

DR. AMRITH ROHAN PERERA
PRESIDENT'S COUNSEL



CONSULTANT ON INTERNATIONAL LEGAL AFFAIRS
MEMBER OF THE UNITED NATIONS INTERNATIONAL LAW COMMISSION (2007 – 2011)
LEGAL ADVISOR TO THE MINISTRY OF FOREIGN AFFAIRS OF SRI LANKA (1976 – 2007)
PERMANENT REPRESENTATIVE OF SRI LANKA TO THE UNITED NATIONS IN NEW YORK (2015- TO DATE)
VICE-PRESIDENT OF THE UNITED NATIONS GENERAL ASSEMBLY (SEPT 2017 – SEPT 2018)
DR. PERERA IS AN ASSOCIATE MEMBER OF THE - INSTITUTE OF INTERNATIONAL LAW (2017 TO DATE)

Dr. Amrith Rohan Perera is a Graduate of Law of the University of Ceylon (1971). After being admitted as an Advocate of the Supreme Court (1973), he practiced in the field of Civil Law.

He then joined the Ministry of Foreign Affairs as an Assistant Legal Advisor (1976). Thereafter, he was appointed an Additional Legal Advisor and finally Legal Advisor. He served until his retirement from public service in 2007 as the Legal Advisor. Thereafter he continued to serve the Ministry of Foreign Affairs in an advisory capacity.

During a career spanning a period of over thirty years in the Ministry of Foreign Affairs, Dr. Perera has been closely associated in bi-lateral, regional and multilateral spheres, particularly in the field of treaty negotiations. During this period he has been a member of the Sri Lanka delegation to the UNGA and functioned as Alternative Representative to the Sixth (Legal) Committee. He has also represented Sri Lanka at Meetings of the Commonwealth and SAARC.

Until 2011, Dr. Perera served as a member of the International Law Commission (ILC), having been elected to the Commission by the General Assembly of the United Nations in 2007. At its 63rd Session, Dr. Perera was elected the General Rapporteur by the Commission. He also chairs the United Nations Ad-hoc Committee on Measures to Eliminate International Terrorism, established by UNGA Resolution 51/210, which is currently negotiating the Comprehensive Convention on International Terrorism. At the Golden Jubilee Session of the Asian African Legal Consultative Organization (AALCO) Dr. Perera was unanimously elected the Chairperson of the Eminent Persons Group (EPG) constituted to advise the Secretary-General on the future work programme of AALCO.

Dr. Perera also served as a Consultant to the Commonwealth Secretariat on issues relating to terrorism and money laundering.

In May, 2010 Dr. Perera was appointed as a Commissioner of the Lessons Learnt and Reconciliation Commission (LLRC). The Commission was vested with powers to make recommendations, inter alia, on promoting national Unity and reconciliation in Sri Lanka, in the post-conflict phase.

Dr. Perera has been serving as Sri Lanka's Ambassador and Permanent Representative to the United Nations in New York since April 2015. Ambassador Perera has been elected as a Vice-President of the United Nations General Assembly to represent the Asia and Pacific Group during the 72nd Session (current of the UNGA).

Dr. Perera is an Associate Member of the - Institute of International Law (Institut de Droit international), Geneva, Switzerland.

He is married and has two children.

AREAS OF EXPERTISE

CONTRIBUTION IN THE INTERNATIONAL LAW COMMISSION

During his tenure in the International Law Commission (ILC) from 2007 to 2011, Dr. Rohan Perera has been actively engaged in the work of the Commission, in relation to the range of topics on its agenda. Dr. Perera assumed the Co-Chairmanship of the Study Group on the Most Favoured Nation (MFN) Clause, established by the Commission. He was also responsible for the preparation of Discussion Papers for the consideration of the Study Group, including a Paper on the manner in which the MFN Clause was interpreted in the *Maffezjini v. Kingdom of Spain* Arbitration and in subsequent Arbitrations, to highlight the issues of current concern for States in the area of foreign investment law and those which warranted the attention of the Commission.

