



HELSINKI COMMISSION REPORT

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IN BRIEF

The Holy See and Religious Freedom

The Unique Contribution of a Unique OSCE Participating State

Because of its unique status as the universal government of a specific religion, rather than a territorial state, the Holy See is probably the least understood of the 57 participating States of the Organization for Security and Cooperation in Europe. However, it has a rich diplomatic history and has contributed significantly to the development of today's OSCE, particularly in the area of religious freedom.

What is the Holy See?

The Holy See is the universal government of the Catholic Church—effectively the collective body of institutions that acts as the government and sovereign international personality of the Catholic Church. It crafts policies, engages with and within countries, and engages in international fora like multilateral and international organizations.

As the ecclesiastical¹ or clerical head of the Holy See, the Pope directs the institutions of the Church for three main purposes: instruction and propagation of the Catholic faith, governance of the Church, and preservation of its religious agency (the ability of the Church to freely govern itself). The Pope's authority derives from the biblical tradition of the Church that Jesus Christ established the Church and personally vested his Apostle Peter, recognized as the first Pope, with the charge to interpret doctrine and administer the Church body.

The Holy See's late Under-Secretary for Relations with States Cardinal Jean-Louis Tauran described the Holy See as a "sovereign moral force, the expression of the Papacy on the international scene."²

For that reason, the Catholic faith is inseparable from the Holy See and is the essential element shaping its missions and objectives—as evidenced by the collaboration between the Holy See and its large network of ecclesiastical jurisdictions to effectively evangelize and represent the interests of the Holy See at the local level. The bishops who are responsible for the pastoral needs of the people and oversee the charitable efforts of the Church answer directly to the Holy See.

With 1.3 billion estimated members, the Church's reach and spiritual authority is global, transcending citizenship and geography. The most recent data published by the Holy See highlights the Church's worldwide presence: it oversees nearly 10,000 orphanages worldwide, 5,287 schools, and 55 million students in primary or secondary schools.³

Unique Elements

Most OSCE participating States are unitary republics, comprising at least nominally elected bodies centralizing the responsibilities of the ultimate governing authority. Some OSCE countries, including the United States, delegate powers to lower bodies through a federalist system.

Even though its government is unitary, the Holy See does not fit a traditional sovereign state model for the primary reason that it is not a state, but rather a sovereign international personality. Consequently, it is also the only OSCE participating State without defined borders.



The arms of the Holy See, on the facade of the Basilica of Saint John Lateran

Vatican City State, the location of the Holy See's governing operations, counts as one of twelve monarchies in the OSCE region. It is the only remaining state where the monarch, in this case the Pope, has absolute authority. Departing further from traditional norms, Vatican City statehood exists solely for the promotion of the Holy See's religious agency. The Lateran Treaty of 1929 created Vatican City and codified Italy's recognition of the property rights and autonomy of the Holy See. Without the autonomy Vatican City provides, the Church's governing offices would be subject to politics of the state in which it would otherwise be inherent: Italy.

Although the Pope is recognized as the monarch of the governing institutions of the Holy See and Vatican City State, the two are often incorrectly conflated. The Holy See is concerned with spiritual and transnational matters, while the Vatican City State is concerned with governing the activities within its own borders.

The Holy See does not have a legislative body analogous to a parliament. Vatican City's legislative body, the Pontificia Commissio pro Civitate Vaticana, comprises seven appointed members. The head of the commission is also the head of government entrusted with the power to issue regulatory

directives.⁴ Theoretically, the commission can accredit its members to international parliamentary assemblies, such as the OSCE Parliamentary Assembly. However, their mission is exclusively the governance of Vatican City State and activities that take place inside its borders.

The total citizens of Vatican City number at fewer than a thousand. Citizenship is given in conditional circumstances.

For some OSCE participating States like the United States and Canada, citizenship is typically granted *jus soli* (right of the soil), by merit of birth within the territory. Some states like Poland, Ireland, and Switzerland rely more heavily on the *jus sanguinis* (right of blood) principle, by merit of blood relationship to another citizen.

The Holy See is unable to grant citizenship on either basis because its birthrate is effectively zero. Instead, citizenship is granted under Vatican City on an *ex iure* basis by merit of one's office.⁵ Every citizen of Vatican City works for the state or is the spouse of an employee, is a child of a Vatican citizen under the age of 18, or has served the Holy See in some ecclesiastical capacity.⁶ The Lateran Treaty specifies that if one loses Vatican citizenship, the individual reverts to previously held

citizenship; when that is not possible, he or she is granted Italian citizenship.⁷

The Holy See had a standing army, commanded by the Pope, until the Papal State was dissolved in 1870.⁸ Now, like other OSCE participating States Andorra, Iceland, Liechtenstein, Monaco, and San Marino, it has no national armed forces.⁹ Instead, since the 1970s, there have been two armed corps: the Swiss Guard and a police force, now called the Corps of Gendarmes.¹⁰

