

COLLECTIVE POLITICAL HUMAN RIGHTS ACCORDING TO POPE JOHN PAUL II

by

Roman KRYŚ

INTRODUCTION

John Paul II continues to expound his earnest interest in human rights (1). He has affirmed his concept of human rights in numerous speeches delivered during his travels throughout the world. The Pope's interest in the promotion and encouragement of respect for human rights corresponds to the increasing concern of the international community for the rights and aspirations for the dignity of all human beings everywhere. Karol Wojtyła, as Pope John Paul II, has persistently appealed to the conscience of mankind with regard to human rights. The object of this study is the examination of the Pope's position on collective political human rights.

DEFINITION OF COLLECTIVE POLITICAL HUMAN RIGHTS

Human rights are generally divided into two categories : 1) individual human rights (2) and 2) collective human rights (3). Individual human rights are all those rights which are recognized and guaranteed to every human being in his or her individual character, and enjoyed by each person indivi-

(1) We define human rights as all rights which are recognized by the United Nations Universal Declaration of Human Rights and guaranteed by the International Covenants on Human Rights, which belong to the individual because of the very fact that he or she is a human being.

(2) Pope John Paul II's concept of human rights includes the following individual human rights : (1) the right to life; (2) the right of living; (3) the right of property; (4) freedom; (5) equality; (6) the right to choose a state of life, to found a family and to enjoy all conditions necessary for family life; (7) the right to work, to adequate working conditions, and a just wage; (8) the right to form and join trade unions; (9) the right to education; (10) the right to culture; (11) the right to freedom of conscience and religion; (12) the right to participation in political life; (13) the right to seek asylum; and (14) the rights of prisoners.

(3) F. PRZETACZNIK, « Individual Human Rights in John Locke's Two Treatises of Government », 25 Netherlands Int'l L. Rev. 195 (N° 2, 1978).

dually; whereas collective human rights are rights to which human beings are entitled collectively as members of a greater community. This community may be : 1) a minority group; 2) a nation; or 3) a State. As opposed to individual human rights, collective human rights cannot be enjoyed individually by a single person, but can only be enjoyed together with other human beings as members of the community. In the addresses of Pope John Paul II, the following collective political human rights can be ascertained : 1) the right to peace; 2) the right of peoples and nations to self-determination; and 3) the right of peoples and nations to sovereignty over their natural resources.

COLLECTIVE POLITICAL HUMAN RIGHTS

1. THE RIGHT TO PEACE

Although not yet precisely defined, the concept of the right to peace is ancient (4). In the view of St. Augustine, the yearning for peace is inherent in human nature (5). He states that peace is universally loved and desired by all men; peace being the end or supreme good in his *Civitas Dei*. He explains : « Even while waging a war every man wants peace, whereas no one wants war while he is making peace. And even when men are plotting to disturb the peace, it is merely to fashion a new peace nearer to the heart's desire; it is not because they dislike peace as much » (6).

St. Augustine's idea is reflected in S. Pufendorf's treatise entitled *Elements of Universal Jurisprudence* (7). In contrast to the theory of T. Hobbes, which holds that the natural condition is a struggle of all against all, S. Pufendorf considers peace the best condition for human society. According to S. Pufendorf, « (e)very man, so far as in him lies, should cultivate and preserve toward others peaceful sociability, which is suitable to the nature and the goal of universal humanity » (8). Throughout history efforts have been made to try to maintain peace. In the *Fragment of an Essay on International Law*, to avert war for future generations, J. Bentham devised a plan which comprised four fundamentals : 1) the reduction of armaments; 2) the establishment of a Permanent Court of Judicature with powers of arbitration backed by sanctions of force; 3) the codification of International Law; and 4) the emancipation of all colonies (9).

(4) The earliest recorded thoughts of peace were religious. Among the Israelite fathers, Micah and Isaiah formulated passages regarding peace. Micah IV.3; Isaiah II.4. Paganism contributed to the same end in the writings of Zeno, Seneca, Epictetus and Marcus Aurelius.

(5) St. Augustine, *The City of God*, trans. G. G. Walsh, D. B. Zema, G. Monahan and D. J. Honan, 451 (New York, 1958).

(6) *Ibid.*, at 452.

(7) *Elementorum Jurisprudentiae Universalis*.

(8) S. PUFENDORF, *De Jure Naturae et Gentium*, English trans. C. W. and W. A. Oldfather, I, 203 (Oxford, 1934).

