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INTERVENCIÓN DEL  
REPRESENTANTE PERMANENTE DE CHILE ANTE LAS NACIONES UNIDAS  
EMBAJADOR OCTAVIO ERRAZURIZ

TEMA 83  
EL ESTADO DE DERECHO EN LOS PLANOS NACIONAL E INTERNACIONAL  
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STATEMENT BY  
THE PERMANENT REPRESENTATIVE OF CHILE TO UNITED NATIONS  
AMBASSADOR OCTAVIO ERRAZURIZ

ITEM 83



Valoramos igualmente la existencia y la labor que cumplen importantes tribunales especializados, como el Tribunal Internacional del Derecho del Mar, los tribunales regionales en materia

Señor Presidente,

Chile desea resaltar la Reunión de Alto Nivel sobre Estado de Derecho en los Planos Nacional e Internacional que tuvo lugar el día 24 de septiembre del año en curso, así como la Declaración adoptada por consenso en dicha oportunidad. Sin perjuicio que el citado documento recoge elementos básicos respecto del estado de derecho en sus planos nacional e internacional, como la reafirmación de los propósitos y principios de la Carta de las Naciones Unidas, el derecho internacional y la justicia, la reafirmación de los derechos humanos y la democracia, el mismo contiene, en general, solo elementos declarativos por parte de los Estados Miembros de Naciones Unidas.

En nuestra opinión, la señalada declaración pudo haberse orientado más hacia la acción, como lo propuso el Secretario General en su informe A/66/749, con compromisos comunes por parte de los Estados Miembros de la Naciones Unidas. Asimismo, creemos que hubiera sido conveniente que el citado documento estableciera un mecanismo de seguimiento de la Reunión de Alto Nivel, como el Grupo de Trabajo propuesto por los Co-facilitadores, que podría haber dado lugar a fructíferas discusiones y eventuales acciones concretas de parte de los Estados relativas al tema estado de derecho.

Asimismo, queremos resaltar las promesas efectuadas por los Estados Miembros durante dicha reunión, y especialmente referirnos a aquellas efectuadas por nuestro país. En el caso de Chile, desarrollaremos una legislación nacional para cooperar con la Corte Penal Internacional. Así mismo, hemos hecho una promesa conjunta con Austrianu

Mr. President,

One of the biggest challenges facing the international community in the twenty-first century is the strengthening of the international legal order and of the rule of law. It is essential to the peaceful coexistence of peoples, their governance, respect for human rights and the economic and social progress of all peoples.

For our country, the rule of law must prevail both in international relations and within States.

Its observance at the international level is crucial for the peaceful development of relations between peoples, peace and stability of nations. The rule of law, reflected in respect for international law and international treaties, and the pacific settlement of disputes pertain to the essence of international coexistence.

In our view, promotion of and respect for the rule of law at the international level involve gradual and universal acceptance by States of international law and their consequent compliance with their obligations under that law. In this connection, respect for international treaties is basic: in addition to being bound by such treaties, the parties must comply with them in good faith. Here we would emphasize the need for compliance with frontier treaties and for stable frontiers. It's unnecessary to reiterate here the importance, in practice and in international law, of the principle of *pacta sunt servanda*.

Universal acceptance of multilateral international treaties, which govern matters of interest to the international community as a whole, should be a goal of the United Nations membership. The General Assembly has a role to play here, by encouraging States to conclude, ratify and/or accede to such treaties.

In addition, enhancement of the rule of law at the international level necessarily involves the strengthening and use of the peaceful means of dispute settlement provided in the Charter, subject to the principle of free choice of such means. In this context, we mention in particular the work of the International Court of Justice, the principal judicial organ of the United Nations, both concerning contentious cases and in the exercise of its advisory functions. Chile acknowledges the work done by the Court and the contribution which it has made to international law with its valuable jurisprudence.

We also welcome the existence of and the work done by important special tribunals such as the International Tribunal for the Law of the Sea, the regional human rights tribunals, the ad hoc international criminal tribunals and the International Criminal Court. This latter Court is today the most advanced expression of the development of

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In our opinion, the Declaration should have adopted a more action-oriented approach, such as it was proposed by the Secretary-General in his report (A/66/749), with common commitments to all member states of the United Nations. We also believe that it would have been convenient that the Declaration had set a High Level Meeting follow-up mechanism, such as the Working Group proposed by the Co-facilitators, which could have led to fruitful discussions and concrete actions of States concerning to the rule of law.

We also would like to highlight the pledges made by the Member States during the High-Level meeting, and especially would like to refer to those pledges made by Chile. In the case of Chile, we will develop a national legislation for cooperation with the International Criminal Court. We have also made a joint pledge along with Austria, Argentina, Costa Rica, Slovenia, Greece, Norway, Switzerland and Uruguay, in order to promote truth, justice, reparation and guarantees of non-repetition and to support the work of the Special Rapporteur of the Human Rights Council.

We believe that the discussions on this issue in