

PONTIFICAL LEGATION TO THE UNITED NATIONS*

(*continua*)

2. Recent Legislation on Papal Representatives

2.1 *Pontifical Legates as Representatives of the Roman Pontiff*

The expression “Holy See” has two different meanings: in the first sense it means the office of Supreme Pontiff. In a broader sense, however, it means also the sections of the Secretariat of State: the First Section for General Affairs and the Second Section for Relations with States, and congregations, tribunals and other institutions, whose structures and competencies are defined in special law for the Roman Curia, fulfilling their duties in the name of the Roman Pontiff and by his authority for the good and the service of the particular churches⁷⁶.

2.2 *The Reform of the Roman Curia – Apostolic Constitution “Pastor bonus”*

The bishops attending the Second Vatican Council expressed the desire for the reform of the Roman

* The first part of the article is published in Periodica 98 (2009) 00-00.

⁷⁶ See can. 361, *PB* 39-47. Cf. can. 7 of the *CIC*/1917.

Curia and the revision of the functions of pontifical legates. In the early months of his pontificate, Pope Paul VI identified this need in his allocution to the Roman Curia on 21 September 1963 and the need for an “*aggiornamento*”⁷⁷. Vatican II Council Fathers in *Christus Dominus* called upon the Roman Pontiff to reorganize and modernize the Roman Curia, to integrate international staff and the laity into a universal and unifying administration of the Church, to review the practices and procedures⁷⁸.

⁷⁷ See PAUL VI, allocution to the Roman Curia, 21 September 1963, *AAS* 55 (1963) 793-800, English translation in *CLD*, vol. 6, 313-322: «Meanwhile it is to be noted today that the plan of modernizing juridical structures and deepening spiritual consciousness not only meets no resistance from the center of the Church, the Roman Curia, but finds the Curia itself in the forefront of that perennial reformation which the Church, as a human and earthly institution, constantly needs. Rome is today the starting point of the invitation to adaptation – “*aggiornamento*” according to the expression used by Our venerable Predecessor – that is, to the perfecting of everything, internal and external, in the Church» (*CLD* 6, 318).

⁷⁸ See *CD* 9-10, English translation in A. FLANNERY, *Vatican Council II* (cf. nt. 27), 508-509: «In exercising his supreme, full and immediate authority over the Universal Church the Roman Pontiff employs the various departments of the Roman Curia, which act in his name and by his authority for the good of the churches and in the service of the sacred pastors. It is the earnest desire of the Fathers of the sacred Council that these departments, which have indeed rendered excellent service to the Roman Pontiff and to the pastors of the Church, should be reorganized and modernized, should be more in keeping with different regions and rites, especially in regard to their number, their names, their competence, their procedures and methods of coordination. It is hoped also that, in view of the pastoral role proper to bishops, the functions of the legates of the Roman Pontiff should be more precisely determined. Furthermore, as

The Roman Curia was subsequently reorganized and reformed on 15 August 1967 by Pope Paul VI by the Apostolic Constitution *Regimini Ecclesiae universae*, taking effect on 1 March 1968⁷⁹. On 22 February 1968, the *General Regulations of the Roman Curia* were published⁸⁰. The next major reform of the Roman Curia came with the promulgation of the Apostolic Constitution *Pastor bonus* by Pope John Paul II on 28 June 1988. The introductory section of *Pastor bonus* addresses the importance of service and communion in the Church and the purpose of the

these departments have been instituted for the good of the universal Church it is hoped that their members, officials and consultants, as well as the legates of the Roman Pontiff, may be chosen, as far as is possible, on a more representative basis, so that the offices or central agencies of the Church may have a truly universal spirit. It is urged also that more bishops, especially diocesan bishops, be co-opted to membership of these departments, who will be better able to inform the Supreme Pontiff on the thinking, the hopes and the needs of all the churches. Finally, the Fathers of the Council judge that it would be most advantageous if these departments were to have frequent recourse to the advice of laymen of virtue, knowledge and experience so that they also may have an appropriate role in the affairs of the Church» (*ibid.*, 508).

⁷⁹ PAUL VI, apostolic constitution *Regimini Ecclesiae universae* (= *REU*), 15 August 1967, *AAS* 59 (1967) 885-928, English translation in *CLD*, vol. 6, 324-357.

⁸⁰ PAUL VI, *Regolamento Generale della Curia Romana* (*General Regulations of the Roman Curia*), 22 February 1968, *AAS* 60 (1968) 129-176, English translation in *CLD*, vol. 7, 147-176. These regulations were updated by Pope John Paul II through the Secretariat of State (in *AAS* 84 [1992]) and further modified (in *AAS* 91 [1999] 629-699), English translation in E. CAPARROS (ed.), *Exegetical Commentary on the Code of Canon Law*, vol. 5, Montréal 2004, 176-256.

Roman Curia in strengthening this fruitful communion⁸¹. *Pastor bonus* continues to address the dependency of Curial ministry upon the Petrine ministry, and explains the ecclesial and vicarious character of the Roman Curia, with its primary function of min-

⁸¹ See PB 1-2, English translation in *Code of Canon Law: Latin-English Edition, New English Translation*, prepared under the auspices of the Canon Law Society of America, Washington 1999, Appendix 2, 683-686: «The Good Shepherd, the Lord Christ Jesus (cf. *Jn* 10:11-14), conferred on the bishops, the successors of the Apostles, and in a singular way on the bishop of Rome, the successor of Peter, the mission of making disciples in all nations and of preaching the Gospel to every creature. And so the Church was established, the people of God, and the task of its shepherds or pastors was indeed to be that service “which is called very expressively in Sacred Scripture a *diaconia* or ministry” (LG 24) [...] The main thrust of this service or *diaconia* is for more and more communion or fellowship to be generated in the whole body of the Church, and for this communion to thrive and produce good results [...]. When one thinks about this communion, which is the force, as it were, that glues the whole Church together, then the hierarchical constitution of the Church unfolds and comes into effect. It was endowed by the Lord himself with a *primatial and collegial nature at the same time* when he constituted the apostles “in the form of a college or permanent assembly, at the head of which he placed Peter, chosen from amongst them”. [...] The power and authority of the bishops bears the mark of *diaconia* or *stewardship*, fitting the example of Jesus Christ himself who “came not to be served, but to serve and to give his life as a ransom for many”. Therefore the power that is found in the Church is to be understood as the power of being a servant and is to be exercised in that way; before anything else it is the authority of a shepherd [...] For the Roman Curia came into existence for this purpose, that the fruitful communion we mentioned might be strengthened and make ever more bountiful progress, rendering more effective the task of pastor of the Church which Christ entrusted to Peter and his successors, a task that has been growing and expanding from day to day».

istry for the good of the Church and service to the bishops⁸².

Pastor bonus identifies the Secretariat of State as one of the dicasteries of the Roman Curia (art. 2 §1) are juridically equal to the other dicasteries, such as congregations, tribunals, councils and offices, the Apostolic Camera, the Administration of the Patrimony of the Apostolic See, and the Prefecture for the Economic Affairs of the Holy See (art. 2 §1, 2°). The Secretariat of State (Secretary of State) is composed of two sections: the First Section for General Affairs

⁸² See *PB* 7-8: «Consequently, it is evident that the function of the Roman Curia, though not belonging to the essential constitution of the Church willed by God, has nevertheless a *truly ecclesial character* because it draws its existence and competence from the pastor of the universal Church. For the Curia exists and operates only insofar as it has a relation to the Petrine ministry and is based on it. But just as the ministry of Peter as the “servant of the servants of God” is exercised in relationship with both the whole Church and the bishops of the entire Church, similarly the Roman Curia, as the servant of Peter’s successor, looks only to help the whole Church and its bishops. [...] Its nature and role consist entirely in that the more exactly and loyally the institution strives to dedicate itself to the will of the Supreme Pontiff, the more valuable and effective is the help it gives him. [...] Beyond this ministerial character, the Second Vatican Council further highlighted what we may call the vicarious character of the Roman Curia, because, as we have already said, it does not operate by its own right or on its own initiative. It receives its power from the Roman Pontiff. It is of the nature of this power that it always joins its own action to the will of the one from whom the power springs. It must display a faithful and harmonious interpretation of his will and manifest, as it were, an identity with that will, for the good of the Churches and service to the bishops. From this character the Roman Curia draws its energy and strength, and in it too finds the boundaries of its duties and its code of behavior».

(Substitute; Assessor) and the Second Section for Relations with States (Secretary; Undersecretary) (art. 40). Pontifical legates representing the Holy See at the United Nations are within the competence of the Second Section, which is mandated to «[...] foster relations, especially those of a diplomatic nature, with States and other subjects of public international law, and to deal with matters of common interest, promoting the good of the Church and of civil society by means of concordats and other agreements of this kind [...]» (art. 46, no. 1). In consultation with competent dicasteries, the Second Section is also mandated to represent the Holy See in international fora: «[...] in consultation with other competent dicasteries, this section takes care of matters concerning the presence and activity of the Holy See in international Organizations, without prejudice to art. 46. It does the same concerning Catholic international organizations» (art. 46, no. 2). Article 46 specifies that the Second Section has «[...] within the scope of its competence, to deal with what pertains to the pontifical legates» (art. 46, no. 3). Overseeing the diplomatic activity of pontifical legates is an important part of the work of the Second Section.

Members of institutes of consecrated life, societies of apostolic life and the laity take part in the diplomatic functions of the Holy See. Consultors and collaborators, appointed from among the Christian faithful other than clerics, are representative of the global Catholic community, exhibiting outstanding knowledge and prudence in specific areas of expertise⁸³. The

⁸³ See *PB*, art. 8.

Holy See seeks out from the worldwide reserve of talent and skill found from among the Christian faithful, both clergy and laity, noted for their virtue, prudence and experience, knowledge and academic training, to participate in and contribute to the work and mission entrusted to the Roman Curia⁸⁴.

