

# Beating Swords Into Plow

## International Law and Common Security

BY BRIAN D'AGOSTINO

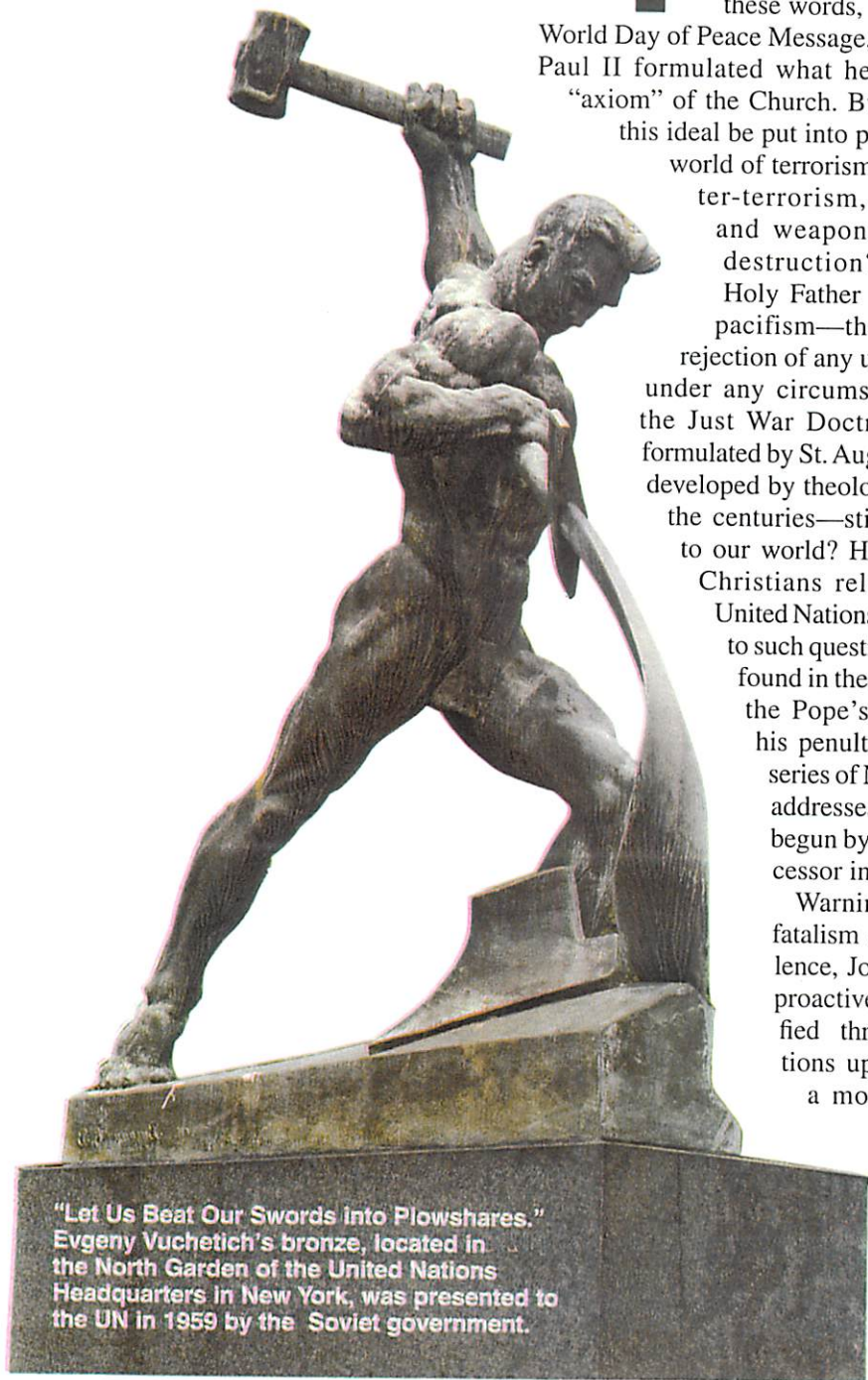
**“P**EACE REMAINS POSSIBLE. And if peace is possible, it is also a duty!” With these words, in his 2004 World Day of Peace Message, Pope John Paul II formulated what he called an “axiom” of the Church. But how can this ideal be put into practice in a world of terrorism and counter-terrorism, genocide and weapons of mass destruction? Was the Holy Father calling for pacifism—the absolute rejection of any use of force under any circumstances? Is the Just War Doctrine—first formulated by St. Augustine and developed by theologians over the centuries—still relevant to our world? How should Christians relate to the United Nations? Answers to such questions can be found in the full text of the Pope’s message, his penultimate in a series of New Year’s addresses on peace begun by his predecessor in 1968.<sup>1</sup>

Warning against fatalism about violence, John Paul II proactively identified three institutions upon which a more peace-

ful world can be built: international law, the United Nations and the Civilization of Love—the Church’s own unique contribution to peace. The evolution of international law, he wrote, “led with increasing force to the formulation of universal principles which are prior to and superior to the internal law of States, and which take into account the unity and the common vocation of the human family.” During the Second World War, the Pope noted, these principles were dramatically negated, plunging the world into an “abyss of violence, destruction and death.” This very catastrophe underscored the centrality of international law for the human future, leading governments to institute the United Nations, to “save succeeding generations from the scourge of war.”

