
The UN @ 75:

International Law and the Future We Want

Statement by Michelle Bachelet,

UN High Commissioner for Human Rights

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Ambassador Skoknic Tapia, Chair of the Sixth
Committee,

President of the General Assembly,

President of the International Court of Justice,

Legal Counsel of the United Nations,

My distinguished co-panellists,

Excellencies and friends,

It is a great honour to join today's discussion, under the leadership of Ambassador Skoknic, on an issue as central to our common future, to the future we want, as international law.

This 75th anniversary year of the United Nations, like all significant milestones, gives us the opportunity to look back on the path we have travelled together. Even more importantly, it allows us – indeed, it obliges us – to look ahead. To acknowledge that which has been achieved, to concede that there is much more to do, and to see where we need to refocus our collective commitment to do better.

That would have been true for this year even before the impact of COVID-19. But the upending of our familiar international order this year, of our Organization's way of doing business, of the accustomed ways of living and working of each and every one of us, makes that inescapable.

It does not surprise me that the peoples of the world, in this year's global survey conducted by the United Nations, identified the protection of human

rights and efforts to combat the climate crisis as key priorities for us moving forward.

Excellencies,

It is a sobering reflection of the current reality of our world that, even in this year 2020, the meaning of the first major UN treaty to protect human beings, the Convention against the Prevention and Punishment of Genocide, is again in dispute before our highest court.

Still, the past 75 years have seen an extraordinary expansion of international law. Especially important has been the recognition of the role and function of law to protect and defend the dignity of the human person, wherever she may be, and the essential common humanity that we share, whatever our characteristics, backgrounds, beliefs and values.

The majestic principles of equality of all before the law, and the protection without discrimination of all persons, find their expression in the human rights treaties which are today an uncontested part of our shared international legal order, and which – to large extent – constitute customary international law applicable everywhere. This is an achievement, which this Committee, the General Assembly, Member States, indeed we the peoples of the world, can be justly proud.

Excellencies,

As with law in our individual States, the written law is only as good as its implementation, which must be equal and even-handed. That is particularly true for international law, given the more limited range of enforcement mechanisms available, and this makes the mechanisms we do have – notably the International Court of Justice and, within its own sphere, the Security Council - even more crucial. In the area of human

rights, failure to give effect to international human rights protections is itself a negation of those foundational principles.

As with law at the national level, for the law to remain relevant, to be respected as having binding force, and to shape and channel political decision-making, the law must evolve and remain abreast of new and emerging challenges in our society.

Both the climate crisis and the COVID pandemic – as well as the linkages between them – are major challenges to our shared future together and the law, including at the international level, must show itself capable of supporting and driving our response to these crises.

Throughout the course of this year, I have insisted on the relevance of human rights for effective responses

to COVID-19, from the design and implementation of lockdowns, to social protection for those most in need, to the importance of deeper analysis of internal and international inequalities, and to building back better and stronger, more fairly and justly than before.

And while, understandably, the focus this year has been on the shock of COVID surging across our world, affecting every State, the climate crisis is an order of greater magnitude. We know from the violence of unprecedented climate disasters, from the coasts of Australia and California, the wetlands of Pantanal, to our arctic forests and the slopes in last weeks of even Mount Kilimanjaro, to name just some, that its scale is shocking. Its direct impact on millions of human beings is vast and growing. It is urgent to act, and the obligation on States to protect their populations against now obvious risk, is clear. Legal recognition at the international level of the right to a healthy environment would be a key step here.

Beyond these two prominent issues, there are more areas where change – for better and for worse – is rapid, where the concerns of people and societies are growing, and where the law must evolve to keep pace, to play properly its function of shaping and directing the evolution of societies.

I am thinking of the enormous changes being wrought by the Digital Revolution, across all areas of work and life. The power of digital technologies is vast, and their ability to affect our very identities as individual human beings is profound. The law must be able to control and direct where we are headed. The benefits of these technologies, properly harnessed and regulated, are inestimable – but the dangers posed by unaccountable use and concentrated power are serious.

In addressing these challenges, international law has an essential role to play – in emphasising existing

obligations of States and in adapting to provide new norms and tools to strengthen our global response.

In that, this Sixth Committee, and its parent the General Assembly, are uniquely placed, on behalf of us all, to recognise legal gaps in our framework and drive forward the development of the norms we need, for the future we want.

Alongside them, the International Law Commission has an essential mandate to advance the codification and progressive development of international law. The International Court of Justice and other international courts, with each judgment and advisory opinion, add to our collective understanding of what the law is – and, by extension, what the law should be.

Enormous challenges lie ahead. But we stand on the shoulders of giants. The human rights framework,

which has been developed over almost a century of commitment and dedication by so many, offers the tools we need to understand why and where our international and national systems need improvement.

It also gives us the means to measure the impact of State action and policy.

And, crucially, human rights analysis enables us to target the areas where action – including the further development of legal norms – is most needed and most urgent.

After all, the impact on individual human beings, on enhancing the rights and liberty of all, expressed individually and collectively, is the *raison d'être* of our Organisation, and its pursuit of a fairer, stronger world both for us and for the generations to come.

Excellencies, distinguished guests,

The future we want is one that we can all, as human beings, instinctively grasp:

- a world with less conflict,
- with more equal access to our limited resources both within societies and between States,
- a world of more equal opportunity,
- with greater acknowledgment both of the richness of our diversity and the centrality of our common humanity,
- a world of larger freedom in which to develop and unfold the potential of all,
- and where the future offers hope to coming generations.

That is the future we want, and – if I may suggest - the law that we want is that which both pushes and leads us towards those ends.

I am proud, as High Commissioner for Human Rights, to play my own role as part of our collective system of law, with these goals for our future clearly in mind even as we traverse such challenging years.

Thank you, Ambassador Skoknic, for convening this event, and for the opportunity to be part of such an important debate on the future we want, and the future we must achieve.

Thank you.