

LEGITIMATE AUTHORITY, RIGHT INTENTION, AND LAST RESORT FOR THE MORALITY OF HUMANITARIAN INTERVENTION IN POPE JOHN PAUL II'S MESSAGE FOR THE CELEBRATION OF THE WORLD DAY OF PEACE: "PEACE ON EARTH TO THOSE WHOM GOD LOVES" OF JANUARY 1, 2000

Irwan

STIKAS Santo Yohanes Salib, Kalimantan Barat

Email: irwan.widjaja@stikassantoyohannessalib.ac.id

Korespondensi penulis: irwan.widjaja@stikassantoyohannessalib.ac.id

Abstract. *Humanitarian intervention is much debated topic in war and peace in the fields of moral, law, politic, philosophy in the international world. Entering the third millennium, in the context of struggle for universal peace, Pope John Paul II taught the morality of humanitarian intervention in the document Message for the Celebration of the World Day of Peace: "Peace on Earth to Those Whom God Loves" of January 1, 2000. This simple article tries to discuss, for understanding further, three demanding moral criteria for humanitarian intervention in this document, i.e.: legitimate authority, right intention, and last resort.*

Keywords: *Pope John Paul II's Message for the Celebration of the World Day of Peace: "Peace on Earth to Those Whom God Loves, morality of humanitarian intervention, legitimate authority, right intention, and last resort, United States Conferences of Catholic Bishops's The Harvest of Justice is Sown in Peace.*

Abstrak. Intervensi kemanusiaan adalah topik yang banyak diperdebatkan dalam perang dan perdamaian di bidang moral, hukum, politik, filsafat di dunia internasional. Memasuki milenium ketiga, dalam konteks perjuangan untuk perdamaian universal, Paus Yohanes Paulus II mengajarkan moralitas intervensi kemanusiaan dalam dokumen Message for the Celebration of the World Day of Peace: "Peace on Earth to Those Whom God Loves" tanggal 1 Januari 2000. Artikel sederhana ini mencoba untuk membahas, untuk memahami lebih lanjut, tiga kriteria moral yang dituntut dalam intervensi kemanusiaan pada dokumen ini, yaitu: otoritas yang sah, niat yang benar, dan upaya terakhir. Metode yang digunakan dalam artikel ini adalah studi pustaka.

Kata kunci: Message for the Celebration of the World Day of Peace: "Peace on Earth to Those Whom God Loves dari Paus Yohanes Paulus II, moralitas intervensi kemanusiaan, otoritas yang sah, niat yang benar, upaya terakhir, The Harvest of Justice is Sown in Peace dari United States Conferences of Catholic Bishops.

LATAR BELAKANG

Entering the third millennium, Pope John Paul II elaborated the moral theology of war and peace. In the *Message for the Celebration of the World Day of Peace: "Peace on Earth to Those Whom God Loves"* of January 1, 2000² (hereafter WDP), the Pope talked about peace. In the context of struggle for universal peace, he also talked about the morality of humanitarian intervention. Here is part of the Pope's teaching in his *Message for the Celebration of the World Day of Peace* which deals with humanitarian intervention:

"Humanitarian intervention"

11. Clearly, when a civilian population risks being overcome by the attacks of an unjust aggressor and political efforts and non-violent defence prove to be of no avail, it is legitimate and even obligatory to take concrete measures to disarm the aggressor. These measures however must be limited in time and precise in their aims. They must be carried out in full respect for international law, guaranteed by an authority that is internationally recognized and, in any event, never left to the outcome of armed intervention alone.

The fullest and the best use must therefore be made of all the provisions of the United Nations Charter, further defining effective instruments and modes of intervention within the framework of international law. In this regard, the United Nations Organization itself must offer all its Member States an equal opportunity to be part of the decision-making process, eliminating privileges and discriminations which weaken its role and its credibility.

