



MYANMAR

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**Statement by Mr. Nyan Lin Aung, Alternate Representative
of the Republic of the Union of Myanmar
on Agenda Item 83 “The Rule of Law at the National and International Level”
at the Sixth Committee of the 74th Session of the United Nations General Assembly
(New York, 11 October 2019)**

Madam Chair

My delegation associates itself with the statements delivered by the distinguished representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement (NAM) and the Permanent Representative of the Kingdom of Cambodia on behalf of the Association of Southeast Asian Nations (ASEAN).

I would like to thank the Secretary-General for his annual report on this agenda item.

Madam Chair,

Myanmar strongly believes that the rule of law is a foundation for relations among nations. Multilateralism can only succeed if the inter-state relations is based on rules and law. A rule based international order could be the key platform to bring peace, harmony and development in our world today. In fact, the United Nations was established to strengthen rule of law at international level to govern the behaviour of states in accordance with the principles enshrined in the UN Charter.

My delegation recognizes the important role of the United Nations and its agencies in promoting and strengthening rule of law both at national and international levels. We believe that the promotion of the rule of law at international level shall be in accordance with the universally established norms such as, respect for sovereign equality and territorial integrity, non-interference in the internal affairs of other state, non-threat or use of force and peaceful settlement of disputes.

However, in the contrary, we have witnessed abusive applications of the notion of rule of law in recent years. Some UN member states and groups of states are exploiting international legal institutions including the United Nations for their political interest. That kind of actions

would undermine the established rules and principles of international law including principles enshrined in the United Nations Charter. Thus, my delegation would like to express our serious concerns on such illegal actions and call upon all member states to collectively prevent such kind of activities.

Madam Chair,

When we discuss about the promotion of rule of law at international level, we should not relegate the important role of the regional and sub-regional organizations.

Regional legal instruments also play an important role in strengthening the rule of law at the regional level. The regional legal instruments help increase level of confidence between countries; provide stability and avenues for peaceful settlement of disputes. In ASEAN, the Treaty of Amity and Cooperation, and the Treaty on the Southeast Asia Nuclear Weapon Free-Zone (ASEANWFZ) are some examples of regional legal instruments which have been contributing greatly for peace and stability of the region.

Madam Chair,

The Government of Myanmar regards rule of law as a fundamental principle of democratic governance. In the meantime, we are nurturing democratic norms and values such as good governance, protection of human rights, and anti-corruption. The government and legislature are seeking to make our laws more transparent and in keeping with the interest of all the people in the country to ensure that each and every one is equal before the law.

Establishment of the Union Legal Aid Board in November 2017 is one of the initiatives to improve access to justice system in the country especially for the poor people. Additionally, there have been six legal aid centres established in six major cities across the country. Legal aid associations are also organized to ensure fair treatment and appropriate legal protection for all the people.

Besides, Rule of Law centres have been established in some major cities to provide capacity building to legal professionals and community leaders. A fair trial guidance manual is published and distributed to the public and legal professionals.

In 2017 the Coordinating Body for Rule of Law Centres and Justice Sector Affairs was formed by the government. The Body adopted a Strategic Plan 2019-2023 with the theme "Justice for People" that is based on the outcomes of the Conference on "Justice Sector Coordination for Rule of Law" which was held on 7-8 March 2018 in Nay Pyi Taw, Myanmar. The

Conference was held with the objectives to intensify coordination among judicial institutions; to increase level of trust from the people; to raise awareness; and to initiative measures to strengthen judicial system.

The government of Myanmar has also launched its first-ever nationwide crime prevention strategy (2018-2020). The Strategy includes four main areas namely crime prevention through social development; community-based crime prevention; environment induced crime prevention; and rehabilitation and reintegration programming.

The Union Attorney General's Office has introduced a new legal aid system which offers free legal assistance to criminals who are facing capital punishment. Further steps have been taken for anti-corruption, good governance, better access to justice, and fair and transparent trials. Recently, the Union Parliament has endorsed the government's proposal to sign the Agreement for the Establishment of the International Anti-Corruption Academy as an International Organization with the aim to strengthening capacity of its Anti-Corruption Commission.

Madam Chair,

We do not oppose accountability for any wrong doing perpetrated by anyone, particularly with regard to the alleged violation against Muslims in Rakhine State in the aftermath of ARSA terrorist attacks on Myanmar security posts in Northern Rakhine in 2016 and 2017. We believe in the rule of law and stand firm on the principles of the international law. We are willing and able to ensuring accountability where there is evidence of human rights violations.

The government of Myanmar has formed an Independent Commission of Enquiry in July 2018 and the Commission is currently preparing its report with recommendations. We also have a military justice system. The Office of the Judge Advocate General of Myanmar Armed Force has launched an investigation into allegations of human rights violations in northern Rakhine. Recent announcement by the Armed Forces suggested that there will soon be a court martial. The Integrity of these independent investigations should not be compromised by international actors' interests and political manipulation.

Madam Chair,

Myanmar objected the establishment of the Fact Finding Mission since its inception due to our deep concerns about the advisability of its formation, composition and mandate. The reports published by the FFM are based on one-sided narratives and not on facts. They will not

serve any purpose to the resolution of the situation in Rakhine State. They would rather contribute to further polarization and deeper mistrust among different community in Rakhine. Therefore, we strongly reject all the FFM reports. Moreover, we also reject the establishment of the new Investigation Mechanism (IIMM) which was beyond the mandate of the Human Rights Council.

Likewise, we do not accept the International Criminal Court decision to exercise its jurisdiction over Myanmar in connection with displacement of people across the border. We are not a party to the Statute of the International Criminal Court and, therefore, the Court has no jurisdiction over Myanmar. Such actions are illegitimate, and will only erode the integrity, legitimacy and moral and legal authority of the Court.

Madam Chair,

The government and people of Myanmar are committed to building a democratic federal union through the promotion of rule of law despite facing multiple daunting challenges. We believe that the primary responsibility of maintaining and enforcing the rule of law in a country rests with the government and its people. The International community can only support the national efforts through capacity building or other forms of constructive cooperation. Strengthening of rule of law is a linchpin for the maintenance of rules based international order, and sine qua non for the peace, harmony and development in every nation.

I thank you Madam Chair.