



United Nations General Assembly | Sixth Committee
The rule of law at the national and international levels
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(check against delivery)

Mr. Chairman,

I would like to start by thanking the Secretary-General for his report on strengthening and coordinating United Nations rule of law activities, as well as for his report on the review of regulations to give effect to Article 102 of the Charter of the United Nations.

Mr. Chairman,

This Organization was established 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. Regrettably, the first years of the 21st Century offer signs of systemic stress, that carry the risk of eroding the existing order and undermining respect for the UN Charter, especially regarding the rules governing the use of force.

The negative effect of such transgressions is not limited to tragic consequences in terms of human casualties, humanitarian crises and destabilization in certain regions of the world. They are also problematic from a systemic perspective, since these expressions of disregard for International Law indirectly encourage 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, or beyond reproach for circumventing International Law. Claims of exceptionalism are intrinsically incompatible with a law-based multilateral system. As we transition towards a multipolar world order, one stark reality to be confronted is that either the UN Charter will remain at the center of the international order, or there will be no order.

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

Mr. Chairman,

Our debates on this agenda item may have been inadvertently complicated due to the difficulty of identifying, in different languages and legal traditions, expressions that encompass all dimensions of the concept of the rule of law. Something gets lost in translation. In Latin languages, for example, “rule of law” translates broadly into “a state of rights”. From our vantage point, the rule of law points not only to the establishment of enforceable standards of behaviour. It is also about promoting social inclusion through the legal empowerment of populations. This is why Brazil attaches importance to the notion of access to justice, an indispensable element to confront this perceived gap.

Enhancing access to justice is crucial for tackling root causes of poverty, exclusion and vulnerability, given that it unblocks the full enjoyment of rights and public services. Access to justice is much more than access to Courts. It starts further upstream and involves universalizing birth registration, providing of 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 indigenous reserves. 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. Without such assistance, they might be prevented from exercising their rights or they might even not become aware of them. Recourse to mediation and conciliation should be stimulated, since such mechanisms are swifter, have a lesser budgetary impact – and, above all, are based on actual engagement by the parties, thus leading to higher rates of acceptance and 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 been attentive to developing innovative tools to accelerate judicial proceedings, a task in which information technology and improved statistics have a clear role.

Mr. Chairman,

Brazil was pleased with the debates held during the 70th and 71st sessions under this agenda item on issues related to the Law of Treaties. They demonstrate that the trend of creating multilateral legal frameworks without resorting to prior work by the International Law Commission or the Sixth Committee does not necessarily mean that there is a diminished role for this Committee. Quite on the contrary – it can, and should, serve as a platform to exchange views on recent developments regarding the Law of Treaties achieved through other processes. As a *locus* for cross-fertilization, this Committee can contribute to update our understanding on the current practice and bring increased cohesion to the dense web of multilateral treaties.

In this regard, Brazil would like to draw attention to one particular issue: the registration of treaties, as requested by Article 102 of the UN Charter. The General Assembly adopted the regulations to operationalize Article 102 in 1946. Since then, they were amended only three times - in 1949, 1950 and 1978. Practice and technology evolved significantly over the last 39 years, rendering a significant part of the provisions out-of-date. The fact that current regulations do not refer to electronic resources is just one example of their mismatch with today's reality. Since these provisions are designed to assist Member States in fulfilling an obligation that stems from the UN Charter and to promote legal certainty, it is crucial that they remain useful and reliable.

Following discussions under this agenda item during the 71st session, the Secretary-General was mandated to further elaborate on suggestions to review these regulations. The Secretary-General invited us to consider review of the conditions for registration; the role of depositaries; to simplify procedural requirements; to facilitate the use of electronic resources and to consider the publication policy, including by integrating publication work with the online UN Treaty Collection. The consideration of these suggestions could lead not only regulations attuned with current practice, but also generate a more efficient registration and publication process. Brazil also considers important to support activities undertaken by the UN to support Member States in the registration of treaties, including capacity-building, publications or technical assistance.

The Sixth Committee should make an effort to consider a review of these regulations in a dedicated agenda item, so as to keep them useful and reliable to Member States. Brazil is willing to work jointly with all interested delegations during the inter-sessional period on a possible request for the inclusion of a dedicated item in the agenda of the 73rd session of the General Assembly to the review of the regulations to give effect to Article 102.

As a concluding remark, Mr. Chairman,

Brazil has been a supporter of the work of the UN, spearheaded by the General Assembly, in the progressive development and codification of International Law. This work has been contributing to meet the demand for strengthening our rules-based international order, as well as adapting norms to address old and new challenges. I take this opportunity to voice my country's recognition for the pivotal role of the International Law Commission in this regard, as well as of this Committee.

Thank you.