



The Holy See

APOSTOLIC JOURNEY TO NETHERLANDS

ADDRESS OF JOHN PAUL II TO THE INTERNATIONAL COURT OF JUSTICE DURING THE MEETING AT THE PEACE PALACE*

*The Hague
Monday, 13 May 1985*

*Mr President,
Distinguished Judges of the Court,
Ladies and Gentlemen,*

1. It is with a profound sense of respect and esteem that I have come today to the International Court of Justice. I am happy to have been able to include this meeting in the programme of my pastoral visit to the Netherlands, and I am pleased that it should take place in the presence of the members of the Permanent Court of Arbitration and of the Diplomatic Corps. Be assured that I am deeply grateful for the kind words of welcome that have been addressed to me. I feel honoured indeed to be with you in this historic Peace Palace, and to have this opportunity to speak to you.

The Holy See attaches great importance to its *collaboration with the United Nations Organization and the various organisms* which are a vital part of its work. The Church's interest in the International Court of Justice goes back to the very beginnings of this Tribunal and to the events that were linked to its establishment. I am thinking of the high degree of personal involvement of my predecessor, Leo XIII, with the Peace Conference held at The Hague in 1899, which paved the way for the Permanent Court of International Justice and, eventually, for the International Court of Justice. As soon as Leo XIII learned of the initiative by Tsar Nicholas II, he encouraged it. He also gave it his support in an exchange of letters with Queen Wilhelmina, the monarch of the host country, the Netherlands. Even when it became apparent that the Holy See itself could not take part in the Peace Conference at The Hague, the interest of Leo XIII in the Peace Conference

remained undiminished and he continued to encourage it. Through his Secretary of State, Cardinal Rampolla, he made it clear why he considered the Peace Conference to be so important, and his ideas have more than a merely historical value: "The international community lacks a system of moral and legal means to establish and maintain the rights of everyone. There is therefore no alternative but an immediate recourse to the use of force. This explains the rivalry between States to develop military strength ... The establishment of mediation and arbitration would seem to be the most appropriate way of dealing with this disastrous situation; in every respect it satisfies the wishes of the Holy See" (11 January 1899).

The Church has consistently supported the development of an *international administration of justice and arbitration as a way of peace fully resolving conflicts and as part of the evolution of a world legal system*. Traditionally the Holy See has played the role of mediator in disputes. It is worth recalling, for example, the mediation of Leo XIII in the controversy between Germany and Spain over the Caroline Islands. There were the repeated attempts by Benedict XV to mediate during the First World War, and his support for the creation of a League of Nations which would truly correspond to the exigencies of justice, peace and the promotion of the common good in international relations. Pius XII and his successors particularly welcomed and encouraged the creation and development of the United Nations Organization. John XXIII spoke of the issue in "[Pacem in Terris](#)", while Paul VI personally expressed his support when he addressed the United Nations General Assembly on 4 October 1965; two years later, in "[Populorum Progressio](#)", he reiterated his plea for "an order of justice which is universally recognized" [1]. I too was able to address the General Assembly of the United Nations in New York on 2 October 1979, and subsequently to reiterate support in my [message to the Second Special Session of the General Assembly of the United Nations on Disarmament](#) on 7 June 1982. I was also happy to speak to FAO in Rome in 1979, to UNESCO in Paris in 1980, to the International Labour Organization in Geneva in 1982, and [to the International Organizations based in Vienna](#) in 1983. In line with this record of continuous support and interest, I have accepted with great pleasure and an intense feeling of involvement the invitation of the President of the International Court of Justice, which, with the Permanent Court of Arbitration, has traditionally been based here in the Peace Palace. I hope that this visit will clearly show the *extent to which the Catholic Church wishes to support the efforts of these international bodies*.

2. If we turn from the historical background to the present situation, we have to recognize that there is today *an even greater moral need than there was in past years* for conflicts to be resolved peacefully on the basis of justice. In the first place, because of the existence of *advanced weaponry*, war in our time is increasingly coming to mean the total annihilation of the enemy.

Every war threatens to become total war.

The second reason is the new quality of *interdependence between nations*. More than ever before, the fates of individual nations are bound up with one another; the fact that many of their interests

coincide is much more important than the fact that some are in conflict with one another. In addition, in our own time an organization of world peace has simply become a real possibility in a technical sense; the means of communication are available, and a large number of world organizations have already been developed. What is now required is *the will to achieve true peace*.

