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Statement of the Holy See to the U.N. in New York at the 69th Session of the United Nations General Assembly, Sixth Committee, Agenda Item 83: Rule of Law (New York, 13 October 2014)

Here below the Statement by H.E. Archbishop Bernardito Auza, Apostolic Nuncio, Permanent Observer of the Holy See to the United Nations at the 69th Session of the United Nations General Assembly, Sixth Committee, Agenda Item 83: Rule of Law:

Statement by H.E. Archbishop Bernardito Auza

Mr. Chairman,

Following the first-ever High-Level Meeting on the Rule of Law at the National and International Levels in September 2012, the UN General Assembly adopted a Declaration "reaffirm[ing] our commitment to the rule of law and its fundamental importance for political dialogue and cooperation among all States and for the further development of the three main pillars upon which the United Nations is built: international peace and security, human rights and development." (RES/67/1). The Holy See Delegation welcomed this endorsement of the rule of law.

While commitment to the rule of law would appear to be universal, there nonetheless remains persistent disagreement about the definition of "the rule of law." The Holy See Delegation has endorsed a definition of the rule of law, which is both rationally and morally grounded upon the substantial principles of justice, including the inalienable dignity and value of every human person prior to any law or social consensus; and, as a consequence of the recognition of this dignity, those elements of fundamental justice such as respect for the principle of legality (*Nullum crimen sine lege*), the presumption of innocence and the right to due process. Likewise, regarding relations among States, the *rule of law* means the paramount respect of human rights, equality of the rights of nations; and respect for international customary law, treaties (*Pacta sunt servanda*) and other sources of international law. This definition, with its reference point in the natural law, sidesteps self-referential definitional frameworks and anchors the orientation of the rule of law within the ultimate and essential goal of all law, namely to promote and guarantee the dignity of the human person and the common good.

For this reason, in future debates of the rule of law my delegation would welcome increased attention to the

human person and the society in which he or she lives, because, in addition to the police force, courts, judges, prosecutors and the rest of the legal infrastructure, the rule of law is unattainable without social trust, solidarity, civic responsibility, good governance and moral education. The family, religious communities and civil society play indispensable roles in creating a society that can promote public integrity and sustain the rule of law. As Pope Francis affirmed: "When a society, whether local, national or global, is willing to leave a part of itself on the fringes, no political programs or resources spent on law enforcement or surveillance systems can indefinitely guarantee tranquility." (*Evangelii Gaudium* n.59). This is why the promotion of the rule of law needs to be indispensably supported and verified by prioritizing the allocation of public resources to human integral development.

Mr. Chairman,

At the center of the international framework governing rule of law stands the UN Charter and the mandates contained within its purposes and principles. In the exercise of these powers, it is appropriate to emphasize the commitment of States to fulfil their obligations to promote universal respect for, and the promotion and protection of, all human rights and fundamental freedoms for all. If the international rule of law is to reflect justice, frameworks to international protection of persons must be fairly and impartially applied by States to guarantee equal recourse to the protections available under the UN Charter. I refer here in particular to religious and ethnic minorities in the Middle East and other regions awaiting urgent measures to effect this protection, including through further legal elaboration of the responsibility to protect.

The "responsibility to protect" is a recognition of the equality of all before the law, based on the innate dignity of every man and woman. The Holy See wishes to reaffirm that every State has the primary duty to protect its own population from grave and sustained violations of human rights and from the consequences of humanitarian crises. If States are unable to guarantee such protection, the international community must intervene with the juridical means provided in the UN Charter and in other international instruments. The action of the international institutions, provided that it respects the principles undergirding the international order, cannot be interpreted as an unwarranted imposition or a limitation of sovereignty.

The Holy See hopes that the alarming, escalating phenomenon of international terrorism, new in some of its expressions and utterly ruthless in its barbarity, be an occasion for a deeper and more urgent study on how to re-enforce the international juridical framework of a multilateral application of our common responsibility to protect people from all forms of unjust aggression.

Thank you, Mr. Chairman.

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