

AMB. PATRIOTA (transcribed as delivered)

Well, thank you very much, before anything let me thank the Italian government for hosting us. I have been here for two weeks now, but feel very welcome in this beautiful city of Rome and of course Irene Khan from IDLO and our President from Kuwait, many distinguished guests around the table, I would like to mention in particular the President of the Supreme Court of Paraguay, a neighboring country to which we are of course extremely attached.

Well, let me try to answer to your question, by bits and pieces, perhaps, and going back to the origin of the concept of sustainable development. The real conference, the Rio+20 Conference, and its document "The Future We Want", set out the parameters that defines the sustainable development, and, as you are all aware, it was defined as consisting of three pillars: economic, social, environmental. The agenda that was requested for Member States to negotiate in New York that ultimately took two years and a half, more or less, to be negotiated, was supposed to concentrate on the inter-connectiveness between the three pillars, having the eradication of poverty as an overarching goal with the sense of leaving no one behind.

I think your two key objectives reflect this very well, and whereas discussions we had on issues pertaining to peace, security, conflict and violence those were not included as a pillar of sustainable development as such in the original vision of the Rio+20 Conference. So, as hosts to that conference, we felt that we have to play a role in preserving the original vision and not introducing other elements which could add layers of complexity and detract us from our main objective. This was one element. Now, many of you recall that subsequently a High-Level panel of eminent persons on the post-2015 development agenda, was convened by Secretary General Ban Ki Moon, it also produced the document that was available to delegations in New York when they started negotiating that 2030 Agenda, and, it had a slightly different focus from the outcome document of the Rio Conference. In fact, it didn't include the vision for peace and security and conflict and violence as one of the dimension of the discussion but our sense was that while this was a worthy document, and, we, of course, had the greatest respect for all the participants in that discussion, that this had not been an inclusive, intergovernmental process as the real conference had been. So, we had to concentrate ourselves in the vision of the Rio Conference. This was an initial difficulty. Now, it is not that we, let's say as Brazil and as G77 subsequently, were trying to diminish the importance of the link between peace and development, but, I think there was a sense that one have to respect the different areas of responsibility within the United Nations, just as the Security Council and its Permanent Members and the Members of the Council itself, should not be relieved of their responsibilities in promoting peace through other forum in the UN and of course that work is fundamental.

We felt that if we started having discussions on peace and security within a universal, universally applicable agenda, then, we would have to look at things like military budget, the elimination of weapons of mass destruction, disarmament and it would not only be peace and security as applicable to the developing world, since we were moving from a MDG type agenda which was focused on the developing world to a universally applicable world, and whenever we made that argument then those who were been pushing for a peace and security dimension would of course say that this is not what we have in mind, we're actually thinking about the conflicts in Africa, Middle East and so forth.

So, it was difficult to make progress along those lines. But ultimately, I think convergence was possible around some core ideas and here I will mention two or three of the elements that made consensus possible. One of them was the idea of access to justice itself. Access to justice seemed to us a better term than rule of law when you are speaking of a transformative agenda. The very simple example that I sometimes give is that in a regime such as the Apartheid regime in South Africa, you had rule of law, but did you have justice? Was this a fair and just regime? I think we would all agree that the answer is no. So laws in and by themselves did not insure a fair and just society and when we were discussing a transformative agenda, one that is supposed to eliminate discrimination, promote inclusion and afford equal opportunity to all, there are many laws that may have to be changed, all over the world, in the developing world and the developed world, I can give you examples, for example the access to land in many places in the developing world but I also can give an example of the need to ensure dignity, access to legal procedures that are equitable for refugees in the developed world, so, this is truly an universal challenge (I think we have the microphone back which makes my