2.3 Post-Vatican II Special Law for Pontifical Legates

In 1965, the Second Vatican Council requested Pope Paul VI to review the functions of pontifical legates and to bring a more representative selection of people to serve the universal Church⁸⁵. The role and functions of the legates of the Roman Pontiff were reformed by special law, on 24 June 1969, by Pope Paul VI in his *motu proprio Sollicitudo omnium Eccle-*

⁸⁴ See *PB*, art. 9: «Officials are [...] selected as far as possible from the various regions of the world, so that the Curia may express the universal character of the Church. The suitability of the applicants should be evaluated by test or other appropriate means, according to the circumstances. Particular Churches, moderators of institutes of consecrated life and of societies of apostolic life will not fail to render assistance to the Apostolic See by allowing their Christian faithful or their members to be available for service at the Roman Curia».

⁸⁵ See *CD* 9-10: «It is hoped also that, in view of the pastoral role proper to bishops, the functions of the legates of the Roman Pontiff should be more precisely determined. 10. Furthermore, as these departments have been instituted for the good of the universal Church it is hoped that their members, officials and consultants, as well as the legates of the Roman Pontiff, may be chosen, as far as possible, on a more representative basis, so that the offices or central agencies of the Church may have a truly universal spirit».

*siarum*⁸⁶, parts of which were later integrated into the canons of the *CIC* (cann. 362-367). The introductory section of the *motu proprio* refers to various documents from Vatican I and II, post-conciliar documents and Scripture, presenting the context within which the new norms were being established⁸⁷. In particular, there are references to the work of pontifical legates in international organizations and conferences⁸⁸.

Paul VI's *motu proprio Sollicitudo omnium Ecclesiarum* is divided into 12 sections, addressing different aspects and levels of pontifical representations, entrusted with representing the Holy See to particular Churches, States and international organizations⁸⁹.

⁸⁶ Prior to the publication of this 1969 *motu proprio*, pontifical legates were subject to the provisions of cann. 265-270 of the *CIC/17*, together with periodically published lists of habitual faculties attached to their offices. A detailed study of the integration of provisions of the *SOE* and the applicable *CIC/17* canons (for the period 1969-1981) can be found in M. OLIVERI, *The Representatives* (cf. nt. 29).

⁸⁷ See *SOE*, Introduction, *ORe*, 17 July 1969, 2.

⁸⁸ See *SOE*, Introduction: «The deep desire of all men of goodwill that there be a peaceful co-existence among nations, and the progress of peoples be developed, is at present expressed also through the international Organizations which, by placing their knowledge and experience and their prestige at everyone's disposal do not spare efforts in this service in favour of peace and progress. Relationship between the Holy See and international Organizations are manifold and of a varied juridical nature. In some of them We have instituted permanent missions in order to testify to the interest of the Church in the general problems of civilized living and offer the aid of its co-operation».

⁸⁹ Cf. F. CAVALLI, «Il *motu proprio* "Sollicitudo omnium Ecclesiarum", sull'ufficio dei rappresentanti pontifici», *La Civiltà Cattolica* 120/3 (1969) 34-43. Cf. G. DE ROSA, «Le nunziature apostoliche», *La Civiltà Cattolica* 149/1 (1998) 451-460; cf. D.

Section I defines the term “papal legates” as being «[...] ecclesiastics, often endowed with the episcopal dignity, to whom the Roman Pontiff entrusts the office of representing him in a permanent manner in various nations or regions of the world»⁹⁰. This first section describes the juridical nature of the office and lists the types and titles of papal legates such as nuncios, pro-nuncios, apostolic delegates, and substitute representatives. The *motu proprio* establishes norms for pontifical missions to international organizations, conferences and congresses, making specific mention of the laity as possible heads or members of a pontifical mission⁹¹. The *motu proprio* specified that members of pontifical missions to international organizations were to be known as Delegates or Observers depending upon the Holy See’s membership or observer status in a specific international organization or conference the Holy See was attending⁹². Legates appointed to international organizations transmit to the Holy See communications and documents from the meetings of these organizations, act as liaison with the UN Secre-

LE TOURNEAU, «Les légats pontificaux dans le Code de 1983, vingt ans après la constitution apostolique *Sollicitudo omnium Ecclesiarum*», *L'Année canonique* 32 (1989) 229-260.

⁹⁰ *SOE* I, 1.

⁹¹ See *SOE* II, 1-2.

⁹² See *SOE* II, 1-2: «Also representing the Holy See are those ecclesiastics and laymen who form, either as heads or members, part of a pontifical mission attached to international Organizations or take part in conferences and congresses. They have the title of Delegates or Observers according to whether or not the Holy See is a member of the international Organization, and whether it takes part in the conference with or without the right to vote».

tary-General and receive instructions from the Holy See's Secretary of State as to the positions to assume and responses to propose on behalf of the Holy See⁹³.

Sollicitudo omnium Ecclesiarum identifies the nature and the principal, characteristic function of a pontifical legate as making stronger and more effective the bonds of unity between the Apostolic See and particular Churches throughout the world⁹⁴. The pontifical legate functions also as a conduit for peace and unity of the whole of the human family within the country in which he serves⁹⁵. The legate sent to particular Churches and States is to work in concert with diocesan bishops for the good of the mission of the Church, to foster good relations with local State authorities, to nurture relations with other ecclesial and Christian communities, and non-Christian religions⁹⁶. The pontifical legate reports to the Roman Curia, or more specifically, he «performs his manifold assignment under the direction of and in accordance with the

⁹³ See H.E. CARDINALE, *The Holy See & the International Order* (cf. nt. 11), 272-272. At the United Nations, the Permanent Observer of the Holy See has Permanent Observer, Delegate and Observer status, depending on the level of participation of the Holy See in a specific UN body, agency, commission, etc. This section of the motu proprio (*SOE* II, 1-2) was integrated into can. 363 §2, replacing the word "laity" and "clerics" with "those."

⁹⁴ See *SOE* IV, 1.

⁹⁵ See *SOE* IV, 2: «In addition, he functions as interpreter of the solicitude of the Roman Pontiff for the good of the country in which he exercises his mission. In a special way he must take to heart the questions which concern peace, progress and collaboration of peoples with the intent of promoting the spiritual, moral and economic good of the whole human family».

⁹⁶ See *SOE* IV, 3-4.

mandate of the Cardinal Secretary of State and of the Prefect of the Council for the Public Affairs of the Church»⁹⁷.

Pontifical legates are to inform the Holy See about local matters and conditions, and to interpret the acts, documents and mandates of the Holy See and the Roman Curia. The pontifical legate is to consult the local bishops concerning any matters or decisions that may affect the specific territory⁹⁸. In particular, the legate within a specific country deals with the process of the nomination of bishops, studies issues concerning the erection, dismemberment and suppression of dioceses and ecclesiastical provinces and maintains a good working relationship with diocesan bishops, the Episcopal conference, conferences of religious superiors, pontifical religious communities and secular institutes⁹⁹.

The pontifical legate is mandated to promote and cultivate Church-State relations in the country within which he serves, seeking the opinion and advice of diocesan bishops, and to inform these bishops of the development of any matters affecting the particular Churches of the territory¹⁰⁰. Church-State relations are an integral part of the pontifical legate's functions and the need for dialogue with civil authorities is imperative¹⁰¹. Pope Benedict XVI spoke about this important relationship in his address to the Ambassador of Italy:

⁹⁷ *SOE* IV, 5.

⁹⁸ See *SOE* V.

⁹⁹ See *SOE* VI–IX.

¹⁰⁰ See *SOE* X.

¹⁰¹ See *GS* 76.

In this way, in fact, the principle is realized which was spelled out by the Second Vatican Council and explains that «the political community and the Church are autonomous and independent of each other in their own fields. Nevertheless, both are devoted to the personal vocation of man, though under different titles» (*GS*, no. 76) [...].

In pursuing this aim, the Church is neither proposing goals of power for herself nor claiming privileges or aspiring to advantageous social or financial positions. Her sole purpose is to serve men and women [...]. The Church, therefore, is not and does not intend to be a political agent. At the same time, she has a profound interest in the good of the political community, whose soul is justice, and offers it her specific contribution at a double level. [...] Christian faith purifies reason and helps it to be better: as a result, with its social doctrine, whose argument begins from what is conformed to the nature of every human being, the Church's contribution is to enable whatever is just to be effectively recognized and then also accomplished¹⁰².

The *motu proprio Sollicitudo omnium Ecclesiarum* mandates the papal legate appointed to particular Churches and at the same time to States to assume additional responsibilities in specific circumstances. If there is no Holy See Delegate or Observer at an international organization in this territory, it is the pontifical legates' responsibility to follow the agenda programs of these organizations, to keep the Holy See informed and to «[...] promote after con-

¹⁰² BENEDICT XVI, address to the new Italian ambassador, *Ore*, 24 October 2007, 5.

sultations with bishops, beneficial collaboration between welfare and educational institutes established by the Church and similar institutes whether government supported or not; [and to] support and promote the activities of Catholic international organizations»¹⁰³. Conversely, delegates or observers appointed to international organizations need to consult with the pontifical legate assigned to the State or particular Churches on whose territory that organization has its Offices¹⁰⁴.

The *motu proprio Sollicitudo omnium Ecclesiarum* exempts the pontifical legate from the jurisdiction of the local Ordinary, addresses his right to perform liturgical acts, and grants certain faculties. Moreover, within «[...] the confines of his legation, the legate of the Roman Pontiff takes precedence over archbishops and bishops but not over members of the Sacred College nor patriarchs of the Oriental Churches whether they are in their own territory or are elsewhere performing sacred functions in their own rite»¹⁰⁵. The mission of the legate does not cease during a period of the vacancy of the Apostolic See, but does cease with the completion of his mandate, by revocation, by renunciation accepted by the Roman Pontiff or by reaching the age of 75¹⁰⁶.

