



Statement by H.E. Archbishop Gabriele Caccia  
Permanent Observer of the Holy See to the United Nations  
UNGA 76 – Sixth Committee

**Agenda Item 85:**  
**The Rule of Law at the National and International Levels**

Madam Chair,

In his address to the diplomatic corps accredited to the Holy See earlier this year, Pope Francis remarked that, in light of the challenges that the world currently faces, upholding the rule of law has never been more important.<sup>1</sup> “Law,” he observed, “*is the indispensable prerequisite for the exercise of all power and must be guaranteed by the responsible governing bodies, regardless of dominant political interests.*”<sup>2</sup>

In considering the rule of law at the national and international level, this Committee should continue to remind the international community of the centrality of treaties. International agreements, implemented according with the foundational tenet of international law, *pacta sunt servanda*, “*foster mutual trust*” and establish the basis to cultivate “*peace and development —on the basis of the strength of the law and not on the ‘law of the strongest’.*”<sup>3</sup> Treaties set forth, in carefully negotiated language, the obligations that State parties have voluntarily undertaken. Thus, the State parties’ obligations are exclusively those set forth in their text, as modified by each State’s reservations. Proposals or opinions, advanced by conference secretariats, expert bodies, commissions or other auxiliary entities – while perhaps helpful to some States – are not legally binding until they are explicitly approved by States. In this context, my Delegation welcomes the entry into force, on 31 December 2020, of the *Doha Amendment to the Kyoto Protocol*, and, on 22 January 2021, of the *Treaty on the Prohibition of Nuclear Weapons*.

Madam Chair,

The Holy See welcomes all efforts to build societies based on justice and equality before the law. The rule of law at the national level deserves further

---

<sup>1</sup> Pope Francis, Address to the Members of the Diplomatic Corps Accredited to the Holy See, 8 February 2021.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

attention, including critical initiatives to provide effective crime prevention, strengthen the rule of law in combatting terrorism, and above all, broaden access to justice for all, especially those who face the scourges of poverty, discrimination, and displacement.

The rule of law at the domestic level must also be safeguarded at every stage in the criminal justice process. My Delegation encourages in particular ongoing work to ensure that law enforcement authorities respect due process at the moment of arrest, and during detention, trial, and sentencing. Efforts should likewise be redoubled to guarantee humane prison conditions and to combat the growing problem of overcrowding. Towards these ends, the Holy See applauds in particular the initiatives taken in the past year to address the effects of the COVID-19 pandemic among the world's prison populations.

Madam Chair,

My Delegation takes note of the Secretary-General's report on this agenda item. Regrettably, however, the report ventures into issues that continue to adversely impact other UN fora, including in paragraph 27 of the report. The Sixth Committee was, is and should continue to be devoted to the task of discussing and codifying international law. Being drawn into discussions on issues that are well-known to be controversial and that continue to impede consensus-based progress in other UN bodies, does not serve the Sixth Committee or its important work. Indeed, the importance of respecting universal human rights and human dignity in the advancement of the rule of law cannot be overstated. However, specific considerations on human rights and fundamental freedoms do not belong to this committee.

Thank you, Madam Chair.