



**United Nations General Assembly | Sixth Committee (item 84)  
The rule of law at the national and international levels**

5 October 2016

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Mr. Chairman,

Brazil aligns itself with the statement delivered by the Dominican Republic on behalf of CELAC and thanks the Secretary-General for his annual report on this agenda item.

Mr. Chairman,

This Organization was established on the ideal of building an international order based on justice and cooperation. Upholding International Law, with the UN Charter at its centre, is not only desirable – it is the only responsible course of action. Regrettably, the first years of the 21<sup>st</sup> Century offer signs of systemic stress, that carry the risk of eroding the existing order and undermining respect for the UN Charter, especially regarding the rules governing the use of force.

The negative effect of such transgressions is not limited to tragic consequences in terms of human casualties, humanitarian crises and destabilization in certain regions of the world. They are also problematic from a systemic perspective, since these expressions of disregard for International Law indirectly encourage other actors to behave likewise.

Abiding by the rule of law at the international level means that no single country, no matter how powerful, is exempt from rigorous compliance with its legal obligations, or beyond reproach for circumventing International Law. Claims of exceptionalism are intrinsically incompatible with a law-based multilateral system. As we transition towards a multipolar world order, one stark reality to be confronted is that either the UN Charter will remain at the center of the international order, or there will be no order.

We should therefore continuously reflect on the contradictions, asymmetries, gaps and weaknesses of this Organization. Most importantly, we need to go beyond mere expressions of frustration and propose solutions that contribute strengthen multilateralism through ensuring respect for the rule of law, both at the national and international levels.

Mr. Chairman,

Our debates on this agenda item may have been inadvertently complicated due to the difficulty of identifying, in all languages, expressions that encompass all dimensions of the concept of the rule of law. Something gets lost in translation. In Latin languages, for example, “rule of law” translates broadly into “a state of rights”. From our vantage point, the rule of law points not only to the establishment of enforceable standards of behaviour. It is also about promoting social inclusion through the legal empowerment of populations. This is why Brazil attaches importance to access to justice, an indispensable element to confront this perceived gap.

Enhancing access to justice is crucial for tackling root causes of poverty, exclusion and vulnerability, given that it unblocks the full enjoyment of rights and public services. Brazil has developed a national index of access to justice, contemplating both judicial and non-judicial indicators, such as income, georeferencing and inequality. Its correlation with the Human Development Index demonstrates that access to justice and poverty reduction are mutually reinforcing.

Access to justice is more than access to Courts. It starts further upstream and involves universalizing birth registration, providing of free legal aid and strengthening alternative dispute resolution.

Birth registration is essential for legal identity. Reflecting Brazil's efforts in this regard, the percentage of non-registered births dropped from 20.2% in 2002 to 5.1% in 2013. Ensuring that the registration is free has proven to be fundamental. Another lesson learned is the need to bring the State to the remote areas of the country, including indigenous reserves. Brazil has equally strived to provide legal identity for migrants, refugees and asylum seekers. Once an asylum seeker is granted refugee status in Brazil, he or she receives an identity card and has access to public medical assistance and is eligible to study and to work.

States should be encouraged to provide free and effective legal aid to vulnerable populations. Without such assistance, they can not only be prevented from exercising their rights - they might not even become aware of them. Recourse to mediation and conciliation should be stimulated – not only because such mechanisms are swifter and have a lesser budgetary impact, but also because they are based on actual engagement by the parties, leading to higher rates of acceptance and spontaneous compliance.

In relation to access to Courts, our efforts range from minimizing the administrative fees and collateral costs of seeking judicial remedies to increasing the Judiciary's capacity of response. Conscious of the challenge faced in this regard, Brazil has been attentive to developing innovative tools to accelerate judicial proceedings, a task in which information technology and improved statistics have a clear role.

Mr. Chairman,

Brazil was pleased with the debate held last year under this agenda item on specific issues related to the Law of Treaties. It demonstrated that the current trend of creating multilateral legal frameworks, without necessarily resorting to prior work by the International Law Commission or the Sixth Committee, does not necessarily mean that there is a diminished role for this Committee. Quite on the contrary – it can, and should, serve as a platform to exchange views on recent developments regarding the Law of Treaties achieved through other processes. As a *locus* for cross-fertilization, this Committee can contribute both to update our understanding on the current practice and bring more cohesion to the dense web of multilateral treaties.

In this regard, allow me to draw attention to one particular issue. Last year, CELAC countries called for a review of the existing practices and regulations related to the role of the Secretary-General as depositary of multilateral treaties. In his report to the 71st Session, the Secretary-General provided useful information on new developments, such as the fact that the Treaty Section has been accepting the deposit of instruments in electronic form, which are not yet reflected in the "Summary of Practice of the Secretary-General as a Depositary of Multilateral Treaties" - a document last updated in 1993. As a main reference for our Governments, the Summary of Practice should be comprehensively updated. Brazil would welcome further discussion of this and other aspects of Treaty Law, including under a new agenda item of the General Assembly.

As a concluding remark, Mr. Chairman,

Brazil has been a supporter of the work of the UN, spearheaded by the General Assembly, in the progressive development and codification of International Law. This work has been contributing to meet the demand for strengthening our rules-based international order, as well as adapting norms to address old and new challenges. I take this opportunity to voice my country's recognition for the pivotal role of the International Law Commission in this regard, as well as of this Committee.

Thank you.