



## United Nations General Assembly | Sixth Committee

### The rule of law at the national and international levels (Agenda item 85)

12 October 2021

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Madam Chairperson,

Brazil would like to thank the Secretary General for his report on strengthening and coordinating United Nations rule of law activities, both at national and international levels. The report not only shows the challenges posed by COVID-19 to rule of law activities, but also highlights how the pandemic exposed deep inequalities in the distribution of wealth and in the delivery of basic services.

Brazil commends the United Nations for its efforts to adapt its assistance as a way to mitigate the impact of COVID-19 on justice systems. We encourage further innovation and the use of technologies to promote access to justice, particularly in light of the limitations imposed by the current health crisis. There is no rule of law where there is no access to justice.

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, such as mediation and conciliation. In relation 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. Brazil has

developed innovative tools to accelerate judicial proceedings, a task in which information technology and improved statistics play an instrumental role.

Madam Chairperson,

While the United Nations has managed to adjust its assistance to promote the rule of law at the national level, the international dimension of the rule of law seems to have been left behind. Last year, we have experienced an abridged version of the Sixth Committee, with thought-provoking debates but few concrete results. Brazil expresses its appreciation to the Secretariat, the Bureau and the entire Committee for the efforts in making some progress while navigating uncharted waters and overcoming severe limitations to meet, interact and negotiate. For the 76th Session, though, we do expect to see more progress across all topics of our agenda. The Sixth Committee should not settle for technical roll-overs as the rule when international law is continuously evolving and the world it regulates is constantly changing.

Back in 2012, the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels stressed the importance of continuing efforts to reform the United Nations, including its Security Council. Yet, this is another area that has been left behind. The pandemic has practically interrupted the work of the General Assembly for a while. Thankfully, the UNGA was able to seek innovative ways to resume at least part of its activities, to deliberate and adopt decisions. The same cannot be said for the IGNs, which remained with no activity for much longer. Given that the Secretary-General's Report on the Rule of Law emphasizes the process on "Our Common Agenda" and the Declaration commemorating the 75th anniversary of the United Nations, let us just recall the commitment contained therein to instill new life in the discussions on the reform of the Security Council. Brazil reiterates its strong commitment to an early and comprehensive reform of the Security Council, in both categories, which will make it more representative and efficient. This is crucial to strengthen the rule of law at the international level.

Madam Chairperson,

Brazil reaffirms the imperative need for upholding the rule of international law, in accordance with the principles enshrined in its own Constitution and in the Charter of the United Nations. In this regard, we would like to express our appreciation for the work of the International Law Commission on several topics, some of them directly related to the very foundations of the rule of law, such as responsibility for internationally wrongful acts. The priceless contribution of the Commission to the codification of customary rules is also a contribution to legal certainty and to the rule of international law.

COVID-19 has also impacted our consultations aimed at defining a subtopic for this year's debate under the current agenda item. The practice of agreeing on a particular subtopic for each year provides focus to our work and should be reinstated for the upcoming session. Brazil takes note of the Secretary-General's proposal to have a broad subtopic on rule of law, connected to discussions on "our common agenda". At the same time, we would favor a more focused approach, electing a subtopic that will benefit from the unique characteristics and expertise of the Sixth Committee. We would also like to caution against expanding the notion of the rule of law too far. Attempts to address issues that fall beyond the scope of this agenda item might be counterproductive and generate duplication of efforts.

In conclusion, Madam Chairperson,

The efforts to strengthen the rule of law in both national and international levels will contribute to a more peaceful and just world. Brazil will continue to advance in this area and to support the work of the UN, spearheaded by the General Assembly, in the progressive development and codification of international law.

Thank you.