Myanmar or have resided in the country. In 2017, in addition to those agreed four points, we agreed to add one additional point. That is, those newly born need to have affidavit from Courts. We have agreed to receive them back. However, they have not returned to Myanmar. While we have requested the lists of refugees from the Bangladeshi side, they failed to provide the verification forms agreed by both sides. Therefore, we have difficulties in proceeding with verification. Among 55 million population in Myanmar 5 percent profess Islam. There have not been any major issues in Myanmar with the people who practices Islam. You can discuss the matter when you visit Bangladesh and we are also ready to discuss the matter anytime. Although we have invited several times, they have been giving excuses which resulted no progress on the matter. The major issue here is we cannot accept the term “Rohingya” which they themselves have claimed while they are not Bangladeshi but of Bengali race. We will accept the refugees in Bangladesh only after thorough verification process in accord with our existing law but not through international demands. We are not saying that we will not take back the Bengalis. We will accept if they can prove that they have resided in the country. We have also requested our neighbours China and India regarding this matter.

Myanmar has good relations with four neighbouring countries out of five, except Bangladesh. Myanmar does not have the right to choose which country should be a neighbouring country. Nevertheless, Myanmar will maintain positive relation with Bangladesh.

14. Discussion on former State Counsellor by the UN Special Envoy on Myanmar

The last fact I would like to discuss is about the return of former State Counsellor Daw Aung San Suu Kyi to her home before she was convicted. I wish to request to have a meeting with Daw Aung San Suu Kyi. I regard her as a person, who can negotiate among those who have different perspectives on Myanmar’s current developments.

15. Discussion on legal actions taken on former State Counsellor by Prime Minister and Chairman of the State Administration Council

In 1960, Daw Aung San Suu Kyi went abroad with her mother, without returning to her home country until 1988. She returned to Myanmar due to the health condition of her mother. When she returned, she involved in political matters of Myanmar. I have met Daw Aung San Suu Kyi several times and the last time in January 2021. I requested Daw Aung San Suu Kyi to address the election frauds in accordance with laws. Although we requested several times, she even carried out further illegal activities without addressing the issue of electoral fraud. Therefore, legal actions were taken against her. If Daw Aung San Suu Kyi had addressed the electoral frauds lawfully, the current situation wouldn't have happened. There are many reasons behind for not being able to solve the problems lawfully. Therefore, we will have to take lawful actions against her. Depending on the circumstances after completion of the judiciary process, we will consider how to proceed. Although we can take more serious action against her, we are lenient on her. However, if we have to compare priorities between democracy and anti-democracy, we will prioritize on democracy and we will carry out the appropriate action that we should do. Regarding the prosecution, as an example, Mr. Najib Razak, the former Prime Minister of Malaysia was also convicted at the court. The similar legal punishment was inflicted upon Ms. Park Geun-hye, the former President of the Republic of Korea (ROK). As all of them are politicians, they have the obligation to understand the law and abide by the law. Due to this obligation, they have the responsibility to solve the problems by legal means. Similarly, in the case of Daw Aung San Suu Kyi, the State Administration Council (SAC) has taken legal actions in accordance with the law. At the present time, it is too early to say how it would proceed. Besides, we have given special privilege to Daw Aung San Suu Kyi by letting her stay in a home-like arrangement. I am also interested in the Charter of the United Nations that you showed me and I also have one. However, the UN Charter should not be only on paper but to follow in practice.

16. Exclusive Explanation

It is observed that the statement issued by the Special Envoy on 17 August 2022 does not follow the code of conduct which requires the UN personnel to fairly incorporate the responses given by the government in their public statements. The statement could mislead the international community and create misunderstanding to the public.

The Press Statement of the Office of the Special Envoy was based on the misinformation provided by the illegal and terrorist organizations in the country and abroad without reflecting the comprehensive explanation of Myanmar side with facts, evidences and the actual incidents that had happened in reality. The discussion of the two sides is released because of the one-sided press statement made by the Special Envoy without reflecting the

comprehensive explanation of Myanmar side. Such statement can cause obstacles for the constructive discussions/ dialogue between the two sides.

Information Team

State Administration Council

Dated, 19 August 2022