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STATEMENT

BY

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**TO THE 42ND SESSION OF THE
COMMISSION FOR SOCIAL DEVELOPMENT**

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Mr. Chairman,

Thank you very much for giving me the floor on behalf of the Sovereign Military Order of Malta. First of all, I would like to congratulate you and the members of the Bureau for your election. I am confident that your efficiency and dedication will result in the accomplishment of this Commission's work.

To remain within the limits of the time granted, I will restrict my statement to only two points on the agenda: the improvement of public sector effectiveness, and a short mention of the International Year of the Family.

Improving Public Sector Effectiveness, particularly vis-à-vis the private sector, has been a controversial matter in politics, economy, administrative law and philosophy. Today, nobody remains strictly tied to physiocracy or panglossism or to Fabian socialism, nor is anyone asking the state to assume all functions, but some of those ideas remain among us. Public sector responsibilities come from the imperative for the state to cover and protect the basic needs of subjects or citizens, understanding the term *state* in its widest sense, that is, including the public administration at the local, regional and national level.

It is true that citizens have the right to have their necessities provided for through

public services. We must remember that the majority of those public services have traditionally been included as the responsibility of the public sector, even if private entities or individuals participate according to different formulas, such as franchises, licenses or authorizations that suppose a delegation of functions and a share of responsibility, with authority remaining in the public hands. In this sense, international law is not an exception. Protectorates and mandates have signified the delegation from one country to another of functions, as important as defense and foreign relations.

We must accept and even encourage the joint participation of both public and private sectors for their mutual improvement of effectiveness, and to the benefit of national communities, but at the same time, we must not pretend to establish a general rule or to adopt a practice leading to the development of one sector to the detriment of the other. Doing so would mean the overruling of legitimate rights or the surrender of power. At the international level, the exercise of some state functions, such as security, education, stamps, currency, public health and others, are included within the competence of the national public sector. Therefore, we can consider that it is the exercise of all or a certain number of these functions that confers to a public law subject the quality of *sovereign vis-à-vis* the international community.

A Spanish philosopher, Ortega y Gasset, said: *I am myself and my circumstances*. At the international level, we can paraphrase: *each country is conditioned to act in accordance with its circumstances*. Developed and developing countries have the same rights and duties, but their economic capacity and their political problems are different, a

difference that globalization makes deeper and wider.

The domain of the public sector is broad, to improve its effectiveness is highly desirable, but in order to reach a high level of quality and productivity, there is an imperative for highly professionalized administration, transparent management, and democratic responsibility, free of corruption, and in accordance with its possibilities.

Mr. Chairman,

I would like to spend the remaining time at my disposal with some remarks on the significance of the International Year of the Family. When we talk about the Family, we are referring to our oldest human institution. For Western civilization, Family is a natural law institution and also an institution of divine law, according to the three monotheistic religions. The report that has been submitted by the Secretary-General includes all the legal requirements to protect the Family, such as tax exemptions, care of children, assistance centers, and so on. I would like to add that today, when in other forums a fundamental text is being formulated, and the reference to natural law is deleted, the spiritual factor must be included. Here at the United Nations, we must proclaim that the family is not only an object of legal regulations, but is an entity united by spiritual sentiments and love, and that fundamentally it is in those spiritual sentiments that the Family has its reason to be.

To end, allow me to quote Heinrich Rommen from his well-known work, *The*

Natural Law,

The Family is the natural nursery of the virtues of obedience, self-sacrifice, loyalty and mutual responsibility and care.

Thank you very much Mr. Chairman.