C. A. J. Coady states that the question of the morality of humanitarian intervention is part of the broader question of the morality of war because military intervention is an act of war, whether war is "declared" or not.³ To study the morality of humanitarian intervention, we need the help of the just war tradition.⁴ The just war tradition provides an important moral framework for restraining and regulating the limited use of force by governments and international organizations.

Michael Walzer, in his famous book *Just and Unjust War: A Moral Argument with Historical Illustrations*, explain that the moral reality of war is divided into two parts, firstly, with reference to the reasons states have for fighting, secondly, with reference to the means they adopt. The first kind of judgment is adjectival in character: they say that a particular war is just or unjust. The second is adverbial: they say that the war is being fought justly or unjustly. The medieval writers made the difference a matter of prepositions, distinguishing *jus ad bellum* (justice of war) from *jus in bello* (justice in war).⁵ The United States Conferences of Catholic Bishops (USCCB), in the document *The Challenge of Peace: God's Promise and Our Response*,⁶ (hereafter CP), *jus ad bellum* is understood as "why and when recourse to war is permissible" (CP, 85) and *jus in bello* as "the conduct of war" (CP, 101). Coady contends that within the humanitarian context, the *jus ad bellum* is of primary interest (although the *jus in*

bello, too, can also be of interest, because immoral ways of intervention will often cast doubt on its overall legitimacy).⁷

The Harvest of Justice is Sown in Peace, one of the documents on war and peace from USCCB, explain that the just war tradition begins with a strong presumption against the use of force and then establishes the conditions when this presumption may be overridden for the sake of preserving the kind of peace which protects human dignity and human rights. The just war tradition consists of a body of ethical reflection on the justifiable use of force for overcoming injustice, reducing violence and preventing its expansion. The just war tradition aims at: (a) clarifying when force may be used, (b) limiting the resort to force, and (c) restraining damage done by military forces during war.⁸

The Harvest of Justice is Sown in Peace mentions seven criteria of *jus ad bellum*: (1) just cause, (2) comparative justice, (3) legitimate authority, (4) right intention, (5) probability of success, (6) proportionality, and (7) last resort.⁹ In the *Message for the Celebration of the World Day of Peace: "Peace on Earth to Those Whom God Loves"* Pope John Paul II talked about only four criteria of *jus ad bellum*: just cause, legitimate authority, right intention, and last resort. In this paper, we will discuss legitimate authority, right intention, and last resort.

LEGITIMATE AUTHORITY

Humanitarian intervention need to be authorized by a legitimate authority. Who is the legitimate authority? *The Harvest of Justice is Sown in Peace* asserts that the legitimate authority criterion is "only duly constituted public authorities."¹⁰ Within the classic just war tradition legitimate authority belongs to governments.¹¹ This criterion requires that any commitment to engage in warfare must be made by a state's lawful representatives. Political parties, businesses, and individuals do not have the authority to declare war. This criteria is particularly important in a democratic society. The legitimate authority in a liberal democracy represents the will of its citizens.¹² Within the classic just war tradition, one state alone can make a decision to intervene or not. Now all states are part of international community. Because humanitarian intervention is an international concern, it should be decided by international community.

Pope John Paul II extended the legitimate authority, from the classic just war tradition, to a requirement for United Nations authorization of interventions for deciding a humanitarian intervention? The Holy Father stated: ". . . concrete measures to disarm the aggressor. . . must be. . . guaranteed by an authority that is internationally recognized and, in any event, never left to the outcome of armed intervention alone." (WDP, 11) Humanitarian intervention must be carried out within the framework of international law. The United Nations is the legitimate authority for a humanitarian intervention. International Commission on Intervention and State

Sovereignty asserts, "There is no better or more appropriate body than the UN Security Council to authorize military intervention for humanitarian purposes."¹³

