



# MYANMAR

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**Statement by Ambassador Hau Do Suan, Permanent Representative  
of Myanmar to the United Nations  
on Agenda Item 86 “The Rule of Law at the National and International Level”  
at the Sixth Committee of the 73<sup>rd</sup> Session of the United Nations General  
Assembly**

**Mr. Chairman,**

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

**Mr. Chairman**

The rule of law is essential to every nation and institution at national and international levels for the prevalence of peace and stability, as well as for the development. The rule of law plays critical role in accelerating the realization of the United Nations’ 2030 Agenda and its Sustainable Development Goals. It also is an essential factor to prevent conflicts, to maintain peace and to protect human rights.

We believe that the promotion of the rule of law at international level shall be in accordance with the principles enshrined in the United Nations Charter and International law.

All countries, regardless of their size and population, power and wealth, must strictly observe the cardinal principles of the United Nations and the international law in the conduct of international relations. The universally establish 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 must always remain the guiding principles of inter-state relations amidst emerging unorthodox global challenges, asymmetrical security threat and political uncertainties.

**Mr. Chairman,**

The Government of Myanmar has spared no effort in nurturing democratic norms and practices among all its citizens. These efforts include the promotion of rule of law, good governance and protection of human rights, and the fostering of a vibrant civil society. All these are essential for the emergence of a democratic federal Union in which the security and prosperity of all citizens are assured.

State Counsellor Daw Aung San Suu Kyi has underlined the importance of rule of law to achieving lasting peace and development because it is one of the fundamentals of social and economic stability. The State Counsellor has called on those directly responsible for rule of law, especially legislative, executive, and judiciary bodies, to work together diligently and in unison. She has also encouraged domestic and international development partners and CSOs to cooperate and coordinate in this effort.

The Government of Myanmar has been undertaking measures to strengthen the judicial system, promote good governance, amending or

promulgating new laws to strengthen the rule of law. The government is currently implementing a new judicial strategic plan 2018-2022 with the theme “Towards Improving Justice for All.” A modern Codes of Ethics was adopted recently to meet international standards in judicial proceedings. Likewise, the Union Attorney-General Office has adopted in collaboration with the UNDP, a strategic plan under the theme “Moving Forward to the Rule of Law”.

The government is taking necessary steps to ensure no additional burden would be placed on the people when they are in court or at the police station, and to provide fair treatment and appropriate legal protection. A fair trial guidance manual will soon be published and distribute to the public.

At present, there have been four rule of law centres established each in four major cities across the country and three more centres will be founded in the near future. The existing centres have settled hundreds of complaints.

In addition, the government is considering to improving good practices of traditional dispute resolution at village and community levels as an alternative of the courts. The majority of people at village and community levels normally seek judgment of their respective village and ethnic leaders as they are reluctant to take cases to the formal or official justice system of the State due to the factors such as costs, time and distance required to travel to the courts.

**Mr. Chairman,**

Corruption is one of the main hindrances of the rule of law. President U Win Myint has set high priority to fight corruption. He stated that freedom from corruption is the sine qua non for building a clean government and good governance. The President urged the Anti-Corruption Commission to perform its

duties with more conscientiousness and redouble its nationwide effort to reduce cronyism, bribery and malpractice. The Commission is now discharging its duties with greater independence and a stronger mandate. It has taken significant steps towards improving investigation and enforcement mechanisms in combating corruption in both public and private sectors.

Myanmar signed the UN Convention against Corruption in December 2012 and its Anti-Corruption Law took effect in September 2013. The government has been implementing a strategic plan for anti-corruption reforms and initiative for 2018-2021 and its yearly work plan of 2018 in order to reduce the erosion of state funds and bring bribery and corruption under control.

**Mr. Chairman,**

With regard to the allegations of human rights violation in Rakhine State, I would like to state once again that the Government of Myanmar is fully committed to ensuring accountability where there is evidence of human rights violations. We have recently established an Independent Commission of Enquiry. The Commission will investigate all violations of human rights and atrocities committed in Rakhine State as part of our efforts to address the issues of accountability, reconciliation, peace, stability and development in our country. The Independent Commission of Enquiry is chaired by Madame Rosario Manalo, former Under-Secretary of Foreign Affairs of the Philippines, and comprises Ambassador Kenzo OSHIMA, former Japanese PR to the UN and Under-Secretary- General of the UN, and two Myanmar nationals, one of whom is the former Chairman of the Constitutional Tribunal and the other a former Senior Official of UNICEF.

**Mr. Chairman,**

We are seriously concerned over the report published by the Human Rights Council's Fact Finding Mission on Myanmar on 27 August 2018. From the very beginning, Myanmar objected to the formation of the Fact Finding Mission due to our genuine concerns about the advisability of its establishment, composition and mandate. The report based on one-sided narratives and not on hard evidence will only serve to inflame tensions further and potentially hinder our efforts to create the much needed social cohesion in Rakhine State.

**Mr. Chairman,**

The government of Myanmar has resolutely rejected the ICC's ruling of 6 September 2018 in connection with Rakhine State. Myanmar is not a party to the Rome Statute and the Court has no jurisdiction over Myanmar whatsoever. The ICC decision was made on dubious legal grounds and applied to a situation where domestic remedies have not yet been exhausted.

The recent unprecedented decision of the International Criminal Court to impose its jurisdiction over a non-party state is truly a matter of serious concern for the international community. Such action can only erode the moral and legal authority of the Court. It will jeopardise the unity, solidarity and national reconciliation of the people of Myanmar in this critical time of democratic transition and nation building.

**Mr. Chairman,**

We strongly reject the recent decision of the Human Rights Council to establish an independent mechanism to collect, consolidate, preserve and analyze evidence of the most serious international crimes and violation of the international law committed in Myanmar since 2011. The decision is beyond the mandate of the Human Rights Council. The Council's action undermines the national initiative to address accountability issue in Rakhine State. Moreover, it will also be detrimental to the Myanmar Government's cooperation with the

United Nations in the effort to solve the humanitarian problem and finding long-term solution for the Rakhine State.

**Mr. Chairman**

We believe that 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 cooperation.

We are committed to promoting the rule of law, an essential requirement to achieving our ultimate goal to build a democratic federal union where all people enjoy peace, security and prosperity.

I thank you.