

THE SECRETARY-GENERAL

ADDRESS TO THE GENERAL ASSEMBLY
New York, 21 September 2004

Mr. President,
Excellencies,
Ladies and Gentlemen,

It is good to see so many countries represented here at such a high level. I know this reflects your understanding that, in these difficult times, the United Nations is – as you stated four years ago in the Millennium Declaration – “the indispensable common house of the entire human family”.

Indeed today, more than ever, the world needs an effective mechanism through which to seek common solutions to common problems. That is what this Organization was created for. Let’s not imagine that, if we fail to make good use of it, we will find any more effective instrument.

This time next year you will be meeting to review progress in implementing the Millennium Declaration. By then I hope you will be ready to take bold decisions together on the full range of issues covered in the Declaration, helped by the report of the High-Level Panel on Threats, Challenges and Change, which will be available before the end of this year.

As I said a year ago, we have reached a fork in the road. If you, the political leaders of the world’s nations, cannot reach agreement on the way forward, history will take the decisions for you, and the interests of your peoples may go by default.

Today I will not seek to pre-judge those decisions, but to remind you of the all-important framework in which they should be taken – namely, the rule of law, in each country and in the world.

The vision of “a government of laws and not of men” is almost as old as civilisation itself. In a hallway not far from this podium is a replica of the code of laws promulgated by Hammurabi more than three thousand years ago, in the land we now call Iraq.

Much of Hammurabi’s code now seems impossibly harsh. But etched into its tablets are principles of justice that have been recognised, if seldom fully implemented, by almost every human society since his time:

Legal protection for the poor.

Restraints on the strong, so they cannot oppress the weak.

Laws publicly enacted, and known to all.

That code was a landmark in mankind’s struggle to build an order where, instead of might making right, right would make might. Many nations represented in this chamber can

proudly point to founding documents of their own that embody that simple concept. And this Organization – your United Nations – is founded on the same principle.

Yet today the rule of law is at risk around the world. Again and again, we see fundamental laws shamelessly disregarded – those that ordain respect for innocent life, for civilians, for the vulnerable – especially children.

To mention only a few flagrant and topical examples:

In Iraq, we see civilians massacred in cold blood, while relief workers, journalists and other non-combatants are taken hostage and put to death in the most barbarous fashion. At the same time, we have seen Iraqi prisoners disgracefully abused.

In Darfur, we see whole populations displaced, and their homes destroyed, while rape is used as a deliberate strategy.

In northern Uganda, we see children mutilated, and forced to take part in acts of unspeakable cruelty.

In Beslan, we have seen children taken hostage and brutally massacred.

In Israel we see civilians, including children, deliberately targeted by Palestinian suicide bombers. And in Palestine we see homes destroyed, lands seized, and needless civilian casualties caused by Israel's excessive use of force.

And all over the world we see people being prepared for further such acts, through hate propaganda directed against Jews, against Muslims, against anyone who can be identified as different from one's own group.

Excellencies,

No cause, no grievance, however legitimate in itself, can begin to justify such acts. They put all of us to shame. Their prevalence reflects our collective failure to uphold the law, and to instil respect for it in our fellow men and women. We all have a duty to do whatever we can to restore that respect.

To do so, we must start from the principle that no one is above the law, and no one should be denied its protection. Every nation that proclaims the rule of law at home must respect it abroad; and every nation that insists on it abroad must enforce it at home.

Yes, the rule of law starts at home. But in too many places it remains elusive. Hatred, corruption, violence and exclusion go without redress. The vulnerable lack effective recourse, while the powerful manipulate laws to retain power and accumulate wealth. At times even the necessary fight against terrorism is allowed to encroach unnecessarily on civil liberties.

At the international level, all states – strong and weak, big and small – need a framework of fair rules, which each can be confident that others will obey. Fortunately, such a framework exists. From trade to terrorism, from the law of the sea to weapons of mass destruction, States

have created an impressive body of norms and laws. This is one of our Organization's proudest achievements.

And yet this framework is riddled with gaps and weaknesses. Too often it is applied selectively, and enforced arbitrarily. It lacks the teeth that turn a body of laws into an effective legal system.

Where enforcement capacity does exist, as in the Security Council, many feel it is not always used fairly or effectively. Where rule of law is most earnestly invoked, as in the Commission on Human Rights, those invoking it do not always practise what they preach.

Those who seek to bestow legitimacy must themselves embody it; and those who invoke international law must themselves submit to it.

Just as, within a country, respect for the law depends on the sense that all have a say in making and implementing it, so it is in our global community. No nation must feel excluded. All must feel that international law belongs to them, and protects their legitimate interests.

Rule of law as a mere concept is not enough. Laws must be put into practice, and permeate the fabric of our lives.

It is by strengthening and implementing disarmament treaties, including their verification provisions, that we can best defend ourselves against the proliferation – and potential use – of weapons of mass destruction.

It is by applying the law that we can deny financial resources and safe havens to terrorists – an essential element in any strategy for defeating terrorism.

It is by reintroducing the rule of law, and confidence in its impartial application, that we can hope to resuscitate societies shattered by conflict.

It is the law, including Security Council resolutions, which offers the best foundation for resolving prolonged conflicts – in the Middle East, in Iraq, and around the world.

And it is by rigorously upholding international law that we can, and must, fulfil our responsibility to protect innocent civilians from genocide, crimes against humanity and war crimes. As I warned this Assembly five years ago, history will judge us very harshly if we let ourselves be deflected in this task, or think we are excused from it, by invocations of national sovereignty.

The Security Council has just requested that I appoint an international commission to investigate reports of human rights violations in Darfur and determine whether acts of genocide have been committed. I shall do so with all speed. But let no one treat this as a respite, during which events in that devastated region continue to take their course. Regardless of their legal definition, things are happening there which must shock the conscience of every human being.

The African Union has nobly taken the lead and the responsibility in providing monitors and a protective force in Darfur – as well as seeking a political settlement, which alone can bring

lasting security. But we all know the present limitations of this new-born Union. We must give it every possible support. Let no one imagine that this affair concerns Africans only. The victims are human beings, whose human rights must be sacred to us all. We all have a duty to do whatever we can to rescue them, and do it now.

Excellencies,

Last month, I promised the Security Council that I would make the Organization's work to strengthen the rule of law and transitional justice in conflict and post-conflict societies a priority for the remainder of my tenure.

By the same token, I urge you all to do more to foster the rule of law at home and abroad. I ask all of you here today to take advantage of the arrangements we have made for you to sign treaties on the protection of civilians – treaties that you yourselves have negotiated – and then, go back home, to implement them fully and in good faith. And I implore you to give your full support to the measures I shall bring before you, during this session, to improve the security of United Nations staff. Those non-combatants, who voluntarily put themselves in harm's way to assist their fellow men and women, surely deserve your protection, as well as your respect.

Throughout the world, Excellencies, the victims of violence and injustice are waiting; waiting for us to keep our word. They notice when we use words to mask inaction. They notice when laws that should protect them are not applied.

I believe we can restore and extend the rule of law throughout the world. But ultimately, that will depend on the hold that the law has on our consciences. This Organization was founded in the ashes of a war that brought untold sorrow to mankind. Today we must look again into our collective conscience, and ask ourselves whether we are doing enough.

Excellencies,

Each generation has its part to play in the age-long struggle to strengthen the rule of law for all – which alone can guarantee freedom for all.

Let our generation not be found wanting.

Thank you very much.