

Statement by Ambassador Dr Palitha Kohona
Permanent Representative of the Democratic Socialist Republic of
Sri Lanka to the UN

6th Committee, Agenda item 83
"The Rule of Law at the National and International levels"

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Mr. Chairman,

From simple beginnings to the world today, society has become more sophisticated, complex, intertwined and interdependent. In this process, human civilization has given rise to different legal frameworks to preserve law and order, and in a broad sense, to distinguish right from wrong. From the laws of Manu to the Universal Declaration of Human Rights, many efforts have been undertaken by human society, influenced by different philosophies, to strengthen a rule based framework to preserve peace and security and individual and community rights. Religious and philosophical thinking, as well as economic

and political factors, have had a significant influence on the evolution of the rule of law.

The rule of law at the national level serves as the cornerstone for a fair and functioning society. Without it, discussions on matters such as individual and community rights, economic development and environmental conservation would lack substance. It is the rule of law which facilitates the advancement of both public and private interests. Strengthening the rule of law, taking into account contemporary factors, is absolutely necessary for economic progress, as we discuss the Millennium Development Goals and the post 2015 Development Agenda. There are so many unknowns before us. We should look for long-term approaches to strengthen our domestic institutions to improve the economic and social fabric in our societies.

Mr Chairman,

Reflecting its strong attachment to the rule of law, Sri Lanka has accommodated its diverse cultural, ethnic and religious disparities within its legal framework. The extensive provisions on Fundamental Rights in the Constitution of Sri Lanka illustrate this reality. The judiciary can be invoked, by an aggrieved person using the fundamental rights provisions of the Constitution without the assistance of an attorney. The Constitutional provisions have contributed to the promotion and protection of child rights, the empowerment of women and the protection of minority groups. In addition, minority rights are accommodated through a rich and varied web of personal laws, which are given effect through the judicial system.

Mr Chairman,

The recent intensified efforts by the international community to tackle the threat of terrorism have brought to the fore the

difficulties in balancing national and security concerns with obligations relating to human rights. Terrorist groups have employed asymmetric military strategies, including using civilians as human shields, exploiting the state's responsibility to uphold international legal obligations even at times of deadly conflict. It is imperative for states to cooperate at the national, regional and international levels when confronting the terrorist threat and not fall prey to the terrorist agenda.

Mr. Chairman,

Transnational challenges that confront the international community are only bound to multiply with the increasing interconnectedness of the world. As events that transpire in one part of the world have major implications for the rest of the world, cooperation amongst states is more important than ever. The United Nations has played a critical role in the post-World War Two world order with its commitment to

institutionalizing multilateralism. Over 530 multilateral treaties governing the spectrum of human interaction are deposited with the UN Secretary General. It is crucial that this process of developing common responses to global issues continues as the world faces multidimensional transnational challenges.

Mr Chairman,

After the carnage of the Second World War, the United Nations Charter established an international order that to this day has successfully prevented the world from descending into another war of global proportions. Key to this has been the charter's overwhelming emphasis on national sovereignty and non-interference in the domestic affairs of states, except in clearly defined circumstances and in accordance with commonly agreed principles. These two principles have served as the bulwark of the current international order, safeguarding the weak and discouraging the use of force in conflict resolution.

As we address the question of the rule of law, we should not forget the diversity of legal systems in the world, their philosophical underpinnings and the evolution of economic and social circumstances. Ascertaining the distinction between right and wrong, and the enforcement of rights, is an endeavor that humans around the world have been engaged in since the advent of organized society. While there have been certain common principles that have influenced the evolution of all major legal systems, we should also be mindful of the role that specific social, religious and cultural factors played in different regions. Mutual respect for all national legal systems is a must in the modern world as highlighted by the IDLO. Internationally, the legal frameworks responded to a certain global political and economic balance at the conclusion of the Second World War. These need to be reexamined in the light of contemporary circumstances. This is particularly important in view of the shift in the economic balance in the world.

Mr Chairman,

Sri Lanka has effectively contributed to the development of the rule of law. I note the role we played in the codification of the Law of the Sea. Whilst taking measures to strengthen the rule of law within its own domestic legal system, Sri Lanka remains ready to work to strengthen the rule of law in the international arena, as it has done in the past.

I thank you Mr Chairman.