

Draft Statement

Statement to be delivered by H.E. Mohan Peiris, Permanent Representative of Sri Lanka to the United Nations at the Sixth Committee Under the Agenda Item: The rule of law at the national and international levels – 17th October 2024

Distinguished Chair, esteemed colleagues, and distinguished delegates,

Thank you for giving me the floor. I have the privilege to speak today as we gather to reaffirm our commitment to the fundamental principles enshrined in the rule of law, as articulated in the Secretary-General's report A/79/117.

The importance of the rule of law in international law cannot be overstated, as it serves as a critical priority underpinning peace, security, and human rights across the globe. The rule of law in international law is not merely a legal framework; it is the foundation for sustainable peace, security, economic development, and social progress. It provides bedrock upon which societies can thrive and individuals can exercise their rights without fear of oppression.

As we engage in today's discussions, we must underscore that the rule of law is fundamental to safeguarding justice, democracy, and human rights in contemporary societies. It transcends mere legal doctrine, serving as a moral imperative that underpins the legitimacy of political institutions. The historical evolution from classical philosophy to modern legal frameworks illustrates its development, while its interplay with political ideologies like liberalism and constitutionalism highlights its significance. However, challenges persist, especially in authoritarian regimes and transitional democracies. A renewed

commitment to the rule of law is essential for maintaining social order, ensuring government accountability, and adapting to societal needs, thereby reinforcing its role in effective governance and peaceful coexistence.

The rule of law stands as a cornerstone of democratic governance and a vital protector of human rights. It fosters an environment in which individuals can freely and safely exercise their rights, reinforcing the principle that justice must be accessible to all, irrespective of status. As we confront the persistent challenges of corruption and political interference, it is imperative that we fortify the rule of law through comprehensive legal reforms, public accountability, and inclusive practices if we are to preserve it. Such efforts will empower communities and contribute to the establishment of a more just society.

On a global scale, the rule of law is indispensable for fostering peace, security, and cooperation among nations. It provides a robust framework for regulating state behavior and maintaining order, which is essential in preventing conflicts. Adherence to legal norms and international obligations not only establishes accountability but also safeguards the integrity of this framework. Therefore, a renewed commitment to the international rule of law is crucial for protecting human rights and democratic values, paving the way for peaceful coexistence among states. Moreover, the rule of law serves to connect regions and countries by ensuring justice, safeguarding rights, and upholding democratic governance. Through independent judiciaries and transparent legal processes, our ongoing commitment to the rule of law strengthens democratic institutions and promotes human rights. In doing so, it remains an enduring pillar of international relations and effective governance worldwide.

Today's debate centers on the vital topic of full, equal, and equitable participation in the international legal system. As we navigate the complexities of our global landscape, it is imperative

to recognize that inclusivity is a cornerstone of sustainable development and essential for the realization of Sustainable Development Goal (SDG) 16. We must strive for a system where every voice, regardless of nationality or background, is heard, valued, and respected. The rule of law is fundamental for ensuring equal and equitable participation in governance and society, emphasizing fair application of laws to protect individual rights and foster accountability. It creates an environment where marginalized communities can actively engage in decision-making processes, thus promoting social justice and diverse perspectives in democratic governance.

On an international scale, the rule of law serves as a foundational principle for global governance and cooperation, underpinning international legal instruments like treaties that uphold human rights and ensure fair treatment. By establishing fair dispute resolution processes and accountability mechanisms, it facilitates respectful engagement between nations. Adherence to international legal norms is vital for inclusive governance, empowering marginalized communities to participate in global dialogues. Ultimately, the synergy between the rule of law and the international legal framework is essential for fostering a just and equitable world, where individuals and communities can exercise their rights without fear of discrimination or oppression.

To facilitate this discussion, let us briefly reflect on the composition of the international legal system, which encompasses states, international organizations—including our own United Nations—and international courts. It is crucial that this system fosters inclusivity in its decision-making processes, ensuring broad and equal representation from all member states. By doing so, we can better address the myriad challenges confronting our world today and ensure that the principles of justice and accountability resonate in every corner of the globe.