A question that naturally arises after the 9/11 attacks on the United States is whether international law and the United Nations are relevant in today’s age of terrorism. Some policy analysts believe that international security today—which faces genocide and other human rights violations, weapons of mass destruction, and terrorism—demands more forceful responses than those possible under international law or Catholic Just War Doctrine. These problems are not really so new, however. Chemical weapons were used in World War I, which was itself triggered by a terrorist assassination. World War II witnessed the unprecedented destructiveness of Nazi genocide, atomic weapons and widespread bombing of civilians by both sides. Accordingly, Pope John Paul II pointed out that the United Nations and our current regime of international law were created precisely under such circumstances.

On the subject of terrorism, he wrote: “... democratic governments know well that the use of force against terrorists cannot justify a renunciation of the principles of the rule of law. Political decisions would be unacceptable were they to seek success without consideration for



“Let Us Beat Our Swords into Plowshares.” Evgeny Vuchetich’s bronze, located in the North Garden of the United Nations Headquarters in New York, was presented to the UN in 1959 by the Soviet government.

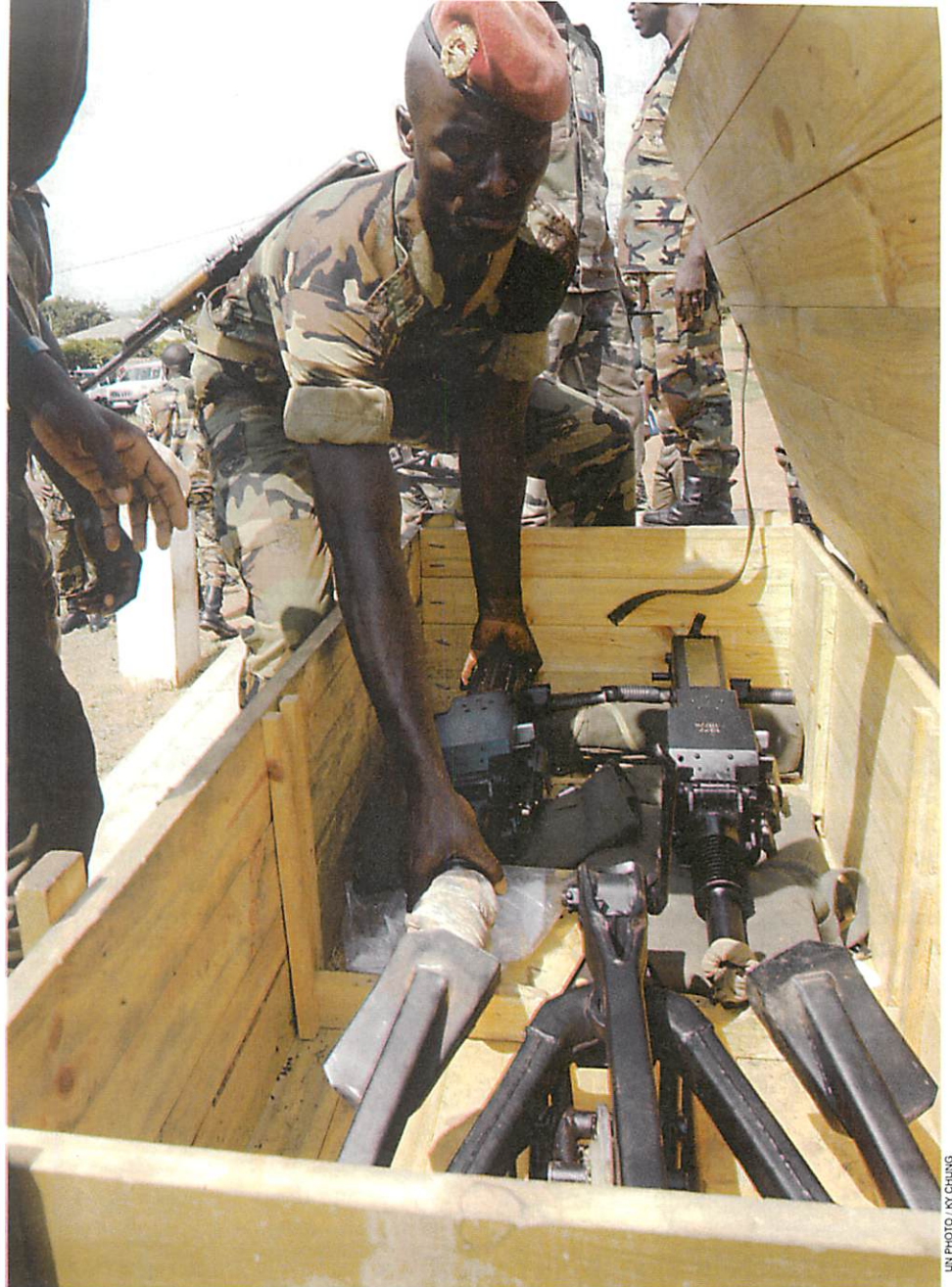
UNITED NATIONS: NICOLAS KUSNIR

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fundamental human rights, since the end never justifies the means.”

It should also be noted that the international community, including U.N. Secretary General Kofi Annan, recognized the unique circumstances of 9/11 and accepted the legitimacy of United States’ intervention in Afghanistan, which was intended to prevent further such attacks. Article 51 of the United Nations Charter provides for unilateral self-defense when a country is attacked, or when attacks are imminent, which was arguably the case in Afghanistan when the Taliban regime hosted Al Qaida. What is not acceptable under international law is the mentality that terrorist threats justify any use of force that a government deems necessary, including preventive wars and the suspension of human rights of suspected or accused persons. Indeed, Pope John Paul II noted the need to reaffirm adherence to legality “especially at times when there is a temptation to appeal to the law of force rather than to the force of law.”

In addition to peace and security, something more is at stake with international law and the United Nations. A greater commitment to these institutions would also make it possible to redirect vast resources currently consumed by war



Government forces withdraw heavy weapons from the front lines under a UN operation in Ivory Coast.