The Swiss Guard are a personal security force for the Pope and his residence. The Swiss Guard are part of the Papal Household and therefore of the Holy See.¹¹ Per the Lateran Treaty, which enjoins the Holy See to remain “outside of any temporal rivalries between other States,”¹² the Swiss Guard does not defend borders and therefore are not responsible for the security of Vatican City. Their salaries are paid out of the Peter’s Pence collection, an annual global collection in Catholic parishes that goes directly to the Pope for charitable activities and expenses like the Swiss Guard.¹³

The Corps of Gendarmes are a unit of Vatican City and responsible for security within its borders.¹⁴ Like a typical municipal government, Vatican City State also maintains a fire brigade.¹⁵

Diplomatic History

Without a standing army or significant economic advantages, the Holy See’s diplomatic efforts focus on advancing faith and related matters and promoting the Church’s religious agency. One diplomat, Archbishop Orlando Antonini, noted that the Holy See “acts as a voice of conscience, at the service of the common good, by drawing attention to anthropological, ethical and religious aspects of the various questions affecting the lives of peoples, nations, and the international community as a whole.”¹⁶

Like other states, its foreign relations are managed by a ministry of foreign affairs, the Secretariat of State. The Secretariat of State maintains the Pontificia Ecclesiastica Academia which is the oldest running diplomatic school in the world,¹⁷ “founded and opened in 1701 by Pope Clement XI, and later ‘copied’ by all other states.”¹⁸ There apostolic nun-

cios—papal envoys with ambassadorial rank—are trained in theology, law, sociology, history, languages, and the “priestly character of their diplomatic mission.”¹⁹

At the country level, nuncios head apostolic nunciatures, top-level diplomatic missions with political and ecclesiastical authority.²⁰ They are recognized with the same plenipotentiary status and authority of an embassy, although the mission serves as the Pope’s representative to the government and the Catholic Church in that host country. The Holy See has maintained these diplomatic exercises with states since at least the middle of the fifth century when Pope Leo I appointed emissaries to visit with monarchs.²¹

In countries, there is a dean or “doyen” of the foreign diplomatic corps, who updates colleagues on matters of shared interest and counsel them on “local protocol and etiquette.”²² The doyen regularly consults with diplomatic colleagues and speaks for them on collective concerns like “status...protocol, privileges, and immunities” and at public events, but does not involve himself with political matters in his capacity as doyen. Governments of the some receiving countries treat the doyen as a primary means of “communication and consultation” for the full diplomatic corps. “In those capitals with a large body of resident diplomats the modern tendency is to communicate general matters by means of circular notes sent to all heads of mission.”²³

Some governments or other entities like the European Union²⁴ will customarily make the nuncio the doyen. The Vienna Convention on diplomatic relations explicitly permits this practice, including as a caveat to the article on chronological classes of the diplomatic corps, “This article is without prejudice to any practice accepted by the receiving State regarding the precedence of the representative of the Holy See.”²⁵

Human rights advocacy is a natural extension of the Holy See’s mission to spread the Catholic faith. As early as the 16th century, the diplomatic corps was used to disseminate a directive condemning the poor treatment of indigenous peoples and challenging foreign enslavement.²⁶ Archbishop Antonini notes that based on ethical and religious considera-

tions, the Holy See can “enrich the debate and bring to the attention of other participants insights which might otherwise go unobserved or be ignored.”²⁷

The temporal powers of the Holy See have waxed and waned throughout the centuries, but its diplomatic missions continue to be significant, possibly largely in part due to its sovereignty. While government leaders may view local Catholic bishops as mere constituents, an intervention from a nunciature signals the full weight and authority of a sovereign international personality. Most notably, an intervention the diplomatic corps orchestrated in 1999 prompted Pope John Paul II to personally speak to then-Missouri Governor Mel Carnahan, who subsequently commuted the death sentence of a man convicted of murder.²⁸

Over the centuries, governments have asked the Holy See to mediate and arbitrate disputes; for example, in 1901 the United States asked the Holy See to help resolve land disputes over ecclesiastical property in the Philippine Islands following the Spanish-American war of 1898. Future U.S. President William Howard Taft, then Governor-General of the Philippines, traveled to Rome as part of these discussions.²⁹ Church historian Joseph Müller catalogued 30 examples of Holy See mediations and arbitrations between 1598 and 1914.³⁰

Since the 1960s, the Holy See has systematically expanded its diplomatic corps by 127 nunciatures, initially opening 21 new ones primarily in African states. Extensions to 31 countries followed in the 1970s, with an emphasis on island states and those with mixed Christian and Muslim populations.

