



General Assembly

Distr.: Limited
12 May 2021

Original: English

Seventy-fifth session

Agenda item 34

Prevention of armed conflict

Albania, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Estonia, Finland, France, Gambia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The situation in Myanmar

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,¹

Recalling its relevant resolutions on Myanmar, the resolutions of the Human Rights Council, including the most recent, resolution 46/21 of 24 March 2021, adopted by consensus, as well as the Security Council statement on the situation in Myanmar of 4 February 2021, the statement by the President of the Security Council on the situation in Myanmar of 10 March 2021² and the press elements of the Security Council on the situation in Myanmar of 1 and 30 April 2021,

Condemning in the strongest terms the declaration of the state of emergency by the Myanmar armed forces on 1 February 2021 and subsequent actions taken against the elected civilian Government, which constitute an unacceptable attempt to forcibly overturn the results of the general elections of 8 November 2020 and a major step back in the democratic transition of Myanmar and the respect for and protection of human rights, the rule of law and good governance, and democratic institutions and processes, and also impacts regional stability,

Stressing its strong support for the central role of the Association of Southeast Asian Nations and the continued constructive engagement of the Association with Myanmar towards facilitating a peaceful solution in the interest of the people of Myanmar and their livelihoods, and welcoming the holding and the outcome of the

¹ Resolution 217 A (III).

² S/PRST/2021/5.



Leaders' Meeting of the Association, on 24 April 2021, at the secretariat of the Association, taking into account in particular the Chairman's statement on the Leaders' Meeting and the five-point consensus reached during the Meeting,³

Welcoming the statements made by the Chair of the Association of Southeast Asian Nations on 1 February and 2 March 2021, in which the Chair recalled the purposes and principles of the Charter of the Association,⁴ notably the principle of democracy, adherence to the rule of law, good governance, the respect for and protection of human rights and fundamental freedoms, and called upon all parties to exercise utmost restraint and seek a peaceful solution through constructive dialogue and practical reconciliation in the interests of the people and their livelihoods,

Condemning in the strongest terms the arbitrary detention and arrest of President Win Myint, State Counsellor Aung San Suu Kyi, and other government officials and politicians, human rights defenders, journalists, civil society members, foreign experts and others,

Condemning in the strongest terms also the killing of and other forms of excessive use of force and violence, which has led to injuries and fatalities in many cases, against peaceful demonstrators, members of civil society, women, youth, as well as children and others, and expressing deep concern at the attacks on, harassment of and restrictions on medical personnel, human rights defenders, labour union members, journalists and media workers, targeted damage to hospitals and schools and restrictions on the Internet and social media, which unacceptably restrict the rights to freedom of opinion and expression, including the freedom to seek, receive and impart information, and the rights to freedom of peaceful assembly and association, respectively,

Expressing concern for the safety and rights of all foreign nationals in Myanmar,

Expressing unequivocal support for the democratic transition in Myanmar and for the need to uphold democratic institutions and processes, refrain from violence and fully respect human rights, fundamental freedoms and the rule of law,

Noting in this context the various initiatives, movements and structures aimed at expressing the will of the people for a peaceful and democratic Myanmar,

Underlining the need for a long-term peaceful political solution for Myanmar, including a return to its path of democratic transition and national reconciliation through an inclusive and peaceful dialogue between all stakeholders, in accordance with the will and interests of the people of Myanmar,

Reaffirming its support for the Special Envoy of the Secretary-General on Myanmar and her efforts to maintain communication and engage constructively with all relevant parties in Myanmar, welcoming her briefing of 26 February 2021, and reiterating its request for continued reporting to the General Assembly as warranted by the situation on the ground,

Concerned at the human rights situation of persons belonging to ethnic, religious and other minorities in Myanmar, including the Rohingya Muslim minority, in particular with respect to the violations committed against them and their rights related to citizenship status, and reiterating the responsibility of the Myanmar armed forces to respect the human rights of all persons in Myanmar,

Expressing concern that recent developments pose particular serious challenges for the voluntary, safe, dignified and sustainable return of Rohingya refugees and all internally displaced persons, including those displaced since 1 February 2021, and in

³ A/75/868, annex.

