

Current Concerns

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Politics of peace in the nuclear age*

by Professor Dr Dr h.c. mult. Hans Köchler



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(picture hanskoechler.com)

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Prologue

Politics – especially as power politics or world politics – tends naturally towards *propaganda*. With few exceptions, the proclamations of politics serve to promote the state's national interest, which is to defend itself against other states. This is particularly true of the proclamations, or diagnoses, of a “new world order” that run through the ages. It can be seen in the first century B.C. in *Virgil's* Fourth Eclogue, which was politically appropriated by contemporaries in support of Emperor *Augustus* (and retrospectively interpreted in the Middle Ages as announcing the coming of Christ and the beginning of a new age of paradise); in the Declaration

of the *Holy Alliance* of 1815 after the Napoleonic wars; and, closer to the present time, in the speeches of the American president after the end of the Cold War in 1991.

Since February 24 of this year, the beginning of a new age, albeit not a golden one, has once again been proclaimed. According to the German Chancellor, we are witnessing the “turn of an era” (*Zeitenwende*), in that the “rules-based” order that supposedly has prevailed since the end of World War II and the founding of the United Nations is now being replaced by a system in which the law of the jungle – the rule of the most powerful – reigns supreme, just as it determined relations between states (despite the *Holy Alliance* of 1815) until after the end of World War I, when a treaty (the *Kellogg-Briand Pact* of 1928)¹ banned the use of force between states for the first time.

The statement about the turn of an era – which has since become a common phrase – is in fact a *misdiagnosis* dictated by the West's frustrated quest for power, indeed downright propaganda in its classic form. A system of rules that would apply equally to *all* has never existed, even and especially in the age of the United Nations, since the UN Charter effectively exempts the most powerful (namely the five permanent members of the Security Council) from the application of the most important of these rules – the prohibition of the inter-state use of force.²

What is happening before our very eyes is the “turn of an era” of a very different kind: As a statistical exception in the use of violence between states, in 2022 a country counted as belonging to the West (although this classification is disputed among its population) is suddenly in the position of the attacked, whereas in the decades before it was near exclusively the United States and its allies who chose to ignore the international ban on the use of force, more or less with impunity.

The fact is that the basic problem with the system of rules established in 1945 and persisting after the end of the Cold War remains unsolved – namely, that the law cannot be enforced against a permanent member of the Security Council (whether the USA or Russia). Thus, the whole

UN system of collective security is in a state of limbo since – due to the veto rule and the statutory right to vote on a dispute while being a party to that dispute – the “guarantors” of the law are exempt from its crucial provisions, a privilege that puts them effectively above the law. It inevitably renders any policy of peace precarious. The many wars since the foundation of the United Nations are strong testimony to this predicament.

This brings me to the main part of my remarks.

I

A turn of an era worth its name happened in 1945 with the introduction and first use of nuclear weapons, signifying the transition from the era of conventional weapons towards an era of weapons of mass destruction. This was clearly and forcefully addressed by President *John F. Kennedy* in his famous “Peace Speech” of 1963 – one of the great political speeches of the 20th century: “*I speak of peace because of the new face of war.*”³

The great challenge is thus to determine what peace politics can mean in the nuclear age at all. In view of what strategists already called “MAD” (mutual assured destruction) during the Cold War, a total, encompassing war makes absolutely no sense, which Kennedy also recognized.

“It [total war/H.K.] makes no sense in an age when the deadly poisons produced by a nuclear exchange would be carried by wind and water and soil and seed to the far corners of the globe and to generations yet unborn.”

However, the legal means to defend against this danger, which the community of nations developed in the years following Kennedy's sobering diagnosis, lack in credibility and effectiveness. Without these deficiencies, they could somehow have become the equivalent of peace politics in international law. I am mentioning here the three most important examples, putting my conclusion first in bullet points:

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- *Not implemented: Treaty on the Non-Proliferation of Nuclear Weapons* (NPT), in force since 5 March 1970, extended indefinitely on 11 May 1995. Despite the diverse (albeit imprecise and not legally enforceable) provisions of the treaty, no credible steps towards sustainable disarmament have been taken in more than 50 years. Quite the opposite: the number of nuclear powers has increased since the treaty entered into force.
- *Did not enter into force: Comprehensive Nuclear-Test-Ban Treaty* (CTBT) ratified by the United Nations General Assembly on 10 September 1996, but not in force to this day as ratification by 44 named states is required. Of these states, nuclear powers such as China, Iran, Israel, North Korea, India, Pakistan and also the USA have so far refused this step. Since 1997 – for a quarter of a century – a Preparatory Commission and a Provisional Technical Secretariat equipped with the most modern means of surveillance for the future ban have existed in Vienna for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) which

won’t come into being for an unknown amount of time – a downright Kafkaesque situation!

