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INTERVENTO DELLA SANTA SEDE AL DIBATTITO GENERALE DELLA 63.MA ASSEMBLEA GENERALE DELL'O.N.U.

Pubblichiamo di seguito l'intervento pronunciato ieri a New York, nel corso del Dibattito Generale della 63.ma Assemblea Generale dell'O.N.U. dall'Osservatore Permanente della Santa Sede, l'Arcivescovo S.E. Mons. Celestino Migliore:

● INTERVENTO DI S.E. MONS. CELESTINO MIGLIORE

Mr President,

As you assume the presidency of this 63rd session of the General Assembly, my delegation wishes you all the best in your endeavors and looks forward to working with you in order to address the many challenges facing the global community.

This general debate is an occasion for those responsible for the national life of every country to come together to get the pulse of the world situation. By its nature and structure, the United Nations normally creates neither the

events nor the trends, but rather, serves as a sounding board where events and trends are submitted for debate and a coherent, consensual and timely response. This year has been dominated by a number of challenges and crises: natural and man-made calamities, staggering economies, financial turmoil, rising food and fuel prices, the impact of climate change, local wars and tensions. We have been called to this Hall once again to identify the common causes and denominators underlying these diverse crises and to craft adequate long-term solutions.

One of the clear facts recognized by all is that every crisis presents a mixture of natural factors and elements of human responsibility. However, these are all too often compounded by tardy response, failures or reluctance of leaders to exercise their responsibility to protect their populations.

When speaking within these walls of the responsibility to protect, the common understanding of the term is found in the 2005 Outcome Document, which refers to the responsibility of the international community to intervene in situations where individual governments are not able or willing to assure the protection of their own citizens.

In the past, the language of "protection" was too often a pretext for expansion and aggression. In spite of the many advancements in international law, this same understanding and practice tragically continues today.

However, during the past year in this same Hall, there has been growing consensus and greater inclusion of this expression as a vital component of responsible leadership. The responsibility to protect has been invoked by some as an essential aspect of the exercise of sovereignty at the national and international levels, while others have re-launched the concept of the exercise of responsible sovereignty.

For his part, Pope Benedict XVI, in his address to the General Assembly of the United Nations last April, also recognized that from the very ancient philosophical discourses on governance to the more modern development of the nation-state, the responsibility to protect has served and must continue to serve as the principle shared by all nations to govern their populations and regulate relations between peoples. These statements highlight the historical and moral basis for States to govern. Likewise, they reassert that good governance should no longer be measured simply within the context of "state's rights" or "sovereignty" but rather, by its ability to care for those who entrust leaders with the grave moral responsibility to lead.

Despite the growing consensus behind the responsibility to protect as a means for greater cooperation, this principle is still being invoked as a pretext for the arbitrary use of military might. This distortion is a continuation of past failed methods and ideas. The use of violence to resolve disagreements is always a failure of vision and a failure of humanity. The responsibility to protect should not be viewed merely in terms of military intervention but primarily as the need for the international community to come together in the face of crises to find means for fair and open negotiations, support the moral force of law and search for the common good. Failure to collectively come together to protect populations at risk and to prevent arbitrary military interventions would undermine the moral and practical authority of this Organization.

The "we the peoples" who formed the United Nations conceived the responsibility to protect to serve as the core basis for the United Nations. The founding leaders believed that the responsibility to protect would consist not primarily in the use of force to restore peace and human rights, but above all, in States coming together to detect and denounce the early symptoms of every kind of crises and mobilize the attention of governments, civil society and public opinion to find the causes and offer solutions. The various agencies and bodies of the United Nations also reaffirm the importance of the responsibility to protect in their ability to work in close proximity and solidarity with affected populations and to put into place mechanisms of detection, implementation and monitoring.

It is incumbent not only upon States, but also the United Nations, to ensure that the responsibility to protect serves as the underlying measure and motivation of all its work.