(9) A.C.F. BEALES, *The History of Peace*, 35 (New York, 1971). Two more plans to maintain peace deserve attention. In 1713, the Abbé de Saint-Pierre published a project whereby Chris-

The United Nations

The concept of the right to peace is also rooted in the Charter of the United Nations. According to the Charter, the purposes of the United Nations are, *inter alia* : to maintain international peace and security, and « (t)o develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace » (10). Furthermore, the principles of the Charter declare that : all members of the United Nations shall settle their international disputes by peaceful means, and all members « shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state » (11). Moreover, according to the Charter, to maintain international peace, the member States are : 1) « to take effective collective measures for the prevention and removal of threats to the peace » (12); 2) to suppress acts of aggression and other breaches of the peace; and 3) « to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace » (13).

Although, as in the Charter, the right to peace is not specifically recognized in the United Nations Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, or the International Covenant on Civil and Political Rights, their preambles acknowledge the preeminence of the concept of peace. Moreover, the Declaration's preamble affirms that « it is essential to promote the development of friendly relations between nations » (14). Additionally, Article 1 of the Declaration states that all human beings « are endowed with reason and conscience and should act towards one another in a spirit of brotherhood » (15). It is obvious that the author of the Declaration equates spirit of brotherhood with peace and considers them an objective for all human beings.

tian States of Europe would form a perpetual alliance for common security and mutual guarantee of their possessions and treaties. Disputes were to be resolved by a Senate of Peace. *Project for Settling Perpetual Peace in Europe*. I. Kant's project for a perpetual peace of 1795 required that : (1) the civil constitution of each State shall be republican; (2) the law of nations shall be founded on a federation of free States; and (3) the rights of men, as citizens of the world, shall be limited to the conditions of universal hospitality. I. Kant, *Perpetual Peace (Zum Ewigen Frieden)*, trans. M. C. Smith, at 120-142 (New York, 1972).

(10) F. H. HARTMANN, *The Relations of Nations*, 670 (New York, 1973). Article 1.

(11) Ibid., at 671. Article 2 (4).

(12) Ibid., at 670. Article 1 (1).

(13) Ibid., at 671. Article 1 (1).

(14) M. CRANSTON, *What Are Human Rights ?* 87 (New York, 1973).

(15) Ibid., at 88.

The Right to Peace According to Pope John Paul II

Pope John Paul II's concept of human rights includes the collective right to peace. The Pope has asserted that « (m)an has the right... to peace and security » (16). St. Augustine's idea, that all men desire peace, is reflected in the Pope's concept of the right to peace. John Paul II has stated : « The desire for peace is universal » (17) and « is embedded in the hearts of all human beings » (18). He has explained that « (e)very human being... aspires to conditions of peace which will permit a harmonious development of future generations, protected from the terrible calamity that war will always be, protected from recourse to force or to any other form of violence » (19).

According to John Paul II, never before in the history of mankind has peace been so much talked about and so ardently desired as in our day. Almost everyone subscribes to the ideal of universal human brotherhood, at least, maintains the Pope, in principle. He explains that again and again peace is undermined and destroyed even though : 1) international institutions debate peace; 2) world public opinion is growing in consciousness regarding the absurdity of war as a means to resolve differences; and 3) peace is seen as a necessary condition for relations among nations and peoples. Pope John Paul II's concept of the right to peace includes the following four fundamentals : 1) that human rights be respected; 2) that bases for peace among countries be formulated and strengthened; 3) that conflicts between nations be prevented or resolved with equity; and 4) that the arms race be abandoned.

The Interrelation of the Collective Human Right to Peace and Human Rights Generally

The importance of the right to peace is reflected in its basic interrelation to human rights generally. It has been pointed out that ensuring human rights is an integral part in the struggle for peace. This interrelation is reflected in the Universal Declaration of Human Rights and in both International Covenants. According to the preamble to the Declaration, the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of peace in the world (20). The same idea is reiterated in the preambles of both the Covenants (21).

The interrelation has been expounded upon on numerous occasions by Pope John Paul II. His most comprehensive explanation of the interrelation between the right to peace and human rights generally has been his address

(16) JOHN PAUL II, *Africa*, 93 (Boston, 1980).

(17) JOHN PAUL II, *Pilgrimage of Peace*, 151 (New York, 1980).

(18) Ibid.

(19) JOHN PAUL II, *Puebla*, 48 (Boston, 1979).

(20) CRANSTON, *supra* n. 14, at 87.

(21) Ibid., at 95 and 107.

to the United Nations General Assembly. In John Paul's view, the spirit of war, in essence, « springs up and grows to maturity where the inalienable rights of man are violated » (22). The Pope maintains that when human rights are violated within a country, the destruction of the organic unity of the social order within a State follows. The organic unity decomposes because, according to John Paul II, injustices in the human rights arena are nearly always beset by : 1) the opposition of citizens to authority; 2) oppression; 3) intimidation; 4) violence; and 5) terrorism. The Pope maintains that situations within single States, where the inalienable rights of human beings are not respected, will consequently affect the entire system of international relations and international peace in a negative way.

