

***APRED***

Participative institute for the progress of peace  
Les Sciernes-Picat  
CH-1659 Flendruz  
Switzerland

***Christophe Barbey***

Coordinator

The 19<sup>th</sup> of March 2010

### **Peace as a universal right**

Peace is more than an ideal. If we intend to build a lasting human civilization, peace is a necessity. Therefore, we need to use, or to create, all the means, the peaceful means needed to understand and to improve peace, to live in peace.

A human right to peace, as a symbol, but also moreover as an individual, social and political concrete tool, would serve not only all individuals and social groups, but all human institutions, including states.

First let me highlight some aspects of the universality of peace.

We need peace to live, to feed ourselves, to rest, we need peace to think and to dialogue, we need peace to feel and to express ourselves, we need peace to reproduce, to raise and nurture our children and we need peace to run our institutions, in wealth and dignity ... we need peace.

We need peace to solve our conflicts, without further damages and in a way that will teach us, that will give us and our forbearers the needed experience to avoid reproducing the causes of these conflicts. We need peace to look at our past, and to learn from it in a creative way.

To some extent, from the beginning of mankind, we have been able to find and to create enough peace to survive until today, and to progress, as I hope, in the making of a lasting and humane civilization. I am not sure it is to the spotlighted history makers that we should be so thankful for that peace. Most certainly, for a large part, this has been the humble task and achievement of women. So, Mesdames, thank you very much!

And it is now proper to add here that we need peace because there is no love without peace. And because love is the greatest gift we can make to each other.

But the gift of peace, nevertheless, is as well very important, in all the reaches of human activity.

After this slightly philosophical and anthropological introduction, let us get to work, some.

Secondly, I would like to highlight the Universality of the United Nations. It has happened in 2002, almost unnoticed. But it is a major change. There is no independent country left out in the world uncommitted to the ideal of peace of the United Nations. And on the other hand, if the United Nations cannot solve a problem regarding peace, it is a United Nations problem and solely a United Nations problem as the United Nations are now responsible for peace all over the world, for all countries. So the United Nations will be held fully responsible for any breach of peace, at least in the front of the human species and in front of history.

However, it might take a little more than that accountability to end the plague of war, preferably forever, and to learn to live all together, and to live well, all of us, in lasting way, on this planet.

This is where a human right to peace comes very handy, because if it gives the right to peace, it also gives the responsibility of peace to every living human being. Many others on this panel and elsewhere will dwell and dwell well to make this human right to peace a reality ... So I'll leave out this matter for the time being, to focus on some other aspects of the universality of peace.

Then, third, I would like to talk about the first components of the United Nations, Nations, or more precisely States.

Under the Charter of the United Nations war is illegal (art. 2). Except in self-defense and under the supervision of the Security Council (art 51).

So states have a legal obligation, but also a duty to provide peace, to their citizens and to all the inhabitants of this planet (and of other planets if this ever happens to be!).

Obviously, some of these countries do need a little bit of help to achieve this magnificent goal of peace they are committed to. Some even need to understand that peace is very hard to create if you look at it through the muzzle of a gun, whatever side of that gun you are standing at.

Nevertheless, the charter provides for a right to peace to Nation-States, at least as long as they grant peace to other states. It would be an act of equality to similarly grant a right to peace to people and individuals.

I am not here to criticize militarism, or a need for armed intervention, sometime, or the failures of military force, sometimes much greater than its purposes. This critic of militarism is almost a waste of time, because if we intend to build peace, we have a better purpose and that is to prevent the need and the use of military force.

I am not here either to deny to anyone the right to safety. This right, a form of the right to peace, is well enshrined in all human rights texts, and therefore a light for human rights bodies, though to my opinion it is not yet claimed enough.

However, I am here to show that there is a few countries, in this world, that made a clear decision to go beyond armies and war, to create more peace and to solve their conflicts, as much as possible, without resorting to military force.

I suppose that you know that Costa-Rica has no army? For more than two decades, with APRED, the participative institute for the Progress of peace, my organization, we have been monitoring 25 other states of the world, small states but with great ideals, that share the same situation of non-militarization. They have no army. They are army less! Here is the list of them, there is more on the table!

Are they defenseless, because they have no army?

Well at least if they are attacked, no one will need an army – and all its destructive power – to do so. And to subdue them. Please walk in, without harming anyone!

Nevertheless, it never happened! Why?

Because armies are not the solution? Could well be! If we can enhance peace enough to prevent not only war, but all forms of violence.

And still people can resist armies, or protect their rights, non-violently.