The Summary Records of the Commission reflect Dr. Perera's active engagement and close analysis of legal issues pertaining to topics such as, Responsibility of International Organizations, Expulsion of Aliens, Protection of Persons in the Event of Disasters, Immunity of State Officials from Foreign Criminal Jurisdiction and the Extradite or Prosecute Obligation. Dr. Perera also served as a Member of the Drafting Groups on these topics and in the Planning Group and the Working Group on the Long Term Programme of Work of the Commission.

Dr. Perera has also actively participated in the Interactive Sessions between members of the Commission and the Sixth Committee, during the International Law Week, when the Report of the ILC is considered by the Sixth Committee. Dr. Perera served as a Panelist at the Colloquium "Peace Through International Law - The Role of the International Law Commission," which was organized by the Max Planck Institute, Munich on the occasion of the Sixtieth Anniversary of the ILC (2009).

Dr. Perera represented the ILC at the 47th Session of the Asian-African Legal Consultative Organization (AALCCO) held in New Delhi in 2008.

He served as the General Rapporteur of the Commission (2011).

CONTRIBUTION TO COUNTER-TERRORISM INITIATIVES

In February 2000, Dr. Perera was unanimously elected as Chairman of the United Nations Ad-hoc Committee on Measures to Eliminate International Terrorism established by United Nations General Assembly Resolution 51/210. This Committee is currently negotiating the Draft Comprehensive Convention on Terrorism having successfully concluded the *International Convention Against Nuclear Terrorism*, in 2005. Since the establishment of the Committee in 1997, Dr. Perera had served as its Vice-Chairman, representing the Asian Region. During this period, the Committee adopted two landmark Conventions in the field of combating terrorism, i.e. the *International Convention on the Suppression of Terrorist Bombings* and the *International Convention on the Suppression of Terrorist Financing*.

In the field of Counter-Terrorism, Dr. Perera has been invited to serve as a Panelist –

- in the Working Group on International Terrorism, at the Oxford Conference on the *"Changing Phase of International Co-operation in Criminal Matters in the 21st Century"* convened by the Commonwealth Secretariat (2002);
- at the Conference on a *"Transatlantic Dialogue in Combating International Terrorism,"* convened by the European Parliament and the Catholic University of Leuven, Belgium (2002); and
- at the United Nations Round Table to Combat Terrorism: *"Multilateral Treaties Relating to Trans-national Organized Crime and Terrorism,"* convened by the United Nations Office of Legal Affairs, New York.

Dr. Perera was invited by the President of the *Club de Madrid* to serve as a Member of the Working Group on the *'Legal responses to Terrorism'* to prepare the *"Madrid Declaration"* for consideration by the *'International Summit on Democracy, Terrorism and Security'* convened in Madrid in March 2005, to mark the 1st Anniversary of the terrorist attacks in Madrid.

He has also functioned as a resource person in Regional Workshops for South Asia convened by the Commonwealth Secretariat and the United Nations Counter-Terrorism Committee Executive Directorate (CTED) in Bangladesh (2009) and in Sri Lanka (2010).

MULTILATERAL EXPERIENCE

Dr. Perera has actively taken part in many multilateral activities connected with his professional functions. He has –

- been the Representative for Sri Lanka in the Sixth (Legal) Committee of the United Nations, initially in 1980 and, thereafter, continuously from 1993 - 2015;
- served as a Member of the Sri Lanka Delegation to the Commonwealth Heads of Government Meetings (CHOGM) and the Commonwealth Law Ministers and Senior Officials Meetings. These included the 1982 and the 1986 Senior Officials Meetings on the Commonwealth Extradition, Mutual Legal Assistance and Transfer of Convicted Offenders Schemes;
- served as the Legal Advisor to the Delegation of Sri Lanka to the Conference of State Parties for the Review and Extension of the Nuclear Non-Proliferation Treaty (NPT)(1995);
- been a Member of the Sri Lanka Delegation to the Annual Sessions of the Asian African Legal Consultative Organization (AALCO) and served as Chairperson of the Eminent Persons Group (EPG);

REGIONAL EXPERIENCE

Dr. Perera has, in the regional sphere, been actively engaged in the preparation of the draft texts and the negotiation of several legal instruments within the framework of the South Asian Association for Regional Co-operation, (SAARC).