In the 1980s, Pope John Paul II established 22 nunciatures in countries including the United States and European states with majority Protestant populations; he also resumed normal diplomatic relations with his home country of Poland. The Pope continued that trend in the 1990s with a prolific expansion to 53 new states, most notably in the former Soviet Union.

The “Basic Agreement between the Holy See and the Palestinian Liberation Organization” was signed in 2000. The Holy See’s most recent diplomatic efforts have focused on states with

predominantly Muslim populations including the United Arab Emirates, Qatar, Bahrain, and Djibouti.

Genesis of the Conference on Security and Cooperation in Europe

The Conference on Security and Cooperation in Europe was the forerunner of the Organization on Security and Cooperation in Europe. The Soviet Union first proposed a European security conference on March 31, 1954 in the context of its efforts to thwart the rearmament of West Germany.³¹ Polish foreign minister Adam Rapacki echoed the proposal on December 15, 1964 “in a speech in the [UN] General Assembly in which Mr. Rapacki assailed the United States plan for a mixed-manned nuclear force. Creation of such a force, he charged, would upset the political balance, widen the split between the East and the West and almost certainly lead the Soviet-bloc countries into taking ‘appropriate countermeasures.’... after the meeting [he] said he hoped that a conference would be called soon, obviously before, the proposed nuclear force became a reality.”³²

The Warsaw Pact’s Political Consultative Committee, representing member countries of the Pact, issued a statement in support of a European security conference—that would exclude the United States—following its January 1965 meeting in Warsaw. In the spring of 1966 the Soviet Union and East Germany respectively promoted a conference.³³ The PCC issued the Bucharest Declaration on July 5, 1966, calling for the “Convocation of a general European conference to discuss the questions of ensuring security in Europe and organising general European co-operation” and “a general European declaration on cooperation for the maintenance and strengthening of European security.”³⁴

Elements in the declaration complicated this exhortation, including the call for NATO to be disbanded, thereby triggering the dissolution of the Warsaw Treaty and enabling a “European security system;” provocative characterization of the United States leading “aggressive imperialist circles encroach on world peace;” and proposals regarding armed forces in the German Democratic Republic and Federal Republic of Germany.³⁵

On March 28, 1969, the Permanent Representative of Hungary transmitted to the UN Secretary General the Budapest Appeal that the Warsaw Treaty countries had adopted on March 17, 1969. The Appeal referenced the 1966 Bucharest Declaration and stated, “there are no cogent reasons for postponing the convocation of an all-European conference...The States participating in the Conference of the Political Consultative Committee call on all the countries of Europe to co-operate in convening an all-European conference.”³⁶

Like the Bucharest Declaration, the Budapest Appeal included an allusion to the United States, claiming although “not a single European Government as expressed opposition to the idea of an all-European conference and that there are real possibilities for holding it...forces in the world which, attempting to maintain the division of our continent, pursuing a policy designed to increase tension and refusing to assist in the establishment of peaceful co-operation among States and peoples, oppose the convocation of such a conference and other measures to strengthen European security.”³⁷ In addition to the UN Secretary-General, “Hungarian diplomats presented the...Budapest document to twenty-eight European states...as well as to the...governing mayor of West Berlin.”³⁸

Holy See Participation in the Conference on Security and Cooperation in Europe

The Ambassador of Hungary to Italy, Jozsef Szall, officially invited the Holy See to the prospective conference and the Holy See officially accepted on June 22, 1972.³⁹

With this invitation, Hungary continued its long-standing engagement with the Holy See. “Throughout her history Hungary has been closely linked to the Holy See, but such links never resulted in the establishment of a concordat to regulate their bilateral relations or the situation of the Roman Catholic Church...As the new *Ostpolitik* emerged, on the part of the Holy See, negotiations began in May 1963 between the Hungarian government and the delegation of the Holy See led by Agostino Casaroli, later cardinal secretary of state. As a result of these negotiations, on 15 September 1964, a document (atto) was signed.”⁴⁰

“By mutual consent only part of the document was made public. This included...the appointment of new bishops—an all-important matter because at the time only three of the eleven diocese had ordinaries (the rest were governed by apostolic administrators)...the section of the Hungarian Academy in Rome housing the Hungarian Papal Institute was again placed under the jurisdiction of the Hungarian bishops, enabling eight priests each year to continue their education in Rome. The unpublished part of the document contained a list of problems to be discussed in the future. Both sides agreed to meet twice a year, alternatively in Rome and Budapest.”⁴¹

