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Sixth Committee

Item 83: The rule of Law at the national and international law

Statement by H.E. Ambassador Mohan Pieris

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Mr Chairman,

It is said that the Governments can easily exist without laws, but law cannot exist without the government. It is confidence in the men and women who administer the judicial system that is the true backbone of the rule of law. It is incumbent on all states that seek to establish and entrench the rule of law to develop, sustain and nourish the human resources vital to ensuring the rule of law.

We stress that the laws are only as effective as how they are implemented. Additionally, implementation is only as good as the fairness it is based on. Sri Lanka, therefore, reiterates its call for systems to ensure a fair and just application of laws and principles agreed upon by Member States of the UN, including the principles enshrined in the Charter of the United Nations.

Multilateral treaty bodies have grown in numbers dramatically over time. While this has contributed to advance international law, it has also heightened the need for States to enhance their capacities. The requirement for inclusivity and transparency has been made more apparent by the quick digital communication that are now a hallmark of multilateral diplomacy. Any multilateral treaty body must have these two components in order to evolve successfully and, ultimately, to operate effectively. The need for system-wide coherence and coordination, as well as avoiding task duplication based on overlapping mandates, has increased.

The General Assembly is entrusted with the crucial responsibility of promoting the steady advancement of international law and its codification under Article 13 of the United Nations Charter. The United Nations has been successful in significantly strengthening the rule of law on a global scale through multilateral treaty processes that have been developed over the years.

The rule of law is a critical principle and the cornerstone of governance. It is essential for maintaining political stability, achieving global peace and security, and advancing economic and social conditions, as well as safeguarding individual liberties and rights. For all societies, both nationally and internationally, the rule of law establishes the fundamental framework. It is our shared responsibility as Member States to strengthen it at the local, national, and global levels. We must also not forget that the rule of law is not only a stand-alone goal but also a crucial

enabler of other SDGs as we work toward realizing the 2030 Agenda.

The expression rule of law is one that is constantly on the lips of people. Mr Chairman I'm not quite sure what it means in the context of contemporary happenings. I'm not sure that all those who use the expression knew what you meant either or meant the same thing? In fact, academics expressed the view whether the rule of law, what is simply rhetoric or was, is the concept that was given serious consideration. There is growing concern about the entire relationship between the rule of law and human rights and civil liberties under one hand and security against terrorist attacks on the other. It is, therefore, worthy of our consideration; we need some serious soul searching.

It has been said that it is better for the law to rule than one of the citizens, and continues so that even the guardians of the law obey the law. It was Tennyson the poet who said it in the few lines

" A land of settled government, a land of just an old renown, we have freedom slowly broaden down, from Precedent to precedent" .but is that what we see? What we see however is the naked violation of the basic tenets of equity and fairness and where might is right

Mr Chairman ,Generous lip service is paid in generous doses without pausing for a moment to think about the depth of these simple burst complex words. you will agree with an expression that has been subject to the severest critic. Some say that it is vague, and ideal impossible to live by, an ideal, which threatened the fair distribution of wealth and power, an ideal that introduces a pathology of legalism between the government and the governed, and as one academic put it, an ideal, that enables the shrewd, calculating and wealthy powerful to manipulate its form to its own advantage.

However, the rule of law is not just another phrase, but has gained a settled meaning, although it may not have gained a perfect definition. We could see in it a workable practical objective which can be achieved. It must also be appreciated that the rule of law is not the exclusive domain of one part of the world, but of universal application, which has gained much currency in contrast to other high flown concepts, such as human rights or democracy. it must be appreciated that any form of discretionary arbitrary power was incompatible with the rule of law. I want to be wrong to say that arbitrariness, or the unbridled use of power would be anathema to the rule of law.

Mr. Chairman. The rule of law to succeed, nationally or internationally, must be accessible ;what it means is that it must be easily understood, must be clear, and it must be predictable. Legal rights must be exercised lawfully, fairly and reasonable. That must be equality before the law. Human rights must be protected. The resolution of disputes must be undertaken without delay. Trials must be found, and finally states must comply with elevations in international as well as the national laws. Read, must surely take note of the developments in the council Of Europe's General assembly, and in the Venice commission in understanding the Question of this concept in modern times.

Academics have asked the question whether the rule of law is part of a new imperialism that is entertained by countries with different traditions and cultures. We must reconcile ourselves to the thought that the rule of law is not a theory of state, but a simple practical guide to the bear, essentially of how powerful is to be exercised globally that it is not the monopoly of the developed world but a fundamental need to recognize the dignity of humankind. That it must be recognized against other values, such as the right to life, the right to a secure existence, and therefore could not be compromised and the whims and fancies of the powerful. To digress from this principle carelessly and recklessly will surely lead to a bizarre situation, to a reign of tyranny and more and we see it today. Mr. Chairman, may I leave you with a thought that it is a worthy objective that we should sustain, an inextricably indispensable principle of good governance, and establishing a world in which humankind can live in peace and in dignity.

I thank you.