The relevance of the international legal system to inclusivity is underscored by the concept of mutual inclusivity, which is

essential for the effective implementation of the principle of law, particularly in the context of complementarity between national and international legal frameworks. Challenges such as political interference and resource limitations often hinder domestic prosecutions of international crimes, emphasizing the need for capacity-building initiatives and international support to strengthen national legal systems. Furthermore, incorporating local communities into the resolution of investment disputes can address the shortcomings of traditional mechanisms that frequently overlook community voices and rights, leading to adverse social and environmental consequences. By recognizing local communities as vital stakeholders, investment dispute settlements can adopt a more inclusive approach, enhancing the legitimacy and effectiveness of these processes and promoting sustainable development.

However, a critical distinction exists between *de jure* inclusivity—formal legal frameworks—and *de facto* inclusivity—actual participation and engagement in governance structures. Overcoming power imbalances and institutional inertia is essential to ensure that marginalized voices are heard and included. Therefore, reforms that bridge the gap between legal commitments and practical implementation are necessary to create a more equitable global governance landscape, ensuring that diverse stakeholders contribute to justice, accountability, and sustainable outcomes.

The principles of dignity, equality, and freedom are foundational to promoting inclusivity within educational and legal frameworks. These principles must be actively applied to ensure that marginalized groups have equitable access to rights and opportunities. Inclusive practices can foster a sense of belonging and respect, enhancing individual agency and social cohesion. Ultimately, we support a holistic approach that integrates dignity, equality, and freedom into policies and practices, thereby advancing inclusivity in various societal contexts.

However, we must confront the reality that historically, certain groups—such as women, minorities, and less-resourced states—have been inadequately recognised in the international legal system. While it is encouraging to witness the UN’s growing membership and an increase in representation over the years, significant inequalities persist. The voices of many still go unheard, limiting our collective capacity to forge sustainable solutions to global challenges.

The marginalization of local voices in peacebuilding efforts highlights a critical gap in existing frameworks that often prioritize external perspectives over community input. Power dynamics, cultural differences, and resource limitations can stifle genuine participation from local populations, leading to ineffective and unsustainable outcomes. To address these issues, it is essential to integrate local perspectives into peacebuilding strategies, ensuring they are contextually relevant and responsive to the specific needs of diverse communities. Additionally, the current human rights laws frequently overlook class-based discrimination, which perpetuates social inequalities. Prohibiting such discrimination can enhance inclusivity and equal rights for marginalized groups, improving access to justice and social mobility. However, implementing these reforms faces challenges such as political interference, corruption, and inadequate resources, all of which undermine intended outcomes. Analyzing case studies demonstrates the necessity for sustained commitment and support from national governments and international partners to strengthen legal systems and promote the rule of law.

The Sustainable Development Goals (SDGs), particularly SDG 16, aim to create peaceful, inclusive societies and effective institutions. However, systemic inequalities and inadequate policy frameworks pose significant barriers to achieving these goals. Collaboration among governments, civil society, and

marginalized communities is vital for developing targeted strategies that prioritize inclusivity, ensuring that development benefits all segments of society.

Chair, Equity in decision-making is crucial, especially within the General Assembly and the Security Council. Advocating for reforms outlined in the Pact for the Future will enhance inclusivity, transparency, and accountability in global governance, enabling meaningful engagement from all member states. Additionally, there is an urgent need for increased participation and leadership of women in international courts, as current gender imbalances reveal systemic barriers. Promoting gender equality and ensuring the representation of underrepresented groups in the judiciary is essential for the legitimacy of legal frameworks. To uphold the rule of law and advance the SDGs, a transformative approach to legal frameworks is necessary, focusing on genuine inclusivity for women. This shift is critical for empowering women in decision-making processes, ultimately enhancing the effectiveness of legal systems and leading to improved outcomes for society.

As we conclude, let us reaffirm our collective commitment to the rule of law as a means of fostering inclusive governance, protecting human rights, and ensuring sustainable development. By working together to uphold these principles, we can create a more just and equitable world for all.

Thank you.