

TOWARD AN ETHIC OF HUMAN SOLIDARITY

A Background Paper Prepared for the
Independent Commission on International Humanitarian Issues
by Soedjatmoko, Rector, United Nations University,
and Kathleen Newland, Consultant, United Nations University

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In 1915, as Europe was overtaken by the horror of World War I, Sigmund Freud observed that restraint originates in dread of the opinion of the community. "When the community has no rebuke to make", he wrote, "there is an end of all suppression of the baser passions, and men perpetrate deeds of cruelty, fraud, treachery and barbarity so incompatible with their civilization that one would have held them to be impossible".¹ Where there is no sense of community, where the community remains silent or cannot find its voice, restraint breaks down.

Humanitarian norms are based on the consensus of what we call the community of nations. Governments (and non-governmental actors) are motivated to observe these norms either because they recognize a moral imperative shored up by the approbation of the international community, or because they calculate the utilitarian value of reciprocal restraint on the part of potential adversaries. Any state that chooses to ignore humanitarian norms must realize that its willingness to do so will inevitably encourage other actors to do the same; its calculations of self-interest should weigh the short-term advantage that might be gained in a particular conflict against the cost of operating in an environment made more dangerous by a generalized lack of restraint.

A central question is: why has the consensus on humanitarian norms apparently broken down in so many places? Civilian casualties in modern wars have shown a steady tendency to rise in proportion to combattant casualties. Torture is reportedly institutionalized as an instrument of repression in more than 100 countries. Indiscriminate weapons are being used in actual conflicts and as the basis of strategic doctrine - nuclear weapons being the leading example in the latter category. Starvation continues to be used as a means of suppressing opposition, while control over civilian populations serves as a tactic as well as an objective of armed conflict.

What accounts for the refusal on the part of so many parties to contemporary conflicts to recognize limits to the means they can legitimately use to advance their causes? Both national governments and sub-national actors have evinced a frightening willingness to involve innocent bystanders in violent episodes - or even to promulgate the view that there are no innocent bystanders. This represents a collapse of the distinction between combattants and non-combattants which is the very basis of humanitarian law.

One must look outside the framework of war itself for some of the reasons that restraint in the expression of conflict is on the decline. It is

important, first of all, to recognize the nature of the historical process in which contemporary humanitarian issues are imbedded, which is one of tremendous turmoil, fragmentation and vulnerability - in the developing countries in particular. In some cases, this turmoil is part of the struggle to throw off the remnants of colonial structures and power relationships. But in many others, the end of the colonial era has been followed in short order by a new period of contention as mechanisms for political representation and civic participation have failed to take hold. In a number of countries, the state apparatus has been captured by one class or ethnic group, which has used it for their own advancement. But even without the willful appropriation of the benefits of state power, the development process itself generates inequalities that a representative government must mediate. All too often, however, states have failed in or abandoned their mediating roles and substituted repression for social management. There is as yet no adequate theory or consistent practice of democratic development in multicultural societies. Increasingly, therefore, the resistance to inequality manifests itself in opposition to the state.

An important consequence of this process is the coming to prominence of new, non-state actors who did not participate in formulating the international consensus on humanitarian norms, and who have never been asked to give their views on it. It is not surprising that they feel little obligation to maintain it. Many of the new contenders have no experience of real national politics, which are necessarily consensus politics, much less of international politics which are even more so. Moreover, many states that accept international standards still refuse to apply humanitarian norms to internal opposition groups. These groups thus lack the incentive of mutual restraint to apply the norms themselves. Only about one-fifth of the states party to the Geneva Conventions have ratified the Protocols of 1977 which extend humanitarian law to civil conflicts.

One additional explanatory factor in the fragility of the humanitarian consensus may be that the consensus itself has not drawn sufficiently upon non-Western cultural, legal and religious traditions. The historical reasons for this are comprehensible. Humanitarian law grew out of European experience and was codified initially by Europeans. Naturally, it drew upon European moral and intellectual sources. However, the norms of humanitarian conduct might become more firmly entrenched in non-European cultural areas if they were more explicitly related to non-European sources of inspiration: the holy texts of non-Western religions and the legal traditions, philosophies and customary practices of other cultures.

Disregard for humanitarian values is not found only in situations of overt conflict; it is also manifest in the willingness of the international community to stand by while hundreds of millions of people sink into the depths of absolute deprivation. This amounts to the acceptance of a "doctrine of dispensability" applying to the poorest and most helpless members of society. While the first line of responsibility for them rests with their own states, the international community cannot escape responsibility for having responded so inadequately to their plight. Nor can it claim to be surprised when desperate

people lash out violently, and in doing so disregard basic humanitarian principles. Their first reaction to pleas for restraint is likely to be the question: "Where was the outrage of the international community, whose norms we are now being asked to respect, during the quiet crisis that killed our children through malnutrition and disease, that despoiled our lands through environmental destruction, that imprisoned us in ignorance and oppression?" The keen sense of structural violence on the part of its victims, and their determination to resist it, is evident in the growing number of grass-roots political groups that operate outside of state structures. This is the link that joins long-term humanitarian issues of poverty and injustice to the acute outbreaks of violation of norms in wars or violent internal disturbances. These groups are not likely to observe the norms set by the international community until they are acknowledged to be a part of it themselves.

