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## STATEMENT OF THE HOLY SEE AT THE 64th SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY ON THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS

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*Here below is the statement by H.E. Archbishop Celestino Migliore, Permanent Observer of the Holy See at the 64th session of the United Nations General Assembly before the Sixth Committee on item 83: The rule of law at the national and international levels (New York, 15 October 2009):*

Mr. Chairman,

The rule of law serves as the foundation for a more just society. With too many people somewhat excluded from the protections and benefits of the rule of law and with a global financial crisis affecting all regions, to promote the rule of law at the international level becomes an increasingly vital tool for achieving the goals originally established by the UN Charter.

We must remember that law alone is not the aim, as countries too often use laws as a source of oppression and violence so as to "rule by law." Rather, what is needed is to take into account that underlying any law is a fundamental value or truth which must be upheld in order for it to have any real meaning and purpose. This link between the rule of law and justice is embedded in the purpose of this Organization which is to maintain international peace and security in "conformity with the principles of justice and international law." Thus, to speak only of the rule of law without including the need for justice would be inadequate and risk replacing the *rule of law* with a *rule by law*.

While the primary responsibility for promoting and creating a just rule of law lies with the national and local authorities, in a globalized society the need for just rules and laws to govern groups beyond national boundaries is of utmost importance. International law recognizes this fundamental fact and seeks to ensure the mechanisms for greater solidarity, thus promoting the rights and responsibilities of individuals and societies beyond national boundaries. Hence, bodies dealing with international law, as well as national authorities, must remain vigilant in ensuring that their law continues to respect the abilities of individual states and local communities to govern their

affairs in a just manner, only intervening when an issue has global consequences or the State and local community fails to uphold the responsibility to protect.

International law continues to be of particular importance in the areas of peace and security, economic development and environmental degradation. Widespread corruption, international and national conflicts, terrorism, sexual violence as a means of war and other human rights abuses, too often are perpetuated by or are due to the lack of adherence to a just rule of law at various levels. In this regard, treaties and international legal norms have been instrumental in promoting better respect for the rule of law and creating greater trust between States. Moreover, efforts to promote mediation of disputes provide valuable practical and technical support to nations. To these ends, members of this Committee and the General Assembly, as well as ECOSOC's various subsidiary bodies must all the more work together.

In the area of economics, the rule of law at the international level has become ever more necessary. The interconnected nature of global business and trade no longer allows for individual nations to control and regulate their own economy because, as the recent financial crisis demonstrates, failure to properly regulate a single market or commodity can lead to devastating effects across the globe. In this respect, my delegation supports the Secretary-General's efforts to firmly ground the rule of law in the work of the development agenda of the United Nations and highlight the links between poverty, legal exclusion and injustice. In addition, greater efforts must be made to reform the United Nations and the various international financial systems in order to play a proper role in responsible financial regulation. We also support endeavors by States and international organizations to work together to create a just rule of law system for fair trade which respects the inherent dignity of workers. In a global market, so-called outsourcing can lead to a disconnect between a company's responsibility to its workers, suppliers, consumers and the environment. For this reason, national and international rule of law must not focus solely upon determining the role of markets but also take into account the rights of workers and the community.

To be effective, a just rule of law requires judicial administration, responsible running of institutions and social and political support. Focusing solely upon the technical and administrative aspects of the implementation of the rule of law has proven to be and will continue to be ineffective for we must address the underlying cultural support which is necessary to respect those for whom the law exists. In this regard, the Holy See and its various organizations remain committed to supporting the rule of law at the national and international levels. Its educational institutions in many countries around the world provide individuals quality education in the fundamental nature of law and its proper application, which can only lead to the eradication of corruption. In addition, through many of its organizations around the world numerous committed men and women are present in jails and prisons to provide physical, psychological and spiritual support to the incarcerated and help provide them with the skills necessary to become productive law abiding citizens.

The reform of the United Nations and its various bodies is of utmost importance to promote the rule of law at the international level. International treaty bodies which expand the scope and meaning of treaties beyond their originally agreed content lose proper respect for the role of subsidiarity, thus undermining the intent of the treaties themselves and risk losing credibility. Furthermore, continuing efforts to reform the Security Council and the United Nations system helps to enhance the UN's credibility around the world.

Mr. Chairman, my delegation looks forward to working with the membership during this session and in the various rule of law bodies within the United Nations to ensure that the rule of law truly becomes a *just rule of law*.

Thank you Mr. Chairman.

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