

## NATURAL LAW AND INTERNATIONAL LAW

*Carlos P. Romulo*

(President, General Assembly of the United Nations; formerly Secretary of Information and Public Relations, and Secretary of Public Instruction in the Cabinet of the Philippines; Resident Commissioner of the Philippines to the United States, 1944; Aide-de-Camp to General of the Armies Douglas MacArthur, 1944; author of *I Saw the Fall of the Philippines*; *Mother America*; *My Brother Americans*; *See the Philippines Rise*.)



## NATURAL LAW AND INTERNATIONAL LAW

**I** AM deeply grateful for this opportunity to study with you a problem that lies at the very heart of our quest for peace.

I shall not presume to discourse on this subject as an authority on law. I speak merely as a witness to some aspects of its relation to the work in which all nations and all men of good will are now engaged — the work of establishing a just order in the world under which mankind can live in peace, freedom and security.

Together with many able and unselfish men from all over the world, I have been associated with this task continuously since the United Nations was organized in San Francisco in 1945. From the experience and the lessons of the past four years, I have drawn some conclusions which I hope will cast a little more light on the problem before us.

To my mind, the most important lesson which the work of the United Nations has taught us is the realization that we cannot have lasting peace in the world until we have established a system of just law which shall be universally accepted and applied. By just law I mean law based on reason, consonant with the essential requirements of man's nature and deriving ultimate sanction from the source of all authority, God Himself. I

reject as inimical to peace that false law which, recognizing no higher sanction than the authority of the State, has produced regimentation in lieu of order, total tyranny in lieu of freedom and class war rather than harmony and peace in human society.

It is perhaps premature to say that the nations are now fully aware of the need to make international law conform to natural law as the only basis for stability and order in modern society. We live in an age permeated with the spirit of secularism and it is not often that we find even the leaders of Christian States publicly professing their faith in the moral principles upon which the structure of the peace we are trying to build must rest. If we should examine the work of the United Nations, however, we shall find in its most significant acts and accomplishments a definite tendency to make international law conform to natural law.

The concept of peace based on just law is implicit in the United Nations Charter itself. The solemn pledge "to save succeeding generations from the scourge of war" is followed by a declaration of "faith in fundamental human rights, in the dignity and worth of the human person [and] in the equal rights of men and women and of nations large and small." It is on this basis that the member States propose, in the words of the Charter, "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained," and to undertake "to promote social progress and better standards of life in larger freedom."

We discern in the Charter's avowal of faith in human rights and in the dignity of the human person the Christian belief in a brotherhood of men equally precious in the eyes of God, each deserving of His justice and worthy of His love, a belief which lies at the root of all our traditions of equality among men and nations.

In Paris last December, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. The preamble of the Declaration begins with the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family as the true foundation of freedom, justice and peace in the world. The whole of this historic document is devoted to the precise definition of the rights of man which, flowing as they do from his very nature, are recognized as beyond the power of any human authority to deny, annul or violate. Of all the acts of the United Nations, the Universal Declaration of Human Rights has demonstrated most clearly the tendency about which I have already remarked, the tendency to work out a system of international law conforming as closely as possible to natural law.

It is true that the Universal Declaration of Human Rights as it now stands does not have the force of law. It is but an affirmation of the essential rights with which man has been endowed by his Creator. But the Declaration carries the signatures of forty-eight states and their approval invests it with a moral force never before acquired by any proclamation of the same nature. For the first time in history, the fundamental rights of man

have been formally recognized in a joint declaration by the great majority of the nations that make up the world community.

An International Covenant on Human Rights is now being formulated in order to give legal sanction to the principles embodied in the Declaration. When it is finally approved, the Covenant will make respect for the essential human rights legally binding upon the signatory states. A suitable machinery for implementation will then be created. Unless there is a radical change in the development of the United Nations, we may confidently look forward to seeing the Covenant become part of the growing body of international law without which we cannot hope to establish a stable and enduring peace.

The International Convention on Genocide, which was also adopted by the General Assembly last year, is a positive contribution of the first importance to international law. It will come into force ninety days after twenty states shall have ratified it. The Convention, also for the first time in history, makes genocide, one of the most heinous crimes against nature, punishable under international law. It binds the contracting states to pass the legislation necessary to give effect to its provisions and envisages trial by an international penal tribunal in case the contracting parties should agree to establish one and should accept its jurisdiction.

If there should be any dispute between states regarding the interpretation or application of any of the articles of the Convention, the International Court of Justice, itself an outgrowth of the evolving system of international law,

may act on the case at the request of any of the parties to the dispute. The Convention also provides that any of the contracting parties may bring a charge of genocide before the competent organs of the United Nations with the request that appropriate action be taken in accordance with the provisions of the Charter.

In the course of the debate on the Convention, the Assembly foresaw the increasing need of the international community for an international judicial organ which will be empowered to try certain crimes. Accordingly, it adopted a resolution instructing the International Law Commission to study the feasibility of setting up such an international judicial organ exclusively for the trial of persons charged with genocide and other crimes which may be placed under its jurisdiction by international conventions. In carrying out this task, the International Law Commission was requested by the Assembly to look into the alternative possibility of establishing a criminal chamber of the International Court of Justice. Not content with formulating the law, the Assembly has taken measures to insure its effective enforcement.

The Universal Declaration of Human Rights was approved without opposition. The International Convention on Genocide was adopted unanimously. I consider the agreement reached by the nations on these two historic acts as among the most hopeful auguries of future peace.

