



MYANMAR

**Statement by Mr. Nyan Lin Aung, Adviser of the Myanmar Delegation
on Agenda Item- 86
“The Rule of Law at the National and International Level”
at the Sixth Committee of the
75th Session of the United Nations General Assembly**

Mr. Chairman,

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

Mr. Chairman,

Myanmar steadfastly believes that the rule of law is a cornerstone for relations between states to ensure rule-based multilateralism. A rule based international order could be the vital platform to bring peace, harmony and development in our world today. Since its inception, one of the leading objectives of the United Nations is to strengthen rule of law at the international level to govern the conduct of states under the principles enshrined in the UN Charter.

My delegation attaches great importance to the 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 states, non-threat or use of force and peaceful settlement of disputes.

Mr. Chairman,

My delegation wishes to highlight the important role of regional and sub-regional organizations in promotion of rule of law at international level as the regional legal instruments are helping increase the level of confidence and predictability within the region.

In the meantime, the regional legal instruments also provide stability and avenues for peaceful settlement of disputes among the countries in the region. In ASEAN, the Treaty of Amity and Cooperation, ASEAN Charter, and the Treaty on the Southeast Asia Nuclear Weapon

Free-Zone (SEANWFZ) are some examples of regional legal instruments which have been greatly contributing for peace and stability of the region.

Mr. Chairman,

With regard to the sub-topic “Measures to prevent and combat corruption” allocated to this year’s debate in the Sixth Committee, we believe that it is timely and relevant. Since the peaceful transfer of the State responsibilities in March 2016, the government of Myanmar is consolidating its democratic system to become more inclusive, accountable, and responsible to its people through promotion of rule of law including good governance, anti-corruption and protection of legal rights.

The government of Myanmar has ratified the United Nations Convention against Corruption (UNCAC) in December 2012. Subsequently the Anti-Corruption Law is promulgated in the following year. It has completed first cycle and still undergoing the second cycle of review process that covers Chapter II and V of the UNCAC. President U Win Myint has set high priority to fight corruption and ensuring independence of the judicial system. The Anti-Corruption Commission has been strengthened recently with greater independence and a stronger mandate authority.

The government of Myanmar signed 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 in 2019. Transparency International ranked Myanmar 131th in its Corruption Perception Index –CPI from 172th in 2012. We have made progress. However, much still need to be done. Recently, the Anti-Corruption Commission of Myanmar has initiated ACC action against Covid-19 to deter and prevent possible corruption cases through exploitation of the pandemic.

Mr. Chairman,

In pursuant to its commitments and obligations under relevant international law, the government of Myanmar has taken necessary measures such as enactment of the Child Rights Law, and ratification of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts and the Minimum Age Convention 138.

Moreover, Rule of Law centres have been established in some major cities to provide training in rule of law principles for lawyers, law teachers and civil society representatives as well as supporting community outreach initiatives to strengthen public legal awareness. The centres are also providing recommendations to the government and non-governmental stakeholders on priority justice issues based on the experiences from its extensive programmatic works.

In order to effectively supervise the conduct of advocates, Myanmar Bar Council has been reformed under the amended Bar Council Act enacted by the Pyidaungsu Hluttaw (Union Parliament) on 10 June 2019. The Bar Council shall securitize the application for admission of advocates and giving legal opinion to the Supreme Court of the Union on ethical misconduct by advocates, if requested.

Mr. Chairman,

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.

Since the outbreak of the Covid-19 pandemic in Myanmar, there are concern over the challenges and possible delay in court proceeding. Nevertheless, the Yangon Region High Court is able to conduct online public hearing in September 2020, which is the first time in Myanmar. It was the outcome of the "Lawyer in Lockdown" discussion in May and the discussion between the Yangon Region Coordinating Body on Rule of Law and Justice Sector Affairs in June through virtual platform to address the challenges and delay in court proceeding during Covid-19 pandemic. The court will continue to hold hearing in this approach to increase access to justice during the Covid-19 Pandemic.

Mr. Chairman,

We strongly reject the establishment of the Independent Investigative Mechanism for Myanmar (IIMM) which is beyond the mandate of the Human Rights Council. It is obvious that the Council does not possess a single mandate and authority to establish any kind of legal or judicial or investigative mechanism. Instead, the Council's main responsibility is to submit reports and recommendations to the General Assembly for the promotion and protection of human rights across the world. Therefore, the mandate of the Mechanism is a blatant violation of the sovereignty of a Member State.

Mr. Chairman,

It is just a start of the long journey for the people of Myanmar towards a fully democratic nation. However, the people and the government of Myanmar are firmly committed to building a democratic federal union through 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 entirely rests with the government and its own people. On the other hand, 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.

We welcome capacity building and capacity development as well as other forms of constructive cooperation from the international community to encourage our national efforts in promotion of rule of law around the country.

I thank you Mr. Chairman.