In order to maintain international peace, John Paul II urges for a diligent examination of the principal tensions arising from the violation of the inalienable rights of man (23). According to the Pope, such an examination must « start from the premise that - although each person lives in a particular concrete social and historical context - every human being is endowed with a dignity that must never be lessened, impaired or destroyed but must instead be respected and safeguarded » (24) if peace is to be built up and preserved. He reiterates that there will be no peace, no better arrangement of social life, no better world, unless the first preference is given to human rights.

The Establishment of Bases for Peace Among Nations

Pope John Paul II has exalted the cause of rapprochement and of cooperation among nations, labeling them an indispensable base for a living together among countries. The Pope maintains that rapprochement and cooperation among nations is not only to be sought on the universal plane, but also on a regional plane. He explains that although limited, such peace is nonetheless important, for « (p)each achievements on the regional plane will constitute... an example and an invitation for the whole international community » (25). John Paul II has also emphasized the importance of single nations in international peace. For instance, he has stated that « (a) Poland that is prosperous and serene is... beneficial for tranquility and good collaboration among peoples of Europe » (26).

According to the Pope, peace is conditional on the recognition of and respect for each nation : « As inward unity within each society or community, whether a nation or a family, depends on respect for the rights of each of its members, so international reconciliation depends on recognition of and respect for the rights of each nation » (27). Furthermore, he asserts that the

(22) JOHN PAUL II, *supra* n. 17, at 73.

(23) *Ibid.*, at 73.

(24) *Ibid.*, at 73.

(25) JOHN PAUL II, *supra* n. 19, at 49.

(26) JOHN PAUL II, *Return to Poland 20* (New York, 1979).

(27) *Ibid.*, at 93.

attempt to establish peace among countries dictates that frontiers be opened, not only physical international boundaries. John Paul II explains that States should not lock themselves into rigid boundaries of systems, that is, political, social and economic, since no peaceful international cooperation can occur. In his view, a new peaceful atmosphere among nations would make it possible for the nations to discover areas of agreement which were deemed to be nonexistent.

Pope John Paul II maintains that truth is the « (f)irst among the ethical imperatives that must preside over the relations among nations and peoples » (28). Therefore, in the Pope's view, truth is an indispensable base for peace among nations. He maintains that all too often in the relations among nations, falsehood is met and thus suspicion arises. The ensuing reluctance to enter into dialogue between countries makes any cooperation or understanding impossible. The introduction of truth into all relations among nations is, according to the Pope, designed to work for peace, because only truth will make it possible to resolve international problems in conformity with reason and justice (29).

Prevention and Resolution of International Conflicts

Pope John Paul II's third fundamental of his concept of the right to peace is that conflicts between nations can be prevented or resolved with equity. The Pope strongly feels that peace cannot be established by violence in the international relations level. He considers violence a lie, for it destroys what it claims to defend - the dignity, life, and freedom of human beings (30). The Pope considers such violence a crime against humanity. He hopes « that nobody may ever call murder by any other name than murder, that the spiral of violence may never be given the distinction of unavoidable logic or necessary retaliation » (31).

The Pope urges the protection of peace in a world continually threatened with international conflicts. In his view, problems among regimes and ideologies, as well as economic and political systems, cannot be solved with hatred and war, but only with peace. He explains that « (w)ar brings with it a disproportionate growth of hatred, destruction and cruelty » (32) and does not solve problems. John Paul II considers Oswiecim (Auschwitz) a testimony of how far hatred, man's destruction of man, and cruelty can be carried when international problems are not resolved peacefully. Given the foregoing considerations regarding violence and war, the Pope places strong emphasis on prevention of international conflicts and their peaceful resolution.

(28) JOHN PAUL II, *supra* n. 17, at 151.

(29) *Ibid.*, at 151.

(30) JOHN PAUL II, *supra* n. 17, at 17.

(31) *Ibid.*, at 17.

(32) JOHN PAUL II, *supra* n. 26, at 128.

Disarmament

John Paul II's fourth fundamental of his concept of the right to peace is disarmament and the abandonment of the arms race. He asserts that since each day sees an increase in the destructive capability of weapons invented by modern technology; chemical, bacteriological, but particularly nuclear armaments, there has to be a gradual and balanced disarmament. He maintains that although up to now it has been said that nuclear arms have constituted a force of dissuasion which has prevented a major war from breaking out, it cannot be guaranteed that it will always be so. In addition, nuclear arms of new magnitude are being added to the arsenal of a growing number of countries. The Pope warns that the use of nuclear arms, even for purposes of national defense or in limited conflicts, may lead to an inevitable escalation, which may lead to the destruction of civilization.