The United Nations (more precisely the UN Security Council) is the legitimate authority

for a humanitarian intervention. Many expected that UN did well his duty as the legitimate authority for a humanitarian intervention. However, UN disappointed many. UN was criticized for its hypocrisy. The UN is selective; only certain situations were regarded as worthy of intervention while others were regarded as normal, and so, no need of intervention.¹⁴

The UN Security Council authorized a humanitarian intervention, named "Operation Provide Comfort" (UN Resolution 688, April 5, 1991) to create "safe havens" for Kurdish population in Northern Iraq, which were cruelly repressed by Iraqi troops, driving hundreds of thousands of refugees across the borders into neighboring Turkey and Iran.¹⁵ But in the other side, the UN did nothing to stop genocide in Rwanda and Kosovo. The power of the five permanent members of UN Security Council (China, France, the Russian Federation, the United Kingdom, and the United States) is big. They can veto a humanitarian intervention for their own interest, not for maintaining the international peace and security. If a tyrant had allies on one of the five permanent members the Security Council, he could safely expect the Council to be unable to reach agreement on vigorous and timely intervention against his norm violation.¹⁶

This international hypocrisy by the UN Security Council weaken the UN role and its credibility. Perhaps, the argument of Pope John Paul II could be rethought, "In this regard, the United Nations Organization itself must offer all its Member States an equal opportunity to be part of the decision-making process, eliminating privileges and discriminations which weaken its role and its credibility" (WDP, 11).

RIGHT INTENTION

The just cause criteria alone is not enough, it needs the right intention criteria. Humanitarian intervention must be fought with a right intention. Right intention, along with just cause and legitimate authority, is one of the earliest just war criteria.¹⁷ Right intention is related to just cause. According to *The Harvest of Justice is Sown in Peace*, the right intention criterion is: "force may be used only in a truly just cause and solely for that purpose."¹⁸ During the conflict, right intention means pursuit of peace and reconciliation, including avoiding unnecessarily destructive acts (CP, 95). Pope John Paul II stated that the right intention for a humanitarian intervention is "to disarm the aggressor. These measures however must be intention for a limited in time and precise in their aims" (WDP, 11). And, humanitarian intervention must be done "to seek peace" (WDP, 1). A good analogy might be the intention a good surgeon has when performing an operation. Surgery itself is always harmful, but the intention is to affect an enduring cure, not to cut or otherwise harm the patient.¹⁹

"The primary purpose of the intervention, whatever other motives intervening states may have, must be to halt or avert human suffering. Right intention is better assured with multilateral operations, clearly supported by regional opinion and the victims concerned."²⁰ One way of helping ensure that the "right intention" criterion is satisfied is to have military intervention always take place on a collective or multilateral countries rather than single country basis.²¹ Humanitarian intervention is an international concern and ideally should be undertaken internationally; it is a "shared responsibility" of the international community.

The Iraq War in 2003-2011 as an example of the abuse of term "humanitarian

intervention” by wrong intention

The right intention is a difficult criterion to apply because intentions are opaque.²² It is possible that there are several hidden motives besides humanitarian one. As an example, one could see this in the Iraq War (the Occupation in Iraq or Gulf War II in 2003-2011). Bruce Duncan analysed it in his book *War on Iraq: Is It Just?* Iraq was an alleged imminent threat to the United States and the international community. Colin Powell, US Secretary of State, testified before the UN Security Council on 5 February 2003. His address included two key controversial claims: (1) Iraq possessed weapons of mass destruction and the capability of producing them, (2) Iraq had links to al Qaeda.²³ However, the interventionist argument fell at practically every hurdle. The alleged just cause criteria that the US advanced for a pre-emptive strike against Iraq were especially vulnerable:

(1) *Did Iraq possess weapons of mass destruction and Iraq became a threat to the United States or its allies?* The weapons inspectors thought very little remained, and any chemical and biological weapons hidden away would most likely be unusable. Any nuclear capability had been eliminated, and was readily monitored in any case. It was quite astonishing that for all the claims made by the Bush administration about Iraq’s weapons, neither it nor the weapons inspectors have been able to produce any evidence of them. Even if Iraq have had any chemical or biological weapons left, it had no delivery system. It was highly improbable that Iraq, in its weakened condition and constrained by UN forces after the Gulf War (1990-1991), posed a clear and imminent threat to anyone.