To illustrate: In 1979 a papal envoy went to Iran to intercede with the revolutionary government on behalf of the American hostages, hostage-taking being one broadly acknowledged violation of the humanitarian principle that non-combatants should not suffer. Ayatollah Khomeini replied to him: "Our people were massacred for fifty years, and the best sons and daughters of our nation were thrown into inhuman prisons where they died under brutal tortures, yet the question of mediation never arose, nor did it ever occur to His Eminence, the Pope, to show any concern for our oppressed people or even to mediate with the plea that oppression cease."² The eye-for-an-eye impulse cannot be accepted as moral reasoning, but the episode demonstrates that the essential characteristic of a workable humanitarian ethics is universality. It cannot be applied selectively without losing its credibility. Only if it is based on human solidarity can it function at all.

Stanley Hoffman makes the point that "we should not pose the problem of ethics and international affairs as a problem of morality versus politics ... It is through the right kind of politics that some moral restraints can become observed and practical."³ The right kind of politics begins with a sober consideration of the reasons of self-interest that will persuade states to accept the precepts of common humanity. These reasons emerge from the inescapable facts of interdependence, from which no nation today can insulate itself. With the development of nuclear weapons, the destructive power of the instruments of war has reached levels never before imagined, so that even those states not directly involved in conflict have a strong interest in mediating it. Powerful conventional weapons are easily available even to small groups, so that every country with an aggrieved minority faces substantial risk. Furthermore, the volatility of a world that is going through a period of fundamental transformation creates a tinderbox effect in which conflict cannot easily be contained and isolated. Each time a violation of international law or norms of civility is tolerated, it sets a dangerous precedent that makes it more likely that similar violations will be attempted.

Man's inhumanity to man is not an invention of the modern era, but the scope of his capacity to act it out is historically unprecedented. Ancient themes such as greed, betrayal of popular will, lust for power, and ethnic hatred combine with more recently emerged economic and social strains to

create new sources of conflict. Rivalry over land and resources has intensified, spurred by the need to satisfy the requirements and aspirations of growing populations. Developments in science and technology raise new ethical challenges by endowing human beings with powers that far outstrip their collective good judgement. Many kinds of environmental problems show no respect for international borders, such as the air pollution that produces acid rain or the destructive land-use practices that disrupt hydrological cycles. Increasingly, impelled as refugees, expelled as misfits or volunteering as migrants, people, too, ignore international borders. The vast population movements that are taking place give rise to a plethora of humanitarian problems. Those who succeed in moving often become targets of exploitation, discrimination or debilitating dependency; while those who do not succeed are often stopped by inhumane methods - for example, the turning away of Vietnamese boat people by some South-East Asian states, or the denial of due process to Haitian immigrants by countries on the Caribbean rim. Around the world, poverty holds more people than ever in its grip, while income disparities fuel tensions that can erupt into violence between or within countries. Even the search for solutions to these basic problems can lead to conflict, as ideological disputes over economic strategies degenerate into violent confrontation. Meanwhile, the frustration of heightened popular aspirations generates political discontent, and there are almost always internal or external forces willing to exploit that impatience.

National governments, clearly, are not in control of the processes of change. Their ability to direct the course of events in their countries is being eroded from two directions at once: from below by sub-national groups that have lost faith in the government's commitment to represent their interests, and from above by transnational processes and institutions. The nation-state is on the defensive, which in many cases has prompted governments to respond to internal challenges with repression and to external forces with a refusal to cooperate in common endeavours. The pursuit of national security has come to place excessive reliance on the use or threat of force. This tendency has encouraged the militarization of whole societies and the neglect of the economic, social and political factors that determine in large part a nation's vulnerability.

Of course, the processes of change are not only negative, nor are states' responses to them. Demands for greater representativeness have spurred the process of democratization in Latin America and Southern Europe. Seven out of the nine South American countries had military governments in the 1970s, but of these only three remain in power today. The jury is still out on some of the internal sources of ferment, such as the greater assertiveness of minority groups within states. Will their demands for greater autonomy lead to increased stability in more decentralized systems or to fragmentation, violence and chaos? The power of transnational forces has brought some governments to a stronger practical appreciation of interdependence. In some cases, this has led to regional initiatives on economic matters (e.g. ASEAN), security concerns (the Contadora group), or environmental questions (the cooperative clean-up of the Rhine). Out of a varied menu of such initiatives a more stable multi-polar system might eventually emerge.

