

DIPLOMACY AND INTERNATIONAL LAW IN THE SERVICE OF BIOPOLITICS

[Professor Juraj Cuth](#)

Professor of International Law
Slovak Republic

Today, large social movements in support of biopolitics are very apparent, revealing various aspects of the crucial problems of the biosphere, linked to the troubles of the earth's population. Many conferences, symposia, workshops and other groups, in different countries, have concentrated on biopolitics. Many textbooks, studies and articles on biopolitical systems have been published in different languages. I would like to stress the relevance of the activities of the Biopolitics International Organisation in this field. This conference will discuss the problem of biopolitics in the next millennium. It means we are already starting to act on behalf of future generations.

This presentation will focus on the tasks of international law and diplomacy, in the service of biopolitics. During my career, I have come to the basic conclusion that international law always stays on academic soil. The public, as a whole, has very little knowledge of it. Or, in other words, people need clarification on what international law is.

International law and institutions, including national and non-governmental organisations, can offer their protection to every area of social relations, regardless of subject, content and consequences of such actions. International law and diplomacy protect social relations of all kinds, including biopolitics. It would seem that there are no new aspects to the topic of biopolitics. In *An Expedition into the Kingdom of Microbes*, written by a Slovak scientist, the exact words used by Albert Einstein appear. According to him, our civilisation in this century, is preparing itself for "outer slavery and inner annihilation." These words can be seen as very close to the predictions of biopolitics, the bio-environment and bio-culture. These concepts are linked together by human will, human activity and human force. In fact, in biopolitics, we must differentiate between the actions of governments, those of social organisations and those carried out by mass movements; those where initiatives, as well as actions, are provided by virtue of the human will, and those where nature and natural forces are allowed to act, regardless of human will. Therefore it seems that Albert Einstein spoke the truth. Since civilisation means the human will, human beings are apt to allow themselves to be subjugated and separated from their will, their actions and their own activities. To treat this problem is worthwhile in the field of biopolitics.

The theme of biopolitics is well known to the majority of the world's population, but mainly from its theoretical approach. In my country, grade school children are already acquainted with it. They make drawings about it from their imagination. Psychologically, the idea of protecting bios affects the consciousness of our civilisation; all human beings are touched by it. Professional books have explained the definitions and systems of biopolitics. These include philosophy, economics, law, psychology, international relations, history, etc. The excellent scientific systems of biopolitics can be quoted on these points. We know what is allowed and what is prohibited, by virtue of the various kinds of rules of biopolitics which must be regarded and respected.

But the real picture of our civilisation is one of war, hunger, starvation, malnutrition, the sufferings of millions of children, women, old people and the unnecessary victims of unpunished war crimes, unpunished rapes, hatred among nations, enmity between neighbouring countries, the suppression of any manifestation of fundamental human rights on the part of people in some parts of the world, great inequality between weak and rich countries, terrorist acts against peaceful populations, useless "lobbying activities" exhibited in public life, etc. All these manifestations or acts, within the framework of this civilisation, have a negative impact on biopolitics. They have a very negative impact on the bio-environment as well as on the bio-culture. We must not enter the next millennium with the images of the existing civilisation. All such manifestations of terror, crime and threats, so frequent today, must be eradicated immediately if we want to maintain civilisation in accordance with the definitions of biopolitics. Biopolitics is the nucleus of this civilisation and all its forms of life. We cannot allow the annihilation of any manifestation of life. Biopolitics gives us instructions on how to live in liberty and with human dignity, within the conditions of a highly developed society. The description above, is based on extreme violations of international law and other regulations.

It may seem that there can be no new aspects to the topic of biopolitics. Yet it is necessary to expand the definitions beyond those manifestations of human will, dealt with in the above depiction of the negative human actions of our civilisation. We must concentrate our strength on fighting all such negative acts, on stopping them immediately and guaranteeing that those responsible for violating international law and order in general, and biopolitics in particular, are punished. These might be considered new aspects of the definitions of biopolitics.

Where is the right starting point? Does it even exist? It is very difficult to answer these questions. As mentioned above, international law and diplomacy are instrumental to achieving correct international relations. How can we arrive at a point, in global relations, where international law and order and other principles can be respected by human beings, governmental organisations, as well as non-governmental bodies? The basic starting point for confronting situations of international conflict would seem to be obligatory respect for any principle manifesting the rights and duties of any subject acting in international relations. The particular role of diplomacy, in the protection of biopolitics, is incontestable.