At the present time it is both necessary and possible to promote worldwide peace. But the development of laws and mentalities in a community based on the principle of the absolute sovereignty of individual States has lagged behind other developments in an era in which destructive violence and all-embracing communications determine the picture of the world. We are still living too often with reflexes of suspicion and aggression which are detrimental to relations between nations.

3. Unfortunately, in today's world, even the peaceful settlement of disputes is often the province of a diplomacy determined more by self-interest than by the requirements of the common good of the international community—a common good based on what is right and just. This fact can have an inhibiting influence on the work of both the International Court of Justice and the Permanent Court of Arbitration. Nonetheless, these organizations have *an extremely important role* to play. The Permanent Court or Arbitration has contributed to *settling a number of conflicts* and to averting the use of armed force. The International Court of Justice has intervened in difficult areas and has managed to do more than simply apply existing law: it has also *contributed to the development of law*. The decisions of the Court have not infrequently had a wide-ranging scope because they are to be seen in the framework of the rules of international law and legal principles.

The task of the International Court of Justice as well as the Permanent Court of Arbitration is to bring an element of impartiality and objectivity to bear on dealings between States. Their members have included many eminent lawyers. Together with the International Law Academy, the two organizations constitute *an international centre of distinguished legal activity*.

4. However, it is clear that the contribution of the International Court of Justice to the development of new norms of international law will be impeded as long as the States do not agree on the fundamental principles and general rules of international law. It is necessary to recall, in this regard, that, while progress has been made over the years, it has been limited. There is yet a long way to go—with trust and renewed determination.

Strictly speaking, the present Court is no more—but it is also no less—than *an initial step* towards what we hope will one day be *a totally effective judicial authority* in a peaceful world. In the view of the Holy See, there are a number of ways in which the judicial element can play a wider role in international relations:

– by States and international Organizations making more intensive use of the International Court

of Justice;

- by a wider acceptance of the so-called compulsory jurisdiction of the Court;
- by more frequent use of arbitration;
- by development of legal and political/humanitarian organizations at the regional level to supplement and support those at the world level;
- by development of the law of humanitarian and criminal responsibility towards the international community.

These elements are clearly discernible in many recent developments: the international declarations and treaties on human rights; the work of organizations for human rights at regional and international levels; the work of the Red Cross and other agencies in the humanitarian sphere and particularly in aiding the victims of armed conflicts; the work of private organizations; and the extension of the role of the International Court as a result of requests from international organizations for advisory opinions. *A need to develop a world legal system* has also been expressed by the international community itself.

5. All of this deserves confirmation and support. The Catholic Church is involved in this field, as can be seen, for example, by her active participation in international organizations and by the many declarations of the Holy See in favour of them. In doing this, the Church points out *the criteria which the development of an international system of law must satisfy*. In legal terms, these can be expressed as the recognition of human rights: the right to life of every individual, the right to a decent existence worthy of human beings and the right to protection by the law; recognition of the right of peoples to self-determination and independence and their right to a fair share of the world's economic wealth. *Pacem in Terris* expresses the basic criteria *in moral terms* as truth, love, freedom, justice and solidarity.

6. These criteria must find expression in international relations in the form of *treaties* and in the *work of international organizations*, supported by a growing awareness among ordinary people of the duty to respect in all circumstances the fundamental rights of the human person. When this happens, the criteria will also have a further effect on the administration of international law and arbitration.

The support of governments and public opinion is very important here. After all, developments in the world do not as a matter of course follow a straight line towards peace. They are influenced—often to a crucial extent—by *the clash of national interests, of cultures and ideologies*, by the attempts of one people or race to dominate another, and by the disregard of the rights of individuals and peoples. Even while the Court sits in the Peace Palace, the cries continue to ring

out in many parts of the world of the imprisoned and the oppressed, the cries of people who are being exterminated, the cries of people whose cultural and spiritual freedom is being shackled—whose personal liberty is being denied.

For Christians and for all who believe in a Covenant, that is, in an unbreakable bond between God and man and between all human beings, no form of discrimination—in law or in fact—on the basis of race, origin, colour, culture, sex or religion can ever be acceptable. Hence no system of apartheid or separate development will ever be acceptable as a model for the relations between peoples or races.

