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The rule of law at the national and international levels

Letter dated 25 September 2012 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General

I have the honour to write to you in connection with the high-level meeting of the General Assembly on the rule of law at the national and international levels, which was held in New York yesterday, 24 September 2012.

The high-level meeting was an excellent opportunity for Member States to discuss the importance of promoting an international legal system based on the rule of law, which requires that the Member States of this Organization commit themselves firmly to compliance with the norms and principles of international law in order to contribute to the strengthening of international peace and security.

In that connection, the delegation of the Bolivarian Republic of Venezuela respectfully requests that this communication and the annex thereto should be circulated as a document of the General Assembly at its sixty-seventh session under agenda item 83, "The rule of law at the national and international levels", and that it should be an integral part of the record of the discussion at the high-level meeting.

(Signed) Jorge Valero
Permanent Representative



Annex to the letter dated 25 September 2012 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General

High-level meeting on the rule of law at the national and international levels

Statement delivered by the Venezuelan delegation

New York, 24 September 2012

The Bolivarian Republic of Venezuela again reaffirms its full support for the principles of respect for the sovereignty and the self-determination of peoples, the territorial integrity of States, the right of States to the use, exploitation and management of their natural resources, the peaceful settlement of disputes, refraining from the threat or use of force, and non-interference in the internal affairs of States.

These principles are fundamental to the achievement of a just and equitable international order in which the rule of law, peace, equity and solidarity among peoples prevails. Therefore, there can be no distinction or privilege among States and the rule of law must be part of a fair, mutually supportive international order.

Venezuela stresses the importance of preserving the rule of law at the national and international levels. In order to do so, it is essential to respect and strengthen the political and legal structure of sovereign States.

The United Nations is an international organization that still reflects the status quo inherited from the Second World War. In practice, five permanent members have the sole right to take decisions on matters related to international peace and security. Both the democratization of the United Nations and the leading role of the General Assembly are essential to genuine exercise of the rule of law in this world organization.

Venezuela stresses the importance of international law as one of the sources of its domestic law. Through the incorporation of that law, which is reflected in international treaties, the two bodies of law are being progressively harmonized so that they can be implemented effectively.

The Venezuelan Constitution establishes that human rights treaties, covenants and conventions that have been signed and ratified by Venezuela have constitutional rank and take precedence over domestic law in so far as they contain provisions on the enjoyment and exercise of human rights that are more favourable than those of the Constitution. Therefore, in Venezuela, international human rights norms are as important as constitutional norms.

Respect for the fundamental human rights is one of the basic pillars of the rule of law. During the Bolivarian revolution, under the leadership of Hugo Chávez Frías, these rights are becoming universal and everyday issues.

Our democracy is popular and participatory. Within the framework of our revolution, internationally recognized democratic principles are being applied and expanded at higher levels. The Venezuelan legal order gives priority to popular consultation in the form of referendums on conventions or international agreements

that could compromise national sovereignty or transfer competencies to supranational bodies.

It should be noted that, despite the work of the United Nations in the area of the promotion and codification of international law through the Sixth Committee, the International Law Commission and the United Nations Commission on International Trade Law, the current functioning of the Organization often prevents its work from being translated into a true predominance of the rule of law in the international community.

The democratization and rebuilding of the United Nations will allow international law to be applied in an equitable and transparent manner. This will require reform of the Security Council, particularly its composition and the manner in which it takes its decisions.

In that regard, should be noted that Article 24 of the Charter of the United Nations does not necessarily grant the Security Council the competence to address issues that fall within the functions and powers of the General Assembly or the Economic and Social Council, including the establishment of rules and legislation. It should also be borne in mind that the General Assembly is mandated to promote the progressive development and codification of international law.

It is therefore necessary to halt the tendency of the Security Council to usurp matters that fall within the competence of the General Assembly or the Economic and Social Council. By weakening the role of the General Assembly (and therefore, that of all States), this practice undermines the rule of law that should prevail in this Organization.

Venezuela takes a comprehensive approach to the necessary reform of the Security Council. It proposes that the Council's two existing categories of membership should be expanded; that its decision-making mechanism, the veto, should be changed (elimination or restriction of its scope with a view to its subsequent elimination); and that its working methods should be improved.

Venezuela considers that there is necessarily a link between the pursuit of a process of genuine reform of the United Nations Security Council and the pursuit of a genuine rule of law at the international level.

A peace based on the privileges of great imperial Powers is fragile and discriminatory; it violates the rule of law that should prevail within multilateral institutions.

If the United Nations intends to apply the principles of the rule of law in a transparent manner, it is essential for it to rebuild and reformulate its structure and norms in order to ensure the legal equality of all States.

The Security Council has contributed to violations of the rule of law. As we have noted in the past, the cases of Libya and Palestine are emblematic. This has led the Bolivarian Republic of Venezuela to enter a reservation of paragraph 28 of the Declaration that was adopted.