We must mention multilateral diplomacy at this point. This means diplomacy carried out by officers of international organisations. Today, multilateral diplomacy possesses all the effective means for dealing with very complicated situations and conflicts occurring anywhere in the world. The multilateral diplomacy of the UN, including diplomacy conducted by many regional organisations in Europe, Asia, Africa and Latin America, can be cited as very significant examples. Tens of thousands of diplomats and officers belonging to international organisations including NGO's carry out their responsibilities in the service of the stability of the Family of Nations. But we cannot ignore the fact that international law and order, as a complete set of juridical rules leading to the stability of the Family of Nations, requires sound conditions. The most important condition for its success is respect and responsibility regarding the international obligations accepted by those who have signed international treaties relating to biopolitics. But the respect and responsibility shown for the obligations assumed by these laws is questionable on the part of a number of signatories.

Thousands of international officers are responsible for upholding the laws pertaining to biopolitics. In spite of international legal obligations, however, many violations of these laws can be cited. The current weakness of international law and diplomacy seems to emphasise the fact that we must look for the source of the problem in our methodology.

Multilateral diplomacy has its flaws. One such flaw is that it gives priority to methods based on consensus, as a means to the peaceful settlement of international disputes. In practice, the method of consensus in multilateral diplomacy means that political solutions to conflicts prevail over judicial solutions. Political solutions satisfy the interests of the various great powers and those closely associated with them. The result is that politics defeats international law and order. Of course, this is relative, since the political method of consensus in international disputes can also be very useful. However, situations often arise where consensus is used to resolve international disputes, in the absence of a distinct international responsibility. It is clear, that in such a situation in multilateral diplomacy, the method of respecting international law and order lags behind the consensus method in the settlement of international conflicts. There are various reasons for this.

In the conduct of multilateral diplomacy, there is yet another negative feature. There are cases of neglect, or violation, of some kind of hierarchy of legally binding rules of international law as defined by international treaties and international customary law. According to this key, the first are legally binding rules. These are the international legal norms and principles. These legally binding rules can be implemented by using coercive sanctions according to international law if a signatory to an international obligation does not conform to its international duties. This should be clear in international relations.

Nevertheless, there are procedures where international recommendations - a form of decision on the part of international organisations and their individual units- are stressed instead of legally binding rules, such as international legal norms and principles. This conference must clarify that compliance with recommendations is not mandatory. Therefore international organisations have no right to use sanctions against a subject that refuses to respect a recommendation, contrary to its own legitimate interests. This is the approach of existing international law and theory. Such an attitude is based on the point of view that a recommendation, issued by an international organisation, is not legally binding. In this sense, the practice of approving decisions made by the organisations of the CSCE or those of the Council of Europe, as well as those of the European Union, seems to confirm a procedure which is not completely in accordance with the customary procedure of international law and its theory. Many cases can be noted where these organisations have approved recommendations with no legally binding force, and then threatened to use sanctions against those parties that failed to carry out the recommendations, which were seen as being directed against their own interests. Such acts of multilateral diplomacy can only lead to a weakening of the position of international law as a whole. It is not very productive, as the current international situation aptly demonstrates.

Therefore it is not a very good prospect for civilisation if the organisations of the CSCE, the European Union and the Council of Europe continue to misapply procedures, by enforcing recommendations instead of enforcing international legal norms and principles. In such sensitive fields as the protection of human rights, biopolitics etc., such multilateral diplomacy from some international organisations in Europe cannot contribute to stability in Europe. Today, European peace is very fragile.

In conclusion, with the intention of strengthening the effect of the Biopolitics International Organisation, I propose to challenge this conference to set up B.I.O. associations. Such associations could be registered in accordance with local law, which would enable them to get support from local authorities and reach sponsors or members of other associations. The B.I.O has its headquarters in Athens which is a good location for co-ordinating the entire world-wide biopolitics movement.

In this way we are being given the chance to encourage the population of the globe to carry out the vision of biopolitics. Let us start our diplomacy of biopolitics with full respect for international legal norms and principles - the international law and order of biopolitics - particularly in the fields of bio-environment and bio-culture.

Professor Juraj Cuth studied law at Comenius University in the Slovak Republic. He became Professor of International Law and Politics at Bratislava University, as well as Dean of the Faculty of Law. He is currently President of the Court of Arbitration of the Slovak Chamber of Commerce and Industry, and a member of the European Arbitration Group of the International Court of Arbitration of the International Chamber of Commerce. His many publications include papers on various aspects of law as well as studies on the environmental and peace movements.