Part VI

Humanization of International Law
Chapter XVI  Basic Considerations of Humanity in the *Corpus Juris* of International Law

I. Introduction: The Relevance of Basic Considerations of Humanity

Indications of the emergence of a new *jus gentium* at this beginning of the XXIst century, the International Law for humankind, can be found not only in the conceptual constructions previously reviewed,¹ but also in the basic considerations of humanity permeating distinct chapters of International Law, to which I shall turn attention now. Such considerations of humanity, which begin to attract increasing attention in our days, have perhaps not yet been given the weight they deserve, and call for, by contemporary international legal doctrine. They grow in importance in a historical moment like the one we live, of indiscriminate use of force and profound crisis of International Law, which reflects a yet deeper crisis of values.

Some of the most lucid thinkers who have purported to identify the lessons to be extracted from the XXth century (B. Russell, K. Popper, I. Berlin, A. Toynbee, among others) coincide in one capital point: never as in the XXth century has there been so much progress in science and technology accompanied tragically by so much destruction and cruelty;² never as in the last decades has there occurred so much growth in prosperity accompanied in an equally tragic way by so much increase – statistically proven – of socio-economic disparities and extreme poverty. Our times have witnessed a panorama of unprecedented scientific and technological progress accompanied by human sufferings hard to describe.³

¹ Cf. chapters XII-XV, *supra*.
³ In a luminous essay published slightly over half a century ago, in the same year of the adoption of the Universal Declaration of Human Rights, a learned historian, questioning the very bases of what is understood by *civilization*, – that is, quite modest advances at social and moral levels, – regretted that the command achieved by man over non-human nature unfortunately did not extend itself to the spiritual