

Non-violence of States?

The way ahead through some best practices.

The human right to peace, peace in constitutions, countries without armies.

Provisional version

Do not quote or disseminate.

Thank you.

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Christophe Barbey

Lawyer and peace researcher, coordinator of

***APRED**, Participative institute for the progress of peace*

Abstract

Level of power amongst other ones, between the local community and the global village, Nation-States are nevertheless at the core of our worldwide political system, both for internal and international affairs. The legal standards under which they operate are clear: they should promote universal values and fulfill obligations regarding peace, human rights and development. Inasmuch, they are largely responsible for the well-being of all. However and since their record could be much better, this presentation will look at possibilities to improve the situation in fields related to peace and universal values by using specific tools such as the place of peace in constitutions, peace as a human right, new forms of democracy and non-militarisation.

Foreword

(Abstract repeated) (...). Level of power amongst other ones, between the local community and the global village, Nation-States are nevertheless at the core of our worldwide political system, both for internal and international affairs. The legal standards under which they operate are clear: they should promote universal values and fulfill obligations regarding peace, human rights and development. Inasmuch, they are largely responsible for the well-being of all. However and since their record could be much better, this presentation will look at possibilities to improve the situation in fields related to peace and universal values by using specific tools such as the place of peace in constitutions, peace as a human right, new forms of democracy and non-militarisation. (...)

The UNESCO Seville declaration on violence stated in 1986 that: «The same species who invented war is capable of *inventing* peace»¹. All in all this is a major text for peacebuilding as it scientifically states that, by and by, violence is nothing automatic. However, then and now peace has no need to be invented. It has always been there as an inherent part of our human nature and as a, partly hidden, essence of our socio-political structures. Had it been otherwise, we would've never survived so far, as a species and more than not as a thriving civilization. Nevertheless, much is still to be done to reach a reasonable stage of sustainable and lasting peace, moreover to abolish or to “de-invent” war altogether. Yet for the best to

¹ The Seville declaration is available here: <http://www.unesco.org/cpp/uk/declarations/seville.pdf> (*All websites quoted were accessed June 2014*).

sustain the progress of peace and repel the fatality of war, what has been invented since 1986 are all the peace tools needed to highlight peace as universal value and therefore, as we may progress, to mainstream peace as a common practice.

Part of this work of *inventing* and empowering peace tools has been done here or here around IPRA. If we look at the state of the world 50 years ago, we can clearly see that peace is in progress and so forth that our work as peacemakers has received a fair share of success. This is confirmed by the fact that since the end of the cold war, the number of armed conflicts and victims are receding², democracy³ and human rights are progressing worldwide and the peace oriented community is growing fast and thriving, in the academy as in the field. However, the work ahead to avoid major setbacks and ideally to achieve the abolition of war is still tremendous. For peace to be enshrined as a prevailing value – in our sustainability as for future generations –, for peace to be universally practiced, they are strong steps still in need of fulfillment, some of them made possible by what I will present today.

This paper is an overarching paper. It will explore success stories, *practices of peace* and look at political avenues making peace a principle of State activity. My research and practice connects various fields of human activity that I will not always be able to detail or to reference thoroughly, moreover because this work is also intended for a broader public than our cherished peacebuilding academic community. It must also be noted that for some of the fields I will be presenting, especially non-militarisation and countries without armies, we are still in need of much more research. I encourage you to take the challenge.

Nevertheless, tools spring from values and they reflect them. Therefore, values need to be valued (it does not go without saying), they need to be enshrined and chosen, they shall be made visible symbols and standards we can stand for, they ought to be present in our fundamental texts and to be expressed and practiced to find their proper grounds, manners and means of action. If they are deep enough values, these values unite us, they are universal.

Peace at our own door step: peace as a human right and therefore also as a duty.

*If the public discourse of peacetime global society
can be said to have a common moral language,
it is that of human rights.*

Charles A. Beitz⁴

Introduction: The central role of peace as a universal value and as a need for our future.

Because at the end the day, we all are individuals, not states, institutions, civil servants or not even teachers, researchers, students or practitioners; because we are just persons – all equal – and people – all together – I will start with our human rights and more specifically, with the possibility of peace being a human right, the right to “peacefully live in peace”.

The UNESCO constitution states that: “since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed”. Here again, a fantastic quotation. Yet I feel the need for a more pervasive or more modern reading of this essential text. Are we building “defenses” for peace and defenses only? Or are we also creating spaces, moments and practices of peace in which peace is sufficiently strong to be in no need of being defended? Said otherwise, are we only learning to handle conflicts or are we also building living spaces where peace is natural and spontaneous, or learned and shared in a happy and continuous enjoyment and re-creations of peace?