The willingness voluntarily to blunt the sharper edges of national sovereignty can be seen in all successful efforts to manage interdependence. It is no less essential to the task of preserving and extending humanitarian values, which are truly indivisible. Each violation in whatever sphere diminishes our common humanity. But trimming the edges of sovereignty does not imply undermining or superseding the nation-state. It does imply the need to agree upon some methods for holding states accountable for their actions, or for their inaction in the face of another's dereliction of humanitarian obligations.

The refinement and extension of international legal instruments provide one important avenue for the explicit acceptance of humanitarian norms and the obligations that flow from them. There are serious gaps in the law as it stands, and an even more serious failure to secure general ratification of some of the existing instruments. But the greatest failure of all is not in coverage or ratification but in observance and enforcement. In the face of gross violations of humanitarian principles, the community of nations too often "has no rebuke to make" unless it is a politically motivated one.

The weakness of international enforcement mechanisms in a world of highly politicized sovereign states forces a return to the emphasis on consensus. The importance of wider participation in consensus-making and a universal standard of accountability has been noted. There may also be a need for some forum in which states can be called to account. The United Nations does to an extent provide such a forum, but there should be some outlet in which the voices of non-governmental actors and claimants could be heard, as well as those of people who feel themselves unrepresented by existing political structures. Regional organizations may well be the most effective settings for such exercises in accountability. New institutions may also be needed to provide a framework for the collective management of the global commons, and the preservation of the resource base upon which all human welfare ultimately depends.

Calls for a strong international consensus are often dismissed as unattainable, for they raise fears of a necessarily tyrannical imposition of a uniform system of values on a highly pluralistic world. Such uniformity is neither necessary nor desirable, for an international consensus can and should be a minimalist one. It requires identifying a few irreducible values -- but these may have a different configuration among themselves and in relation to other values, depending on their cultural setting. What is important is not the configuration, but rather that within each culturally specific setting the irreducible values are to be found. Each nation has a stake in helping to identify the core of the humanitarian ethic, and in tolerating many different expressions of it. As Terry Nardin has written, "Not everyone is committed to a pluralistic world, but everyone must live in one".⁴

The idea of human solidarity implies an almost Copernican change of perspective, from a view centered on the nation-state to one in which the state system revolves around the commonality of human interests. It requires the extension of personal loyalties and commitments beyond the nation-state to the human race as a whole. For centuries, the great religions have taught the

essential oneness of the human race. Etienne Gilson notes for example that "there was no doubt in St. Augustine's mind that God himself had created the human race ... so that men might understand how pleasing unity, even in diversity, was to God; nor could they doubt that their unity was a family unity".⁵ The holy Koran itself says, "Men, We have created you from a male and a female and divided you into nations and tribes that you might get to know one another".⁶ That transcendent perception of common humanity seems to have waned, though it may yet be reawakened. It is strongly buttressed by the practical exigencies of interdependence as well as the logic of moral philosophy. And it is not at odds with the reality of international pluralism.

In order to make the ethics of human solidarity function as more than an ideal, action is needed on three different fronts. One of these is the articulation of humanitarian norms that are based on a flexible but inclusive international consensus. This effort should clarify, extend, and fill gaps in the existing norms. The second area for action encompasses the establishment and ratification of legal instruments to raise the standard of accountability with respect to these norms, as well as the construction or reinforcement of institutions and arrangements to enhance the capacity of nations collectively to deal with the transnational forces that threaten our common humanity. These legal and institutional efforts should be aimed at the preservation of the global resource base, more equitable distribution of resources, peaceful resolution of conflict, and the other major issues of our time. The third area for action is the building of national and international constituencies to make both the norms and the instruments of this expression politically effective.

The Independent Commission on International Humanitarian Issues will find itself obligated to work on all three fronts at once. Its members are self-appointed spokesmen and spokeswoman for the idea of common humanity, for the view that humankind has a single future or no future at all. Their work should not end with the adoption of a report, but should continue with the long-term commitment of each one to building a humanitarian consensus, and enlisting new actors in it.

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- 1 Sigmund Freud, "Thoughts for the Times on War and Death", 1915
- 2 Ruhullah Al-Musavi Al-Khomeini, "Address to Monsignor Bugnini, Papal Nuncio", 12 November 1979
- 3 Stanley Hoffman, "States and the Morality of War", in Political Theory, May 1981
- 4 Etienne Gilson, "Forward to St. Augustine, City of God", New York, Image Books, 1958
- 5 Terry Nardin, "Law, Morality and the Relations of States",

Princeton University Press, 1984

6 The Koran, Surat 49, Ayat 13, translated by N.J. Dawood for Penguin Books, 1956