⁴ United Nations, *Treaty Series*, vol. 2624, No. 46745.

this regard stressing the need to address the root causes of the crisis in Rakhine State and for the Myanmar armed forces to abstain from taking measures that would lead to further displacement of the Rohingya Muslims and other minorities, both internally and across borders,

Concerned at the ongoing conflict in Kachin, Kayin, Rakhine, Shan and southern Chin States between the Myanmar armed forces and other groups, and at the persistent impunity for crimes committed by the Myanmar armed forces,

Recalling the mandate of the Independent Investigative Mechanism for Myanmar to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, including crimes against humanity, and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards,

Condemning in the strongest terms, in this context, the excessive and lethal violence by the Myanmar armed forces since 1 February 2021, and stressing the principle of command responsibility,

Recognizing the role of the Organization of Islamic Cooperation in addressing the plight of the Rohingya Muslim minority in Myanmar, including by initiating measures to ensure accountability for crimes committed against them,

Noting that the International Criminal Court has opened an investigation into alleged crimes within the Court's jurisdiction in the situation in Bangladesh and Myanmar, and noting also the order of the International Court of Justice of 23 January 2020 in the case lodged by the Gambia against Myanmar on the application of the Convention on the Prevention and Punishment of the Crime of Genocide,⁵

Reaffirming its support for the people of Myanmar and its strong commitment to the sovereignty, political independence, territorial integrity and unity of Myanmar,

1. *Calls upon* the Myanmar armed forces to respect the will of the people as freely expressed by the results of the general election of 8 November 2020, to end the state of emergency, to respect all human rights of all the people of Myanmar and to allow the sustained democratic transition of Myanmar, including the opening of the democratically elected parliament and by working towards bringing all national institutions, including the armed forces, under a fully inclusive civilian Government that is representative of the will of the people;

2. *Also calls upon* the Myanmar armed forces to immediately and unconditionally release President Win Myint, State Counsellor Aung San Suu Kyi and other government officials and politicians and all those who have been arbitrarily detained, charged or arrested, to ensure their access to justice and to engage in a peaceful and comprehensive national dialogue among all stakeholders, with the support of the Association of Southeast Asian Nations and other members of the international community, aimed at restoring democratic governance in a political process led and owned by the people of Myanmar;

3. *Calls upon* Myanmar to swiftly implement the five-point consensus reached at the Leaders' Meeting of the Association of Southeast Asian Nations held on 24 April 2021 to facilitate a peaceful solution in the interest of the people of Myanmar and their livelihoods, and to that end calls upon all stakeholders in Myanmar to cooperate with the Association and the Special Envoy of the Chair of the Association, and expresses its support for these efforts;

⁵ Resolution 260 A (III), annex.

4. *Calls upon* the Myanmar armed forces to immediately stop all violence against peaceful demonstrators, members of civil society, women, youth, as well as children and others, attacks on, harassment of and restrictions on medical personnel, human rights defenders, labour union members, journalists and media workers, targeted damage to hospitals and schools and restrictions on the Internet and social media;

5. *Also calls upon* the Myanmar armed forces to facilitate the visit of the Special Envoy of the Secretary-General on Myanmar without delay, and calls for immediate, full, unrestricted and unmonitored access for all United Nations mandate holders and human rights mechanisms, and for ensuring unhindered access to and communication with the United Nations and other human rights entities without fear of reprisals, intimidation or attack;

6. *Calls for* safe and unimpeded humanitarian access to all people in need, including to people in detention, allowing for unimpeded humanitarian assistance, including from the United Nations, the Association of Southeast Asian Nations Coordinating Centre for Humanitarian Assistance on Disaster Management and other organizations, and calls for respect for the safety of medical facilities and staff;

7. *Also calls for* an immediate suspension of the direct and indirect supply, sale or transfer of all weapons, munitions and other military-related equipment to Myanmar;

8. *Decides* to remain seized of the matter, inter alia, on the basis of reports of the Secretary-General, the Special Rapporteur on the situation of human rights in Myanmar and the Special Envoy of the Secretary-General on Myanmar, and as warranted by the situation on the ground.
