

Speaking notes Professor Bruha
Hamburg, 20 march 2006

“Vatican and UN: Partnership for Peace”

Your Excellency,
Distinguished Archbishop

please allow me first of all to add to the thanks of Professor Beestermöller also the expression of my gratitude and the greetings of the German United Nations Association, which I have the pleasure to represent here. Your presentation has been extremely interesting and convincing and we appreciate your clear commitment to multilateralism and the rule of law in international relations.

In particular, we like to have heard that the Holy See and the Catholic Church considers the UN to be an indispensable institution. Actually, that should be a matter of course. But it is not, as all of us know. Regrettably, in particular that nation to which the world owes so much as regards the historic concept of “peace through law”, disregards the UN and the legal principles enshrined in its Charter when it seems to be opportune from the viewpoint of its “national security”.

Therefore, not only since, but in particular since the Iraqi war – launched exactly 3 years ago - one may speak of two crises: A crisis of *international law* and a *crisis of the UN*. “Is international law dead?” has even been asked by a prominent German scholar a year after the illegal war. Two years later, the (admittedly rhetoric) question is still valid. Despite the current UN reform agenda, our speaker has mentioned, the crisis is going on.

To prove this, one might only have a look into the new National Security Strategy of the White House, presented to the public last week. It commences

with the Foreword of the President to his “Fellow Americans” stating: “America is at war. This is a wartime national security required by the grave challenges we face – terrorism and an aggressive ideology of hatred and murder”. It follows what already has been laid down in the National Security Strategy of September 2002: An unequivocal claim of a quasi natural right to create national and global security by preventive means of any kind, including military strikes of any nature – with or without the approval of the UN.

So, as we could read last week, the threat to multilateralism and the rule of law still is “state of affairs”. This leads me to the conclusions one has to draw from this sad reality. May I suggest three major conclusions: A *first* conclusion is to take the threats which are addressed in the old and new National Security Strategy – in particular terrorism and the proliferation of weapons of mass destruction - seriously. These threats require preventive measures, when necessary also by military means, when there is no other choice to meet them and to prevent serious human pain or even a catastrophe. However, such action must be based on a clear mandate of the UN and it is for them to prepare themselves to be better able to meet the new demands. I fully agree with Ambassador Migliori that this has to go hand in hand with nuclear disarmament in all parts of the world.

A *second* conclusion points into the opposite direction: The claim of a unilateral or collective right of preventive military actions without the permission of the UN has to be rejected emphatically. This would undermine the whole system of collective security established sixty years ago with the foundation of the UN. It would transform self-defense into an offensive strategy, thus bringing war back as a “means of politics” and opening windows for dangerous argumentations in the style of “just warfare” thinking.

A *third* conclusion may be addressed with regard to the means and strategies to prevent a further deterioration of the values of multilateralism and the rule of law. Required are careful steps of bringing law and the power of the remaining Super State on a common course again. This is the most difficult part of the undertaking. How to avoid the UN to be *instrumentalized* when complying with the demands of the hegemon? And how to avoid the UN to be *marginalized* when refusing these demands? A certain dilemma is evident. Not everything which has been done in the past is convincing. I only mention the doubtful legitimation of the post-war regime in Iraq by the UN Security Council. Did the UN go too far with this or was this the necessary price to pay for bringing the US back into the world organization?

Mr. Archbishop: After these brief remarks, allow me to put three concrete questions to you: *First*, what do you think the Holy See should do and could do to side himself as best as possible with those who believe in multilateralism and the rule of law in international relations? Where do you think is the border line from which the support of the principles and ideas of the UN would turn into an interference with hard politics? I remember, that in case of the Iraqi war three years ago, Pope Johannes Paul II “spoke in plain” and left no doubt that the Holy See considered the war to be illegal. The German Bishops conference did the same. As international lawyers we noticed these messages with great satisfaction, even joy. International law needs such moral backing. However, did the Holy See do enough in this regard in the most recent past: I only mention Guantanamo, Abu Ghraib or of the current dispute about preventive warfare against Iran. I might easily mention more.

Second question - Partnership for Peace: In his message to the World Day of Peace Pope Benedict XV has stressed the need for a large concept of peace

providing for comprehensive human security and dignity of the human being, not only absence of war. This right understanding opens agendas such as global demographic development, birth control, the combat of aids, the promotion of women rights in all parts of the world and other urgent questions and policy matters with which seem to be highly sensible for the Holy See – not necessarily the whole Catholic Church. Is the Holy See here in this regard really a “partner” of the world organization or more an opponent to its policies – with doubtful alliances with regard to some of the issues? How open and cooperative do you think should the Holy See be with regard to these questions? For example, can one justify that the Vatican City State, until now, has not acceded to certain human rights instruments providing for the abolishment of discrimination of women?

Third question in this context – and this will bring me to the end of my comment: Why, Mr. Archbishop, doesn't the Holy See accede to the UN? It could easily do so on the basis of the Vatican City State which fulfils all criteria of a State under international law. The Vatican is the last State of the world which is not yet member of the world organization. Admitted, it is small, but it is not anybody. I could very well imagine that an accession of the Vatican to the UN would give a strong signal into the direction of strengthening the idea of multilateralism and the rule of law in international relations.

With this effort “to win a new member” I leave the floor to Professor Beestermöller and thank you for your attention.

TB 20/3/06 Only the spoken word is valid