



بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

# MALDIVES

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## Sixth Committee

### Agenda Item 84: The rule of law at the national and international levels

#### Statement by the Republic of Maldives

United Nations, New York, 05 October 2016

Mr Chairman,

I am honoured to speak on behalf of the Republic of Maldives on the rule of law and its dimensions on the national and international levels. My delegation wishes to express its gratitude to the Secretary-General for his report on strengthening and coordinating United Nations rule of law activities, pursuant to General Assembly Resolution 70/118.

Mr Chairman,

A holistic approach to strengthening the rule of law must address the issue of national resilience: the capacity of a State and society to withstand systemic shocks, whether exogenous or endogenous, sudden or sustained. Such resilience is achieved by a robust legal framework established through strengthening democratic processes and nurturing an open and pluralistic political culture. This is not something that can be achieved overnight, but is a task, as precedence shows, that requires decades of sustained commitment from domestic political actors with the support of international partners.

Mr Chairman,

In the Maldives, we have chosen to invest in our young democracy, and our commitment remains firm, despite the challenges we have faced in doing so. We began our journey in 2008, with the inception of the new Constitution, which comprehensively enshrined the rights and responsibilities of our people, which are mutually reinforcing prerogatives. We are continuously working to foster a culture of respect for the rule of law by upholding the constitutional segregation of the legislative, executive, and judicial powers of the State, and ensuring all the safeguards necessary to prevent the arbitrary exercise of powers in a manner which is consistent with clear and comprehensive laws established through democratic process.

It is explicitly clear that we *cannot* make exceptions to the rule of law. Uniformity, transparency, and consistency in the application of the rule of law are imperatives to maintain public confidence in the legal and judicial systems. This is why the Maldives has consistently ensured that *all* decisions and actions taken by the Government are consistent with the rule of law, and is continuing efforts for constructive and effective dialogue between all political parties, to ensure positive and transformative progress.

Stable and consistent legal frameworks are necessary for progressive development, maintaining peace and security and protecting human rights, which form the pillars of the United Nations. The strength of the legal frameworks in the Maldives is demonstrated across all these fronts:

1. Under the Government's new development agenda, potential investors from all over the world are encouraged to participate in the socio-economic development projects in the Maldives, as the consistent application of the rule of law provides them with the security and assurance they require.
2. The Maldives is party to eight of the nine core international human rights conventions, and have consistently maintained the constitutionally guaranteed rights through specific legislation, including the Gender Equality Act passed this year, which operationalises these rights, and provides guaranteed avenues for remedy.
3. The parameters of the judicial system, and measures to maintain domestic and international peace and security are comprehensively enshrined in the Constitution and supplementing legislation, including the new Penal Code, Criminal Procedure Code, and the Anti-Terrorism Act which restrict arbitrary decisions.

The Government has an extensive legislative agenda catering to any gaps in the existing legal framework, which is cognisant and receptive to the evolving legislative needs based on international law. The implementation of the 2030 Agenda for Sustainable Development and Paris Agreement are some of the biggest priorities which are being incorporated into this plan.

Mr Chairman,

We must adhere to the same standards if we are to also strengthen to the rule of law on the international level. The laws of non-interference in internal affairs of a country, deriving from the fundamental international principle of national sovereignty, is a rule which must be upheld at all times. Protection of peremptory norms must not be used as an avenue to directly or indirectly impose the social systems or ideologies of other States in a domestic setting where the normative framework has been determined through democratic process. These obligations to maintain the rule of law not only apply to States, but international organisations as well.

At the same time, it is also important to recognise the shortcomings in the capacities of States to effectively meet certain responsibilities arising from international law. This is why the Maldives advocates for meaningful assistance and capacity building from the international community to enable broad-based and impactful participation in the activities undertaken by the global community. There is a clear distinction between the former and the latter, in terms of international engagement.

Mr. Chairman,

The rule of law is critical to a peaceful, stable, and prosperous society both at home and around the world. It is fundamental to any coherent international order, just as it to any enduring domestic order. The rule of law, therefore, at both the national and international levels, is *sine qua non* to human rights, peace, security, and development, in all their aspects.

Thank you, Mr Chair.