



MALDIVES

**Statement by His Excellency Dr. Mohamed Waheed, President of the Republic of Maldives
at the High Level Meeting on the Rule of Law at the National and International Levels
New York, 24 September 2012**

Mr. President, Mr. Secretary-General, Excellencies, Distinguished Delegates,

It is a pleasure and an honour to stand before you today, representing my nation, and my people in advocacy of a principle, that we hold near and dear.

I would like to congratulate you Mr President, on being elected to preside over the Sixty-Seventh Session of the General Assembly. Let me also congratulate and thank the outgoing President His Excellency Mr Nassir Abdulaziz Al-Nasser and his co-facilitators, from Mexico and Denmark who, assisted him in the formulation of the Draft Declaration on the Rule of Law.

The principles enshrined in this Document, resonate strongly with the Maldives, and we lend our weight to the fruition of the values, so espoused.

Allow me also, Mr. President to commend the Secretary General, His Excellency Mr Ban Ki-moon, for his untiring efforts in promoting the rule of law around the world.

Mr. President,

Rule of law is the foundation of governance. Societies, from their inception, have had their own set of rules, norms and boundaries, to govern their lives for themselves and their relationship with others. Applied by the governors unto the governed, this universal tenet applies to all of us in the family of humanity. The fundamental application of law creates societies and paves the way for civilisation, making it the litmus test between barbarism and civilisation.

This is true from the first inscription of law in the Code of Hammurabi, promulgated by the king of Babylon around 1760 BC, to Immanuel Kant's philosophy of law articulated in the eighteenth century, to the Declaration of World Summit in 2005 which called for 'universal adherence to, and implementation of, the rule of law at both the national and international levels'.

Mr. President,

The saying that, the basis for democracy is the rule of law, stands ground only when we build our societies on democratic principles; only when the fundamentals of human rights and minority rights are protected; and only when the smallest and weakest of our citizens feel safe.

Despite the almost universal support the rule of law has gained, it is perhaps worth asking the question whether this principle has been applied in its true sense. When Leaders consider that the law should not be applied to them as much as it is applied to the ruled, then it is not rule of law. When national leaders, responsible for upholding the law, act with

impunity, the rule of law fails. Rule of law can exist only when it is measured equally for the most powerful as well as the weakest.

Mr. President,

My tiny nation was one of the first countries in South Asia to adopt a Constitution in 1932. In our stride towards development, we have had six Constitutions and seven more amendments. Yet, the legal system in the Maldives is very weak and is in need of urgent reforms.

In our quest for democracy, we enacted a new Constitution four years ago. The 2008 Constitution guarantees the separation of powers, a universal bill of rights, multi-party elections, and a free media. The judiciary was granted independence, and accountability measures set in. It is a Constitution that would lead us in our path to democracy and best practices.

This dramatic change in the legal, governance, constitutional, and administrative systems has subjected the Maldives to many challenges. The objectives set in the Constitution requires strict adherence to and uncompromising application of the rule of law.

Mr. President,

In the face of all of these challenges, my Government remains committed to implementing the Constitution, upholding the rule of law, and making it a way of life.

The Maldives is a State party to seven of the nine most important international human rights instruments. The Maldives will formulate a national strategy to strengthen national capacities to more effectively comply with these instruments. In addition, my Government is seeking the consent of the Parliament, to ratify or accede to other critically important international instruments, such as the ILO's Eight Core Conventions on Fundamental Human Rights; UN Convention against Transnational Organised Crime and its Protocols, and International Convention for the Protection of all persons from Enforced Disappearance.

Strengthening police accountability constitutes a core component of my Government's commitment to the rule of law. The Government is taking the necessary measures to strengthen the internal review and oversight mechanisms in the Maldives Police Service. We are also taking actions to improve external review and monitoring of law enforcement operations by strengthening the Police Integrity Commission.

Bolstering the Government's capacity to protect the rights of the vulnerable groups in the society is another important strategy for promoting the rule of law in the Maldives. Important components of that strategy include the implementation of the newly enacted Domestic Violence Act, and strengthening of the Family Protection Authority, and establishing safe houses for victims of sexual and domestic violence, and taking measures to assist them in finding legal and other remedies.

In the coming weeks, the Government would launch a national plan to consolidate democracy in the Maldives. That plan would take a holistic view of the challenges and puts forward policies, strategies and activities to overcome the challenges. One important initiative under that plan would be to establish a national mechanism for consolidating democracy in the country. That mechanism would undertake research, develop policies, and programmes for institutionalising democratic practises, and the rule of law in the Maldives, and cultivating democratic values in the society.

Mr. President,

National governments and international organisations alike, have a solemn duty to promote the rule of law. There is no debate on the importance and on the need for a code of principles and rules in the international arena. International organisations define for us the meaning of rule of law. They set the benchmarks against which the application of rule of law is measured. They release periodic reports, written by preeminent authorities. And they prescribe what changes that a particular country needs to make in order to improve its performance on the rule of law.

But, do international organisations subject themselves to the same standards they set for member States? Do the weakest of our global family of nations feel safe and secure?

The experience of the Maldives suggests that the answer to that question, regrettably, is no.

Mr. President,

Small justice is being served for a small State.

It is regrettable, but true, that some powerful international actors, have come out in public and instructed the Maldives to take certain measures contradictory to our laws. We were asked bring to an end a Presidential term and hold elections even if they were not allowed under the Constitution. We were asked in no uncertain terms to abide by such instructions if it meant to amend the Constitution. We were asked to withdraw certain criminal cases filed by independent State bodies for crimes as serious as the armed forces abducting and keeping in isolation, a serving judge. We were told to take these measures for the good of the country.

When we questioned these instructions, the Maldives was labelled as an uncooperative State, casting doubt on the country's democratic credentials. We were placed on an international watch-list, without due process. These are clearly punitive measures against a country whose economy is dependent on its image. The labelling has resulted the Maldives losing significant investments, external loan financing, and foreign tourist arrivals into the country. This has also encouraged domestic unrest. It has choked the country's governance system and crippled our infant democracy.

Mr. President and distinguished delegates,

The world's small states cannot afford to be complacent. Our experience in dealing with the powerful international actors in the past few months has not been pleasant. If we do not stand up, and draw your attention to the injustices, the next could be you.

Mr. President,

The Maldives is the smallest economy in South Asia. Small reductions in tourist arrivals or foreign investments would have significant impact on our economy, which was already in considerable distress. Yet, as one of the smallest countries in the world, there is very little we could do politically to counter the pounding that we are subjected to by some international partners. We lack the political and economic might of the larger states to counter the weight of these international players. There is no recourse available for small states like the Maldives. We were not given a fair hearing, or the benefit of the doubt.

Mr. President,

We do recognise that international organisations play a valuable and indispensable role in promoting rule of law. Small states, like the Maldives, do value our membership of international organisations. We depend on them to advance our interests and values. We expect them to work with us in promoting the rule of law.

Mr. President,

We believe that the story of the Maldives needs to be told. It is a lesson to be learnt by every small state. The application of the rule of law is to protect the smaller and the weaker to prevent small justice being served to small states.

Thank you.