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INTERVENTO DELLA SANTA SEDE ALLA 63ma SESSIONE DELL'ASSEMBLEA GENERALE DELLE NAZIONI UNITE DAVANTI ALLA SESTA COMMISSIONE SULLO STATO DI DIRITTO A LIVELLO NAZIONALE E INTERNAZIONALE

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Pubblichiamo di seguito l'intervento che l'Osservatore Permanente della Santa Sede, l'Arcivescovo S.E. Mons. Celestino Migliore ha pronunciato a New York, martedì scorso 14 ottobre, alla 63ma Sessione dell'Assemblea Generale delle Nazioni Unite davanti alla Sesta Commissione sul punto 79: "*Th rule of law at the national and international levels*":

• INTERVENTO DI S.E. MONS CELESTINO MIGLIORE

Mr. Chairman,

At the outset, I would like to thank the Secretary-General for his comprehensive inventory of rule of law initiatives being undertaken at the United Nations. Clearly, the rule of law has grown in importance as a vital pillar for greater international development.

At its core, the rule of law is the mechanism by which the international organizations and national governments are called to provide effective recognition of the dignity of all persons regardless of their social, economic, or political status.

In the present cultural context, in which law is often perceived as respect for formal procedures and not in more substantive terms, the rule of law could become insufficient by itself to defend the dignity of the human person. The rights of persons are not simply a set of legal norms but represent, above all, fundamental values. Such values must be fostered by society, otherwise they risk disappearing even from legislative texts. The dignity of persons must be safeguarded in culture, in the public mentality and in the conduct of society, as a precondition and in order to be protected by law.

Although the rule of law is not in itself sufficient, it remains nevertheless an indispensable instrument for the

protection of human dignity. The notion of the rule of law is implied as a demand of the Universal Declaration of Human Rights (UDHR) and assigns to States the task of allowing and facilitating the realization of those transcendent ends to which people are destined. In this regard, the UDHR, which is currently in its sixtieth year, is a reference point that calls all nations to organize the relationship of persons and society with the State based on the fundamental human rights.

The rule of law is a vital component for assisting States in their responsibility to protect. While this responsibility entails the States' primary and legal obligation to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity, it also provides for the international community to intervene when a State is unable or unwilling to exercise this fundamental responsibility. This capacity to intervene should not be seen, however, only in the form of actions taken by the Security Council or use of force. It is also the cooperation of the international community to help States with the necessary capacity and legal expertise in the field of protection. The building up of national legal structures will help States to avert atrocities by establishing mechanisms that promote justice and peace, ensure accountability and recourse under the law, provide for the foundation of a stable economy and protect the dignity of every person.

Too often the concept of the rule of law is applied solely to political or legal matters in the context of post-conflict settings. The current economic crisis, however, shows that a strong rule of law could be very helpful in the promotion of fair and stable economic development. The interconnected nature of the global market has increased the need for debate on and implementation of the rule of law, so as to establish a more just global economic system. In the developing world, the rule of law can provide social and economic growth while in the developed world, through just regulations, it can ensure greater economic stability and fairness.

Through the work of the Rule of Law Coordination and Resource Group and the Rule of Law Unit, the United Nations has been given the responsibility for assisting States needing technical and logistical expertise. We look forward to their capacities being enhanced in this respect. In addition, this very Committee offers a platform for setting normative frameworks, means for arbitration of legal disputes and mechanisms of accountability.

One area in which the United Nations serves as a forum for enhancing the rule of law is in the making of international treaties and conventions. Indeed, it has been the ability of the United Nations to bring people together and give greater attention to international norms. Hence, it is of great importance that when implementing and enforcing these norms, the United Nations' agencies and monitoring bodies respect the intent and desire of States. A treaty body system which moves away from the original intent of the parties and expands its mandates beyond the power given by States, risks undermining its own credibility and legitimacy and can discourage States from joining conventions.

The United Nations will be appreciated in its own right whenever the rule of law is translated from discussions of norms and values into tangible results for those who seek justice.

Thank you, Mr. Chairman.

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