



Statement by H.E. Archbishop Bernardito Auza
Apostolic Nuncio and Permanent Observer of the Holy See

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Agenda Item 84: **The Rule of Law at the National and International Levels**
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Mr. Chair,

The report of the Secretary General, “Strengthening and coordinating United Nations rule of law activities,”¹ recounts the efforts of the United Nations aimed at strengthening the rule of law at the national level and promoting the rule of law at the international level, making the United Nations more effective in this regard.

Pope Francis has consistently underlined that any efforts aimed at achieving these critical goals cannot be considered complete until they have a tangible and measurable impact on the most vulnerable and marginalized members of our human family. As the Pope stated before the General Assembly in September 2015, “Solemn commitments [...] are not enough, although they are certainly a necessary step toward solutions. The classic definition of justice [...] contains as one of its essential elements a constant and perpetual will. [...] Our world demands of all government leaders a will which is effective, practical and constant, [and which leads to] concrete steps and immediate measures.”²

Accordingly, my Delegation welcomes the United Nations’ efforts to improve access to justice for “populations that are often disempowered and deprived of their rights, voice and representation,”³ and, in particular, for those who live in areas and neighborhoods ordinarily remote from legal institutions, including by promoting access to mobile and specialized courts, as well as to customary rural courts, which have also an important role in local arbitrations and community reconciliation. Strengthening the rule of law should not merely be a formal commitment, but must ensure that justice is more effective and accessible, without discrimination. Efforts to ensure that no one is denied the benefits of laws, courts, and legal representation are, therefore, extremely valuable. Only in this way can the promise of Sustainable Development Goal 16 be realized to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build accountable and inclusive societies.” Further cooperation and mutual assistance between States and with international organizations, in this regard, are also critical.

¹ A/72/268.

² Pope Francis, Address to the Members of the General Assembly of the United Nations Organization, 25 September 2015.

³ A/72/268, 15.

Mr. Chair,

The Secretary-General's report also surveys the progress that States have achieved in joining international agreements and institutions. This expansion of the international legal framework has been realized over a range of areas, including climate change, biological diversity, human rights, trafficking in persons, corruption, and arms control. In this regard, it is critical that existing treaties, which have been carefully negotiated and regularly adopted by States, be respected and implemented, in order to strengthen the rule of law at the international level. Even though their content might not always meet all the expectations of a particular situation, their legitimacy and legal effects should not be undermined.

Real progress will happen only when States expand their focus beyond formal accession to international norms and make sure that those norms become a practical reality on the ground. Such efforts must entail the development of instruments to assess their impact and effectiveness.

Mr. Chair,

The Holy See wishes to emphasize that strengthening the rule of law in order to achieve justice cannot be realized unless those associated with legal institutions are able to perform their duties under the law, with independence and neutrality, free from pressure, harassment, corruption, or persecution. My Delegation notes with concern the widespread rise in various forms of retaliation and reprisal against lawyers and judges who strive to apply the law in the service of justice. In such cases, it is the United Nations Basic Principles on the Independence of the Judiciary, and the United Nations Basic Principles on the Role of Lawyers, that are violated and, hence, the very foundations on which the rule of law is built that are jeopardized.

In conclusion, my Delegation reiterates its full support towards efforts made by the international community to promote the respect and endorsement of the principles of justice and rightness, which are highly necessary to the attainment of the common good.

Thank you, Mr. Chair.