The *CIC* did not abrogate the *motu proprio Sollicitudo omnium Ecclesiarum* and there has been some

¹⁰³ *SOE* XI, 1. This section of the *SOE* was an innovation that was not in the *CIC/17* and was not further integrated into the *CIC*.

¹⁰⁴ See *SOE* XI, 2.

¹⁰⁵ *SOE* XII.

¹⁰⁶ See *SOE* III, 2-3.

debate whether it remains in force as special law. There was no substantial reorganization of the special law in the canons of the *CIC* relating to pontifical legates, rather a continuation of the process of revising their role and functions in response to the request of the Second Vatican Council Fathers. The *CIC* consistently refers to the *motu proprio* as the source for several of the canons, and specifically can. 363 §2 dealing with international organizations. The majority of authors, including K. Walf¹⁰⁷, F. Petroncelli Hubler¹⁰⁸ and B. Udaigwe¹⁰⁹ maintain that the *motu proprio Sollicitudo omnium Ecclesiarum* is special law, working in concert with the *CIC* in expanding our understanding of the role and functions of pontifical legates in the context of Vatican II. In turn, F. Nwachukwu¹¹⁰ and A. Urru¹¹¹ argue that the *CIC* has reorganized the provisions of *Sollicitudo omnium Ecclesiarum* and therefore abrogates it to a role of indirect complement or assistance. This is a minority opinion and interpretation of can. 6, when visiting the question of abrogation of previous laws at the promulgation of the *CIC*.

¹⁰⁷ See K. WALF, «The Nature of Papal Legation» (cf. nt. 30), 96-97.

¹⁰⁸ See F. PETRONCELLI HUBLER, «Papal Legates», in *Exegetical Commentary*, vol. 2/1 (cf. nt. 80), 687-705.

¹⁰⁹ See B.N. UDAIGWE, *The Office of the Papal Legate According to can. 363 §1*, Rome 1994, 60.

¹¹⁰ See F. NWACHUKWU, *Canons 364 and 365. The Holy See and the State of Israel*, Rome 1996, 53.

¹¹¹ See A. URRU, *L'Autorità Suprema della Chiesa*, Roma 1993, 72.

2.4 *Development of Canons on Pontifical Legates in the Process of the Revision of the Code of Canon Law*

The goal of the work of the Pontifical Commission for the Revision of the Code of Canon Law in developing the canons concerning pontifical legates was to integrate the teachings of the Vatican II Council and the subsequent *motu proprio Sollicitudo omnium Ecclesiarum*. The Code Commission met 2-6 December 1974, with Cardinal Pericle Felici, Commission President; Msgr. W. Onclin, Adjunct Secretary; Rev. J. Herranz and four additional consultants who proceeded in session to study and propose new canons. The 15th session in 1974 proposed eleven canons which included updated variations of the canons of the *CIC/17*, cann. 265-270 and sections of the *motu proprio Sollicitudo omnium Ecclesiarum*: nn. I, 1-2; II, 2; III, 1, 3; IV, 1-5; VIII, 1-2; X, 1-2; XI, 1-3¹¹².

The 16th session to deal with canons on the pontifical legates by the Code Commission was held 15-19 December 1975, with Bishop Rosalio Castillo Lara, Commission Secretary presiding; Msgr. Onclin, Adjunct Secretary; with Rev. J. Herranz and four consultants in attendance. The number of canons was reduced to 8 from the previous 11 and only sections nn. I, 1-2; II, 1-2; III, 1, 3; and X, 1-3 of *Sollicitudo omnium Ecclesiarum* were clearly integrated into the proposed canons. Section no. II, 1 of the *motu proprio* re-

¹¹² See PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, coetus studii «De sacra Hierarchia», session 15, «De Legatis Romani Pontificis», *Communicationes* 25 (1993) 93-100.

placed the whole of the previously proposed can. 3 (1974) and included the text regarding both ecclesiastics and laypersons being appointed as heads and members of (Holy See) pontifical missions to international organizations, conferences and congresses as delegates and observers¹¹³.

The Code Commission published the *Schema canonum libri II: De Populo Dei* in 1977, and the 8 canons of the 1975 session were included within Chapter V «De Romani Pontificis Legatis» as cann. 177-184¹¹⁴. From the *Schema canonum libri II: De*

¹¹³ See PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, coetus studii «De Sacra Hierarchia», session 16, «De Legatis Romani Pontificis», *Communicationes* 25 (1993) 153. The text of the motu proprio *Sollicitudo omnium Ecclesiarum*, no. II, 1: «Also representing the Holy See are ecclesiastics and laymen who, as heads or members, are part of a papal mission to international organizations or to conferences and congresses. These are called delegates or observers according to whether the Holy See is registered or not registered among the members of the respective international organization and whether it takes part in a conference with or without the right to vote» (*ORE*, 17 July 1969, 2-3).

¹¹⁴ See PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Schema canonum libri II: De Populo Dei*, Città del Vaticano 1977, 78-81. The development of the canons from the *CIC/17*, *SOE*, 1975 Code Commission's 16th session to the 1977 Draft of Book II *De Populo Dei*:

- can. 177 (*CIC/17*, can. 265 = *SOE* III, 1 = 1975, can. 1);
- can. 178 (new = *SOE* I, 1; II, 2 = 1975, can. 2);
- can. 179 (new = *SOE* II, 1 = 1975, can. 3);
- can. 180 (*CIC/17*, can. 267 = *SOE* I, 2 = 1975, can. 4);
- can. 181 (*CIC/17*, can. 267 §1, 1^o = *SOE* X, 1-2 = 1975, can. 5);
- can. 182 (*CIC/17*, cann. 267 §1, 2^o and §2; 269 §1 = 1975, can. 6);
- can. 183 (new = *SOE* XI, 1-3 = 1975, can. 7);
- can. 184 (*CIC/17*, can. 268 = *SOE* III, 2 = 1975, can. 8).

Populo Dei (1977), the next stage of development of the canons relating to pontifical legates was discussed at the 5th Session of the Code Commission held 12-16 February 1980, chaired by Cardinal Pericle Felici, Pontifical Code Commission President. Working at the session were Archbishop Rosalio Castillo Lara, Commission Secretary; Msgr. W. Onclin, Adjunct Secretary; Rev. J. Herranz and Msgr. N. Pavoni. Others present were Bishop G.M. van Zuylen, Reverends K. Mörsdorf, A. del Portillo, V. Bavdaz, E. Eid, W. Ayman and Professor P. Gismondi¹¹⁵. Various modifications were made to the *Schema canonum libri II: De Populo Dei*¹¹⁶ by the commission members. The modified canons in the 1980 *Schema Codicis iuris canonici*¹¹⁷ were formulated as cann. 299-305. The previous can. 179 of the *Schema Populo Dei*¹¹⁸ underwent sev-

¹¹⁵ See PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, coetus studiorum «De Populo Dei», session 5, «De Romani Pontificis Legatis», *Communicationes* 12 (1980) 236.

¹¹⁶ See Coetus studiorum «De Populo Dei», session 5 (cf. nt. 115), 237-244.

¹¹⁷ See PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Schema Codicis iuris canonici iuxta animadversiones S.R.E., Cardinalium, Episcoporum, Conferentiarum, Dicasteriorum Curiae Romanae, Universitatem Facultatumque Ecclesiasticarum necnon Superiorum Institutum Necnon Superiorum Institutum Vitae Consecratae Recognitum* (=1980 *Schema Codicis iuris canonici*), Città del Vaticano 1980.

¹¹⁸ See Coetus studiorum «De Populo Dei», session 5 (cf. nt. 115), 239. Canon 179 read: «Those ecclesiastics and lay persons also who, whether as individuals or as heads of some delegation are appointed to a pontifical mission at international councils or at conferences and congresses also represent the Holy See; likewise those who are called Delegates or Observers, insofar as the Holy See is numbered among the members of the International Councils, or not, and who take part in any Conference with or

eral Code Commission modifications and was published as can. 301 in the 1980 *Schema Codicis Iuris Canonici*¹¹⁹. The words “ecclesiastics” and “Holy See” were replaced by “clerics” and “Apostolic See” respectively¹²⁰. The canons were further developed into the 1982 *Codex iuris canonici: Schema novissimum iuxta placita Patrum Commissionis emendatum atque Summo Pontifici praesentatum*¹²¹, and formulated as cann. 361-367. Canon 301 of the 1980 *Schema Codicis iuris canonici* was published as the 1982 *Schema Codicis iuris canonici* can. 363, with further modifications shortening the text. The 1982 *Schema Codicis iuris canonici* text of can. 363 removed any reference to “clerics” or “laypersons,” in-

without the right to vote; to these the prescriptions of the canons found in this chapter do not apply».

¹¹⁹ Coetus studiorum «De Populo Dei», session 5 (cf. nt. 115), 239. Canon 301 was modified to read: «Those clerics and lay persons who, whether as individuals or as heads of some delegation are appointed to a pontifical mission at international councils or at conferences and congresses also represent the Apostolic See; likewise those who are called Delegates or Observers, whether or not the Holy See is numbered among the members of the International Councils, and who take part in any Conference with or without the right to vote; to these the prescriptions of the canons found in this chapter do not apply, even as they do not apply to Extraordinary Ambassadors».

¹²⁰ See Coetus studiorum «De Populo Dei», session 5 (cf. nt. 115), 239. The modifications made by the Code Commission in the 1980 *Schema Codicis Iuris Canonici*, can. 301 included the suggestions brought forward by commission members to modify other canon in the chapter relating to pontifical legates.

¹²¹ See PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Codex Iuris Canonici Schema novissimum iuxta placita Patrum Commissionis emendatum atque Summo Pontifici praesentatum*, Città del Vaticano 1982, cann. 361-367.

serting a generic “those”, without offering any details as to the reasons for this change¹²². Canons 362 and 363 of the 1982 *Schema Codicis iuris canonici* were promulgated in the 1983 Code of Canon Law as one canon – *CIC* can. 363, with 1982 *Schema Codicis iuris canonici* can. 363 incorporated as *CIC* can. 363 §2.