## International Law

**W**HAT IS INTERNATIONAL LAW? IT includes both customary rules, such as the sparing of civilians during war, as well as formal treaties between individual countries, or groups of countries, such as the Nuclear Non-Proliferation Treaty. There is much overlap and a deep compatibility between Catholic Just War Doctrine and the customary laws of war, which govern both the initiating of war itself (*jus ad bellum*) and specific uses of force in war (*jus in bello*).

According to the Catechism of the Catholic Church, ethical requirements

for a “just war” include: “lasting, grave and certain” damage from an aggressor, the impracticality or ineffectiveness of all other means, serious prospects of success, and a use of force proportional to the evil to be eliminated. Customary international law has also been codified in treaties, beginning with the Hague Convention of 1899.

International law is part of the legal systems of all nations, although governments worldwide frequently violate it. Legal disputes between nations are adjudicated in the International Court of Justice. More recently, the International Criminal Court was established

to hear cases against individuals, and is currently investigating four situations in Africa, including Darfur. The Netherlands hosts both of these courts in the Hague.

Before the United Nations was established by treaty in 1945, there was little provision for enforcing international law. Under the U.N. Charter, the Security Council was established to authorize military action in cases where violations of international law threaten peace and security. Such action is today the only legitimate use of military force, except for every country’s right to repel armed attacks on its own territory. —B. D’A.



U.N. PHOTO / MARK GARTEN

A woman narrates the ordeal of the recent conflict in Naqoura, Lebanon

and war preparations to eradicating world poverty. In the eloquent words of President Dwight Eisenhower: “Every gun made, every warship launched, every rocket fired, signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold, and are not clothed.... This

is not a way of life at all in any true sense. Under the cloud of threatening war, it is humanity hanging from a cross of iron.”

“Peace remains possible. And if peace is possible, it is also a duty.” How can Catholics, other people of faith, and all women and men

of good will act on this solemn duty proclaimed by Pope John Paul II? One answer to this question can be found in the life’s work of Canadian Senator Douglas Roche, recipient of the 2005 Luminosa Award, whose writing, public service and relationship-building have advanced international law, disarmament and common security (see *Living City*, Aug. 2005). But such work also requires the engagement and support of ordinary people, “highly informed and courageous citizens of all countries . . . calling governments to account,” as Mr. Roche put it.

