

MISSION OF
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The rule of law at the national and international levels

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Mr. Chairman,

At the opening of the general debate of this session of the General Assembly, Brazil drew attention to the fact that, in order to improve our collective order, an additional task has been put before us: to defend its very integrity. Like all socially-constructed systems, international law does not sustain itself on its own. It must be nurtured, developed and protected.

The United Nations was founded 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. The signs of systemic stress witnessed in these first years of the 21st Century carry the risk of undermining respect for the UN Charter, especially with regard to the rules governing the use of force.

The negative effects of such transgressions are not limited to tragic consequences in terms of human casualties, humanitarian crises and destabilization in certain regions. They are also problematic from a systemic perspective, since each expression of disregard for international law indirectly encourages 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. Claims of exceptionalism are intrinsically incompatible with a rule-based system. As we transition towards a multipolar world, the UN Charter must remain at the center of the international order.

We should continuously reflect on the contradictions, asymmetries, gaps and weaknesses of the United Nations. More importantly, we need to go beyond mere expressions of frustration and propose solutions that contribute to strengthen multilateralism through ensuring respect for the rule of law at the national and international levels, as well as within the UN.

Mr. Chairman,

Rule of law refers not only to the establishment of enforceable standards of behaviour, but also to the promotion of inclusion through the legal empowerment of vulnerable populations. This is why Brazil attaches importance to the notion of access to justice, an indispensable element to confront this gap.

Enhancing access to justice plays a key role in tackling root causes of poverty and exclusion, since it contributes decisively to the full enjoyment of rights and public services. Access to justice is much more than access to Courts. It involves, for instance, universalizing birth registration, providing legal aid and strengthening alternative dispute resolution. Brazil has strived to provide legal identity, including by ensuring that it is free and that the State reaches remote areas, such as indian reservations. It is crucial to ensure that migrants, refugees and asylum seekers have a legal identity. 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 so that they can be aware of their rights and exercise them. Recourse to mediation and conciliation should be stimulated, since such mechanisms are swifter, have less budgetary impacts and are based on engagement by the parties, thus leading to higher rates of 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 developed innovative tools to accelerate judicial proceedings, a task in which information technology and improved statistics play a clear role.

Mr. Chairman,

Statelessness is a challenge to access to justice, and therefore to the rule of law more broadly. People without a nationality are prevented from fully enjoying rights, public services and economic opportunities. An estimated 10 million people are stateless; a third of them are children. In 2014, the UNHRC announced a ten-year Global Action Plan to End Statelessness. As we reach its mid-point next year, we will have an opportunity to take stock of the progress achieved and renew efforts towards what needs to be accomplished until 2024. Brazil believes that the debates under this agenda item, including through a new subtopic, could help catalyze more attention to the importance of achieving this goal.

In Brazil, the new Migration Law, passed in 2014, includes an entire section to the protection of stateless persons and the reduction of statelessness. Its main innovation is the creation of a statelessness determination procedure which ensures the rights enshrined in the 1954 Convention, facilitates family reunification and allows for naturalization in after a period of only two years of residence.

On October 4, just four days ago, the Brazilian government proudly granted the Brazilian nationality to the sisters Maha Mamo and Souad Mamo. They arrived in our country in 2014, having been granted the humanitarian visa for people affected by the conflict in Syria. Maha Mamo was the first stateless person in Brazil to have her status recognized according to the new stateless determination procedure. The fact that she is now a Brazilian national demonstrates our commitment to openness and inclusion, as well as to human rights and access to justice.

Mr. Chairman,

From a perspective of the revitalization of the work of the Sixth Committee, Brazil was disappointed that last year the General Assembly was unable to agree on a subtopic for this year's debate under the current agenda item. Rule of law is a very wide topic. The practice of agreeing on a particular subtopic for each year provides focus to our work. Brazil welcomes the subtopic suggestions made by the Secretary-General in his report and encourages the General Assembly to restore its previous practice under this item.

Thank you.