2.5 *Special Regulations for Pontifical Representatives*

The *Regolamento per le Rappresentanze pontificie*¹²³ was promulgated by Secretary of State Cardinal Angelo Sodano on 22 February 1994, initially taking effect 1 March 1994 on an *ad experimentum* basis for a five-year period. In 2003, an updated edition of the *Regolamento per le Rappresentanze pontificie*¹²⁴ was published, with no major difference between this version and the original *Regolamento* promulgated in 1994. The *Regolamento* remains in force today and consists of 10 titles containing 80 articles that deal with a whole range of matters concerning the legates’ role, functions and duties, appointments, classifications, transfers, cessation of service and retirement, remuneration grades, vacation periods, categories of collaborators, etc. The *Regolamento* integrates provisions

¹²² *Schema novissimum* (cf. nt. 121), can. 363: «Personam gerunt Apostolicae Sedis ii quoque qui in pontificiam Missionem ut Delegati aut Observatores deputantur apud Consilia internationalia aut apud Conferentias et Conventus».

¹²³ See SECRETARIAT OF STATE, *Regolamento per le Rappresentanze pontificie*, Città del Vaticano 1994.

¹²⁴ See SECRETARIAT OF STATE, *Regolamento per le Rappresentanze Pontificie (Nuova edizione)*, Città del Vaticano 2003.

found within the 1969 *motu proprio Sollicitudo omnium Ecclesiarum* and *CIC*, cann. 362-367 into an executive decree, approved by Pope John Paul II, signed by Cardinal Angelo Sodano, Secretary of State. These administrative norms clearly specify the rights, obligations, roles, functions, range of activities and limitations of the offices of pontifical representatives. The *Regolamento* states that, together with the *CIC* and the *motu proprio Sollicitudo omnium Ecclesiarum*, «[...] the various functions of Papal Representatives are laid out in full»¹²⁵. It expands upon the earlier *motu proprio* and *CIC* canons by giving supplementary details regarding such matters as salary grades, retirement ages, specific office titles of representatives and collaborators, the spiritual component of service, and hierarchical reporting requirements.

The Holy Father exercises his authority and maintains appropriate relations with each pontifical representative either directly or through the Secretary of State, the Deputy of General Affairs, Secretary for Relations with States or other superiors of dicasteries of the Roman Curia¹²⁶. Papal representatives hold Vati-

¹²⁵ *Regolamento*, art. 9 (cf. nt. 124), 6.

¹²⁶ See *Regolamento*, art. 4 (cf. nt. 124), 4. In 2005, there were a total of 203 Pontifical Representations: 176 Nunciatures, 12 Apostolic Delegations and 15 Pontifical Representations to International Organizations (cf. A. FILIPAZZI, *Rappresentanze e Rappresentanti Pontifici dalla seconda metà del secolo XX*, Città del Vaticano 2007, [VERIFY BIBLIOGRAPHICAL DATES?!!!!], XXIII). In 1978, there were a total of 117: 88 Nunciatures or Internunziatures, 21 Apostolic Delegations and 8 Pontifical Representations to International Organizations; in 1963, there were a total of 66: 46 Nunciatures or Internunziatures, 17 Apostolic Delegations and 3 Pontifical Representations to International Organizations; in 1958, there were a total of 60: 42 Nun-

can citizenship, and multiple citizenship is an acceptable practice¹²⁷. The titles of Apostolic Nuncio and Permanent Observer are specified for pontifical legates appointed to international organizations, such as the United Nations¹²⁸. After nomination or transfer by the Holy Father, the papal representatives receive instructions from the Secretary of State and the Section for Relations with States regarding their specific Mission¹²⁹. The nominees then proceed to the Section for General Affairs where they obtain their Letters of Credence, necessary documents for the Mission, passports, traveling tickets, etc.¹³⁰. After completion of their mission, the papal representatives are required to send a report to the Secretary of State regarding the religious and political situation of the countries in which they have served¹³¹. The retirement age is set at 75 years, although a representative may request retirement at age 70 and can retain his title of Apostolic Nuncio for appointment as a member or advisor to other Roman dicasteries¹³².

Ecclesiastics who work as collaborators of the Holy See (known as staff collaborators) on the diplo-

ciatures or Internunciatures, 15 Apostolic Delegations and 3 Pontifical Representations to International Organizations; in 1945, there were a total of 52: 30 Nunciatures or Internunciatures, 22 Apostolic Delegations and no Pontifical Representations to International Organizations (cf. A. FILIPAZZI, *Rappresentanze*, XXI-XXII).

¹²⁷ See *Regolamento*, art. 5 (cf. nt. 124), 4.

¹²⁸ See *Regolamento*, art. 6 (cf. nt. 124), 5.

¹²⁹ See *Regolamento*, art. 15 (cf. nt. 124), 10.

¹³⁰ *Regolamento*, art. 15 (cf. nt. 124), 10.

¹³¹ See *Regolamento*, art. 19 (cf. nt. 124), 11.

¹³² See *Regolamento*, art. 20-21 (cf. nt. 124), 11-12.

matic staff carry out their duties as papal representatives under the direction of the Head of Mission. These collaborators, who also hold Vatican citizenship, are subdivided as Councilor of the Nunciature of the 1st or 2nd Class, Secretary of the Nunciature 1st or 2nd Class, Attaché of the Nunciature¹³³. Missions can hire local collaborators who could be priests, religious or laypersons¹³⁴. Members from a community of religious sisters should be engaged for the day-to-day working of the papal representation¹³⁵, who could also be hired as collaborators. If such communities of sisters are not available, then laypersons could be hired and service personnel needed for the material necessities of the residence¹³⁶.

Various sections of the *Regolamento* deal with practical, operational issues, such as office hours¹³⁷ and administrative and book-keeping issues¹³⁸. Cer-

¹³³ See *Regolamento*, art. 23 (cf. nt. 124), 12-13. See also SECRETARIAT OF STATE, *Annuario Pontificio per l'anno 2007*, Città del Vaticano 2007, 1370. For example, at the Holy See Mission at the United Nations in New York, the Head of Mission is Archbishop C. Migliore, Apostolic Nuncio, with two staff Councilors – Monsignors Bernardito C. Auza and Leo W. Cushley, papal representatives from the diplomatic service of the Holy See.

¹³⁴ See *Regolamento*, art. 30-34 (cf. nt. 124), 15-17.

¹³⁵ See *Regolamento*, art. 35-39 (cf. nt. 124), 17-18.

¹³⁶ See *Regolamento*, art. 35; 40-41 (cf. nt. 124), 18-19. At the Permanent Observer Mission of the Holy See in New York, for example, in 2007 the Head of Mission had locally hired collaborators (clergy and laypersons) working as Legal Attachés and two sisters from a religious community. See SALT & LIGHT TELEVISION (Toronto), DVD video program «Mission to the United Nations», October 2007.

¹³⁷ See *Regolamento*, art. 52 (cf. nt. 124), 22.

¹³⁸ See *Regolamento*, art. 64-78 (cf. nt. 124), 28-33.

tain articles deal with the sending of reports and interventions to the Roman Curia and Secretary of State¹³⁹ and Archives of the Pontifical Mission¹⁴⁰, which are to be retained for 50 years. Regulations are set to provide parameters of discretion, confidentiality and secrecy required in the work of those at Pontifical Missions¹⁴¹. There is also a section of articles dealing with expectations in the spiritual life and behavior of those working at Pontifical Representations¹⁴².

The *Regolamento per le Rappresentanze pontificie* integrates most elements found in special law and the *CIC* concerning legates, further expanding the opportunities for the laity to be involved in the work of the Mission and engaged by the Mission Head in the spiritual and diplomatic mission entrusted to them by the Roman Pontiff.

3. Ecclesiastical Office of Pontifical Legates

Legates appointed to ecclesiastical offices at the Holy See Missions at the United Nations as Heads of Missions have in recent decades been ordained titular archbishops and appointed Apostolic nuncios, although not in all cases. There is a distinction between those legates representing the Holy See as members of any given Specialized Agency or Commission as its Permanent Representatives (Delegates), which includes voting rights, and those legates who are ap-

¹³⁹ See *Regolamento*, art. 57-58 (cf. nt. 124), 24.

¹⁴⁰ See *Regolamento*, art. 60-62 (cf. nt. 124), 25-26.

¹⁴¹ See *Regolamento*, art. 53-55 (cf. nt. 124), 22-24.

¹⁴² See *Regolamento*, art. 42-51 (cf. nt. 124), 19-21.

pointed as Observers or Permanent Observers to any specific agency or UN related body. There is a variation of titles given to Permanent Observers and Permanent Representatives appointed to ecclesiastical offices at the Holy See Missions at United Nations Offices and regional centres.

The differences in hierarchical appointments appear to relate to the size and volume of work of each of the United Nations offices. Archbishops are appointed to head the Holy See Missions at the UN Headquarters in New York and the larger UN Office in Geneva. Other priests who are not in episcopal orders are appointed to the smaller concentrations of UN Offices and centres in Vienna, Rome and Paris¹⁴³. This does not appear to imply any preference on the part of the Holy See to set the levels of importance of one centre over another. All of the issues presented to the

¹⁴³ For example, in New York (UNHQ) and Geneva (UNOV), the Holy See Permanent Observers and Permanent Representatives are titular Archbishop Celestino Migliori (UNHQ) and Archbishop Silvano Tomasi (UNOG), appointed Apostolic Nuncios (see *Annuario Pontificio 2007* [cf. nt. 133], 1370). In comparison, the Permanent Observer and Permanent Representative of the Holy See at the «United Nations and Its Specialized Agencies» in Vienna (UNOV) is Msgr. Michael Banach, representing the Holy See at the IAEA, CTBTO, UNIDO, UNCOPUOS and UNODC. In Rome, at FAO, IFAD and WFP, the Holy See Permanent Observer is Msgr. Renato Volante and the Permanent Observer at UNESCO in Paris is Msgr. Francesco Follo (see *Annuario Pontificio 2007*, 1371). The Apostolic nuncio Archbishop Alain Paul Lebeaupin, titular bishop of Vico Equense holds two ecclesiastical offices: Apostolic nuncio and Permanent Observer at UNEP and UN-Habitat and the Apostolic nuncio to the particular Churches and State of Kenya (see *Annuario Pontificio 2007*, 1370).