Even the International Court of Justice comes under *pressure* designed to prevent it from transcending ideologies and interests. As international judges and magistrates, the members of the Court must give proof of the greatest independence and of perfect integrity. And it is for this reason that, before assuming their lofty role, they undertake a solemn commitment to exercise their functions with full impartiality and according to their conscience^[2]. They must resist such pressures and must be assisted in their efforts to do so. Against the politics of power struggles and self-interest we must set *a form of politics aimed at strengthening the values on which peace rests*.

7. Developing international law and extending and strengthening international organizations are vitally important tasks for humanity today. But what is absolutely essential in all of this is the pursuit of the common good on the *basis of justice*, according to the norms of a true world legal system. Without an understanding of *the source of law, the reasons for law and the object of law*, a proper legal system cannot exist. Without an understanding of *the criteria for the peaceful settlement of conflicts* such solutions do not come into being.

The crux of the matter is that *man must love God above all else and love his neighbour as himself*. It is essential for human beings to realize that they have been created in God's image and that therefore they must respect one another instead of exploiting, torturing and killing one another. And so too States, as units in which people live together, must respect and support one another. Every lawyer and every ordinary person knows that man's law is not perfect. Legal formulations always leave something to be desired. There is always room for improvement and new developments and a need for legal institutions to be improved. This even applies to such basic documents as the declarations and treaties on human rights. The law of God written in people's hearts and proclaimed by the Church provides the norms and impulses for this improvement, for God's law transcends time. It speaks a language which everyone can understand, like the parable of the Good Samaritan. It provides an answer for man's desire for a meaning to life, a life which does not end with death. It expresses what people may expect from one another.

Jesus Christ preached a Kingdom of truth, love and peace, three indivisible elements. People must want these elements to come into their lives and into their relations with others. Peace only comes *when human beings strive for truth and love in their dealing with one another*, when they

discover who they really are and recognize one another's purpose. Peace is not born from fear of the bomb or the power of one over another. We should certainly be concerned about nuclear weapons, but our *first concern should be for people themselves*, for the way in which many people think and speak about life and society. There are few topics on which so much falsehood is spoken as peace; few are so susceptible to manipulation. This is the first threat.

The Church speaks in the name of him who will come one day to judge all people, to judge history on the basis of truth. Sent by him, she wants *to help form the conscience and behaviour of human beings*. She wishes to show a way, a way that is difficult but sure—a way on which each individual gains strength to promote that peace which is both a fruit of human labour and a gift of God. It is a way on which everyone's endeavours are important, for the different fields of human activity and the different contexts in life are all closely related.

Violence and criminal behaviour in nations and cultures encourage violence and criminal behaviour in international relations. The absence of *solidarity within a country* encourages a lack of *solidarity in the world*. Modern societies are characterized by increasing fragmentation and alienation. This leads to a situation in which people expect more of a system than they do of their own efforts and collaboration; and so dissatisfaction can turn them against systems and, as a result, society becomes more difficult to govern. A society seen as a mere system cannot provide people with a decent human existence. The more people become aware that society exists for man, the more they will be able to search for one another again and to discover a truly human inspiration for their dealings with one another. In so doing, they will be challenged *to look beyond national boundaries*.

8. Before concluding, I wish to express *a word of deep appreciation to the Netherlands*, which is strongly committed to playing host to the International Court of Justice and the Permanent Court of Arbitration. The Netherlands is a country with strong Christian traditions and a long history of freedom. It has given valuable service in the cause of the development of international law, for peace, development, cooperation and human rights. It is a country in which ordinary citizens and private organizations have a strong involvement with the rest of the world. These efforts are worthy of esteem and they merit gratitude.

Above all, I commend the efforts of the Judges of the International Court of Justice, of the Permanent Court of Arbitration and of all those who in their own love for justice work to promote it in the world. The Psalmist of the Old Testament says: "The just will flourish like the palm-tree and grow like a Lebanon cedar" [3].

I pray that God will strengthen you in your efforts to be just and to promote justice. May he bless your work abundantly, so that it may help bring forth greater harmony in the world, and strengthen the foundations of a true and lasting peace.

[1] Pauli VI *Populorum Progressio*, 78.

[2] Cfr. *Statuti*, art. 20.

[3] *Ps. 91 (92)*, 12.

*AAS 78 (1985), p.517-524.

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