The contributions of the United Nations to international law extend to every important field of human activity. Last May the General Assembly adopted a con-

vention on the International Transmission of News and the Right of Correction. Last week the Assembly approved the Convention for the Suppression of the Traffic in Persons and of the Exploitation and Prostitution of Others. The Economic and Social Council and its agencies are carrying on extensive operations in the fields of health, education, trade, labor, economic development and relief of the homeless, the suffering and the needy. All these activities have been undertaken in accordance with the Charter and other international agreements that now constitute part of the law of nations.

The present session of the General Assembly has produced an unprecedented decision. Under the Charter, the power to make binding decisions on matters affecting international peace and security is granted to the Security Council alone; the General Assembly can only make recommendations. In the case of the former Italian colonies, however, the powers concerned—the United States, the Soviet Union, France and the United Kingdom—made a prior commitment to abide by the Assembly's decision. In consequence of this agreement, the Assembly's disposition of the former Italian colonies is legally binding and assumes the nature of international legislation. The Assembly resolution in 1947 recommending the partition of Palestine also acquired legal force when it was enforced by the Security Council.

The work of the Trusteeship Council is largely an attempt to help nonself-governing peoples to achieve their right to independence through a process of planned and orderly change. The recommendations of the Coun-



cil in behalf of the social, political and economic welfare of dependent peoples lack legal force but are so firmly grounded on moral principle that they command the support of the great majority of the member states of the United Nations. Although the states administering the trust territories are not under legal compulsion to carry out the Council's recommendations, they are nevertheless impelled by the force of world opinion to conform to them in practice. The right of nonself-governing peoples to freedom and self-determination is now securely established. The work of the trusteeship Council is bringing its realization steadily forward.

In its anxiety to assist the progressive development of international law and to facilitate its codification, the General Assembly in 1947 instructed the International Law Commission to prepare a Draft Declaration on the Rights and Duties of States. This Draft Declaration was presented to the Assembly during the current session and the Assembly voted to transmit it to the member States for consideration. A new draft will be prepared next year taking into account their comments, criticisms and suggestions. In formulating the Declaration submitted to the Assembly, the International Law Commission was guided by the realization that international peace and security, the primary aim of the United Nations, cannot be established except under the reign of law and justice.

This of course is not a new concept. The necessity for some kind of international law and order is as old as the nations. What is new and without precedent is the ex-

treme urgency of our need and the fact that we can no longer afford the luxury of error in our interpretation and application of just law in international relations. In the past, when the breakdown of law resulted in war among the nations, the limited power of the weapons at his disposal gave man a margin of safety. In this day of atomic bombs, bacteriological weapons and supersonic planes, that margin of safety has all but disappeared. We can no longer permit the breakdown of law without endangering our very existence.

Some time ago, in a public address, I ventured the opinion that the destructive power of modern technology has made war obsolete and is driving us, almost in spite of ourselves, to the realization that some form of Christian order may be the only salvation of our way of life. Calling to mind the development in the United Nations of a system of international law deriving from and conforming to the natural law, I remarked that we may yet find ourselves confronted by the seeming paradox of Christianity emerging as the only practical program for lasting peace and equitable order in our troubled world.

I quoted G. K. Chesterton, who, if I remember correctly, had once declared that the trouble with Christianity is not that it has failed but that it has never been tried. And I pointed out that in our search for a peace that would endure and a rule of law that would insure freedom and equality for all men and nations, we have tried nearly everything else, and, having failed, are now turning in desperation, almost unconsciously, to the neglected tenets of our Christian faith.

When we say, for instance, that peace is indivisible, we mean that such is the interdependence of nations to-day that war in any part of the world will, by an inevitable process of chain reaction, affect the security of even those countries which are geographically remote from the scene of battle. By the same token, freedom has no frontiers; it is co-extensive with the human race. Any attack upon the independence of any nation is a threat to the independence of all; the denial or suppression of the rights and liberties of any people diminishes the freedom of all mankind. As with peace and freedom, so with economic well-being.

This is just another way of saying that beneath its manifold diversity of race, culture and nationality, and despite the deep divisions in its ranks caused by conflicting interests, ideologies and ambitions, such is the essential solidarity, the integral, organic unity of the human family that no member may be injured without causing injury to the whole. Surely we may perceive in this awareness of the basic and inescapable oneness of the world, of the inherent and irrevocable inter-relation of men and nations, a reflection of the Christian concept of human brotherhood, an image, discerned as through a dark glass, of the Mystical Body.

This realization, as I have indicated, is implicit in the Charter and in the work of the United Nations. The entire range of United Nations activities in the economic and social fields constitutes an organized attempt to protect the rights, secure the freedoms and promote the well-being of the world as a whole. Nothing less is under-

taken because nothing less will suffice. A declaration of human rights is meaningless unless it is universal. A convention on genocide is inadequate if it does not apply to all nations. Problems of health, labor, commerce, science, culture and reconstruction may be considered in terms of national or regional requirements, but always in relation to the universal welfare. And rightly so, for in the present state of the world nothing short of justice for all nations, equality for all men and freedom for all peoples — precepts deriving directly or by implication from Christian doctrine — can save humanity from a condition of permanent conflict leading inexorably to another war.

In this sense, may we not say that the practical application of Christian teaching in international relations has become a condition for the attainment of world peace and security? And considering the power for annihilation latent in the new weapons of war, may we not go even further and say that faithful adherence to Christian doctrine and the law of God has become a *sine qua non* of the survival of mankind?

## APPENDIX