United Nations are important, each in its own degree and global relevance, but the volume of work and number of agencies/bodies attached to a specific centre seems to be the deciding factor as to whether a bishop or other prelate is appointed to head the Holy See Mission in that centre.

The *CIC* reflects the new post-Vatican II understanding of ecclesiastical office (can. 145 §1, 2°)¹⁴⁴ which was integrated into the canons relating to pontifical legates. In the Decree on the Ministry and Life of Priests *Presbyterorum ordinis*, the Council Fathers shifted the focus of ecclesiastical office from a connection with benefices to the specific person holding the office itself.¹⁴⁵ J.I. Arrieta writes that, as the revi-

¹⁴⁴ Canon 145 §§1, 2. The precursor of this canon was published in the *Primae versiones* of the 1977 *Schema canonum libri I: De normis generalibus* (PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, coetus de normis generalibus, norma 118, *Communicationes* 23 (1991) 247-248). The text developed to its current *CIC* form in the 1980 *Schema Codicis iuris canonici*, can. 142, and in *Relatio*, *Communicationes* 14 (1982) 151. The text of the canon was again published in 1982 *Codex iuris canonici: Schema novissimum* as can. 145. The changes included the modification from «Officium ecclesiasticum est quodlibet munus a competenti auctoritate stabiliter collatum in finem spirituales exercendum» to «Officium ecclesiasticum est quodlibet munus ordinatione sive divina sive ecclesiastica stabiliter constitutum in finem spirituales exercendum» (can. 145 §1), together with a change of «instituitur et ordinatur» to «constituitur» (can. 145 §2).

¹⁴⁵ See *PO* 20, English translation in A. FLANNERY, *Vatican Council II*, vol. 1 (cf. nt. 27), 790: «It is, however, to the office that sacred ministers fulfil that the greatest importance must be attached. For this reason the so-called system of benefices is to be abandoned or else reformed in such a way that the part that has to do with the benefice – that is, the right to the revenues attached

sion work of the Code Commission proceeded, there was a shift back to a more traditional notion of office, adopting an objective notion, also recognizing an abstract subjectivity of office¹⁴⁶.

Arrieta summarizes the technical elements of ecclesiastical office as part of a *munus* with a spiritual dimension, erected by a competent authority, with duties restricted by canon law, conferred through a juridical act of canonical provision¹⁴⁷. He also discusses

to the endowment of the office – shall be regarded as secondary and the principal emphasis in law given to the ecclesiastical office itself. This should in future be understood as any office conferred in a permanent fashion and to be exercised for a spiritual purpose».

¹⁴⁶ See J.I. ARRIETA, «Ecclesiastical Offices», in *Exegetical Commentary*, vol. 1 (cf. nt. 80), 895: «During the revision work on the CIC/17, which began with the direct acceptance of the subjective notion of *Presbyterorum ordinis*, this focus, which was of little benefit to administrative responsibility and its subsequent control, was definitively amended, thus returning to the traditional notion of office. [...] The objective notion of ecclesiastical office adopted by the Code, as the juridical norm established in the subsequent canons, comes to recognize the abstract subjectivity of office in the canonical order. That is to say, it recognizes the necessity of its juridical provision on the part of the legitimate authority (cf can. 148), something that does not occur with the ministries». Cf. J.I. ARRIETA, «Funzione pubblica e ufficio ecclesiastico», *Ius Ecclesiae* 7 (1995) 91-113.

¹⁴⁷ See J.I. ARRIETA, «Ecclesiastical Offices» (cf. nt. 146), 896: «A number of technical elements of ecclesiastical office can be derived from the whole of the discipline of the Code. These include the following: a) they consist of a *munus* of spiritual dimension, in the sense of an institutionalized social ecclesiastical function; b) they are erected by a legitimate authority, that is, they are juridically created in the abstract (erected), by granting them subjectivity in the system of the Church which is the center of attribution of active and passive juridical situations; c) they are

the characteristics and legal notion of office (can. 145) in the canonical order and its: a) nature of the public responsibility; b) stable character, established in the abstract (can. 148) and conferred to an officeholder by canonical provision (can. 147); c) configured by law, instituted and juridically configured in conformity with can. 145 §2; d) spiritual finality, taking into account the supernatural character of the Church; e) distribution of functions, with the notion of office detached from the notion of power (can. 145), as a means for entrusting pastoral responsibilities; f) belonging to the hierarchical structure, founded on the juridical personality of the body¹⁴⁸.

restricted and formed by canon law regarding their duties (cf. can. 145 §2); and d) they must be conferred successively or simultaneously on a subject through a juridical act of canonical provision (can. 146)». Libero Gerosa refers to the four constitutive elements of an ecclesiastical office as being the *munus* with rights and obligations, objective stability, divine or ecclesiastical disposition and spiritual purpose: 1. The charge or *munus*, that is the one or more obligatory functions in which this consists, and to which are connected obligations and rights; 2. Objective stability, that is to say that character of endurance in the ecclesial juridical structure that guarantees the pre-existence and permanence to the conferral and loss of this respectively; 3. The being of divine disposition (as for example in the case of the office of bishop) or ecclesiastical disposition (as for example in the case of the office of parish priest); 4. The spiritual purpose, that is the being able to be led back – even when implicated in the administration of temporal matters – to the mission of the Church». L. GEROSA, *Canon Law*, Amateca Series, New York 2002, 233.

¹⁴⁸ See J.I. ARRIETA, *Governance Structures within the Catholic Church*, Montréal 2000, 65-68. Commentators offer insightful summaries of the canonical classification or elements of ecclesiastical offices, taking into consideration a variety of typology: by origin, by the nature of their function, by the scope of

The offices conferred by the Secretariat of State upon pontifical legates appointed to the Holy See Missions at the United Nations has several constitutive elements. These include the stability of the office, the ecclesiastical ordinance of the appointment, the specific functions attached to the office and the spiritual purpose of the Holy See's legate at the United Nations¹⁴⁹.

The legates' offices are established by the Roman Pontiff¹⁵⁰, the competent ecclesiastical authority (can.

competence, by stability and by the manner of designation: «By way of synthesis, and in order to refer us to some of the more useful classifications, it is fitting to note the following typology of offices: a) by origin, there may be constitutional offices – of divine or ecclesiastical origin – and non-constitutional offices; b) by the nature of the function, there may be offices with proper or vicarious authority (can. 131), and offices without authority; and also active offices, consultative offices, or offices of control; curate offices for the care of souls – of complete or partial cura animarum – and not for the care of souls (can. 150); c) by scope of competence, there can be universal offices (central: the offices of the Roman Curia, or peripheral: the nuncios); diocesan offices (corresponding to any ecclesiastical circumscription): offices that can be general or local (that of the parish); and superdiocesan offices; d) by stability, there can be permanent or temporary offices (the offices of a synod, for example); e) by manner of designating the office holder: by free conferral, by presentation, or by election». J.I. ARRIETA, «Ecclesiastical Offices» (cf. nt. 146), 897-898.

¹⁴⁹ See L. GEROSA, *Canon Law* (cf. nt. 147), 233. Cf. P.V.A. BRAIDA, «L'ufficio dei rappresentanti del Romano Pontefice», *Apollinaris* 52 (1979) 175-199. Cf. J.I. ARRIETA, *Governance Structures* (cf. nt. 148), 63-95.

¹⁵⁰ The office of the pontifical legate is therefore of ecclesiastical origin, with its purpose to safeguard the interests of the community of the faithful. Cf. G. BARBERINI, *Le Saint-Siège* (cf. nt. 6), 138-139.

148), acquired validly by canonical provision (can. 146), through free conferral by that same authority (can. 147). Accordingly, the character of the ecclesiastical office may vary, according to the method by which it was established. When the ecclesiastical office is established by *motu proprio* or another legislative document, as in the case of Delegates and Observers at the United Nations, the juridical act of establishment would have a legislative character, in contrast to the less common establishment being done by a singular administrative decree¹⁵¹.

The Secretariat of State, First Section for General Affairs is responsible for appointments, transfers and juridical status of diplomatic staff of the Holy See¹⁵². Pontifical legates are appointed by the Holy See through an *Apostolic Brief* made public by the Secretariat of State.

As for any ecclesiastical office, the person appointed must be in the communion with the Church and be suitable, i.e. endowed with those qualities which are required for the given office (can. 149 §1)¹⁵³. Candidates for enrolment at the Pontifical Ec-

¹⁵¹ See J.I. ARRIETA, *Governance Structures* (cf. nt. 148), 68.

¹⁵² See *Regolamento*, art. 4 (cf. nt. 124), 4. The First Section for General Affairs has 144 staff and personnel, of which 96 (67%) are clerics and 48 (33%) laity (see *Annuario Pontificio* 2007 [cf. nt. 133], 1181-1185).

