

INTRODUCTION

The International Criminal Court and the Responsibility to Protect Challenges and Opportunities for the Peace Church Tradition

The origin of this special issue of *The Conrad Grebel Review* dates back to June 1999, when the Institute of Peace and Conflict Studies, located at Conrad Grebel University College, hosted a hastily called consultation of a small group of people associated with the Peace and Conflict Studies program to discuss the theological and political implications of NATO's military involvement in the former Yugoslavia. The almost 80-day bombing campaign of Serbia and Kosovo by NATO triggered countless discussions, debates, protests, e-mail messages, news articles, and letters to the editor about international law and how the international community should respond (if at all) to massive human rights abuses committed within the borders of another sovereign nation. The opposing perspectives aired through this process of public discussion by global human rights and peace activists were notable because of where the political fault lines fell.

Some traditional opponents of military intervention were vocal in supporting the bombing campaign, because it seemed designed to protect civilians from human rights abuses. Conversely, some traditional military hawks were often in the unique position of opposing military action to carry out humanitarian foreign policy objectives that were not directly linked to national security. Even those of us in the peace community struggled to articulate how to respond to this round of hostilities in the Balkans. Opposing an intervention aimed at stopping human rights abuses raised difficult optics. Yet, we typically resisted all forms of violence, especially that which is carried out by military means.

Our theological conversations at the College on that June day reflected this unsettledness and yielded no firm conclusions other than the need to continue the conversation. However, the planned ongoing conversation designed to clarify the relationship between the role of coercive enforcement of international order and peace, and the relationship between the use of force in this context and Anabaptist peace theology, never happened in any

formalized way.

The establishment of the International Criminal Court (ICC) in 2002 and the Responsibility to Protect Doctrine (R2P) articulated in 2001 added a new layer of issues to consider. With this new institution and this new doctrine, there now seemed to be formal structural mechanisms available to limit the arbitrariness of war that is the cause of so much harm. The ICC and R2P appear to operate more like policing and national criminal courts than unrestrained politics.

But these developments did not relieve the anxieties expressed at the 1999 gathering. While few people within the historic peace church traditions object to building international institutions that accord greater protection and redress to victims of human rights abuse, they see using coercion and violence to accomplish these objectives as inconsistent with their theological and philosophical principles.

Prosecution by the ICC of crimes of genocide, crimes against humanity, crimes of aggression, and war crimes can also seem to get in the way of reconciliation and peace. The ICC, by holding perpetrators of mass human rights violations accountable for their actions in a retributive justice forum, can be accused of making the restoration of peace more difficult even while it claims to administer justice. As we know from our experience in North America, the objective of a punishment-based approach to criminal justice is often an obstacle to meaningful restoration of relationships. The underlying dilemma is sometimes expressed as “justice *and* peace” or “justice *or* peace.”

In contrast to the ICC’s prosecutorial approach, the R2P doctrine outlines when violent military intervention to protect vulnerable populations is appropriate. While R2P intervention may be viewed theoretically as a quasi-police action to protect the innocent, pacifists counter that using violence to do so is never justified and is ineffective as well. They claim that such intervention is not appropriate, thereby appearing to let massive human rights violations continue, while non-pacifists claim that such intervention is not only appropriate but morally obligatory. Both views value life highly but take opposite positions on how to protect it.

The development of the ICC and R2P in the years after the 1999 consultation, along with many informal conversations, provided exactly the

spark needed to re-animate the discussion – and to produce this special CGR issue. A number of academics and practitioners known for their keen interest in the theme were invited to consider submitting material for the issue, and as the word got out, others also became involved. After a rigorous assessment process, several papers were ultimately selected for publication.

These articles, written by seasoned practitioners and scholars, take up the theme from differing institutional and individual standpoints, to be sure, but they share a common desire to advance the conversation about how traditional peace church perspectives can meaningfully interact with the theory and practice of both the ICC and R2P. The articles outline essential history (Doug Hostetter), explore and assess underlying theological and ethical assumptions and concepts (Ted Grimsrud, Martin Rumscheidt, Gerald Schlabach, Mark Vander Vennen), and consider practical applications (Matthew Brubacher, John Siebert).

No attempt was made to mold a consensus. Rather, this CGR issue seeks to highlight approaches that may prove helpful as we continue the conversation on the implications of the International Criminal Court and the Responsibility to Protect doctrine.

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