It is important to note there have been criticisms of the policy of *Ostpolitik* as Archbishop Casaroli designed it during the pontificate of Pope John XXIII and the Archbishop continued under the pontificate of Paul VI. For example, the historian George Weigel characterizes this brand of *Ostpolitik* as “modus non moriendi [a way of not dying], [a] ‘step-by-step approach’...moderation at the level of public rhetoric...open dialogue with [Communist] party leaders...the replacement of men like [Cardinal Josef] Beran [Archbishop of Prague] and [Cardinal József] Mindszenty [Archbishop of Esztergom and primate of Hungary] (who symbolically represented the resistance movement of anticommunist activists); the muting of overt criticisms of eastern bloc human rights performances...for the sake of maintaining negotiations...take things in a measured way...calibrate...dealings with communist regimes on the basis of their relative openness or lack thereof...small steps...opening an exploratory conversation with a communist government...followed by later negotiations...conducted on a state-to-state basis, between officials of the Holy See and officials of the government in question, rather than through the local national hierarchy as intermediary...the Church’s stern, even condemnatory, rhetoric about communism, its violations of basic human rights, and its attempts to manipulate the Church...would be tempered...there would be moral vocal criticism of certain western policies.”⁴²

The goal of this *Ostpolitik* was “freedom for the Church to survive” and “breathing space” for the Church.⁴³ Weigel recently argued this approach

came close to destroying Catholicism in Hungary where, by the mid-1970s, the Church leadership was owned and operated by the Hungarian communist party, which also was in de facto control of the Hungarian College in Rome.

In Czechoslovakia, the Ostpolitik disempowered Catholic human rights activists, did nothing for those brave Catholic souls who resisted the regime, and empowered a gang of clerical collaborators who served as a front for the communist party and its repressions.

In Poland, the Ostpolitik was deftly resisted by the Polish primate, Cardinal Stefan Wyszyński, working in tandem with the man who would become Pope John Paul II, Cardinal Karol Wojtyła. Yet despite the Poles' well-founded criticisms of the Ostpolitik, Vatican diplomats continually tried to displace Wyszyński, a canny and tough-minded negotiator, as the Church's interlocutor with the regime.

Serious damage was done in Rome, too. There, the Ostpolitik led to the serious penetration of the Vatican by communist secret intelligence agencies, including the Soviet KGB, the East German Stasi, the Czechoslovak StB, the Polish SB, and the Hungarian AVH...All this is well documented, thanks to materials now available from the archives of the state security agencies run by communist regimes.⁴⁴

Weigel contrasts this *Ostpolitik* with that of Pope John Paul II to communism: “resist its repressions...challenges it morally, culturally, and historically on the basis of a deeper humanism” and working with and through bishops in-country.⁴⁵

The pontificate of Pope John Paul II was still six years away when on November 21, 1972, multilateral preparatory consultations for a Conference on Security and Cooperation in Europe began in Dipoli, the main building of Aalto University, less than 10 miles from where the Helsinki Final Act would be signed in 1975. All the countries of Europe, ex-

cept Albania, participated, along with the United States and Canada. Albania had withdrawn from the Warsaw Pact in 1968 and explained it was boycotting Dipoli because “security in Europe cannot be arranged by a conference that is organized by two super-powers.”⁴⁶

The Holy See was one of the 35 participating States that met in Helsinki July 2-6, 1973, for the first stage of the Conference on Security and Cooperation in Europe. Its delegation included Archbishop Josip Žabkar, the Apostolic Pro-Nuncio to Finland; Archbishop Ambrogio Marchioni, Apostolic Nuncio to Switzerland; Archbishop Achille Silvestrini, Council for Public Affairs of the Church—the foreign ministry of the Holy See—where he led on international organizations, peace, disarmament, and human rights;⁴⁷ and Archbishop Agostino, Secretary of the Council for Public Affairs of the Church.⁴⁸

Archbishop Casaroli, the most well-known member of the delegation, led the engagement of Holy See with the communist governments of Europe from 1963 to the fall of communism on the continent.⁴⁹ In 1979 Pope John Paul II named him cardinal Secretary of State⁵⁰ despite their differences on engaging with communist governments, “presumably in the conviction that the cardinal would be as faithful a servant of his policies as he was of Pope Paul’s.”⁵¹

Why the Holy See Has Been a Participating State of the CSCE/OSCE

Neutrality and Consensus

The Holy See is a participating State of the OSCE,⁵² though it has never been a Member State of the United Nations, where it is a Permanent Observer.⁵³

The Holy See’s formal commitment to neutrality partially explains why the Holy See is a participating State of the OSCE but only a Permanent Observer State at the UN. “The sovereignty and personality of the Holy See ‘[are] not created by the states through their recognition of it, but exists independently from the recognition of the states.’ This is manifest by the continued exercise by the Holy See of its sovereign authority without a terri-

tory, service as an international mediator, and the increased number of diplomatic exchanges in the period from 1870 to 1929.”⁵⁴

In the Lateran Treaty the Holy See committed itself to neutrality.⁵⁵ Pope Pius XII explained this neutrality in a 1955 radio address:

