



United Nations General Assembly | Sixth Committee
The rule of law at the national and international levels

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Mr. Chair,

Brazil would like to thank the Secretary General for his report on strengthening and coordinating United Nations rule of law activities.

It is our understanding that abiding by the rule of law at the international level means that no single country, no matter how powerful it is, is exempt from rigorous compliance with its legal obligations. International law must remain at the center of the international order, or else there will be no order. Upholding international law, most particularly the Charter of the United Nations, is not only desirable – it is the only responsible course of action, in accordance with article 2.4 of the UN Charter.

The primacy of international law over force, together with the basic principle of the juridical equality of States, emerged after the two Hague Peace Conferences, in 1899 and 1907. Latin American States made a decisive contribution to the outcome of such conferences and to the wide recognition of these principles. Brazil is proud of the Latin-American legacy to international law and, in particular, of the role played by the Brazilian internationalist Rui Barbosa in the 1907 Peace Conference.

International law must prevail at all times and in all situations, especially when international crimes and internationally wrongful acts are committed by individuals and States. This is why the rules of criminal accountability and international responsibility also lie at the epicenter of any order that truly abides by the rule of law. They complement each other in setting consequences for breaches by subjects of law of their international obligations.

Mr. Chair,

It is worth recalling the declaration adopted in the 2012 high-level meeting of the General Assembly on the rule of law at the national and international levels, which recognized that the rule of law is “the foundation of friendly and equitable relations between States and the

basis on which just and fair societies are built”. Thus, achieving the rule of law at the international level not only requires a peaceful coexistence between subjects of international law, but also their coordination and cooperation towards a just and fair order based on international law.

Brazil has been a supporter of the work of the United Nations, spearheaded by the General Assembly, in the progressive development and codification of international law. We take this opportunity 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 international law. The priceless contribution of the Commission to legal certainty attests its pivotal role in promoting the rule of law at the international level.

At the national level, promoting access to justice for all is key in ensuring the full enjoyment of human rights in its entirety. It is important to highlight, however, that rule of law cannot be seen solely as a cause of development, but also as a consequence thereof. The impacts of the COVID-19 pandemic exposed deep inequalities in the distribution of wealth and resources and the delivery of basic services. This situation illustrates most particularly how far the international

community remains from achieving the enjoyment of economic, social, and cultural rights, all of them inherent to human dignity.

This is why the implementation of SDG 16 has to be made together with the other objectives of the 2030 Agenda for Sustainable Development, and not in isolation. Ensuring national ownership, policy space and - most importantly - means of implementation are also key elements in this process. Let us not forget that one of the targets of SDG 16 sets the need to broaden and strengthen the participation of developing countries in the institutions of global governance. This applies in particular to the United Nations. Strengthening the rule of law in the UN largely depends on reforming the Organization, in order to make it more legitimate and effective.

For decades, we have been discussing in the General Assembly the issue of equitable representation in the Security Council. Despite the overwhelming support of the membership for a reform process, we have made little progress so far. The passing of time is only making the representativeness gap of the Security Council more acute, with detrimental consequences on its ability to maintain international peace and security and, consequently, the rule of law at the international level. Brazil reiterates its strong commitment to an early and comprehensive reform of the Security Council.

Mr. Chair,

National and international jurisdictions are complementary in fighting impunity, especially for serious crimes, and in providing reparation for victims. Brazil reiterates its commitment to international criminal justice. As a founder of the International Criminal Court, Brazil supports its work to promote accountability at the international level, under the principle of complementarity, one of the cornerstones of the Rome Statute. Such principle recognizes that it is imperative to build a culture of accountability at the national level, with strong national judicial institutions able to fight impunity.

We are certain that the efforts to strengthen the rule of law contribute to the promotion of democracy and human rights, and we will continue to advance in this area in order to build a better society for current and future generations.

I thank you.