

COMPILATION OF CONSTITUTIONAL AND LEGISLATIVE PROVISIONS ON TREATY PRACTICE OF REPUBLIC OF THE UNION OF MYANMAR

IMPORTANT NOTES	2
1. Constitution of the Republic of the Union of Myanmar 2008	4
2. Other Instruments related to Treaty Practice	7

IMPORTANT NOTES

This document forms part of the “**Compilation of Constitutional and Legislative Provisions on Treaty Practice of Selected States and International Organisations**” (**Compilation of Provisions on Treaty Practice**) which has been published as an online resource by the British Institute of International and Comparative Law (the Institute) and the Centre for International Law, National University of Singapore (CIL). The full Compilation is available at www.biicl.org and www.cil.nus.edu.sg.

Copyright in the referenced texts is vested as indicated on the original source. **Copyright** in the selection itself and the added material belongs to the Institute and CIL. Neither the whole Compilation nor any part of it may be reproduced without the express permission of the Institute and CIL.

The Institute and CIL are grateful to those who have assisted in the identification, collection and translation of documents. Where appropriate, their names are acknowledged in footnotes to the relevant section. Responsibility for any errors or omissions in the choice of materials or any inaccuracies in the reproduction or translation of texts in this document rests with the Institute and CIL.

Links to texts on websites of third parties were checked for accuracy prior to publication of the Compilation. No responsibility can be taken for subsequent changes or faults on such websites. The name of each website is given to enable the reader to search it for the reference in the event of a link being broken.

Some constitutional and legislative provisions contained in the Compilation of Provisions on Treaty Practice were not adopted in the English language. Where an English translation has been published by a legislative, judicial or governmental body in the State concerned, that translation is provided here. In cases where no such English translation is available, the Institute and CIL have endeavoured to produce a translation of the document after consulting lawyers from the relevant country.

Please note that the Institute and CIL cannot guarantee that provisions set out in this Compilation accurately reproduce an officially adopted text; or that this Compilation is comprehensive, complete or up to date. The reader is advised in all cases to consult the official source of the full text as originally adopted in its official language or languages.

Feedback request: The two institutes will review, update and add to the Compilation from time to time. If you notice any errors, omissions, broken links or out of date material, or if you have any suggestions regarding the further development of this resource, please contact: Jill Barrett at the Institute (j.barrett@biicl.org) or Ranyta Yusran at CIL (cilry@nus.edu.sg).

This document was last amended in December 2012.

1. Constitution of the Republic of the Union of Myanmar 2008

[Extracts of relevant provisions]

...

Promulgation as Law

...

Section 108:

The Pyidaungsu Hluttaw:

- (a) shall give the resolution on matters relating to ratifying, annulling and revoking from international, regional or bilateral treaties, agreements submitted by the President;
- (b) may confer the authority on the President to conclude, annul and revoke any kind of international, regional or bilateral treaties or agreements without the approval of the Pyidaungsu Hluttaw.

...

Powers and Functions of the President

...

Section 209:

The President, in accord with the law:

- (a) shall enter into, ratify or annul international, regional or bilateral treaties which require the approval of the Pyidaungsu Hluttaw, or revoke from such treaties;
- (b) may enter into, ratify or annul international, regional or bilateral treaties which do not require the approval of the Pyidaungsu Hluttaw, or revoke from such treaties.

...

Original Jurisdiction of the Supreme Court of the Union

Section 295:

- (a) Only the Supreme Court of the Union has the following original jurisdiction:
- i. In matters out of bilateral treaties concluded by the Union;
 - ii. In other disputes, except the Constitutional problems, between the Union Government and the Region or State Governments;
 - iii. In other disputes, except Constitutional problems, among the Region, among the States, between the Region and the State and between the Union Territory and the Region or the State;
 - iv. Other matters as prescribed by any law
- (b) As for the Supreme Court of the Union is the highest court in the Union, it is the court of final appeal.
- (c) The judgments of the Supreme Court of the Union are final and conclusive and have no right of appeal.
- (d) The Supreme Court of the Union, subject to any provision of the Constitution or any provision of other law, has the appellate jurisdiction to decide judgments passed by the other courts in accord with the law.
- (e) The Supreme Court of the Union has the revisional jurisdiction in accord with the law.

...

Chapter XV General Provisions

...

Section 456:

The Republic of the Union of Myanmar shall honour all legitimate obligations arising out of treaties or agreements which before the commencement of this Constitution have been in operation between the Government of the Union of Myanmar and the Government of other State, provided that such other State honours any reciprocal obligations towards the Union of Myanmar.

Section 457:

- (a) Any proceedings relating to contract or liabilities which might have been brought against the Government of the Union of Myanmar before this Constitution comes into operation, may be brought against the government of the Union of Myanmar.
- (b) The Republic of the Union of Myanmar may sue and be sued in the name of the Republic of the Union of Myanmar.

Notes:

- The full text of Myanmar's Constitution (in English translation) can be accessed on the website of Burma Library, an online library in Myanmar: http://www.burmalibrary.org/docs5/Myanmar_Constitution-2008-en.pdf
- The English text of the Constitution displayed on the website of the Burma Library was printed and published by Myanmar's Ministry of Information; however the text cannot be recovered online from any official sources.

2. Other Instruments related to Treaty Practice

Myanmar bases its treaty practice on the Treaty Handbook Procedures. So far the Treaty Handbook Procedures is only available in Burmese. Other related instruments on Myanmar's treaty practice are sections 59 and 60 of the Law relating to Pyidaunsu Hluttaw and rules 119 and 120 of the Rules relating to the Piyadaungsu Hluttaw.

Note:

Neither the Treaty Handbook Procedures, nor the Law relating to Pyidaunsu Hluttaw, nor the Rules relating to Pyidaunsu Hluttaw is available online. CIL has not yet obtained printed copies of these instruments. Some information about the contents of the Handbook is provided in the Country Report for Myanmar which forms part of the CIL International Maritime Crimes Project¹.

¹ Available at: <http://cil.nus.edu.sg/>