



United Nations General Assembly | Sixth Committee

The rule of law at the national and international levels (Agenda item 84)

17 October 2024

(check against delivery)

Madam/Mr. Chair,

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

Let me try to define the rule of international law in simple terms: it is basically the antithesis of the law of the strongest. There is rule of law where there is respect for the sovereign equality among States. There is rule of law at the international level when any State, no matter how powerful it is, is unable to exonerate itself from rigorous compliance with its international legal obligations.

And it is not simply a rules-based order. Which rules? Rules dictated by whom? The rule of law at the international level inescapably rests upon international law, in whose center lies the Charter of the United Nations. In the face of so

many breaches of the Charter, we regrettably wonder if the world we currently live is under the rule of international law.

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. It also leaves no room for abusive invocations of the right of self-defense. Furthermore, no rights or entitlements could arise from unlawful acts.

The rule of law also requires both criminal accountability and international responsibility. They are indispensable components of the framework that sets out the consequences of violations by subjects of law of their international obligations.

Madam/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". Hence, a peaceful coexistence between subjects of international law and their cooperation are essential for the rule of law at the international level.

The empire of international law also depends on the ability of the international community to codify it and promote its progressive development in the interest of justice. In this regard, Brazil is grateful to the International Law Commission for its assistance to States in their efforts to ensure that our societies live under rules that are clear, transparent, up-to-date and fair.

Madam/Mr. Chair,

In resolution 78/112, the General Assembly decided that this year's debate should focus on "the full, equal and equitable participation at all levels in the international legal system".

Due to an array of shortcomings, states may lack the ability of promoting their national interests by resorting to the international legal system. This undermines the principle of legal equality of states and the rule of law itself. When States are deprived of peaceful means to settle their disputes, conflict may break out.

On another note, the high level of engagement by States in recent advisory proceedings of the International Court of Justice demonstrates their belief not only in justice, but their resoucefulness and power to achieve it through the international legal system.

Madam/Mister Chair,

Strengthening the rule of law in the UN largely depends on reforming the Organization to make it more legitimate and effective.

We have been discussing for decades 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 would increase 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. With the adoption of the Pact for the Future, in particular its actions 39 and 40, we hope that real discussions on reform will finally gain momentum. This an urgent task we must undertake to counter the detrimental effects of insufficient representativeness in the Council to the maintenance of international peace and security.

We are at a moment when we seem to passively witness a blatant disregard for international law, when violation of basic principles of *jus in bello* goes unpunished, when impartial humanitarian workers and UN missions and peacekeepers become targets of deliberate attacks, when human rights are overlooked, if not called into question. It is our obligation to improve the UN governance so that this Organization can rise to the challenges facing it and contribute to the rule of law at the international level.

Thank you.