² Uppsala conflict data program, *Armed Conflicts 1946-2012*, p. 4:

<http://jpr.sagepub.com/content/early/2013/06/28/0022343313494396.full.pdf+html>.

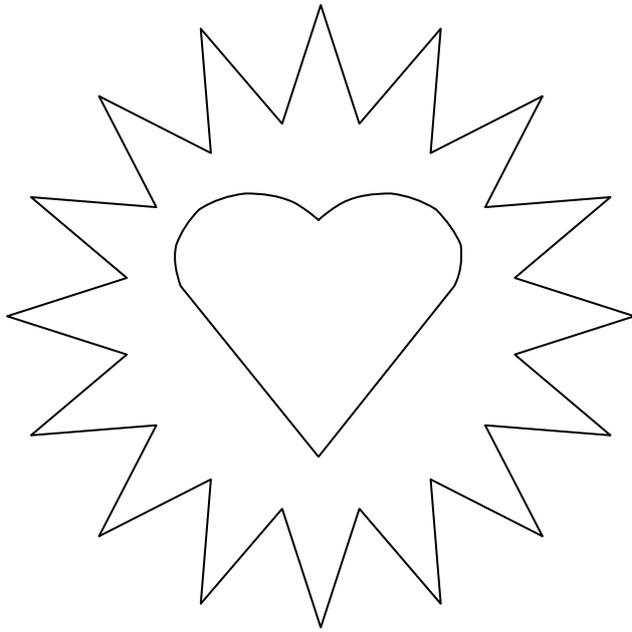
³ Data on the progress of democracy, F. Spagnoli, at <http://filipspagnoli.wordpress.com/stats-on-human-rights/statistics-on-freedom/statistics-on-democracy>.

⁴ Charles R. Beitz, *The idea of human rights*. Oxford: Oxford University Press, 2009, p. 1.

Human rights have an intangible substance that is always present – here peace or living in peace –, at least to some degree if the right exists. Then they have a field of manifestation, here proactively manifesting peace, sharing and building it, first as a value and then long before any need to defend it.

A graph taken from peace zones theory explains this easily:

Figure 1: The peace zone graph



The heart, the core or the substance of the zone:

Peace exists.

Essential values and harmony equal peace.

The star shines on the border, the outskirts of the zone:

Peace is manifested or in the making.

Peace promotion, prevention and peaceful transformation of conflicts equal peace.

So looking at the substance of all our universal value – I name them: well-being for all, the existence of humanity, planetary sustainability and indeed all the tools needed therefore – looking peacefully at our values allows us to see how much these values are inherent to and needed for our human nature. Then looking at the core of peace, we can see it is impossible to conceive any form of sustainable life without some degrees of peace, be it for the very small tasks of our daily lives or for the big issues of our humanity. Understanding further that there exist moments of peace in which peace is complete, in opposition to nothing, also makes it easier to move away from much of the unnecessary oppositional attitudes or behaviors we regularly encounter or produce. Therefore we can oversee in a greater perspective the universal nature of peace moreover as something we all have in common. This, all having peace in common, is what makes the value of peace a universal value and further in law, in the opinion of many scholars, is what grants or should grant peace the right to be a universal human right. However, if peace is inherent to our human nature, its practice and achievement also makes it a duty vested in all.

At this stage, it is also necessary to realize that if peace is universal and if everyone can enjoy peace, then it will be much easier to speak as one for the future of humanity, in peace for the good of all, for the sustainability of our planet and for the rights and the right to peace of future generations.

Peace as a human right; state of the art, state of affairs

The idea of a human right to live in peace is nothing new; I already presented the concept here at IPRA ten years ago. More importantly and much further in the past, the Universal Declaration of Human Rights contains an article 28 that states: «Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized».⁵ Even if it does not name it as such, such an international and social order, here expressed as a right, is indeed a peaceful order. In

⁵ Article 28, <http://www.un.org/en/documents/udhr/index.shtml#a28>.

another perspective, the right to safety and security, in some respects equivalent or a seed to the right to peace is recognized in all major human rights texts⁶. And there we find a correlative obligation of States to preserve public order, which in some respect is peace as well, so the right to peace (or to safety or security) could have, if used more in this perspective, a judicial arm. The human right to peace can also be found in various international declarations, including at the UN⁷. Most of them are soft law – which is peaceful law – and though they do create a lot of momentum towards a solid right to live in peace, none of them so far are very conclusive or moreover binding and including serious remedies against violations of the right to live in peace. Similarly, there are glimpses of the possibility or even full recognition of peace as a human right in some national constitutions⁸ and jurisprudences, though here the applications could and will gain more clout⁹ as public attention to the issue grows, partly through the work presently being done at the United Nation’s Human Rights Council¹⁰.