While many continue to question and debate the real causes and medium and long term consequences of the various financial, humanitarian and food crises around the world, the United Nations and its membership have the responsibility to provide direction, coherence, and resolution. At stake is not only the credibility of this Organization and global leaders but, more importantly, the ability of the human community to provide food and

security and to protect basic human rights so that all peoples have the opportunity to live with freedom from fear and want and thus realize their inherent dignity.

The United Nations was not created to be a global government but is the product of the political will of individual member States. Thus, it is the child orphaned by HIV/AIDS, the boys and girls sold or forced into slavery, those who wake each morning not knowing if today they will be persecuted for their faith or the color of their skin, who continue to cry out for an institution and leaders who will back their words with actions, commitments and results. These voices, which are too often ignored, must finally be listened to, so that we can move beyond political, geographical and historical divisions and create an organization which reflects our best intentions rather than our various failings.

One area in which our best intentions require urgent action is climate change. My delegation commends Secretary-General Ban Ki-moon for his leadership in recognizing the urgency to tackle this issue and we commend States and civil society in making the necessary political and personal sacrifices to ensure a better future.

The challenge of climate change and the various solutions proposed and put into action, bring us to point out a preoccupation and inconsistency that exist today in the realm of international and national law, namely, that all that is technically possible must be legally licit.

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INTERVENTO DELLE SANTA SEDE ALL'ASSEMBLEA DEGLI STATI MEMBRI DELL'ORGANIZZAZIONE MONDIALE DELLA PROPRIETÀ INTELLETTUALE (WIPO)

Si tiene a Ginevra, dal 22 al 30 settembre corrente, la 45^a serie di riunioni dell'Assemblea degli Stati membri dell'Organizzazione Mondiale della Proprietà Intellettuale (WIPO).

S.E. Mons. Silvano M. Tomasi, Osservatore Permanente della Santa Sede presso l'Ufficio delle Nazioni Unite e delle Istituzioni Internazionali a Ginevra, il 22 settembre scorso ha pronunciato l'intervento che riportiamo di seguito:

● INTERVENTO DI S.E. MONS. SILVANO M. TOMASI

Mr. President,

the Delegation of the Holy See joins previous speakers and expresses its congratulations to you for your able leadership and to our new Director General Dr. Francis Gurry. It looks forward to a renewed and dynamic service of the World Intellectual Property Organization (WIPO) as it advances knowledge in the best interest of every human person and for the just progress of every country.

The Holy See is particularly attentive to the ethical and social dimensions that in a unique way flow from, affect, and mark out, the human person and her action. It certainly recognizes in intellectual property the characteristic value of innovation and of creativity, of intelligence in all its aspects. At the same time, in any undertaking of thought and action, in every scientific, technical or juridical approach, intellectual property is called to respect creation both in the area of knowledge and discovery and in the recognition of the nature of things: matter, intellect, living beings, and, above all, the human person.

Human ingenuity is multifaceted, resourceful and capable of finding responses to the challenges that confront the human family. The constant request to register new patents evidences such ingenuity and their regulation requires a balanced norm so that the impact on the economy may be beneficial, as well, to the poorer countries and may value their specificity and identities. In fact, all countries contribute unique gifts stemming from their

economic, social, cultural and spiritual traditions.

Among the various important areas of concern that engage the committed staff of WIPO, some new debates are of particular interest to this Delegation:

- the possibilities and the implications of international protection of genetic resources, traditional knowledge, folklore and cultural expressions
- the requirement of a legal implementation of copy-rights and related issues concerning the protection of the rights of broadcasting organizations
- and, above all, the process that has allowed the organization of the work in such a way that it now can take into account the expectation of development together with the requirements of norms and technologies related to intellectual property.

In conclusion, Mr. President, with our renewed congratulations to the new DG, and thanks to his predecessor, Dr. Kamil Idris, it has to be stated that, through its creativity and sense of solidarity, WIPO can, and has the responsibility to, contribute in a major way to the strengthening of a peaceful and more equitable international community.

Thank you.

[01520-02.01] [Original text: English]

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