



United Nations General Assembly | Sixth Committee

The rule of law at the national and international levels (Agenda item 83)

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(check against delivery)

Mr. Chair,

Brazil thanks the Secretary-General for his latest report on strengthening and coordinating United Nations rule of law activities.

Respect for 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 international legal obligations. International law, particularly the Charter of the United Nations, must remain at the center of the international order. Otherwise there will be no order.

Article 2.4 is regarded as one of the most important provisions of the UN Charter, as it acknowledges the primacy of international law over force. The fundamental principle of the prohibition of threat or use of force, together with the basic principle of the legal 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 role then played by the Brazilian internationalist Ruy Barbosa.

The prohibition of the use of force in cases not authorized by the UN Security Council is now considered to be a "jus cogens" norm: it does not permit any derogation, neither by treaty nor by unilateral acts. Furthermore, it should be recalled that no rights or entitlements could arise from unlawful acts.

The rules of criminal accountability and international responsibility also lie at the heart of any order that is truly governed by the rule of law. They complement each other in setting consequences of breaches by subjects of law of their international obligations.

Mr. Chair,

The declaration adopted in the 2012 high-level meeting of the General Assembly on the rule of law at the national and international levels 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 requires not only 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 United Nations, spearheaded by the General Assembly, in its task to promote the progressive development and codification of international law. Therefore, we reiterate our appreciation for the work of the International Law Commission towards the achievement of this objective.

Mister Chair,

This year's topic on the use of technology to advance access to justice was not a random choice by Member States. It is the result of the prominent role technology has taken in all spheres of our lives and of the need to reflect on the benefits and challenges arising from its development. Information and telecommunications technologies are used on a daily basis. More specifically, the Internet, videoconference platforms and softwares have widened and sped up access to justice, including in my country.

This having been said, technologies must be a tool to improve access to justice, not a barrier or a threat to due process guarantees. The use of the Internet must not become a requisite for being able to take claims to the judiciaries. It should be an additional option to resort to the judicial system. It is essential to remember how much the impact of the COVID-19 pandemic exposed deep inequalities in the distribution of wealth and resources and the delivery of basic services, including access to the Internet and other ICTs. It showed that the international community remains far from reaching equitable enjoyment of economic, social, and cultural rights, all of them inherent to human dignity.

Moreover, the use of technologies by judicial actors, prosecutors and investigators shall take into due account the right to privacy and the protection

of personal data. Brazil has a solid regulatory framework to ensure the rule of law in the virtual domain, including its Civil Framework of the Internet and the General Law on the Protection of Personal Data.

It is also crucial to strike a fine balance between the importance of upholding the rights to the freedoms of expression and of association and the need to hold accountable those responsible for spreading hate speech and disinformation or for making use of the internet and social media platforms to pursue criminal activities.

Mister Chair,

The Sustainable Development Goal 16 can be attained by ensuring national ownership, policy space and means of implementation. Its implementation must strengthen the participation of developing countries in the institutions of global governance, in particular the United Nations. Strengthening the rule of law in the UN largely depends on reforming the Organization to make it more legitimate and effective.

Mister Chair,

For decades now, 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 reform, and especially for a reform that increases the number of members of the Council in both categories, we have made very little progress so far in making the Council more representative and effective. The passing of time is only making the representativeness gap more acute, with

detrimental consequences to its ability to maintain international peace and security.

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 support the work of the UN, spearheaded by the General Assembly, in the progressive development and codification of international law.

I thank you.