*The Church remains neutral or, better still, since the term is too passive and ambiguous, impartial and independent. The Holy See does not allow itself to be dominated by any Power or group or political Powers even if people constantly affirmed the contrary. If may sometimes happen, because of certain circumstances, that the path followed by the Holy See coincides with that of a particular Power. But as far as the starting point and the end of their journey is concerned the Church and her supreme head follow solely their own law, the mission which they have inherited from their divine Founder and which consists in winning for God all men without distinctions and in bringing them to Him, whatever their nationality.*⁵⁶

The Permanent Observer Mission of the Holy See to the United Nations in New York explicitly referred to the treaty and neutrality when it explained to the Helsinki Commission in July 2018 why the Holy See is a Permanent Observer State:

Sixteen present Member States first associated with the United Nations as Permanent Observers States. When the Holy See became a Permanent Observer in 1964, there were six other Permanent Observers. The Holy See deemed that Permanent Observer Status was more fitting. In the 1929 Lateran Treaty, Article 24, the Holy See had declared that in regard to its sovereignty in the international realm, it desired to remain outside of any temporal rivalries between other States and the international congresses called to settle such disputes, so that Vatican City would always be considered neutral and inviolable territory. Associating as a non-Member Permanent Observer State was more in line with that intention, since the United Nations often

needs to enter into rivalries between States.

*After Switzerland, which had been a Permanent Observer State from 1946, decided in 2002 to become a Permanent Member, the Holy See was the last Permanent Observer State and the question was posed to the Holy See whether we would likewise want to become a Member State. Pope John Paul II studied the question and determined that Permanent Observer Status was more consistent with the neutrality to which the Holy See aspires in the international realm. But the Holy See did request formalization of the rights and privileges of Permanent Observer States, which was adopted by the General Assembly on July 1, 2004 (A58/314).*⁵⁷

Consensus requirements for taking decisions allow the Holy See to maintain neutrality, while other decision-making mechanisms do not. For example, several of the major organs of the UN—including the General Assembly,⁵⁸ Security Council,⁵⁹ and Economic and Social Council⁶⁰—do not require consensus for decisions to be taken. Instead, decisions are made by two-thirds majority, simple majority, or a specific number of affirmative votes, depending on the UN organ.

States participating in the Multilateral Consultations on Holding a Conference on Security and Cooperation in Europe began including references to consensus in draft documents soon after consultations began. On November 29, 1972, the Holy See made an interpretive statement on consensus and its planned application of it, reflecting its stated commitment to neutrality:

The Delegation of the Holy See is in agreement with the definition of “consensus” as expressed in paragraph 5 of document CESC/HC/3. However, in view of the special position arising from the nature of the Holy See—a position which will be explained by its Representatives during the general debate—I consider it my duty to make an anticipatory interpretative statement here in respect of paragraph on consensus. Our purpose in doing so is not to

*request in any way the amendment of the text relating to the formation of the consensus as provided for in paragraph 5, but solely to envisage certain circumstances which might confront the Holy See in the course of these Consultations. It is foreseeable, in fact, that discussions will arise on specific problems of a political nature, problems on which the Holy See – for reasons which will be very understandable – will be unable to take up a position; nor will do so. This attitude is not to be interpreted as either agreement or disagreement, nor should it prevent a consensus from being formed. The Holy See reserves the option of explaining, if need be, the reasons for its attitude, and of requesting that explanation be incorporated in the documentation of the Consultations.*⁶¹

All 35 States that participated in the Multilateral Consultations on Holding a Conference on Security and Cooperation in Europe adopted the “Final Recommendations of the Helsinki Consultations,” also known as the “Blue Book,” on July 7, 1973. These recommendations were the basis for the forthcoming Conference on Security and Cooperation in Europe and included:

*Decisions of the Conference shall be taken by consensus. Consensus shall be understood to mean the absence of any objection expressed by a Representative and submitted by him as constituting an obstacle to the taking of the decision in question.*⁶²

In the Budapest Document adopted on December 5, 1994, CSCE participating States reaffirmed the consensus basis—“The Heads of State or Government have directed that the future role and functions of the CSCE will include the following...to serve, based on consensus rules, as the inclusive and comprehensive forum for consultation, decision-making and co-operation in Europe”⁶³—and institutionalized and renamed the CSCE as the Organization for Security and Cooperation, effective January 1, 1995.