task easier) and we were pleased that ultimately it was possible to find common ground around the concept of access to justice, now that is not to say that we are doing away with the idea of rule of law which translates a little differently into Latin languages, “estado de derecho” and “stato di diritto” I would say in Italian I am not sure, but in Spanish “estado de derecho” because that of course has other implication that we are very attached to effective and reliable and accountable institutions and procedures and alike, but I think the access to justice’s idea did convey the sense of dynamism, we are not here in a static kind of environment, we are trying to change things, change behavior, change the way societies operate so that no one is left behind. Now, interestingly also where the expression rule of law does enter into to goal 16, one of the targets, this was made possible because there is reference to international law which was again not an easy discussion to reach consensus on, I am speaking of target 16.3 which speaks of the promotion of the rule of law at the national and international levels to ensure equal access to justice for all. Now why did many developing countries, Brazil in particular but others as well, feel that it was important? Because through multilateralism, through the UN system that has been in place now for 70 years, but even before that in some areas such as labor laws, international parameters that have been set, international conventions have been agreed upon and these established standards according to which national governments should perform and establish their own rights and obligations. So to give a very simple example: When a country says that it will not allow the entry of refugees from a conflicted area out of the concern for public security well, you know, it may be behaving in conventional violation to the 1951 Convention on refugees, it is very important to associate domestic law to international law in the implementation of an agenda such as this. And once we had reached an agreement on that target, it was possible to incorporate the concept of rule of law into the goal. Another area where we feel there was some misunderstanding and sometimes conflicting views and even differences in semantics: is in the indiscriminate use of conflict and violence. Now, to our mind, conflict, international conflict in particular, is not going to be solved through a sustainable development agenda, it is going to be solved through the tools provided in the collective security discussions we have within the Security Council in New York at the UN or through peacebuilding mission and other mechanisms of alike. It is very important to our mind to distinguish between high levels of violence that have to do with homicide or public security challenges that will not be solved through sanctioning regimes or international intervention or peacekeeping operations of the United Nations and international and peace security challenges that require this kind of approach and again, I think, within goal 16 we managed to avoid using the word conflict which was initially being promoted by those who took the reported to the High level of panel of the eminent persons, referred to before, as the basis for their position and concentrate on the challenges that would be under the responsibility of national government and in particular public security challenges. I would mention one fourth element that found its way under goal 16 to which we attached importance and that also made consensus easier for many, was the fact that goal 16 calls for a greater participation of developing countries in international governance structures. Now, this is important because, if we were speaking of improving governance, domestically, making it more accountable, legitimate, representative, I think there is a strong argument in favor of promoting similar types of structures and governance internationally and worldwide, making them representative, legitimate and fully accountable in the face of international community. Once this argument was accepted, I think we manage to reach a package that all countries were comfortable with and now perhaps the biggest challenge is in the implementation and here, I would just like to mention two aspects of the implementation that we continue to see some, maybe, misunderstanding or confusion and that requires permanent vigilance for the 2030 Agenda. One of them has to do with the inter-connectiveness of the social and economic and environmental. We just recently had in New York the first edition of the High Level Political Forum where twenty-two voluntary presentations were made. This was the first time, so obviously it was a bit of an experimental exercise and what happen in the strategy presentation, there were very unequal. Some, I think, would have gotten an A+ grade for observing fully the spirit of the agenda, but others not quite. Now, what were the two problems that prevented some presentations from, let’s say in our perspective from getting the highest grade? One issue was the inter-connectiveness, some delegations concentrated or placed the emphasis on the environmental for example, on the Paris accordance. We do not want to diminish the importance of the environmental, but I think it is very important to bear in mind that the 2030 Agenda is not an environmental agenda. It is a sustainable development agenda that focuses primarily, and with great emphasis, on the eradication of poverty so to privilege an environmental approach would represent a distortion. This is one. A second problem is that while we recognize that it is not very innovative for developed countries to make presentations about how they are implementing a development agenda nationally. Some developed country did precisely this and honored the spirit, while others used the time according to them for voluntary presentation in focusing almost exclusively on what they do as cooperation for development in Africa, Asia, Latin America. Now, this is not what the agenda is about, the agenda is about how you implement domestically, primarily, so how does goal 16 pertain to your national policies wherever it is, from Iceland to Papua New Guinea and then as an extra or

added element, I think countries are obviously entitled to share cooperation assistance that they may provide to others. But, they will not be fulfilling their obligations under the 2030 Agenda if they do not present what they are doing domestically, and unfortunately I think we still have to insist a little bit on this aspect because it has not been assimilated or metabolized by every single government around the world. So this are my initial comments and thank you for this opportunity again.