Dr. Perera –

- was responsible for drafting the negotiating text of the *SAARC Convention on the Suppression of Terrorism* (1987) and he led the Sri Lanka Delegation at the Meeting of Legal Experts of SAARC Countries which negotiated the Draft Convention in Colombo in 1987;
- was responsible for drafting the negotiating text of the *Additional Protocol to the SAARC Convention on the Suppression of Terrorism* (2004), to give effect to the obligations of States under Security Council Resolution 1373 (2001), and also

represented Sri Lanka at the Meeting of SAARC Senior Officials and Legal Experts (2003/2004) which negotiated the Additional Protocol;

- was associated in the drafting of the negotiating text of the SAARC Convention Against Drug Abuse and Drug Trafficking and functioned as Chairman of the SAARC Group of Legal Experts Meeting which negotiated the Convention in Colombo (1990);
- has served as Legal Adviser to Delegations of Sri Lanka attending the SAARC Heads of State and Government Summit Meetings since the Second SAARC Summit held in Bangalore, India in 1986, including the Kathmandu (1987) and Islamabad (2004) Summits, which adopted the SAARC Counter-Terrorism Instruments, as well as the Meetings of the SAARC Council of Ministers and the Standing Committee of SAARC Foreign Secretaries;
- has Chaired the SAARC Meeting of Legal experts which negotiated the SAARC Treaty on Mutual Assistance in Criminal Matters (2007);
- has been a member of the Sri Lanka Delegation to Negotiate the South Asian Preferential Trade Agreement (SAPTA) in Kathmandu, Nepal in 1992;
- has Chaired the Working Group on Dispute Settlement Chapter in the Free Trade Agreement of the Bay of Bengal Initiative for Multi-Sectoral Economic and Technical Cooperation (BIMSTEC).

BILATERAL EXPERIENCE

As Legal Adviser of the Ministry of Foreign Affairs, Dr. Perera –

- was closely involved in the negotiating process of a range of bilateral treaties, including treaties relating to trade, investment and air services. Since the liberalization in the 1980s of Sri Lanka's economy, Dr. Perera has been closely associated in negotiating over twenty five (25) Bilateral Investment Promotion and Protection Agreements. In the field of international criminal law, he has negotiated several bilateral Extradition, Mutual Legal Assistance and Prisoner Transfer Agreements;

- has been a Member of the Sri Lanka Delegation which negotiated the first Free Trade Agreement with India and thereafter a similar Agreement with Pakistan. In addition, he has also served as a member of the Sri Lankan delegation in the negotiations on the Comprehensive Economic Partnership Agreements (CEPA) with India and with Pakistan covering the goods, services and investment sectors;
- has Chaired the Services Sector Sub-group in the discussions on a Comprehensive Economic Partnership Agreement with Singapore;
- has been a member of the Sri Lanka Delegation which negotiated the First Open Skies Air Services Agreement with the United States and, thereafter, with Singapore;
- has served as Chairman of the National Sub-Committee on Legal and Institutional Matters relating to the implementation of the Agreements under the World Trade Organization (WTO); and
- has led the Sri Lanka Delegation which negotiated the Re-Admission Agreement with the European Union.

INTERNATIONAL LEGAL CLAIMS

- Dr. Perera served as a member of the legal team, which represented the Government of Sri Lanka in the two major international arbitrations on investment disputes before the Arbitral Tribunal of the International Centre for Settlement of Investment Disputes (ICSID) in Washington D.C., namely, *Asian Agricultural Products Ltd. (AAPL) v. Democratic Socialist Republic of Sri Lanka* and *Mihaly International Corporation Democratic Socialist Republic of Sri Lanka*. These arbitrations dealt with a range of contemporary legal issues in the field of investment law, such as, Most-Favoured Nation (MFN) treatment, compensation for losses and pre-investment expenditure.