¹⁵³ Canon 149 §1 was developed in the *Primae versiones* of the 1977 *Schema de normis generalibus*, norma 123, *Communicationes* 23 (1991) 250. The canon found its final version in the 1980 *Schema Codicis iuris canonici*, can. 146, subsequently published in the same form in the 1982 *Schema Codicis iuris canonici*, can. 149. The modifications in the 1980 *Schema Codicis iuris canonici*, can. 146 included the change from the 1977 *Schema*

clesiastical Academy are selected from referrals made by dioceses from around the world. Following their training and entry-level service at the Secretariat of State, candidates for appointment as papal representatives and legates are rigorously evaluated for service at diplomatic missions to particular Churches, States and international organizations. For example, following the current practice of appointing a titular bishop¹⁵⁴ as the Permanent Observer, Apostolic Nuncio and Head of Mission of the Holy See at the United Nations would necessitate for the candidate to meet the suitability requirements for ordination according to can. 378. Required candidate qualities would include being

de normis generalibus, norma 123: «[...] §1. Ut ad officium ecclesiasticum quis promoveatur, debet esse idoneus...» to «[...] §1. Ut ad officium ecclesiasticum quis promoveatur, debet esse in Ecclesiae communione necnon idoneus...». In §2, the form «invalidari» used in the 1977 *Schema de normis generalibus*, norma 123 was replaced with «rescindi» in the final version. §3 was introduced for the first time into the 1980 *Schema Codicis iuris canonici* as «Provisio officii simoniace facta ipso iure irrita est» and remained unchanged in the *CIC*.

¹⁵⁴ The practice of appointing bishops to the offices of papal representation prompts some commentators to consider those offices as part of the hierarchical constitution of the Church: «L'office de la représentation diplomatique fait partie de la constitution hiérarchique de l'Église catholique et les canons qui s'y rapportent se trouvent dans la section réservée à l'autorité suprême qui la gouverne. Cela s'explique par deux raisons. En premier lieu, parce que le représentant est un évêque qui est membre du collège des évêques et qui exerce ses pouvoirs selon les normes du code canonique; deuxièmement, il faut rappeler qu'au représentant pontifical est confié l'office de représenter le pontife romain qui exerce son pouvoir sur l'Église catholique tout entière et qui a la responsabilité de son unité». G. BARBERINI, *Le Saint-Siège* (cf. nt. 6), 139.

«1° [...] outstanding in solid faith, good morals, piety, zeal for souls, wisdom, prudence, and human virtues, and endowed with other qualities which make him suitable to fulfill the office [...]; 2° of good reputation; 3° at least thirty-five years old; 4° ordained to the presbyterate for at least five years; 5° in possession of a doctorate or at least a licentiate in sacred scripture, theology, or canon law from an institute of higher studies approved by the Apostolic See, or at least truly expert in the same disciplines (can. 378 §1)». Papal representatives, both bishops and priests are reminded of the importance of sustaining their spiritual lives and practicing modesty in their diplomatic work¹⁵⁵. The

¹⁵⁵ See *Regolamento*, art. 42 (cf. nt. 124), 19: «The Bishops and Priests who work in papal representations will take care to promote their own spiritual lives, aware of the responsibility derived from being at the service of the Holy Father and the Holy See. For this reason they should strive to ensure that their activities are inspired by the love of God, the Church and of neighbour and they should be ready to take on the considerable sacrifices that their life involves. Like every priest, ecclesiastics in the service of the Holy See “[...] are to foster simplicity of life and are to refrain from all things that have a semblance of vanity” (can. 282 §1)». The source of their bishop’s spirituality is Jesus Christ: «Through his episcopal ordination, the Bishop receives a special outpouring of the Holy Spirit which configures him in a singular way to Christ, Head and Shepherd. The same Lord, ‘good master’ (cf. *Mt* 19:16), ‘high priest’ (*Heb* 7:26), ‘good shepherd who offers his life for his sheep’ (cf. *Jn* 10:11) has imprinted his human and divine face, his likeness, his power and his strength in the Bishop. Jesus is the sole and the permanent source of the Bishop’s spirituality. Therefore, the Bishop, sanctified in the sacrament through the gift of the Holy Spirit, is called to respond to the grace received through the laying on of hands, sanctifying himself and conforming his personal life to Christ in the exercise of the apostolic ministry. This configuration to Christ allows the

pontifical legate appointed to the office exercises ordinary (attached to the office) executive power vicariously¹⁵⁶, expressing the will of the Roman Pontiff and

Bishop to submit his whole being to the Holy Spirit in order to integrate within himself his different roles as member of the Church and simultaneously head and shepherd of the Christian people, as brother and as father, as disciple of Christ and teacher of faith, as son of the Church and, in some sense, father of the Church, as minister of the supernatural rebirth of Christians. The Bishop should always remember that the effect of his personal holiness is never limited to the purely subjective level, but redounds to the good of the faithful entrusted to his pastoral care. The Bishop must be a man of contemplation as well as a man of action, so that his apostolate can become *contemplate aliis tradere*. Fully convinced that nothing he can do serves any purpose unless he *be with Christ*, the Bishop must be in love with the Lord. Moreover, he should always remember that the credibility of his episcopal ministry depends on the moral authority and authenticity which arise from the holiness of life underlying his exercise of juridical power». CONGREGATION FOR BISHOPS, *Directory for the Pastoral Ministry of Bishops "Apostolorum Successores"*, 33, Città del Vaticano 2004, 47-48).

¹⁵⁶ See CD 8. See also PB 7-8: «Its nature and role consists entirely in that the more exactly and loyally the institution strives to dedicate itself to the will of the Supreme Pontiff, the more valuable and effective is the help it gives him. Beyond this ministerial character, the Second Vatican Council further highlighted what we may call the *vicarious character* of the Roman Curia, because, as we have already said, it does not operate by its own right or on its own initiative. It receives its power from the Roman Pontiff and exercises it within its own essential and innate dependence on the Pontiff. It is of the nature of this power that its always joins its own action to the will of the one from whom the power springs. It must display a faithful and harmonious interpretation of his will and manifest, as it were, an identity with that will, for the good of the Churches and service to the bishops. >From this character the Roman Curia draws its energy and strength, and in it too finds the boundaries of its duties and its code of behaviour. The fullness of this power resides in the head,

making decisions according to the instructions of the Holy See, issued through the curial offices of the Secretariat of State¹⁵⁷. The power of the legate is directly linked to the scope of the need for them to exercise their ecclesiastical office for a spiritual purpose as pontifical legates at the Holy See Missions at the United Nations. Working within the parameters of the office of the Permanent Observer at the United Nations, the papal representative at the time of his appointment receives instructions and faculties needed for him to perform his spiritual mission¹⁵⁸. These also include faculties pertaining to the administration as Mission Head, such as management of the nunciatures, budgets, documentation of financial matters relating to the mission, the hiring of staff, their supervision and evaluation of their service¹⁵⁹. After the initial

in the very person of the Vicar of Christ, who imparts it to the dicasteries of the Curia according to the competence and scope of each one».

¹⁵⁷ See J.I. ARRIETA, *Governance Structures* (cf. nt. 148), 162-163.

¹⁵⁸ Cf., for example, the *Index facultatum* of the papal legates outside mission territories, CONGREGATION FOR BISHOPS, 1 January 1968, in X. OCHOA (ed.), *Leges Ecclesiae post Codicem iuris canonici editae*, vol. 3, Romae 1966-, cols. 5284-5288, English translation in *CLD*, vol. 9, 172-183; the *Index facultatum* of the papal legates in mission territories, CONGREGATION FOR THE EVANGELIZATION OF PEOPLES, 1 January 1971, in *Leges Ecclesiae*, vol. 4, cols. 5959-5961, English translation in *CLD*, vol. 7, 285-289; the *Index facultatum* given to the papal legates by the CONGREGATION FOR THE ORIENTAL CHURCHES, 31 October 1974, in *Leges Ecclesiae*, vol. 6, cols. 7600-7604, English translation in *CLD*, vol. 9, 184-192.

¹⁵⁹ See *Regolamento*, art. 64 (cf. nt. 124) 28-29: «1. The Mission Head is principally responsible for the management of the administration of the Papal Representation. The personnel

nomination or transfer, the Secretariat of State, Second Section for Relations with States will issue instructions regarding their mission¹⁶⁰.

The mission of the pontifical representative is pastoral and religious in its character. In 1980, Pope John Paul II spoke about the work of his future legates:

The mission which will lead you to live in the midst of so many populations different in culture, civilization, morals, language and religious traditions, must be understood as an ecclesial service, in the meaning given by the first Christian communities to the world *diakonia*. This service, often obscure and unknown, will be all the more meritorious, the more you approach it with a truly priestly spirit, which does not seek its own advantage and its own convenience, but the good and the spiritual growth of the individual local Churches, trying to understand the genius of the individual peoples better and better, with good will, in fact with enthusi-

of the diplomatic staff will be informed of such management, and will follow the directives of their superior, collaborating with him in their realization. [...] 3. At the end of each half-year the account should be drawn up of expenses sustained in this period, filling out the appropriate forms. The bi-annual account should be sent to the office of the Secretary of State, Section for General Affairs, within a month of the end of the half-year. [...] 5. At the term of his mission, the papal representative should write an account of the house budget and give it duly signed to the Chargé d'Affaires, who in turn will have to submit it to the new Head of Mission, when he shall arrive, together with an account of the incomes and expenses sustained in the intervening time».

¹⁶⁰ See *Regolamento*, art. 15 (cf. nt. 124), 10. The Second Section For Relations With States has 53 staff and personnel, with 40 (75%) clerics and 13 (25%) laity (in *Annuario Pontificio* 2007 [cf. nt. 133], 1186-1187).

asm, placed, as you will be, in those Pontifical Representations which are, always, a point of liaison between the various ecclesial communities under Peter's See, and also very often, wise intermediaries between the Holy See and the Supreme Authorities of the various nations [...]

This conception of the diplomatic service calls, of course, for priestly charity, the missionary spirit, dedication and self-sacrifice, which leaves no space for earthly mirages, temporal glories or any kind of privileges. It calls, in a word, for the apostolic spirit, such as to be able to make you say, with a special intention, but like every confrere of yours: «We are ambassadors for Christ, God making his appeal through us» (2 *Cor* 5:20) [...]

