



Statement of H.E. Archbishop Bernardito Auza
Apostolic Nuncio and Permanent Observer of the Holy See to the United Nations
Sixth Committee of the 70th Session of the General Assembly
Agenda Item 85: The rule of law at the national and international levels

New York, 16 October 2015

Mr. Chair,

Pope Francis, in his Address to the General Assembly on September 25, recalled some principles that are fundamental to our deliberations concerning the rule of law at the national and international levels.

First, the Pope recalled that “the limitation of power is an idea implicit in the concept of law itself.” This implies, *inter alia*, that respecting rights requires States to respect the autonomy of social, cultural, civic and religious institutions operating within their own proper spheres of authority.

Second, Pope Francis recalled that justice is the constant and perpetual will to give to each one his or her due. In order to pursue justice through the rule of law, those who make, enforce, and interpret the law must possess a genuine and unwavering commitment to transcendent human dignity and the common good. Such a commitment is a matter of moral judgment, not institutional structure. The cultivation of human values is at least as important to creating a rule of law culture as creating legal codes and systems.

While law regulates conduct, it does not build the moral fiber of citizens, which can only result from moral and civic education. The rule of law flourishes when the moral fiber of society is strong. The greater our commitment to respecting fundamental human freedoms, the less need we have for the coercive exercise of law. Such commitment is not the product of formal agreements or positive law, but of a healthy society with a strong moral culture. This is the spirit of the law, without which legal structures can be too easily manipulated for ideological ends.

Mr. Chair,

The interdependence of development and the rule of law was a recurrent theme during the Post-2015 Development Summit and the General Debate of the Seventieth Session of the General Assembly. The 2030 Agenda for Sustainable Development “recognizes the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights (including the right to development), on effective rule of law and good governance at all levels and on transparent, effective and accountable institutions.”¹ These commitments are encapsulated in Sustainable Development Goal 16 and in its twelve associated targets, including the promotion of the rule of law at the national and international levels to ensure equal access to justice for all, a substantial reduction of

¹ Transforming Our World: The 2030 Agenda for Sustainable Development.

corruption and bribery in all their forms, as well as the promotion and enforcement of non-discriminatory laws and policies for sustainable development.

We cannot achieve poverty eradication and sustainable development without tackling conflict and insecurity. Development can only thrive in the context of peaceful societies. The evaluations on the Millennium Development Goals (MDGs) clearly demonstrate the direct relation between the two: countries in conflict have lagged far behind in the realization of the MDGs; indeed, many have suffered regressions. All seven of the countries unlikely to meet a single MDG by the end of 2015 have been affected by high levels of violence in recent years. It will not differ for them when it comes to the Sustainable Development Goals (SDGs). It is most likely that they will not only be left behind; they will lag even farther behind.

However, violence and insecurity are issues undermining people's well-being in all nations, not just conflict-affected ones. In both developing and developed countries, those most affected by violence are very often those living in the most marginalized sectors of society, reducing further opportunities for their economic emancipation.

Moreover, my delegation believes that rule of law, peaceful societies and inclusive institutions should not be seen only as development enablers, but also as fruits of development itself.

Mr. Chair,

My delegation thanks the Secretary General for the Report on Strengthening and Coordinating United Nations rule of law activities (A/70/206). This Report reminds us that our consideration of the rule of law in this session also focuses on the role of multilateral treaty processes in promoting and advancing the rule of law.

The principle of *pacta sunt servanda* is one of the bedrock principles of natural justice, which protects against the temptation to appeal to the *law of force* rather than to the *force of law*. However, illegitimate force can be found not only in periods of conflict; it can also be found in aggressive practices of applying and interpreting international agreements to serve a political agenda never ratified by the parties. This issue is raised in paragraph 7 of the Secretary General's Report, where he refers to the increased complexity of multilateral treaty processes through the proliferation of institutional structures created by multilateral treaties and their growing role in treaty making.

This is a potentially worrisome development, not only in the interpretation and application of treaties, but also in the instrumental use of certain resolutions and decisions to advance specific agendas through the action of implementing agencies and institutions.

Looking forward to further constructive dialogue on this issue, my delegation believes that the proliferation of legal bodies and institutional structures does not always mean an advancement of the rule of law.

Thank you, Mr. Chair.