- "International Legal Framework for Cooperation in Combating Terrorism - the Role of the UN Ad-Hoc Committee on Measures to Eliminate Terrorism," **Countering Terrorism Through International Cooperation (Proceedings of the Conference on Countering Terrorism Through Enhanced International Cooperation, 22 - 24 September, 2000, Italy)**, (2001), (International Scientific and Professional Advisory Council of the United Nations, Milan) pp. 277 – 289
- "International Legal Framework for the Suppression of Terrorism," **Essays on International Law**, (2001), (Asian African Legal Consultative Organization, New Delhi) pp. 122-132
- "Treaty Negotiation And The National Implementation of International Treaty Obligations: Role of the Legal Adviser in a Changing Political and Economic Environment," **Collection of Essays by Legal Advisers of States, Legal Advisers of International Organisations and Practitioners in the field of International Law**," (1999), (United Nations, New York) pp.203-219

Articles

- "Suppression of Terrorism - Regional Approach to Meet the Challenges," **Sri Lanka Journal of International Law**, Vol. 16, (2004) pp. 19 – 26
- "Statute of the International Criminal Court - Its Impact for International Criminal Law," **Sri Lanka Law College Law Review**, (2003) pp. 91 – 102
- "The Role and Implications of Bilateral Investment Treaties," **Commonwealth Law Bulletin**, Vol. 26, Iss. 1, (2000), pp. 607 – 614
- "The Role of the UN Ad-Hoc Committee On Measures to Eliminate International Terrorism," **Sri Lanka Journal of International Law**, Vol.12, (2000), pp.
- "Ex Parte Pinochet and the Concept of State Immunity: Some Reflections," **Commonwealth Law Bulletin**, Vol. 25, Iss. 2, (1999) pp. 647 – 657
- "Nuclear Weapons and Scientific Responsibility: An Assessment of Dr. C.G. Weeramantry's Contribution," **Sri Lanka Journal of International Law**, Vol. 11, (1999) pp. 297 – 308

- "United Nations Diplomatic Conference to Adopt the Statute Establishing the International Criminal Court," **Commonwealth Law Bulletin**, Vol. 24, Iss. 3, (1998) pp. 1221 -1247
- "French Nuclear Tests in the Pacific - New Zealand Request for an Examination of the Situation - A Retreat into Judicial Formalism by the International Court of Justice" **Sri Lanka Journal of International Law**, Vol.7, (1995) pp.
- "Towards the Establishment of an International Criminal Court," **Commonwealth Law Bulletin**, Vol.20, Iss. 1, (1994), pp. 298 – 309
- "Dawn of a New Era of the Oceans or a Return to the Grotian Ocean? - Some Reflections as the Law of the Sea Convention Enters into Force," **Sri Lanka Journal of International Law**, Vol.6, (1994) PP.
- "Legal Implications of the Maastricht Treaty on the European Union," **Sri Lanka Journal of International Law**, Vol. 5, (1993) pp.
- "Order of the International Court of Justice in the Lockerbie Dispute between Libya and the USA," **Sri Lanka Journal of International Law**, Vol.4, (1992) pp.

Electronic Publications

- "International Legal Framework to Enhance Co-operation in Combating International Terrorism - Contribution of the United Nations" lecture delivered for the Audio Visual Library of International Law maintained by the Codification Division of the Office of Legal Affairs of the United Nations available at http://legal.un.org/avl/ls/Perera_PS.html>"
- Declaration On Measures To Eliminate International Terrorism, 1994, and The 1996 Supplement Declaration Thereto, available at http://legal.un.org/avl/pdf/ha/dot/dot_e.pdf
- International Convention For The Suppression Of Acts Of Nuclear Terrorism" available at <http://legal.un.org/avl/ha/icsant/icsant.html>