I say to you with the Apostle of the Gentiles: «Be imitators of God, as beloved children, and walk in love, as Christ loved us and gave himself up for us, a fragrant offering and sacrifice to God» (*Eph* 5:1)¹⁶¹.

The diplomatic activity of papal representatives to international organizations aims at stimulating the temporal order with Christian values. This goal reaches beyond a mere aspect of safeguarding the interests of the community of the faithful and leads toward promoting the dignity of human person, defence of human rights and finding the solutions to humanitarian problems¹⁶².

¹⁶¹ JOHN PAUL II, address to students of the Pontifical Ecclesiastical Academy «Diplomatic Service and Apostolic Spirit», *ORE*, 8 April 1980, 9.

¹⁶² See G. BARBERINI, *Le Saint-Siège* (cf. nt. 6), 143.

4. Lay Persons as Pontifical Representatives

There appears to be no barrier to the appointment of lay persons to a certain range of offices, as the canons in the *CIC* relating to ecclesiastical offices no longer make a link between offices and the power of jurisdiction/governance as a requirement for appointment to ecclesiastical offices¹⁶³. In 1964, the Council Fathers identified the apostolate of the laity as vital in the life and mission of the Church:

The apostolate of the laity is a sharing in the salvific mission of the Church. Through baptism and Confirmation all are appointed to this apostolate by the Lord himself [...] the laity can be called in different ways to more immediate cooperation in the apostolate of the hierarchy, like those men and women who helped the apostle Paul in the Gospel, laboring much in the Lord (cf. *Phil* 4:3; *Rom* 16:3 ff.). They have, moreover, the capacity of being appointed by the hierarchy to some ecclesiastical offices with a view to a spiritual end. All the laity, then, have the exalted duty of working for the ever greater spread of the divine plan of salvation to all men, of every epoch all over the earth. Therefore may the way be clear for them to share diligently in the salvific work of the Church according to their ability and the needs of the times. Since he wishes to continue his witness and his service through the laity also, the supreme and eternal priest, Christ Jesus, vivifies them with his spirit and ceaselessly impels them to accomplish every good and perfect work¹⁶⁴.

¹⁶³ See L. GEROSA, *Canon Law* (cf. nt. 147), 233–234.

¹⁶⁴ *LG* 33–34, English translation in A. FLANNERY, *Vatican Council II*, vol. 1 (cf. nt. 27), 355.

The Council's call to service identifies the laity's apostolate as part of a unity of mission, entrusting to the apostles and his successors the office of teaching, sanctifying and governing in Christ's name and by his power; and the laity share in the priestly, prophetic and kingly office of Christ. The participation of the laity in the Church's mission is a crucial component in this unity of mission¹⁶⁵. The challenges of a secularized world call the laity to an intensified focus in bringing the Gospel message to the world through a life of defending the dignity of the human person and participating in the development of the secular world as followers of Christ and his teachings. The characteristic of the lay state is a life led in the world of secular affairs, being a leaven in the world¹⁶⁶.

The Council Fathers clearly considered it to be a benefit to the Church to draw upon the experience and advice of qualified laypersons¹⁶⁷. The *CIC* states that

¹⁶⁵ Cf. A. DULLES, L.J. McGinley Lecture «The Mission of the Laity», Fordham University, 29 March 2006, <<http://www.usccb.org/laity/laymin/CardinalDulles.pdf>> (02 January 2008). Cf. E.J. KILMARTIN, «Lay Participation in the Apostolate of the Hierarchy», *The Jurist* 41 (1981) 343-370; E. McDONOUGH, «Laity and the Inner Working of the Church», *The Jurist* 47 (1987) 228-245.

¹⁶⁶ See *AA* 2, English translation in A. FLANNERY, *Vatican Council II*, vol. 1 (cf. nt. 27), 677. See *LG* 31-34, English translation in A. FLANNERY, *Vatican Council II*, vol. 1 (cf. nt. 27), 353-355.

¹⁶⁷ See *CD* 10: «[...] Finally, the Fathers of the Council judge that it would be most advantageous if these departments were to have more frequent recourse to the advice of laymen of virtue, knowledge and experience so that they also have an appropriate role in the affairs of the Church».

suitable lay persons are qualified to be appointed to ecclesiastical offices and functions according to the law¹⁶⁸. Gerosa discusses this notion of lay faithful being qualified for appointment to ecclesiastical offices in general and expresses his views that, unless divine law or canon law expressly forbids it, lay persons can be appointed to ecclesiastical offices, according to can. 228 §1¹⁶⁹.

Canon 228 §2 further states that «lay persons who excel in necessary knowledge, prudence, and integrity are qualified to assist the pastors of the Church as experts and advisors, even in councils according to the norm of law». There are obvious limitations when the laity are excluded from consideration for appointment to offices which encompass the full care of souls, when «the exercise of priestly order is required» and the office cannot be validly conferred upon a layperson (can. 150). Although can. 274 §1 clearly states that «only clerics can obtain offices for whose exercise the power of orders or the power of ecclesiastical governance is required» and limits the scope of offices to which laypersons could be appointed, it nevertheless does not affect the appointment of laypersons to offices that do not entail the exercise of the power of orders or governance. Gerosa cites canonists that share this interpretation of lay faithful appointments, among others K. Mörsdorf, P. Krämer, G. Ghirlanda, and F. Urrutia¹⁷⁰. In particular, K. Walf asserts that «ecclesiastical law does recognize the possibility that the

¹⁶⁸ See can. 228 §1.

¹⁶⁹ See L. GEROSA, *Canon Law* (cf. nt. 147), 233-234.

¹⁷⁰ See L. GEROSA, *Canon Law* (cf. nt. 147), 233-234.

Holy See could also be represented at international organizations or conferences by lay persons»¹⁷¹. While considering the issue of papal representation, B. Udaigwe acknowledges that «both clerics and lay persons have the juridical capacity» to be appointed to an office¹⁷². Oliveri, in his 1980 book about the nature and functions of papal legates, expresses the opinion that there was «no particular theological principle» that candidates for appointment as papal representatives should be limited to members of the clerical state, with the condition that the exercise of jurisdictional authority of the office did not require sacramental ordination¹⁷³. Oliveri nevertheless stresses the importance of retaining the prominent position of the clerical presence in international missions of the Holy See to satisfy the international community's perceptions and understanding of the Holy See as being substantively different from other delegations or missions. He goes as far as stating that «what the Holy See requires, in fact, from its Representatives is that, above all, they should be priests»¹⁷⁴, a position that becomes more difficult to defend in the 21st century, with the active participation of the laity in Catholic-inspired international NGO work and interventions at meetings of United Nations agencies and bodies.

Within the context of the work of the Holy See Mission at the United Nations today, it appears that

¹⁷¹ See K. WALF, «The Nature of Papal Legation» (cf. nt. 30), 96.

¹⁷² See B.N. UDAIGWE, *The Office of the Papal Legate* (cf. nt. 109), 60.

¹⁷³ See M. OLIVERI, *The Representatives* (cf. nt. 29), 58.

¹⁷⁴ M. OLIVERI, *The Representatives* (cf. nt. 29), 63-64.

the lay faithful are appointed to consultative ecclesiastical offices (can. 228) in an assisting capacity, contributing to the work of the Head of the Mission, the pontifical legate: Mission collaborators, specialists and experts participate effectively in the work of the Holy See Mission at the United Nations. There seems to be no barrier for the training and appointment of laypersons to work in the diplomatic services of the Holy See and to progress in knowledge, experience and suitability for eventual appointment as the Head of Mission of a Holy See Mission at an international organization, agency or body in the world. Laypersons have participated in various delegations to conferences where the Holy See was represented. In 1995, United States Harvard University Professor Mary-Ann Glendon was appointed the Head of the Delegation of the Holy See to the Fourth World Conference on Women, in Beijing, where she represented the Holy Father speaking out in defence of the dignity of human person and specifically in defence of the dignity and rights of women¹⁷⁵.

5. Pontifical Ecclesiastical Academy and Pontifical Representation

Ordained clergy are chosen for service as pontifical legates from varying national backgrounds, with different educational achievements and levels of ex-

¹⁷⁵ See JOHN PAUL II, message to the Delegation of the Holy See to the 4th World Conference on Women, 29 August 1995, English translation in C.J. MARUCCI (ed.), *Serving the Human Family*, New York 1997, 425-427.

perience. Many, although not all, attend the Pontifical Ecclesiastical Academy in Rome, where future legates receive their educational and diplomatic training for service to the Holy See. The Academy was founded in 1701 by Abbot Peter Garangi together with Sebastiano Valfre (of the Oratory of St. Filippo of Turin) as the Academy of the Noble Ecclesiastics, with the approval of Pope Clement XI (1700-1721)¹⁷⁶. After a turbulent history, Pope Pius IX (1846-1878) resumed the activities of the Academy in 1850 with a renewed purpose as an institution preparing clergy for diplomatic and administrative service to the Holy See, Curia and Papal States. Pope Leo XIII (1878-1903), an alumnus of the Academy, and Pope Benedict XV (1914-1922), a graduate and professor of the Academy, supported and reinvigorated its stature as an important academic institution for the intellectual preparation of its students. Pope Pius XI (1922-1939) established the institution as the Pontifical Ecclesiastical Academy and Pope Pius XII (1939-1958), a former professor at the Academy, continued with his attentive support to build on the work of his predecessors¹⁷⁷. In 1945, new regulations and academic structures were instituted which remain in effect today. An alumnus of the Academy, Pope John XXIII (1959-1963), through his support

¹⁷⁶ See P. SAVINO (ed.), *La Pontificia Accademia Ecclesiastica 1701-1951*, Città del Vaticano 1951. Cf. A. MARTINI, «La diplomazia della Santa Sede e la Pontificia Accademia Ecclesiastica», *La Civiltà Cattolica* 102/2 (1951) 372-386.