- *Not enforceable: Treaty on the Prohibition of Nuclear Weapons* (TPNW); voted – partially on an Austrian initiative – on 7 July 2017, in force since 22 January 2021. 66 states have ratified the treaty as of 29 June 2022. Naturally, states possessing nuclear weapons have not (and will not) join the treaty. As such a ban cannot be enforced against nuclear powers, the treaty ultimately remains an exercise in an *ethics of conscience* (*Gewissensethik*), as pointed out by an official of the Federal Republic of Germany, which did not join the treaty. What is needed under the current conditions of realpolitik as power politics is, however, an *ethics of responsibility* (*Verantwortungsethik*, to stay with *Max Schelers* terminology).

Regarding the lack of credibility and efficacy of the aforementioned treaties, we must also refer to the in the end rather unhelpful *Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons* of the International Court of Justice (ICJ) of 8 July 1996. Like a Sibylline oracle, the Court states that the threat or use of nu-

clear arms “would” generally be at odds with the norms of international law, but that the Court, in view of the current state of international law, cannot decide whether the threat or use of nuclear arms would be legal or illegal in an extreme case of self-defense when the survival of a state is at stake.⁴

As a nuclear ban makes no sense if the nuclear powers don’t join the treaty, the only way left is *realpolitik*. What pragmatic political wisdom means in this framework of cold-blooded power politics was masterfully described by Kennedy in his 1963 speech:

“Above all, [...] nuclear powers must avert those confrontations which bring an adversary to a choice of either a humiliating retreat or a nuclear war. To adopt that kind of course in the nuclear age would be evidence only of the bankruptcy of our policy – or of a collective death-wish for the world.”⁵

This insight, from the time directly after the Cuban Missile Crisis, should be taken to heart by the leaders of the Western world in the current confrontation with Russia.

II

Especially in the nuclear age, the politics of peace cannot be seen as isolated from a state’s security doctrine – an area of realpolitik. Before we elaborate on the guidelines of a politics of peace, we must pay attention to the facts of realpolitik.

Lessons from realpolitik:

- If only *one* state possesses nuclear arms, they will be used (for example, Hiroshima, Nagasaki). This state terrorizes the world; as the sole nuclear power, it can hold the world hostage as it sees fit.
- There is only hope that the weapons remain unused if there is a balance of terror (MAD: mutual assured destruction) – a brutal and absurd calculus that reveals the intrinsic mistrust between collectives (states): Every actor assumes, in principle, the other’s will to destroy and thus tries to achieve and maintain superiority by all means, which may then result in a stalemate. With nuclear weapons, this means that – because of their physical nature – strategic parity exists above a certain threshold even if their number and destructive potential are not identical on both sides. In a sense, it doesn’t matter if you could annihilate each other once, twice, three times or more (“nuclear overkill”).



The German text of the presentation has also been published as a booklet. It can be ordered from the “Arbeitsgemeinschaft für Wissenschaft und Politik”, Kohlmarkt 4/12, A-1010 Wien or by: info@i-p-o.org

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Maxims for a politics of peace in the nuclear age

Under these circumstances, the basic requirements of a policy of peace can only be formulated taking into account the nuclear status quo, which can neither be wished away nor – moralistically – "prayed away." Realpolitik can only be ignored at the price of hypocrisy.

- First is President Kennedy's aforementioned insight – or maxim – from 1963, according to which no actor should be driven into a corner so that he sees no other way out than nuclear war. The opinion already cited from the *International Court of Justice*, the supreme judicial organ of the UN, points in a similar direction.
- Consequently, the international community, under the leadership of the United Nations, would have to reinforce its efforts to defuse *enduring conflicts* at the regional level – especially where the danger addressed by Kennedy and the ICJ exists: in the Middle East, South and East Asia and (since February 2022) also in Europe. No occasions should arise for panic reactions.