(2) *Did Saddam have links with al Qaeda?* Despite the strenuous efforts of western intelligence agencies, no clear link had been found. Yet it was of immense concern that President Bush and his allies continue to make such a claim, without any reliable evidence. This was misleading in the extreme, highly irresponsible and reprehensible in the grave circumstances. It should be recognised as war propaganda to whip up public fears and exploit the outrage following the September 11 terrorist attacks.²⁴

Realising that its arguments for a just cause to invade Iraq were unconvincing to many people, including most religious leaders, the US in early 2003 began to plead that this was *a humanitarian intervention to rescue the Iraqi people from their cruel dictator*.²⁵ Did the US have the right intention? According to Denis Halliday, the former of the UN Humanitarian Coordinator in Iraq and Assistant Secretary-General of the UN, the real issue for the US was not a threat from Iraq, “We all know—the issue is oil, oil and more oil. And US control thereof.”²⁶ *Civiltá Cattolica*, a Jesuit journal approved by the Secretariat of State before publication, suggested on 18 January 2003 that oil was the real motive.²⁷

The analyse of Bruce Duncan showed us that the “humanitarian intervention” in Iraq War did not fit the right intention criteria because oil was the real motive. This was an abuse, as using humanitarian intervention for oil. In this case, Gulf War II was not a humanitarian intervention.

RESORT

Humanitarian intervention must be a last resort. Pope John Paul II stated that humanitarian intervention should be taken when "political efforts and non-violent defence prove to be of no avail" (WDP, 11). The last resort criterion, according to *The Harvest of Justice is Sown in Peace*, is: "Force may be used only after all peaceful alternatives have been seriously tried and exhausted."²⁸ And it continues, "nonmilitary forms of intervention should take priority over those requiring the use of force. Humanitarian aid programs, combined with political and economic sanctions, arms embargoes and diplomatic initiatives may save lives without requiring military intervention."²⁹ War destroys lives, property, infrastructure, and environment. The criterion of last resort reminds us that the military action must be, to a significant degree, reluctant. The world should make serious efforts at peaceful resolutions of conflict.

Coady argues that the criterion of last resort involves coercive interventions of an economic-political nature, and threats to withdraw existing support, such as aid, trade status, or diplomatic recognition. Both persuasion and certain non-violent coercive measures should be employed in the early stages of a crisis, or as a crisis looms, when opportunities for prevention or mitigation of humanitarian disasters may present themselves or can be constructed. This kind of prevention is likely to be less costly and less damaging than the military response.³⁰

David Fisher believes that a humanitarian intervention should be undertaken only as a "last resort" does not mean that intervention should be resorted to only temporally last after all other options have been tried and failed. It may create a disaster to postpone a humanitarian intervention until last in time, as the lapse in time may allow the humanitarian crisis to worsen and make military intervention more difficult. The decision for a humanitarian intervention depends on how urgent is the need for intervention. To prevent large-scale killings being carried out by a brutal dictator, it need quick humanitarian intervention; sooner is better, for saving many lives.³¹

CONCLUSION

In the *Message for the Celebration of the World Day of Peace: "Peace on Earth to Those Whom God Loves"* of January 1, 2000 Pope John Paul II teaches that to be morally right, humanitarian intervention must pass the demanding moral criteria, i.e.:

- ✓ The *Legitimate Authority* in humanitarian intervention is The United Nations.
- ✓ The *Right Intention* in humanitarian intervention is to disarm the unjust aggressor and to seek peace.
- ✓ *Last Resort*: Humanitarian intervention must be a last resort, when political efforts and non-violent defence prove to be of no avail.

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