According to the Pope, the problems caused by the armaments build-up throughout the world, both direct and indirect, are insurmountable. He maintains that the accumulation of weaponry not only increases the danger of having recourse to them to settle international disputes, thus shrouding the world with a threatening atmosphere, but also takes away considerable material and human resources from the task of peaceful development. Millions of men, women, children, and entire populations thus see reduced their possibilities of bread (33). Furthermore, in the Pope's view, the accumulation of weaponry may tempt some to think that the order built on arms is sufficient to ensure internal peace in particular countries (34). Moreover, he has emphasized that the threatening atmosphere the weapons bring about, particularly nuclear, has caused millions of men and entire populations to see their freedom reduced.

In Pope John Paul's view, it is not by accumulating arms that peace can be ensured in a stable way, but by the abandonment of the arms race and disarmament. The Pope urges that there be no relaxing of efforts, both to reduce the risk of a disastrous worldwide conflagration, and to secure a prudent and progressive reduction of the destructive capacity of military arsenals. He also emphasizes the role of the great powers, which by reason of their special position should commit themselves to not only disarmament, but also to a quest for greater security in the world, and for closer international cooperation. According to the Pope, the restraint of the arms race would be a great relief to people throughout the world, since funds reserved for military use would be channeled into areas which would provide new opportunities for their economic, social, and cultural well-being.

The Major Roles in the Implementation of Peace Among Nations in John Paul II's Concept of the Right to Peace

In his concept of the right to peace, John Paul II has elaborated on the following special elements in the scheme of international peace : 1) interna-

(33) JOHN PAUL II, *France*, 87 (Boston, 1980).

(34) JOHN PAUL II, *supra* n. 17, at 147.

tional organizations; 2) the States; 3) State leaders; 4) diplomats; 5) those who can influence public opinion, specifically members of the communications media; 6) the scientist; and 7) the individual. The Pope stresses the importance of international organizations such as the United Nations and the United Nations Educational, Scientific and Cultural Organization (UNESCO), which promote the development of friendly relations among nations. He has also placed special weight on the State. According to Pope John Paul II, since man has the right to peace and security and the State is responsible for the common good of all its citizens, man has the right to be educated by the State to practice the means of peace (35). Thus the State has a duty to formulate such education for peace.

The Pope has urged those responsible for the fate of their nations to commit themselves with their personal and professional capacities, each in his own sphere of responsibility, to the service of peace. He strongly urges the leaders of nations, through their diplomats, « to eliminate fear and mistrust and replace them with mutual trust, welcome, vigilance, and brotherly collaboration » (36). The Pope also views the role of the diplomatic representative as essential to his concept of the right to peace. He maintains that although diplomats, as are those in position of leadership of States, are mandated to represent and foster the interests of their respective States, as a group they are « bearers of a mission that transcends regional and national boundaries » (37). He explains that the diplomat's « mission is to foster better understanding among people (and a) closer collaboration on a worldwide scale » (38). In a word, to be the builders of international peace in an age that is witnessing a growing interdependence among nations, and at the same time witnessing a stronger affirmation of each nation's identity and dignity.

The Communications Media

John Paul II emphasizes the importance and indispensability of the communications media in the formulation and strengthening of peace. He considers the media, by their very nature, to be the willing servant of the world community and peace. In his view, the members of the communications media can only be the instruments of understanding among peoples and of peace among nations if guided by the truth. He explains that through the media, millions of people throughout the world enjoy a wider experience, and are helped to become more effective members of the world community and truer neighbors to others (39). He further explains that although the community is made up of many who differ from the communication media professionals in political views, material prospects, religious conviction and

(35) JOHN PAUL II, *supra* n. 16, at 93.

(36) JOHN PAUL II, *supra* n. 19, at 49.

(37) JOHN PAUL II, *supra* n. 16, at 309.

(38) *Ibid.*, at 310.

(39) JOHN PAUL II, *supra* n. 17, at 27.

moral performance, the media are to serve the community and the cause of peace by the dissemination of truth regardless.

The Scientist

The Pope has much praise for the men and women of science; however, he asserts that the future of man and of the world is threatened, in spite of the noble intentions of men of science. He explains that « (i)t is threatened because the... results of their researches and their discoveries... have been and continue to be exploited - to the detriment of the ethical imperative... for purposes of destruction and death, and that to a degree never known hitherto » (40). The Pope maintains that science is to be in the service of man's life, and that when scientific research is directed towards chemical, bacteriological and nuclear armaments, it becomes contrary to its purpose and therefore contrary to the good of mankind.

John Paul II reminds us that among those who were brought before the international courts at the end of the last world war, there were scientists. He maintains that the non-scientific aims of science should be our major concern because of the danger that science may be used for destructive purposes. The Pope holds that men of science, who let themselves become instruments in the development of war-oriented material, are to bear the consequences for breaches of peace. In light of the foregoing considerations, Pope John Paul II has called upon the world scientific community to respect the primacy of ethics in their work.

The Individual

According to the Pope, social ethics demand from human beings respect for the established State authorities. Nevertheless, he explains, that the individual, because he is defenseless, has a right and duty to influence those who wield the proverbial sword of authority in connection with peace. The implication being the formulation for the individual of a role of confrontation with the authorities. The Pope maintains that the guarantee of peace involves, on the part of such an individual, good will, dedication, and generosity, in addition to dynamism and perseverance. The foregoing considerations support the conclusion that the right to peace is considered by John Paul II to be an important collective human right.

2. THE RIGHT OF PEOPLES AND NATIONS TO SELF-DETERMINATION

The idea of the principle of self-determination of peoples and nations originated in the Western conception of nationhood. By the second half of the eighteenth century, when philosophers like J.J. Rousseau considered the nation-state as a community held together by something more than mere

(40) JOHN PAUL II, *supra* n. 33, at 205.

authority of government, the conception of nationhood took definite shape. J.J. Rousseau considered the nation-state as the product of the general will of the people. The French Revolution made a significant contribution to the crystallisation of the concept of self-determination, and dealt a mortal blow to the post-mediaeval theory of the Divine Right of Kings, which was replaced by the theory of the Divine Right of the People (41).

Although I. Kant does not use the term self-determination, some of his ideas are a philosophical justification of the concept of the right of peoples to self-determination. He states : « No state having an independent existence - whether it be great or small - shall be acquired by another through inheritance, exchange, purchase or donation » (42). He explains that « a state is not a property (patrimonium), as may be the ground on which its people are settled » (43), but « is a society of human beings over whom no one but itself has the right to rule and to dispose » (44). Furthermore, according to Article 5 of I. Kant's Preliminary Articles of Perpetual Peace Between States, « (n)o state shall violently interfere with the constitution and administration of another » (45).

During the First World War, the Allies accepted self-determination, particularly by the nationalities under the Austro-Hungarian and Ottoman empires, as a war aim. National self-determination was also included in President Wilson's Fourteen Points. Point XIII, for instance, provided that an independent Polish State should be erected and should include the territories inhabited by indisputably Polish populations. Self-determination was achieved to a substantial extent by the break-up of the Austro-Hungarian and Ottoman empires.

The United Nations

The principle of the right of peoples to self-determination finds expression in the Charter of the United Nations. One of the purposes of the United Nations, as defined in Article 1 of the Charter, is « (t)o develop friendly

(41) F. PRZETACZNIK, « The Socialist Concept of Human Rights : Its Philosophical Background and Political Justification », 12 *Revue Belge de Droit International*, 258 (N° 1-2, 1977).

(42) I. KANT, *Perpetual Peace*, trans. M.C. Smith, 108 (New York, 1972).

(43) *Ibid.*, at 109.

(44) *Ibid.*, at 109. I. Kant adds : « Like the trunk of a tree, it (the State) has its own roots, and to graft it on to another state is to do away with its existence as a moral person, and to make of it a thing. Hence it is in contradiction to the idea of the original contract without which no right over a people is thinkable ». *Ibid.*, at 109.

(45) *Ibid.*, at 112. According to E. Vattel's *Law of Nations* (1758), II. Ch. IV. Sec. 55, no foreign power has a right to judge the conduct and administration of any sovereign or oblige him to alter it. If the sovereign burdens his subjects with taxes, or if he treats them with severity, the nation alone is concerned. No foreign power is to offer redress for his behavior or oblige him to follow more wise and equitable policies. Furthermore, in Sec. 56, E. Vattel states that when the unity of a State is broken, the contending parties may then be considered as two distinct entities. Since both are equally independent of all foreign authority, nobody has a right to judge them.

relations among nations based on respect for the principle of equal rights and self-determination of peoples » (46). Article 55 of the Charter, which deals with international economic and social cooperation, calls for the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on the principle of equal rights and self-determination of peoples (47). The Universal Declaration of Human Rights does not mention self-determination specifically; however, the right to self-determination is recognized in Article 1 (1) of the International Covenant on Economic, Social and Cultural Rights and Article 1 (1) of the International Covenant on Civil and Political Rights. According to both Articles : « All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development » (48).

At its fifteenth session, the General Assembly of the United Nations adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Declaration reiterates the concept of the right of self-determination set forth in the International Covenants (49). By virtue of the concept of self-determination contained in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations, all peoples have the right to freely determine, without external interference, their political status and to pursue their economic, social and cultural development (50). The establishment of a sovereign and independent State, the free association or integration with an independent State, or the emergence into any other political status freely determined by a people, constitute under this Declaration modes of implementing the right to self-determination by a people.

The Right of Peoples to Self-Determination According to John Paul II

Pope John Paul II's concept of human rights includes the collective human right of peoples to self-determination. The Pope's concept of the right of

(46) HARTMANN, *supra* n. 10, at 671. Article 1 (2).

(47) *Ibid.*, at 682. Article 55.

(48) CRANSTON, *supra* n. 14, at 95 and 108.

(49) General Assembly Resolution 1514 (XV) of December 14, 1960. *1960 Yearbook of the United Nations*, at 48-50 (New York, 1961). According to Article 3 of the Declaration : « Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence ». In addition, « (a)ll States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity ». Article 7.

(50) *1970 Yearbook of the United Nations*, at 788-792 (New York, 1971). The Declaration asserts that every State has the duty to respect and even to promote, through joint or separate action, the realization of the principle of self-determination. In addition, each State has the duty to refrain from any forcible action which deprives a people of their right to self-determination.

peoples to self-determination is rooted in the ideas of late eighteenth-century philosophers. Accordingly, in his view, the State is more than a community held together by the mere authority of the government, but is the expression of the sovereign self-determination of peoples. Moreover, the Pope has added that the State's moral authority derives from such an expression.

John Paul II has emphasized the importance of the right of peoples to self-determination. In his view, peace, international reconciliation, and the drawing together of the peoples of the world can only be achieved on the principle of recognition of and respect for the rights of each nation. The Pope explains that chief among these rights is the right to self-determination, that is, the right of the nation to existence and freedom to be a social and political subject, and to the formation of its own culture and the many forms of developing it. He has called for an ethical and international order in the modern world which would have for its basis not only respect for the rights of the individual, but also respect for the rights of the nation, which includes the right of peoples to self-determination.

The Pope reminds us that the claim to the right of a people to self-determination must be made in the name of justice and national dignity. Furthermore, in his view, for the right to remain effective after independence, it must « be accompanied by the real participation of citizens in the direction of their own destiny » (51). The unity of a people and the State calls for such a participation. He adds that such participation must include respect of legitimate peculiarities of sections of society. According to the Pope, the very idea of sovereignty consists of rights and duties (52), with the State having the responsibility of working for the common good of the peoples whose mandatory it is, including ensuring the participation of citizens in the direction of their own destiny.

The Polish Experience

As a son of the Polish nation, Pope John Paul II has a deep understanding of the concept of the right of peoples to self-determination. The millenary history of Poland is made up of moments of great achievements, but also of historical wrongs, injustices, menaces and suffering, in connection with the right of peoples to self-determination. The Polish nation was deprived for a considerable time of its existence in the dimension of its rightful frontiers, and of its existence as a State, her neighbours having had her condemned to death several times. It is this Polish experience that has made the Pope sensitive to the concept of self-determination.

In the Pope's view, in spite of partitions and foreign occupations, the Polish nation was able to keep its identity and national sovereignty « not by relying on the resources of physical power, but solely by relying on its culture. This culture turned out in the circumstances to be more powerful than all other

(51) JOHN PAUL II, *supra* n. 16, at 46.

(52) *Ibid.*, at 152.

forces » (53). He maintains that national sovereignty draws its origin from the specific culture of the nation. Thus culture is a major component of the Pope's concept of the right of peoples and nations to self-determination.

The Right of Peoples and Nations to Self-Determination and the Newly Independent States

John Paul II has asserted that sovereignty, which every nation possesses by virtue of its culture, must not be allowed to become the prey of some political or economic interest. The Pope explains that for totalitarian and imperialistic systems or hegemonies, the nation - their own or others' - counts only as an object of domination and exploitation, and not as the subject of its true culture. In this connection, he reminds us of the many people throughout the world who have a historic sovereignty derived from their culture, but who are, nevertheless, deprived of their full sovereignty. In the Pope's view, vestiges of colonialism, and totalitarian and imperialistic hegemonies, must be eliminated, and the right of peoples and nations to self-determination asserted.

Pope John Paul II has expressed delight in seeing new nations taking their destiny into their own hands. In Africa, he expressed satisfaction in being able to visit the peoples of Africa in their own sovereign States, where they are « the true masters of their own land and the helmsmen of their own destiny » (54). However, he has also warned young nations of certain existing perils which endanger their sovereignty. According to the Pope, young nations should not : 1) become involved in ideological and political conflicts which are alien to their deep mentality; 2) devote an excessive part of the means at their disposal to military armament; and 3) readily accept assistance which has strings attached to it.

The Pope sees new nations « marked by influences directed from inside and outside; often under cover of an economic aid, actually in the perspective of an interest that has nothing really humanitarian about it but its label » (55). In his view, such aid is detrimental to young nations. According to the Pope, in order for a young nation to forge its unity, deepen its personality and culture, and carry out its development with justice and participation of its citizens, it needs independence and disinterested aid. He adds that political independence and national sovereignty demand that there be economic independence and freedom from ideological domination.

John Paul II maintains that the situation of countries, particularly the third-world countries, can be profoundly influenced by the decisions of other countries, among and first, which are the major world powers (56). In his view, these States may, through subtle threats of interference of an ideologi-

(53) JOHN PAUL II, *supra* n. 33, at 199.

(54) JOHN PAUL II, *supra* n. 16, at 202.

(55) *Ibid.*, at 92.

(56) *Ibid.*, at 203.

cal nature, produce effects that are even more deleterious than any other form of subjugation (57). The Pope asserts that questions regarding self-determination, including outside ideological influences, must be the business of the people or nation concerned, and not be subject to pressure or interference from any bloc or interested group whatsoever. He adds that only without interference will newly born countries be able to reach an internal stability. It follows from the above considerations that John Paul II considers the right of peoples and nations to self-determination, that is, to freely determine without alien pressure or interference, the political, economic, and social orientation of a nation, a fundamental collective human right.

3. THE RIGHT OF NATIONS TO SOVEREIGNTY OVER THEIR NATURAL RESOURCES

Sovereignty of peoples and nations over their natural resources derives from the right of peoples and nations to self-determination. According to both International Covenants, all peoples have the right to self-determination, and by virtue of that right the peoples may freely pursue, *inter alia*, their economic development (58), which involves sovereignty over their natural resources. Article 1 of both Covenants states: « All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence » (59). Article 25 of the International Covenant on Economic, Social and Cultural Rights (60) and Article 47 of the International Covenant on Civil and Political Rights (61) provide that nothing in the Covenants shall be interpreted as impairing the inherent right of all peoples to enjoy and utilise fully and freely their natural resources.

Sovereignty of peoples and nations over their natural resources has been elaborated upon in the United Nations Declaration on Permanent Sovereignty Over Natural Resources (62). At its twenty-first session, the General

(57) *Ibid.*, at 203.

(58) CRANSTON, *supra* n. 14, at 95 and 108. Articles 1 (1).

(59) *Ibid.*, at 96 and 108. Articles 1 (2).

(60) *Ibid.*, at 105.

(61) *Ibid.*, at 128.

(62) General Assembly Resolution 1803 (XVII) of December 14, 1962. *1962 Yearbook of the United Nations*, at 503-4 (New York, 1963). This Declaration states: (1) the right of peoples and nations to sovereignty over their natural resources must be exercised in the interest of their national development and of the well-being of the people of the State concerned; (2) the exploration, development and disposition of natural resources should be in conformity with the rules which the peoples and nations freely consider to be necessary; (3) nationalization, expropriation and requisitioning shall be based on grounds of public utility, security or the national interest which are recognized as overriding purely private interest, both domestic and foreign; and (4) violation of the right of peoples and nations to sovereignty over their natural resources is contrary to the spirit and principles of the Charter of the United Nations and hinders the development of international law and the maintenance of peace.

Assembly of the United Nations affirmed the inalienable right of all countries to exercise sovereignty over their natural resources, in conformity with the spirit and principles of the Charter and as recognized in General Assembly Resolution 1803 (XVII) (63). In 1970 the General Assembly recognized that the exercise of permanent sovereignty over natural resources by developing countries was indispensable to their industrial development (64).

The United Nations Conference on Trade and Development adopted principles relevant to sovereignty over natural resources (65). In its Resolution 3016 (XXVII) of December 18, 1972, the General Assembly considered the relevant principles of the Conference and reaffirmed the right of States to sovereignty over all their natural resources, on land within their international boundaries, as well as those found in the sea-bed and sub-soil within their national jurisdiction, and in the superjacent waters (66). The State's right over its own natural resources has been confirmed in a special manner by the Declaration of the Algiers Conference of Non-Aligned Countries in September of 1973. According to Article 2 (1) of the United Nations Charter of Economic Rights and Duties of States adopted on December 12, 1974, « every State has and shall freely exercise full permanent sovereignty, including possession, use and disposal over all its wealth, natural resources and economic activities » (67). It follows from the foregoing considerations that the right of the State to sovereignty over its natural resources is generally recognized by contemporary international law.