As regards the responsibility and efforts of international civil society, there have been numerous initiatives and campaigns by NGOs since the cold war. Among those, the *Campaign for Nuclear Disarmament* and the *Appeal of Lawyers against Nuclear War* provided the framework (in the 1980s) for a worldwide campaign, joined by the *International Progress Organization*, to call on the United Nations General Assembly to ask for an Advisory Opinion from the *International Court of Justice* (the content of which I briefly discussed above). Just as important as these actions at the NGO level would be – if they existed – explicit statements by the major religious

communities concerning the amorality not only of the use, but also of the production and stockpiling of nuclear weapons. However, all these are long-term initiatives aimed at raising awareness and at the formation of conscience. They have no immediate effect in terms of realpolitik or the technicalities of disarmament.

Epilogue

The question still remains unanswered whether humanity can ever transcend power politics⁶ – that is grounded in collective egoism – before destroying itself due to the pervasive mutual mistrust between peoples and states. (*John Mearsheimer* has described this mistrust as "The Tragedy of Great Power Politics.")⁷ I would see the paramount role of religion in raising awareness of this dilemma – if religion is to be more than a mere ornament to a "fun society" that at least the Western world – armed to the teeth with nuclear weapons – has become in this "post-industrial" century of ours, shaped by IT and social media.

As Kennedy, alluding to Chamberlain's speech in 1938⁸, aptly put it: in the nuclear age, due to the consequences of war, it is no longer just about ad hoc solutions, or "peace for *our time*". In view of the impending apocalypse, the only option is a concept for "peace in *all time*", i. e., perpetual peace.

The philosopher's stone – for an idealistic concept of "perpetual peace" in the Kantian sense – has not been found, especially for the nuclear age. As long as states, considering their daily experience, expect to only be taken seriously on the international stage – and protected from "regime change" – if they acquire nuclear capacity, any policy of peace remains precarious no matter how well-intentioned (as opposed to merely tactical or moralistic) it may be. A look at events in Iraq (2003) and Libya (2011) or the protracted dispute with North Korea dispels even the slightest illusions.

As Kant also recognized, peace is no state of nature. Humanity would have to bring itself to create a *state of peace* by contract. This is also the essence of the ban on the international use of force enshrined in the *Kellogg-Briand Pact of 1928*⁹ and, after the Second World War, in the Charter of the United Nations.

For one last time, let me refer to the predicament of international relations – the vexing *caveat* of realpolitik: The Kant-inspired ban prevented neither World War II nor the nuclear destruction of two Japanese cities. •

(Translated from the German original)

¹ *General Treaty for Renunciation of War as an Instrument of National Policy*, signed at Paris on 27 August 1928

² See Köchler, Hans. "Normative Inconsistencies in the State System with Special Emphasis on International Law", in: *The Global Community – Yearbook of International Law and Jurisprudence 2016*. Oxford: Oxford University Press, 2017, pages 175–190

³ *Commencement Address at American University, Washington, D.C., June 10, 1963*; cited according to the text published by the "John F. Kennedy Presidential Library and Museum" at jfklibrary.org

⁴ International Court of Justice, *Advisory Opinion of 8 July 1996*, Par. 105 (2) (E): "However, in view of the current state of international law, and of the elements of fact at its disposal, the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake ..." N.B.: The decision on this point was adopted by a vote of 7 to 7, with the casting vote of the President.

⁵ Loc. cit.

⁶ Schwarzenberger, Georg. *Über die Machtpolitik hinaus? (Beyond Power Politics?)* Hamburg: Hansischer Gildeverlag, 1968

⁷ Updated edition: New York: W.W. Norton & Company, 2014

⁸ Words of Prime Minister *Neville Chamberlain* – at the entrance of 10 Downing Street in London – after his return from Munich on September 30, 1938: "My good friends, for the second time in our history, a British Prime Minister has returned from Germany bringing peace with honor. / I believe it is peace for our time ... / Go home and get a nice quiet sleep." (Cited according to: *EuroDocs, Harold B. Lee Library*, Brigham Young University, USA.)

⁹ The treaty was signed on 27 August 1928; it entered into force on 24 July 1929.