A human right to peace within the theory of human rights: challenging prospects

The theoretical analysis of peace as human right shows interesting new perspectives and tools, empowering both peacebuilding and human rights communities¹¹.

I know a few people in civil society who do think that a human right to peace will solve everything. From conscientious objection to foreign military bases, passing through refugee rights, disarmament or the right to a safe environment, you name it, if it’s a problem then the human right to peace can solve it and of course all of it under the fantastic label of positive peace. Well the idea is appealing, but let’s stay a bit more humble and practical. First, to leave aside what is already taken care of elsewhere – and a lot has already been legally achieved towards a more peaceful world – and then to see what would be the specific added values of peace as a human right; what would it really be useful for. After a brief matching control to show that peace is indeed a human right, we will see what types of new mechanisms or redress it will or could provide to prevent or heal breaches of peace and to enhance the human rights system as a whole.

Generally speaking, the human right to peace fulfills the usual requirement for being recognized as a human right¹². Namely, peace is universal, needed by everyone, everywhere and at all times. As we briefly seen, peace is inherent to human nature. As life or any other basic right, peace is present before it is defined. Peace is inalienable as it cannot be taken away from anyone except under due process and in very specific situations (I will speak more about this). Peace is interdependent and indivisible as it is needed for the accomplishment and for the fulfillment of all human rights. It is equal unto all and entails rights and obligations and especially the duty to respect the right to peace as well as all other human rights of others. Finally, it is needed for the good practice of democracy and for the individual fulfillment of our lives.

So forth, in my opinion, peace is fully a human right.

⁶ On the human right to peace: Christophe Barbey, *Faire de la paix un droit humain. Une nécessaire évidence* (to make peace a human right. A necessary evidence), in C. V. Durán and C. F. Pérez (eds.), *Contribuciones regionales para una declaración unisversales del derecho humano a la paz*, pp. 435-459. http://aedidh.org/sites/default/files/Contribuciones-regionales_0.pdf.

⁷ Most of them are quoted in full or in part in the annex to *Pace diritti umani. Special issue on the right to peace*. 2013.2-3, Centro Diritti Umani. University of Padova, Marsilio Editori, 2014, pp 147.

⁸ Bolivia (art. 109), Burundi (art. 14), Cameroon (art. 23), Congo (art. 52), Guinea-Bissau (art. 5), Japan (preamble) and Peru (art. 2.22), quoted by Christian Guillermet and David Fernandez Puyana, *From a culture of conflict to a culture of peace, human rights and development*, in “*pace diritti umani*”, quoted, p. 22. Columbia has one also, (art. 22) from https://www.constituteproject.org/search/topics#?q=peace&cons_id=Colombia_2005.

⁹ For the various conceptual approaches of the right to peace so far, see Andrea Cofelice, *Right to peace. A long standard setting process*, in “*pace diritti umani*”, quoted, p. 83.

¹⁰ The United Nations Human Rights Council on the human right to peace: <http://www.ohchr.org/EN/HRBodies/HRC/RightPeace/Pages/WGDraftUNDeclarationontheRighttoPeace.aspx>

¹¹ On the links between conflict transformation and human rights, see the excellent works of Michelle Parlevliet, *Connecting Human Rights and Conflict Transformation*, Eschborn, Deutsche Gesellschaft für Internationale Zusammenarbeit, 2011, http://www.giz.de/Entwicklungsdienst/de/downloads/giz2011_en_hr-and-conflict-transformation.pdf.pdf.

And *Rethinking Conflict Transformation from a Human Rights Perspective*, in *Berghof Dialogue series*, n° 9, Berghof Foundation, Berlin, 2010, pp 15-47. http://www.berghof-handbook.net/documents/publications/dialogue9_parlevliet_lead.pdf.

¹² <http://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx>.

Specificities of peace as a human right: a fantastic conjunction, a world case of synergies.

First, to be fully coherent and this is very important, a right to peace needs to be practiced peacefully.

This will give a fantastic push to the promotion of the numerous procedures and tools we have been developing in the last decades all coming under the headings of soft justice, alternative dispute resolutions, conflict handling, transformation or management, conciliation, mediation, arbitration, traditional or modern peaceful settlements of disputes and so forth. