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INTERVENTO DELLA SANTA SEDE ALLA 58a SESSIONE DELL'ASSEMBLEA GENERALE DELL'O.N.U. IN OCCASIONE DEL 55.mo ANNIVERSARIO DELLA DICHIARAZIONE UNIVERSALE DEI DIRITTI DELL'UOMO

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Il 10 dicembre 2003, nel corso della riunione plenaria della 58a sessione dell'Assemblea Generale delle Nazioni Unite, S.E. Mons. Celestino Migliore, Capo della Delegazione della Santa Sede, ha pronunciato un intervento sul punto 48 dell'agenda: *C Fifty-fifth Anniversary of the Universal Declaration of Human Rights*, che pubblichiamo qui di seguito:

• INTERVENTO DI S.E. MONS. CELESTINO MIGLIORE

Mr. President,

My delegation is pleased to join the observance of the Fifty-fifth Anniversary of the promulgation and adoption of the Universal Declaration of Human Rights. This extraordinary development in the protection of fundamental human rights was based on the greatest traditions of the *jus gentium*—the Law of Nations—which is founded upon the objective moral order as discerned by right reason. The principle of right reason is at the core of the natural law which has inspired and continues to give vitality to the Universal Declaration. Eminent scholars have noted the inextricable connection between the natural law and the reality that all human rights and fundamental freedoms of the human person and of peoples are inalienable.

When we examine the Charter, we come to realize all the more the nexus between the United Nations Organization and the Universal Declaration of Human Rights, one of the most precious and important documents in human history. The medieval canon lawyers and the gallant legal commentators of the sixteenth-century like Vitoria and Suárez had already developed precedents for the basic principles of human rights that flow from the primacy and dignity of the human person. These rights are not a creation of the State but flow from the character and nature of humanity itself. In fact, we do not have to go very far to see the impact the Universal Declaration has had on so many resolutions promulgated by this General Assembly. Similarly, the Declaration has had a positive impact on national constitutions and other basic laws that have been drafted over the past several decades.

In identifying certain fundamental rights which are common to every member of the human family, the Declaration has decisively contributed to the development of international law. Moreover, it has resolutely challenged those human laws which have denied men and women the dignity to which they are entitled because of who they are. Sadly, the fundamental rights, proclaimed, codified and celebrated in the Universal Declaration are still the object of severe and constant violations.

But, there are other challenges to the proper implementation of human rights. There is, for example, a tendency of some to choose self-serving rights. In some circumstances, what is inalienable to some human beings is simultaneously denied others. A case in point would be the denial of the most fundamental right—that is the right to life itself from which all other rights naturally and logically flow. Such practices threaten the integrity of the Declaration. Any doubt cast on the universality or existence of non-derogable norms would undermine the whole edifice of human rights.

While there is a growing trend to take a selective approach to human rights, my delegation wishes to uphold the original vision of the Declaration - a vision in which political and civil rights are indispensable for social and economic justice, and vice versa. In this era of rapid globalization, when poor countries are facing the daunting challenge of addressing socio-political and economic instability, the international community must keep striving to bring together the two halves of the divided soul of the human rights project - its resounding affirmation of freedom and its insistence on one human family for which all bear a common responsibility. In fact, one of the greatest threats today to the integrity of the universal rights enshrined in the Declaration comes from exaggerated individualism that often leads the stronger to lord it over the weak. And this is repugnant to the Declaration and to the fundamental rights which it promotes and protects.

Mr. President, to accept universal principles does not mean they must be brought to life in the same way everywhere. Universality need not entail homogeneity. Indeed, the framers of the Universal Declaration contemplated a legitimate pluralism in forms of freedom. As an eminent scholar once put it, 'there can be many different kinds of music played on the Declaration's thirty strings'. It is unfortunate that this pluralist understanding is often forgotten, even by friends of the human rights project.

Mr. President, the world in which we live today exists under the shadows of war, terrorism, and other threats to human survival and to the innate dignity of the human person. At the source of many of these shadows lies a denial of some of the universal rights. Ironically, it is human beings who cast these shadows. Yet, we have also been given wisdom to use the light of right reason to dispel them. The noble principles contained in the Universal Declaration will enable us to achieve this goal of a bright future for all, not just for some of the human family.

During this anniversary year of 2003, we still need to ask the question: what has happened to everyone's right "to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized"? (art. 28). The dignity, freedom and happiness acknowledged by the Declaration will not be fully realized without solidarity amongst all peoples. Inspired by the example of all those framers of this Declaration who have taken the risk of freedom, can we not recommit ourselves also to taking the risk of solidarity - and thus the risk of peace?

Though the Universal Declaration of Human Rights is now 55 years old, much of its promise remains to be fulfilled. However, it still is "one of the highest expressions of the human conscience of our time" and "a real milestone on the path of the moral progress of humanity" (John Paul II, Address to the U.N., October 2, 1979 and October 5, 1995). My delegation is convinced that the Declaration will continue to stand as a beacon on humanity's long journey towards a more free, just, and peaceful society.

Thank you, Mr. President.

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