Cardinal Tarcisio Bertone, then Secretary of State, told the other participating States at the December 2010 OSCE summit in Astana, Kazakhstan, “The

Final Declaration of the [2010] Summit—and likewise the Plan of Action—testifies to the timeliness of the ‘10 Helsinki Principles.’ These documents reveal to the world that the commitments agreed by the OSCE are strong and noble. They are supported by a solid mandate and by the principle of consensus. The Holy See reaffirms these commitments and encourages the Organization firmly to abide by them.”⁶⁴

The Permanent Mission of the Holy See to the Organization for Security and Cooperation and Europe referenced consensus when explaining to the U.S. Helsinki Commission why the Holy See is a participating State of the OSCE:

*In the CSCE (Conference on Security and Co-operation in Europe—that was created to serve as a multilateral forum for dialogue and negotiation between East and West) and the subsequent OSCE (Organization for Security and Co-operation in Europe), the Holy See seeks—in line with its universal nature and specific mission—to contribute to the advancement of regional peace and co-operation through a comprehensive approach to security and inclusive and consensus-based dialogue...Considering that the CSCE and now the OSCE is based on the principle of consensus, and seeks through dialogue to promote peace, security and co-operation, with its unique emphasis as contained in the Decalogue of the Helsinki Final Act, N. VII. ‘Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief,’ the Holy See continues its active contribution to the work of the OSCE as a participating State.*⁶⁵

European Location

“The term ‘Holy See’ is frequently used in the worlds of international law and international relations. The word ‘see’ derives from the Latin word *sedes* and refers to the seat or chair of Saint Peter. All subsequent Popes, who are successors of Peter, occupy this seat or chair. The Holy See also refers to the residence of the Pope along with the Roman Curia and the central administration of the Catholic Church. This term, however, is not synonymous

with Rome, the Vatican, or the Vatican City State. Its import, in essence, transcends the restraint of geographic location.”⁶⁶

Pope Paul VI referenced this European location in his letter to Archbishop Casaroli a few days before the Holy See joined 34 other participating States to sign the Helsinki Final Act:

*Having learned from the tragic experience of two dreadful wars which engulfed Europe in the space of 50 years, taking millions of victims, devastating vast and flourishing regions, and drawing many non-European peoples into fratricidal wars, these representatives now intend to achieve an understanding based on clear and firm principles of international law which would protect Europe and the world from the threat of new destruction and death which would be infinitely more terrifying...The Papacy is vested with a universal spiritual mission, but at the same time it has its headquarters in Europe. This links it closely to the history of the continent, and this is why it cannot but wish ardently that this undertaking, true to the commitments which are going to be signed, will produce promising and tangible results.*⁶⁷

A year later the Pope also spoke of a shared European heritage in the context of the Conference.

*The Conference laid down principles and indicated norms of behavior...These principles and these norms, accepted by all the participants, are bound up with an ideal patrimony common to the peoples of Europe. This heritage, we can add, based essentially on the evangelical message that Europe has received and welcomed, is, substantially, also common to the peoples of the other Continents, including those who do not belong to what is called Christian civilization, since the Christian message interprets, there too, the deep requirements of man.*⁶⁸

His successor, Pope John Paul II, likewise connected the participation of the Holy See in the

Conference, and the fruits of the conference, with the history of Europe:

*By taking part in the Conference and signing that document, the Holy See expressed its full support for the “Ten Principles” enshrined therein, principles which constitute a kind of “declogue” for international relations and conduct. As you know, the Holy See’s activity in this field is motivated not by political considerations but by the specific mission with which it is endowed. It is convinced that the spiritual and moral values which it proclaims and upholds stand at the heart of Europe’s culture and unity, and constitute the best safeguard of the legitimate rights and fundamental freedoms enunciated in the Helsinki Act.*⁶⁹

Religious Freedom: Holy See Contribution and Priority as Participating State

When the Multilateral Preparatory Consultations for a Conference on Security and Cooperation in Europe began in November 1972, governments of all Warsaw Pact countries systematically violated and restricted religious freedom. During the consultations the Holy See proposed religious freedom text for the 10 principles in the “Final Recommendations” that would become the basis for the Helsinki Final Act. “The Commission will include among these principles the respect of basic human rights, including religious freedom, which is considered as one of the key factors in promoting friendly relations between the people of these states.”⁷⁰

But during the consultations,

Little substantive progress was made during the fall of 1973 on the controversial parts of the declogue. The Soviet quests to blunt Principle 7 by limiting its suffix to “religious freedom” forced the non-Communist delegations into the ironic position of defending the free profession of atheism and other convictions. At the same time, a number of Western and neutral/non-aligned delegations proposed broader and more determinate texts for Principle

7...The Holy See introduced a draft text that recognized the individual's right to enjoy 'alone or in community with others' all the substantive rights recognized in the heading of the principle...With regard to the heading of Principle 7, the Soviets continued to insist on a Russian word meaning 'faith' rather than a direct translation of the broader concept of "belief" contained in the other language texts...After several weeks, the Soviets agreed to language that fell far short of their original demand...Following a brief interruption in October so the subcommittee could begin work on the principles of self-determination, the Soviets returned to Principle 7 with their newfound flexibility unabated. They accepted almost verbatim the Holy See's revised proposal on the "freedom of the individual to profess or practice, alone or in community with others, his religion or beliefs."⁷¹

The "Final Recommendations of the Helsinki Consultations" adopted in July 1973 by the 35 participating countries mirrored the March draft and subsequent negotiation by the Holy See.⁷² On July 19, 1974, the Holy See proposed a text⁷³ that was closely reflected by the language in the Helsinki Final Act.⁷⁴

Religious freedom has not been the "exclusive concern to the Holy See,"⁷⁵ Pope John Paul II remarked in 1988. Its diplomacy has included additional priorities, like the peaceful resolution of conflicts and combating human trafficking.