HUMAN RIGHTS/ INTERNATIONAL HUMANITARIAN LAW

- In the field of Human Rights, Dr. Perera has been a Member of the Sri Lanka Delegation to the Meetings of the Human Rights Committee which considered the National Reports of Sri Lanka as a State Party to the International Covenant on Civil and Political Rights (ICCPR) (1993/1995/2003) and also Meetings of the United Nations Commission on Human Rights (1989/1994) and the Human Rights Council (2009). Dr. Perera also served as Technical Assistant to the Ministry of Human Rights on the development of the Draft National Human Rights Action Plan.
- Dr. Perera also chaired the Inter-Ministerial Committee on International Humanitarian Law, which examined domestic measures required for the implementation of International Humanitarian Law and worked closely with the International Committee of the Red Cross (ICRC) in this regard. Dr. Perera has also been a resource person for the ICRC at Regional Conferences on International Humanitarian Law (Nairobi/Kathmandu) and at the Regional launch of the ICRC publication on Customary International Humanitarian Law (New Delhi).
- He was also closely involved in the drafting of key pieces of national legislation in the field of human rights and humanitarian law such as the National Human Rights Commission Act, the Convention Against Torture Act and the Geneva Conventions Act.
- Dr. Perera was also invited to present a paper on "Human Rights and International Humanitarian Law: Issues in Internal Conflicts" at the Third Biennial Conference of the Asian Society of International Law held in Beijing in August, 2011.

LAW OF THE SEA/MARITIME ISSUES

- Dr. Perera has led the Sri Lankan Delegation for bilateral discussions with neighbouring countries, on maritime boundary delimitation and regularly participated in discussions on bilateral fisheries and other maritime-related issues.

- He has served on Inter-Ministerial Task Force entrusted with the preparation of Sri Lanka's submission on the extended Continental Shelf to the UN Commission on the Limits of the Continental Shelf and currently serves on the National Ocean Affairs Committee (NOAC)
- Dr. Perera has been nominated by the Government of Sri Lanka, as a Member of the Panel of Arbitrators maintained by the Secretary-General of the United Nations, under the United Nations Convention on the Law of the Sea (UNCLOS).

OTHER PROFESSIONAL ACTIVITIES

Dr. Perera was a recipient of a Fellowship awarded by the United Nations Institute for Training and Research (UNITAR), in 1980. As part of the Fellowship, he followed a course in Public International Law (1980) at The Hague Academy of International Law and, thereafter, underwent practical training at the Legal Departments of the International Bank for Re-Construction and Development (IBRD), Washington D.C. and the International Civil Aviation Organization (ICAO), Montreal.

Amongst his other professional activities, Dr. Perera –

- served as a Visiting Lecturer in International Law at the Faculty of Law, University of Colombo; Department of Law, University of Peradeniya; Bandaranaike Centre for International Studies (BCIS); Bandaranaike International Diplomatic Training Institute (BDTI); the Kotalawela Defence University and the Sri Lanka Staff Command College;
- served as a lecturer and tutor for the participants of the International Law Seminar, conducted by the United Nations Geneva Office, held annually in conjunction with the sessions of the International Law Commission;
- served as a Lecturer on Current Developments in Foreign Investment Law for the 2013 Summer Program conducted by the Xiamen Academy of International Law (2013), PRC.
- was invited as a Guest Lecturer at the Paul H. Nitze School of Advanced International Studies, Johns Hopkins University, Washington D.C. on the topic "A Comprehensive Convention on Terrorism - Current Negotiating Issues" (2009);

- delivered the Third K.C. Kamalabayson PC Memorial Oration on the Topic "Extradition and the Politics of Violence" at Sri Lanka Law College (August, 2010);
- delivered a lecture on "Response to Global Terrorism: UN Initiatives to Enhance International Cooperation in Combating Terrorism" at the International Institute for Middle East and Balkan Studies (IFIMES), Ljubljana, Slovenia (2011); nominated to the Advisory Committee of the International Institute for Middle East and Balkan Studies (IFIMES), Ljubljana, Slovenia;
- appointed to the Executive Council of the Asian Society of International Law (2011).
- delivered the inaugural Romesh Jayasinghe Memorial Oration on the Topic "*Role of International Law in Contemporary Politics*" (2012); Sri Lanka Foundation Institute.