¹⁷⁷ See P. SAVINO (ed.), *La Pontificia Accademia Ecclesiastica* (cf. nt. 176). See also

<http://www.vatican.va/roman_curia/pontifical_academies/acdecclles/documents/storia_it.htm> (15 January 2008).

further enhanced the effectiveness and stability of the Academy. Pope Paul VI (1963-1978), a graduate and former professor at the Academy, continued with papal support of the diplomatic academy¹⁷⁸. The papal tradition of endorsing the Pontifical Ecclesiastical Academy's preparation of clergy for the diplomatic service of the Holy See in the 21st century continued with Pope John Paul II (1978-2005), as it does with Pope Benedict XVI (2005-).

Addressing the students and faculty of the Pontifical Ecclesiastical Academy on 23 March 1981, Pope John Paul II emphasized the importance of spiritual development and prayer in their future work. The Holy Father noted fundamental characteristics that distinguish the Pontifical Ecclesiastical Academy as being a place of spiritual development, meditation, prayer, assiduous cultural preparation, centre of study, a place to acquire a *forma mentis* in which the pastoral sense reaches maturity¹⁷⁹. Although the mandate of the

¹⁷⁸ See M. FLICK, «La Pontificia Accademia Ecclesiastica nel Rinnovamento Conciliare», *La Civiltà Cattolica* 119/1 (1968) 526-534.

¹⁷⁹ See JOHN PAUL II, address to students of the Pontifical Ecclesiastical Academy, *ORe*, 13 April 1981, 10-11: «1. It must be first and foremost a place of spiritual development and a meeting-place of prayer. If the exercise of every priestly ministry demands a deep spiritual life, I would like to say that the mission you are called to fulfill involves such peculiar and sometimes difficult situations of life and action that, in the absence of a source of intense spirituality, you would run the risk of finding yourselves without inspiration or ideals. May the time that you spend in this Institute, therefore, be a time of meditation and of depth; a time not of slackening of asceticism, but of preserving training in those virtues which will form tomorrow a solid and safe support for your mission. 2. The Pontifical Ecclesiastical Academy must

Academy is currently limited to the preparation of clergy for service in the Secretary of State's ministry to particular Churches, States and public authorities, including international organizations, this mandate could be expanded to include the preparation and training of international lay specialists.

The Pontifical Ecclesiastical Academy has a concentration of professors with extensive academic ability and diplomatic experience. This academic venue offers the lay specialist an opportunity to receive training and a unique period of preparation for service at the international organizational level in whichever capacity is needed by a specific pontifical mission. Structured as limited programs of study, for example in summer seminar venues, these programs could be expanded into an external study format completed in

furthermore be a place of assiduous cultural preparation, a centre of study. Service of the Holy See, participating in the "*sollicitudo omnium ecclesiarum*", involves serious requirements today and demands qualifications that cannot be improvised. I hope and trust that you will treasure this period, so precious for your formation, so that tomorrow you may be equal to the task entrusted to you. And I also hope that a serious commitment to study will accompany you all your lives. 3. In the third place the Pontifical Ecclesiastical Academy must be a place in which the pastoral sense reaches maturity. Today extreme sensitivity is required of the Pontifical Representative in dealing with the pastors whom the Holy Spirit has placed at the head of the various local Churches, as well as a spirit prompt to grasp and interpret pastoral situations and problems. This is a *forma mentis* that you must acquire and develop in order to become fit for service of ecclesial communion between the local Churches and Peter's See». Cf. G. MONTALVO, «La Pontificia Accademia Ecclesiastica e la missione diplomatica della Santa Sede nel mondo», *Ius Ecclesiae* 9 (1997) 203-219.

their home countries. This access to specialized preparation would give laity, from different areas of the world, an opportunity to experience the academic venue and spiritual experience through which many of the Church's pontifical legates receive their diplomatic training. Many currently functioning Catholic-inspired NGOs are located in New York and actively participate in the debates and international issues before the United Nations General Assembly, UN Specialized Agencies and affiliated bodies. Specialized preparatory training for such NGOs would expand their understanding of international issues and would enhance their abilities to respond to the many challenges faced by the world community of nations and Members States of the United Nations.

The International Catholic Organizations Information Centre (ICOIC) in New York lists as its members: 11 International Catholic Organizations (ICOs) and 31 religious congregations and national organizations who work as non-governmental organizations (NGOs) doing advocacy at the United Nations in defence of peace, social justice issues, family and women issues, and sustainable development¹⁸⁰. International Catholic organizations began co-ordinating their efforts in the early part of the 20th century in Switzerland, with the establishment in 1927 of the Conference of International Catholic Organizations in the service of the human family¹⁸¹.

¹⁸⁰ See International Catholic Organizations Information Center, New York, <<http://www.icocenter.org>> (21 October 2007).

¹⁸¹ See H.E. CARDINALE, *The Holy See & the International Order* (cf. nt. 11), 266-267.

To mark the 40th anniversary of the encyclical *Populorum Progressio*, over 100 delegates representing «Catholic-Inspired Non-Governmental Organizations» (NGOs), including most that are members of ICOIC, met in Rome to participate in the «Second World Congress of Ecclesial Organizations that Work for Justice and Peace» (22-24 November 2007) and a «Forum of Catholic-Inspired Non-Governmental Organizations» (30 November – 2 December 2007) to reflect upon their joint contributions to the mission of the Church¹⁸². These organizations, in a collaborative effort with Papal Representatives, make a visible and concrete contribution to the advocacy and delivery of the message of hope in defence of the dignity of the human person and human rights in international fora. Pope Benedict XVI commented in his address to this gathering of Catholic-Inspired Non-Governmental Organizations at the Vatican on 1 December 2007:

The multilateral diplomacy of the Holy See, for the most part, strives to reaffirm the great fundamental principles of international life, since the Church's specific contribution consists in helping «to form consciences in political life and to stimulate greater insight into the authentic requirements of justice as well as greater readiness to act accordingly» (*Deus Caritas Est*, no. 28).

On the other hand, «the direct duty to work for a just ordering of society is proper to the lay faithful» – and in the context of international life this includes Christian

¹⁸² See FRANCISCAN INTERNATIONAL (NGO at the United Nations), «Catholic-Inspired NGOs Unite for Human Rights», <www.franciscaninternational.org/news/article.php?id=1405> (20 October 2007).

diplomats and members of Non-Governmental Organizations – who «are called to take part in public life in a personal capacity» and «to configure social life correctly, respecting its legitimate autonomy and cooperating with other citizens according to their respective competences and fulfilling their own responsibility» (*ibid.*, no. 29)¹⁸³.

The Holy Father also reiterated that the success of the work of these organizations will depend upon their fidelity to the Church's Magisterium, in communion with their Pastors and the Successor of Peter, and prudence in dealing with the many issues before them¹⁸⁴.

Conclusion

Since the inception of the first international organizations and the United Nations in the post Second World War period, legates of the Roman Pontiff have been involved in diplomatic missions to these organizations. Papal representatives work at Holy See Missions to the United Nations in New York, Geneva, Vienna and other world centres where United Nations bodies and agencies serve the international community. In co-operation with the Roman Curia and especially the Secretariat of State, these legates bring the

¹⁸³ BENEDICT XVI, address to Members of Catholic-Inspired Non-Governmental Organizations «Counter Relativism by Presenting Truth», *ORe*, 12 December 2007, 5.

¹⁸⁴ See BENEDICT XVI, «Counter Relativism by Presenting Truth» (cf. nt. 183), 6.

message of peace, hope and a vital spiritual dimension to the UN venue.

As a result of Pope John XXIII's call to an "ag-giornamento" and the Second Vatican Council's invitation to review the role and functions of pontifical legates based upon the teaching of the Council, Pope Paul VI promulgated his *motu proprio Sollicitudo omnium Ecclesiarum* (1969) as special law for pontifical legates. This *motu proprio*, together with the *CIC/17* cann. 265-270 and the Vatican II Council documents (*LG*, *GS*, *AA*, *CD*) became the foundation for *CIC* cann. 362-367 and the *Regolamento per le Rappresentanze pontificie* (1994). The *motu proprio Sollicitudo omnium Ecclesiarum*, the *CIC* canons and the *Regolamento* are the juridical norms that regulate the work of pontifical legates, also at the United Nations. The work of the Apostolic Nuncio, Permanent Observer, Observer or Delegate at the Holy See Missions to the United Nations is focused to promote the spiritual mission of the Church (can. 747 §2), distinguishing the legates of the Roman Pontiff from UN State-mandated diplomats gathering at the United Nations.

Through the distinctiveness of the Holy See's mission, UN Member States have not only unanimously accepted and valued the contributions made by papal representatives, but in 2004, the UN General Assembly formally approved and expanded the parameters of participation of the Holy See Permanent Observer Mission at the United Nations. This expanded capacity to fulfill its spiritual mission allows for the Holy See to participate in the general debates at the General Assembly, to make interventions, replies, to have its communications issued and circulated directly as official documents of the Assembly and conferences, to raise points of order involving the Holy See, to co-

sponsor draft resolutions and decisions that make reference to the Holy See, and to raise a point on agenda items.

The Vatican II Council Fathers insisted that the laity have an increased role in the administration of Church affairs at the Roman Curial and Secretary of State levels, including diplomatic missions. The special law in force and the *CIC* allow for the laity to be directly involved in the work of these missions at the United Nations. This area of involvement, although developed since the Vatican II Council, has the laity functioning, in most cases, at a secondary and consultative level of participation in the work of the Holy See Missions at the United Nations. Opportunities for more substantive participation of suitable and qualified Catholic laity in the Holy See's Missions at the UN can be developed to further assist the pontifical legates in their work.

As the world enters the first decades of the 21st century, with its unabated inclination to war and violence, the work of peace-building and the presentation of new ideas and powerful images of hope are in great demand. In this struggle for peace, pontifical legates at the United Nations, together with their lay collaborators, offer the family of nations a roadmap to reconciliation and a healing process needed by millions of people ravaged by war, hunger and depravity.

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