



## BRAZIL

### VI Committee

#### Agenda Item 83

#### The Rule of Law at the National and International Levels

Statement by H.E. Antonio de Aguiar Patriota,  
Permanent Representative of Brazil to the United Nations

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*(check against delivery)*

Mr. Chairman,

Brazil aligns itself with the statement delivered by Costa Rica on behalf of CELAC. I would like to take this opportunity to address a few issues from a national perspective.

Concerning the strengthening of the rule of law at the national level, Brazil welcomes the fact that this year's session is considering the sub-topic "access to justice", since it is at the center of the processes launched at the Rio+20 Conference.

Brazil welcomes the report of the Open Working Group on Sustainable Development Goals, which must be the basis for integrating SDGs in the Post-2015 Development Agenda, as such, and should not be re-opened or re-negotiated. In relation to "rule of law", Goal 16 represents a delicate compromise, allowing us to move forward with a focus on one of its fundamental dimensions – namely, the "access to justice". Encompassing multiple aspects of vulnerabilities and injustices, this approach is directly relevant to the social, economic and environmental challenges we have been mandated to address in these specific negotiations. "Access to justice" is a concept particularly well adjusted to a rights-based, socially inclusive set of goals and targets.

Some countries have taken a different approach on the topic of the rule of law in the Post-2015 Development Agenda – which would, in our view, run counter to the spirit of Rio+20, which is, as we all know, focused on integrating social inclusion and sustainable development, not on rule of law as associated to a peace and security perspective – not doubt a very valid topic, but that should be addressed elsewhere, particularly in the Security Council and in the Peacebuilding Commission. An attempt to modify the delicate agreement of the Open Working Group, captured in the UNGA Resolution 68/309, will run the risk of unraveling the groundbreaking outcome we have achieved so far.

Brazil is an unwavering supporter of the rule of law and is firmly convinced that, at the national level, favoring socially-oriented perspectives, such as the notion of access to justice, is much more conducive to inclusive societies than "securitizing" approaches focused on coercive measures and law enforcement.

In Latin languages, "rule of law" broadly translates into "a state of rights". For us, rule of law is a tool for the State to protect rights and promote equal access to justice, for the benefit of all citizens, regardless of their origin, ethnicity, race, sex, creed or political affiliation. There is no "one size fits all" solution for promoting equality before the law, legal empowerment of the poor, citizenship and social inclusion. Each country needs to come to terms with its own circumstances, history and challenges.

Ensuring national ownership and "policy space" are key elements in this process, so that developing countries may strengthen their national institutional capacities to address their unique needs in pursuit of sustainable development.

Mr. Chairman,

Providing access to justice and legal empowerment is crucial for tackling the root causes of poverty, exclusion and vulnerability, since it enables the full enjoyment of rights and of public services. We should not spare efforts in removing any obstacles that impede or hamper persons living in poverty from accessing legal procedures, mediation and remedies, in brief -- from legally affirming their rights. Brazil welcomes the report of the Secretary-General on the United Nations' activities for promoting access to justice and recalls that it would also be fruitful to revisit the 2012 document of the Special Rapporteur on Extreme Poverty and Human Rights dedicated to the legal and extralegal barriers to access to justice for persons living in poverty (A/67/278). The promotion of inclusive societies depends of the elimination of these hurdles, thus bringing the State and the public services it provides to segregated communities "a challenge faced by both developing and developed countries.

We should encourage States to provide free and effective legal aid to their vulnerable population. Without such assistance, they would not only be prevented from exercising their rights, but would also not become aware of their own entitlements and of the State's obligations towards them. It is also crucial to enhance the national judiciary system's capacity for response. This requires efforts that range from allocating adequate financial and human resources to minimizing the administrative fees and collateral costs of seeking judicial remedies. This is a real challenge for Brazil, and we have been dedicated to developing innovative tools to achieve these goals.

For example, alternative dispute resolution methods are means for providing access to justice through extra-judiciary means. Brazil has adopted legislation and implemented policies to foster resource to mediation and conciliation "not only because these settlement instruments are swifter and have lesser budgetary impact, but also because they are based on actual engagement by the parties, leading to higher rates of acceptance and spontaneous compliance.

Mr. Chairman,

In 2012, the General Assembly recognized that the rule of law is not only a *cause* of development, but also a *consequence* thereof. The fulfillment of ODA commitments is therefore of critical importance. Unfortunately, the gap between aid effectively disbursed and official financing announced by donors amounts to billions of dollars, in accordance to the 2013 MDG Gap Task Force Report. Meanwhile, billions flow consistently to the development of weapons and military budgets, while falling short in development assistance.

Mr. Chairman,

Brazil is concerned that the discussions related to this rule of law have been unbalanced to the detriment of implementation on the international level where it reminds us that no State is above the law and that claims of exceptionalism are unacceptable and damaging to the multilateral system.

Abiding by the rule of law at the international level means no single country, no matter how powerful, is exempt from compliance with its obligations, or beyond reproach for circumventing international law in the assertion of its national interests. In this regard, we cannot forget that a reform of the UN Security Council, in order to make it more representative and effective, would certainly provide long awaited improved grounds for the promotion of an order based on respect for International Law.

Mr. Chairman,

Before concluding, allow me to remind this Committee that the debate on the rule of the law has been gaining prominence in this organization at the same time, and paradoxically, we bear witness to a continuous lack of funding for the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, whose main purpose is to foster the rule of law by means of promoting education in International Law. If we are to be coherent, we ought to overcome this situation. At a time when the Secretary-General himself has emphasized the importance of prevention, let us not forget that education in International Law is a cornerstone of lasting peace.

Thank you.