PARTICIPATION AT SEMINARS AND CONFERENCES

Dr. Perera has –

- been a Resource Person at several Workshops and Meetings convened by UNCTAD on Bilateral Investment Promotion and Protection Agreements and Joint Meetings convened by UNCTAD-OECD;
- been a Member of the Ad Hoc Experts Group Meeting on Investor-State Dispute Settlement in International Investment Agreements convened by UNCTAD in Geneva (November, 2004);
- Resource Person at the Conference on International Investment Treaty Law and Arbitration organized by the Sydney Law School (February, 2010);
- Resource Person at Conference on Access to Information organized by the University of Hong Kong (2009);
- Resource Person at Conference on Confronting Political Violence in the Near East and South Asia convened by the National Defence University, Near East South Asia Centre For Strategic Studies, Washington D.C. (2009).

PUBLICATIONS

- Dr. Rohan Perera's Doctoral Thesis on "International Initiatives to Prevent and Combat Terrorism and the Progressive Development of International Law" was published under the Title "**International Terrorism**" by Vikas Publishers, New Delhi, India (1997).
- He has also published a collection of Essays on International Law covering contemporary developments, under the title "**International Law- Changing Horizons**" (1997).
- He has, on a regular basis, contributed articles on International Law, to Legal Journals, including the **Commonwealth Law Bulletin** (Commonwealth Secretariat), the **American Review of International Arbitration** (Columbia University), the Law College Law Review (Sri Lanka Law College) and the **Sri Lanka Journal of International Law** (University of Colombo).
- He served on the Panel of Consulting Editors of the *Manchester Journal of International Economic Law*, the *Sri Lanka journal of International Law* and the *Law College/Law Review*.
- As an Undergraduate, Dr. Perera was **Editor of the Aquinas Law Journal**.

COMPLETE LIST OF PUBLICATIONS

BOOKS

- **International Terrorism**, (1997), (Vikas Publishing House, New Delhi)
- **International Law- Changing Horizons**, (1997), (Sarvodaya, Colombo)

CHAPTERS

- *Dr. Perera has recently been invited to contribute a chapter on the practice of UN Treaty-Making under the title 'Treaties concerning Terrorism' in the first ever Oxford Handbook of United Nations Treaties, to be published by the Oxford University Press in 2017. He has also been invited to contribute a chapter on 'Sri Lanka' for the*

forthcoming publication 'Oxford Handbook on International Law in Asia and the Pacific' to be published by the Oxford University Press in 2017.

- **"Role of International Law in Contemporary Diplomacy"** - The Romesh Jayasinghe Memorial Oration (2012) (monograph)
- "Role and Contribution of the ILC in Meeting Challenges of Contemporary International Law and International Relations" Pogacnik, M. (ed.) **Challenges of Contemporary International Law and International Relations - Liber Amicorum in Honour of Ernest Petric**, (2011), (European Faculty of Law, Nova Garica, Slovenia), pp. 313-325
- "Comment: The Contribution of the Law of Treaties to Peace" Nolte, G. (ed.) **Peace Through International Law**, (2009), (Springer, London) pp. 119-121
- "The United Nations Draft Comprehensive Anti-Terrorism Convention: Innovative Features and the Definitional Issue," Genugten, W.J.M. Schraf, M. & Radin, S.E. (eds.) **Criminal Jurisdiction 100 years After The 1907 Hague Peace Conference (Proceedings of the Eighth Hague Joint Conference, 28 - 30 June, 2007, The Hague)**, (2009), (T.M.C. Asser Press, The Hague) pp. 83-89
- "Current Trends in International Investment Agreements - New Legal Challenges for Developing Countries," **Fifty Years of AALCO- Commemorative Essays in International Law**, (2007), (Asian African Legal Consultative Organization, New Delhi) pp. 122-132
- "Reviewing the UN Conventions on Terrorism: Towards A Comprehensive Terrorism Convention" Fijnaut, C. Wouters, and Naert, F. (eds.) **Legal Instruments in the Fight Against International Terrorism: A Transatlantic Dialogue**, (2004), (Nijhoff, Leiden) pp. 567 – 587
- "Emerging Trends in the World Trade Organization," **Multilateral Framework on Trade and Competition: Sri Lanka's Position at the Cancun Ministerial Meeting (Proceedings of the Annual National Law and Economy Conference, 2 -3 September, 2003, Colombo)**, (2003), (Law & Society Trust, Colombo) pp.56-67