Iceland even went to war without an army, and won. A non-violent war. The cod wars lasted for 23 years, and there was only one person killed in that war, by accident. That's one person too much!

May be these countries do not need armies and are not defenseless, simply because they agree to live as the charter requires, and that is in peace.

May be also because, as the Charter requires as well, because they do rely, whatever choices they have, on collective security for their safety.

Does this mean we will need a United Nation's army some day? I hope not. But for the time being, we can leave this question open for the next generation. It will take some time.

What we need to do now is to help all countries to change their practices from a "relying on force" policy, to a "living in peace" dynamic. Big challenge indeed! Challenge partly happening here in Geneva, now but not only. It needs to happen everywhere!

And surely, a human right to peace, as the legal component of a culture of peace, would help people everywhere, to help their governments and states to change the paradigm and to enter into the era of peace, that the charter and the universal declaration of human rights (art. 28) do require.

"WE, people of the united nations !"

It may seem to be a bit of an utopia. It is not. May be I am privileged (I am, I live in Switzerland), but from what I see, the change towards a culture of peace is well on its way.

In many fields of human activity, peace and ethics are progressing, simply because they are needed for our ecological survival and because the people are now starting to ask for it.

An example? There will be this summer world peace festival in Berlin. Another one, There will be a world congress on the human right to peace in December.

We are asking for peace with an ever stronger voice.

And I hope that the human right to peace will be an ever stronger demand, until peace is granted and respected for every human being!

I do think that this trend towards peace and democracy, towards the needed tools of peace, will last. But the road is still long. And the more attention we give to peace, the more we work at creating more peace, in ourselves and in all our relations around us, (however deep and troubled) for small and big matters, the greater the chance will be that we will create a lasting and happy peace for everyone, for humanity and for the planet.

Countries without army do participate in this effort towards peace. If war is illegal, why have an army?

The Seville declaration on violence, adopted by the General Conference of UNESCO in 1989, scientifically states that peace or violence is a matter of choice.

Well I think this applies to countries as well: being part or not in the risk of war is a choice.

Many armies justify their existence by the existence of others armies, thus creating a vicious circle of armed violence and arms race.

I do not say that we could get rid of all arms and armies at once, but countries without armies, by their choice, surely show that there is a possible virtuous circle.

The future is at hand!

Forth, I was also asked to present how peace can be grounded in the constitutional order of nations. Another field of my activities with APRED.

Constitutions are very important texts. They transcend religion, where we find important moral backgrounds, by being mandatory to all. They transcend politics, because more and more they are voted by the people and because they state the rights and freedoms, but also the duties of the people. And finally they highly limit the capacity of annoyance of Nations states, annoyance towards their own people as towards other populations.

Moreover they often encourage the State in being proactive for the well-being and the wealth of its population.

So the next step is to have these texts become the source (and the guide) for peace proactive governmental policies and practices in all fields of human needs.

Peace is one of them and the human right to peace will help claim that peace is respected or at least in progress.

There is a general trend, in all new constitutions, to be more precise about human rights, but also about peace and the use of force.

And there is a trend for a constitutional renewal around the world. It is not yet very strong, but for what I know, quite a few countries with old colonial constitutions are thinking about rewriting their fundamental legal text.

Peace can be added in various parts of the constitution:

Peace can and shall be enshrined in preambles. Often it already is. It must go further and be practical.

Peace can and should be made a goal, and a method, for the state, along with the general prevention of violence and the duty to protect public order.

Peace can be granted as a human right and we do ask for this to happen, and to be written down in each and every constitution. Bolivia did it.

Peace can be added to the various tasks of the state, as a general principle, peace shall prevail in all state activities. And as special missions of the state, such as educating for peace, to provide alternative dispute resolution mechanisms, to limit and strictly control the use of force and finally to have periodical general reports on how the states progress towards achieving peace, a lively peace I must say. Such reports could be included in the Universal Periodic Review, here at the Human Rights Council.

In this presentation I highlighted to some extent how peace is a universal value, but also a concrete and possible achievement, for the United Nations, for each and every Nation State, as for all individuals through the human right to peace.

I am certain that we have the tools of peace, and that we are still improving them. I highlighted some of them but there is many more. As well there is much more to be said about peace as a universal right to peace. But I meant to show that if the United Nations is universal (and it is) and at the service of peace (its purpose), and that if individuals have, doubtlessly, a right but also a duty to peace, in and between, the states similarly have such a right and duty, but also the means to fulfill this essential right to peace.

Before I answer to questions, in which I can be more precise and give examples, I would like to conclude, myself, with a very democratic question:

Are we part of the solution or are we part of the problem?

Thank you very much