However, according to the current Secretary for Relations with States, Archbishop Paul Gallagher:

From the Holy See's first engagement with the Helsinki negotiations, through the decades of the CSCE conferences and meetings, to the extensive work of the OSCE today, defending and promoting the freedom of religion or belief has been, and remains, a key and essential priority of the Holy See's relentless efforts to safeguard the inherent dignity of every man and every woman...The Holy See has a particular duty to insist on the centrality of the freedom of religion or belief, not because it ignores other freedoms, but because the freedom of religion or belief is the litmus test for the respect of all other human rights and fundamental freedoms.⁷⁶

OSCE participating States and the people who live in them have benefitted from these efforts. As participating States concurred in the Astana Commemorative Declaration of 2010, "We further reaffirm that all OSCE principles and commitments, without exception, apply equally to each participating State, and we emphasize that we are accountable to our citizens and responsible to each other for their full implementation."⁷⁷ The commitments of OSCE participating States on religious freedom are the strongest of any security organization in the world and a sound basis for accountability.

About the Helsinki Commission

The Commission on Security and Cooperation in Europe, also known as the U.S. Helsinki Commission, is an independent agency of the Federal Government charged with monitoring compliance with the Helsinki Accords and advancing comprehensive security through promotion of human rights, democracy, and economic, environmental and military cooperation in 57 countries. The Commission consists of nine members from the U.S. Senate, nine from the House of Representatives, and one member each from the Departments of State, Defense, and Commerce.

Learn more at www.csce.gov.

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¹ “Pertaining to or of the Church (Greek/Latin: *ecclesia*). Hence ecclesiastical government is church government (857); an ecclesiastical province is a grouping of church jurisdictions or dioceses (887); an ecclesiastic is a church official.” “Catechism of the Catholic Church,” glossary, second ed., 1997. English translation published by United States Conference of Catholic Bishops, Washington DC.

² Cardinal Jean-Louis Tauran, “The Holy See and World Peace: The Case of the Former Yugoslavia,” *The World Today* 50.7, 125-127. Quoted in Nicholas J. Hercules, “Holy See Diplomacy: A Study of Non-Alignment in the Post-World War Two Era,” (M.S. diss., University of Bristol, September 30, 1998).

³ Center for Applied Research in the Apostolate, “Frequently Requested Church Statistics,” accessed December 9, 2018, <http://cara.georgetown.edu/frequently-requested-church-statistics>.

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Organization, International Atomic Energy Agency, Organization for the Prohibition of Chemical Weapons, Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, and International Committee of Military Medicine. See United Nations General Assembly, Resolution 58/314, "Participation of the Holy See in the Work of the United Nations," July 16, 2004 http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/58/314.

⁵³ The Holy See is an observer at the Food and Agriculture Organization of the United Nations, International Labour Organization, World Health Organization, United Nations Educational, Scientific and Cultural Organization, United Nations Industrial Development Organization, International Fund for Agricultural Development, World Tourism Organization, World Trade Organization, Council of Europe, Organization of American States, and African Union. See United Nations General Assembly, Resolution 58/314, "Participation of the Holy See in the Work of the United Nations," July 16, 2004 http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/58/314.

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⁵⁵ "In regard to the sovereignty appertaining to it also in the international realm, the Holy See declares that it desires to remain and will remain outside of any temporal rivalries between other States and the international congresses called to settle such matters, unless the contending parties make a mutual appeal to its mission of peace; it reserves to itself in any case the right to exercise its moral and spiritual power. Consequently, Vatican City will always and in every case be considered neutral and inviolable territory." ("Lateran Treaty," art. 24.)

⁵⁶ Pope Pius XII, radio address, 1955. Quoted in Archbishop Iginio Eugenio Cardinale, *The Holy See and the International Order* (Buckinghamshire, United Kingdom: Colin Smythe, 1976), 128. Archbishop Cardinale quotes from "Discorsi e Radiomessaggi di Sua Santità Pio XII, 1955," vol. 1, 6.

⁵⁷ Permanent Observer Mission of the Holy See to the United Nations in New York, July 30, 2018, written responses to written questions from Nathaniel Hurd, Senior Policy Advisor, U.S. Helsinki Commission.