Pope John Paul II's Concept of the Right of Nations to Sovereignty Over Their Natural Resources

John Paul II has reiterated the importance of the right of nations to sovereignty over their natural resources. He explains that such sovereignty

(63) General Assembly Resolution 2158 (XXI) of November 25, 1966. *1966 Yearbook of the United Nations*, at 333-4 (New York, 1967). This resolution was reaffirmed at the twenty-third session of the General Assembly in Resolution 2386 of November 19, 1968. *1968 Yearbook of the United Nations*, 436 (New York, 1969).

(64) General Assembly Resolution 2692 (XXV) of December 11, 1970. *1970 Yearbook of the United Nations*, at 457-8 (New York, 1971).

(65) Adopted at its third session in 1972. The Conference adopted a resolution providing for the preparation of a Charter of Economic Rights and Duties of States which called for the setting forth, among other rights, of the right of nations to sovereignty over natural resources. Proceedings of the United Nations Conference on Trade and Development, Third Session, Volume I, Report and Annexes (TD/180).

(66) The General Assembly of the United Nations further declared that actions, measures and legislative regulations of States, which aim at coercing other States engaged in the change of their structure or in the exercise of their sovereign rights over their natural resources both on land and in their coastal waters, are in violation of the Charter of the United Nations and of the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States. Also, according to the General Assembly, such actions, measures and regulations contradict the targets, objectives and policy measures of the International Strategy for Development for the Second United Nations Development Decade.

(67) 79 Am. J. Int'l L. 487 (N° 2, 1975).

ensures that nations in possession of natural wealth will develop their potential to the fullest through material and technical development. He considers Africa rich in promise because of its natural resources. In his view, the African countries can achieve material and social progress through the development and use of their numerous natural resources. The Pope adds that to achieve their potential, the African countries must first be the true helmsmen of their own destiny and consequently true masters of their own land and water. He has warned young developing nations to be aware that inside and outside pressures and interferences can adversely affect their right to sovereignty over their natural resources and thus their development and internal stability.

The Pope maintains that nations have the right to sovereignty over natural resources, which nature has bestowed upon them. He adds that such sovereignty enables nations to carry out a development in conformity with their own true national consciousness. During his journey through Mexico, Pope John Paul II stated : « To take a real part in the united effort of humanity, the Latin-American peoples rightly demand that there should be returned to them their rightful responsibility over the goods that nature has bestowed on them... to carry out a development in conformity with their own spirit, with the participation of all the human groups that make them up » (68). This statement can be applied to numerous situations throughout the world.

It is evident that the Pope places great value on natural resources. In his view, land and natural resources have been entrusted to human beings as a means of sustaining human life. He, therefore, calls for the responsible use of natural resources of the world, particularly energy resources. The Pope indicates world conscience should reaffirm the demands of justice, whenever natural resources and energy are selfishly squandered. It follows from the above considerations that John Paul II views the right of peoples and nations to sovereignty over their natural resources as a collective political human right, and one which is interrelated with the collective political human right of peoples and nations to self-determination.

CONCLUSIONS

The foregoing considerations support the following conclusions. In the pronouncements of Pope John Paul II, three collective political human rights can be ascertained : (a) the right to peace; (b) the right of peoples and nations to self-determination; and (c) the right of peoples and nations to sovereignty over their natural resources. These rights derive from an historical process which culminates with the United Nations Universal Declaration of Human Rights and subsequent conventions.

(68) JOHN PAUL II, *supra* n. 19, at 184.

1. Human rights are those rights which are recognized by the Universal Declaration of Human Rights and guaranteed by the International Covenants on Human Rights, and which belong to the individual because of the very fact that he or she is a human being.
2. Human rights are generally divided into two categories : individual human rights and collective human rights. What differentiates the two is that collective human rights can only be fulfilled collectively with other human beings as members of a community, whereas individual human rights are those rights which are guaranteed to human beings in their individual character and can be enjoyed by each person individually.
3. The most important collective political human right is the right to peace.
4. Peace means the state of international relations marked by the absence of overt hostilities between States.
5. The right to self-determination means that all peoples and nations have the right to freely determine their political, economic, social and cultural orientation.
6. Peoples and nations have the right to sovereignty over natural resources which nature has bestowed upon them. Such sovereignty enables peoples and nations to carry out a development in conformity with their true national consciousness.