

Statement by H.E. Dr. Rohan Perera,  
Permanent Representative of Sri Lanka to the United Nations

Sixth Committee of the United Nations General Assembly 70<sup>th</sup> Session

**Agenda item 85: Rule of Law at the National and International Levels**

**14-15 October 2015**

Mr. Chairman,

The rule of law lays down the essential framework for all societies, domestically and internationally. Strengthening it at the national and international levels is our common responsibility as Member States. Sri Lanka strongly supports all stakeholders in fulfilling this goal.

At the national level, Sri Lanka considers the rule of law to be a major contributing factor to the promotion and advancement of peace, democracy, sustainable development and human rights. In January of this year, Sri Lanka elected a new president with a clear mandate to strengthen the rule of law, rebuild democratic institutions, and usher in reconciliation and good governance. Parliamentary elections in August further cemented this mandate. Since then, the new Government has undertaken significant and compelling reforms to bolster the rule of law in our country.

Essential and far reaching amendments to the Constitution have been introduced to limit the powers of the Executive Presidency. These amendments are representative of our country's renewed commitment to democracy and good governance. In addition, measures are being discussed to strengthen Parliament, including through the introduction of oversight committees.

While it is traditional to approach the rule of law in the context of individual rights, we cannot forget its application to sustainable development. This reality is reflected in the 2030 Agenda for Sustainable Development, which affirms that an effective rule of law at the national and international levels is essential for sustainable development, including economic growth, social development, environmental protection and the eradication of poverty and hunger. Accordingly, our Parliament intends to establish, by law, a Sustainable Development Council with a mandate to enact the Sustainable Development Goals.

The rule of law is threatened, and made vulnerable in societies where human frustration is prevalent. Socioeconomic development is required in order to combat this, including in particular the empowerment of women. Steps to empower women in Sri Lanka include a new women's rights law which will give effect to the Convention on the Elimination of all Forms of Discrimination Against Women.

Sri Lanka is also in the process of implementing a new programme and plan of action to advance human rights. On October 1<sup>st</sup> 2015, the United Nations Human Rights Council's Resolution on Promoting Reconciliation, Accountability and Human Rights in Sri Lanka commended the Government for steps already taken. Our Government is committed to conducting independent and credible inquiries into alleged human rights abuses so that non-recurrence is guaranteed, and the people of Sri Lanka can steadfastly progress towards reconciliation, peace and stability.

An effective rule of law at the international level must be based on an international order grounded in international law and in particular the principles enshrined in Article 2 of the Charter of the United Nations, namely, the principles of sovereign equality and non-interference, the prohibition on the threat or use of force and the obligation to settle international disputes peacefully. These principles are the cornerstones of the international rule of law and must be respected as international rules are made and implemented.

We wish to emphasize the critical role played by the principle of sovereign equality, which ensures that all States have an equal opportunity to participate in the international law-making process. It is also a principle that protects all States, especially the developing States, from the harshness of an empirically unequal world. It is these core principles of international law on which contemporary global order is based, that serve to protect these States who do not have standing armies and military capacity.

The rule of law is not a concept that can be enforced from the outside, nor can it conform to an external prescription that ignores domestic realities. In order to be effective, it must be sensitive to the nuances of each situation. Accordingly, Sri Lanka recalls that specific social, religious, philosophical and cultural factors have played a significant role in the evolution of the rule of law in different regions.

The scourge of terrorism continues to pose a direct challenge to the rule of law at both the national and international levels. With each passing day, lives continue to be lost, State borders continue to collapse, and human history continues to be erased. Adherence to international treaty obligations under the framework of treaties for suppression of terrorism and the demonstration of the requisite political will to conclude negotiations on the draft Comprehensive Convention on International Terrorism will bolster the Rule of Law as it continues to struggle against this phenomenon.

Sri Lanka welcomes the focus in the present debate on the role of multilateral treaty processes in promoting and advancing the rule of law. The codification and development of international law is a key aspect of the rule of law at the international level.

The work of the International Law Commission, the principal legal organ of the United Nations entrusted with the task of codification and progressive development of international law, and that of the International Court of Justice, the principal judicial organ, must be recognized for their contribution in entrenching the rule of law at the international level.

Sri Lanka also commends the important contribution made by the Office of Legal Affairs in strengthening the multi-lateral treaty making process and thank the Asst. Secretary General for his comprehensive statement.

The participation and active role of developing States in multilateral treaty processes should not be understated, and has often proven vital to the success of such processes. In this regard, Sri Lanka recalls the Declaration on Universal Participation in the Vienna Convention on the Law of Treaties, which states the conviction that “multilateral treaties which deal with the codification and progressive development of international law, or the object and purpose of which are of interest to the international community as a whole, should be open to universal participation”. Let us therefore not forget, that in the post-colonial global order the developing countries played an active role in reshaping the traditional international law.

Over the years, Sri Lanka has contributed proactively to the negotiation of a number of international treaties, and in particular to the codification of the law of the sea. Member States will recall that Ambassador Shirley Amerasinghe was the Chairman and pioneering spirit behind the Third United Nations Conference on the Law of the Sea, which remains one of the largest and most successful treaty-making conferences in the history of the Organization and produce a new Convention for the Oceans.

Sri Lanka wishes to draw attention to the challenges faced by developing States when it comes to the multilateral treaty-making process. These include, but are not limited to, insufficient financial and administrative resources, and staffing challenges owing to a lack of legal expertise. This is an area where the UN can play a crucial role, in particular by assisting States with capacity building. The UN’s ability to encourage the teaching, study, dissemination and wider appreciation of international law will also contribute to the strengthening of the rule of law at the international level. In this regard, Sri Lanka notes with appreciation the role of the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, awarded annually by the UN, and hopes that with sufficient funding it will continue to benefit generations of developing country lawyers.

In conclusion, Mr. Chairman, Sri Lanka will continue its efforts to reinforce the rule of law within its domestic legal system, and looks forward to contributing proactively and decisively to efforts to strengthen the rule of law at the international level.

Thank you, Mr. Chairman.