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1) [www.vatican.va/holy\\_father/john\\_paul\\_ii/messages/peace/documents/hf\\_jp-ii\\_mes\\_20031216\\_xxxvii-world-day-for-peace\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_20031216_xxxvii-world-day-for-peace_en.html)

## WMDs and Nuclear Proliferation

ONE CURRENT SECURITY PROBLEM — WEAPONS of mass destruction (WMDs) — occupies a special place in international law. The use of chemical and biological weapons is banned outright by treaty, and the use of nuclear weapons is at least generally prohibited as well, according to a 1996 opinion of the International Court of Justice. The reason is that the deliberate targeting of civilians is a most heinous violation of international law, and weapons of mass destruction are therefore inherently illegal inasmuch as it is virtually impossible to use them in a discriminate manner. Yet some leaders appeal to ordinary citizens’ fear of terrorism to justify their own country’s continued reliance on nuclear deterrence, or more recently on preventive war, in the name of nuclear nonproliferation. This recourse to illegal force as a normal instrument of security policy may pose the most serious challenge of all to the rule of international law.

Notwithstanding the difficulties of abolishing WMDs, it should be noted that chemical and biological weapons have already been abolished by verifiable treaties, and there is an international consensus—embodied in the Nuclear Non-Proliferation treaty—that nuclear weapons must also be abolished. In this treaty, which entered into force in 1970, nearly all countries not possessing nuclear weapons agreed to forgo them, while all countries possessing them agreed to work together for nuclear disarmament. Ironically, the nuclear powers’ continued maintenance of large stockpiles in violation of this treaty significantly contributes to the threat that nuclear weapons will fall into the hands of terrorists. Nuclear disarmament as required by international law would greatly reduce the risk of terrorists acquiring nuclear weapons.

—B. D’A.



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**Nuclear testing in the central Pacific in 1962. In 1963 the Partial Test Ban Treaty was signed in Moscow. It prohibited nuclear weapons tests “or any other nuclear explosion” in the atmosphere, in outer space, and under water. The 1996 Comprehensive Nuclear Test Ban Treaty (CTBT) banning all nuclear explosions in all environments, for military or civilian purposes, is presently signed by 176 states and ratified by 132, yet still not in force.**



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## “Global Action”

### Towards Disarmament and Common Security

**H**UMANITY IS A SINGLE WHOLE, AND ONLY a comprehensive and integrated approach to peace and security can succeed. For example, countries such as Pakistan and Israel are unlikely to agree to nuclear disarmament except in the context of conventional disarmament by their much bigger neighbors. This has long been understood by the world’s governments, as indicated by inclusion in the Nuclear Non-Proliferation and other security treaties of a commitment to “general and complete disarmament.” The United Nations also has disarmament as one of its aims. In 1963, the Kennedy Administration formulated a detailed policy framework for implementing general and complete disarmament. But little will come of such peace planning without a movement of individuals and civil society organizations that can hold governments to account. One nongovernmental organization committed to building such a movement is Global Action to Prevent War and Armed Conflict.

Global Action’s program statement maps a practical and incremental pathway from our current international system based on war and the power of sovereign

states to general and complete disarmament and a unified system of common security. Like the Just War Doctrine of the Catholic Church, this set of proposals aims to reduce the frequency, intensity and duration of wars without requiring universal adherence to pacifism. Global Action’s more than 70 policy initiatives include deactivating and reducing the size of nuclear arsenals, as well as far-reaching arms reductions and simultaneous strengthening of regional and U.N. peacekeeping capabilities. Global Action participates in international dialogues aimed at building commitment from the world’s governments for such initiatives.

While these and other initiatives in the Global Action program pertain to preventing war between states and reducing the ability of states to make war, a second set of proposals address the many “civil wars,” genocides and other internal conflicts causing such horrendous suffering

**“...But little will come of such peace planning without a movement of individuals and civil society organizations that can hold governments to account.”**

**Flowers are given to the police during the long days of Ukraine’s peaceful Orange Revolution**

in the world today. For example, Global Action, in collaboration with over a dozen other civil society organizations in various countries, is promoting a United Nations Emergency Peace Service. This proposed force could be deployed to quell human rights emergencies within 48 hours of U.N. authorization, fast enough to prevent genocides such as were allowed to occur in Rwanda. Other proposals include establishment of a permanent corps of 50 professional mediators at the disposal of the U.N. Secretary General and Security Council that could intervene even earlier in certain conflict situations.

Finally, some members of Global Action are building a culture of peace through the teaching of tolerance and respect for diversity, conflict resolution, post-conflict reconciliation and similar programs. The Focolare Movement’s Economy of Communion, interreligious dialogues and other initiatives to build the “Civilization of Love,” referred to by Pope John Paul II, relate to this aspect of Global Action’s agenda. Through Global Action’s program and network, concerned citizens can join together across national boundaries to move their governments towards peace.

—B. D’A.

You may visit Global Action online at [www.globalactionpw.org](http://www.globalactionpw.org).