⁵⁸ "Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council...the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions... Decisions of the General Assembly on questions other than those provided for in rule 83, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting...Decisions of the General Assembly on questions other than those provided for in rule 83, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting." "Rules of Procedure of the General Assembly," Rules 83, 85, <http://undocs.org/en/A/520/rev.18>.

"The President [of the General Assembly], after having consulted and reached agreement with delegations, can propose that a resolution be adopted without a vote." "Functions and Powers of the General Assembly" <http://www.un.org/en/ga/about/background.shtml>.

"The majority of General Assembly resolutions are adopted without a vote." See Dag Hammarskjöld Library, "UN Documentation: General Assembly" <http://research.un.org/en/docs/ga/voting>.

⁵⁹ "Each member of the Security Council shall have one vote. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting." "Charter of the United Nations," art. 27, <http://www.un.org/en/sections/un-charter/chapter-v/index.html>. "Voting in the Security Council shall be in accordance with the relevant Articles of the Charter and of the Statute of the International Court of Justice." "Charter of the United Nations," article 27 <http://www.un.org/en/sections/un-charter/chapter-v/index.html>.

⁶⁰ "Each member of the [Economic and Social] Council shall have one vote...Where no member requests a vote, the Council may adopt proposals or motions without a vote...Decisions of the Council shall be made by a majority of the members present and voting." "Rules of Procedure of the Economic and Social Council," rule 58-60 http://www.un.org/ga/search/view_doc.asp?symbol=E/5715/Rev.2.

⁶¹ Holy See delegation to the Multilateral Consultations on Holding a Conference on Security and Cooperation in Europe, interpretative statement, November 29, 1972. Quoted in Bloed, 140.

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⁶⁴ Cardinal Tarcisio Bertone, Secretary of State and Head of the Delegation of the Holy See, statement, summit of heads of state and government organized by the Organization for Cooperation and Security in Europe, Astana, Kazakhstan, December 1, 2010, http://www.vatican.va/roman_curia/secretariat_state/card-bertone/2010/documents/rc_seg-st_20101201_kazakhstan-osce_en.html.

⁶⁵ Permanent Mission of the Holy See to the Organization for Security and Cooperation and Europe, written responses to written questions from Nathaniel Hurd, Senior Policy Advisor, U.S. Helsinki Commission, August 9, 2018
⁶⁶ Rev. Araujo, 293.

⁶⁷ Pope Paul VI, letter to Archbishop Agostino Casaroli for the Helsinki Conference on European Security, July 25, 1975, https://w2.vatican.va/content/paul-vi/en/letters/1975/documents/hf_p-vi_let_19750725_casaroli-conferenza-helsinki.html.

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⁶⁹ Pope John Paul II, address to Richard Tötterman, new ambassador of Finland to the Holy See, October 3, 1988
http://w2.vatican.va/content/john-paul-ii/en/speeches/1988/october/documents/hf_jp-ii_spe_19881003_ambasciatore-finlandia.html.

⁷⁰ Holy See delegation to the Multilateral Preparatory Consultations for a Conference on Security and Cooperation in Europe, March 6, 1973. Quoted in Cellini, 67. English translation by the Library of Congress.

⁷¹ Daniel C. Thomas, *The Helsinki Effect: Norms, Human Rights, and the Demise of Communism* (Princeton, NJ: Princeton University Press, 2001), 74, 82-83. In the final text of the Helsinki Final Act, principle seven was “Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief.”

⁷² “The reaffirmation, with such clarifications and additions as may be deemed desirable, and the precise statement, in conformity with the purposes and principles of the United Nations, of the following principles of primary significance guiding the mutual relations of the participating States, are deemed to be of particular importance...respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief.” (“Final Recommendations of the Helsinki Consultations,” article 19, July 7, 1973)
<https://www.osce.org/mc/40213?download=true>.

⁷³ “The participating States guarantee to the individual the full enjoyment, alone or in community with others, of freedom of thought, conscience, religion or belief, which is strictly tied to the dignity of the human being in its fundamental choices in life.” (Quoted in Luigi Vittorio Ferraris (ed.), *Report on a Negotiation: Helsinki-Geneva-Helsinki 1972-1975*, (Amsterdam, The Netherlands: Sijthoff and Noordhoof International Publishers, 1979), 132.)

⁷⁴ “The States participating in the Conference on Security and Co-operation in Europe... Have adopted the following...Declaration on Principles Guiding Relations between Participating States... Declare their determination to respect and put into practice, each of them in its relations with all other participating States, irrespective of their political, economic or social systems as well as of their size, geographical location or level of economic development, the following principles, which all are of primary significance, guiding their mutual relations...VII. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief...The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion. They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development. Within this framework the participating States will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience. (“Helsinki Final Act,” principle VII, August 1, 1975)

⁷⁵ Pope John Paul II, address to Richard Tötterman, new ambassador of Finland to the Holy See, October 3, 1988
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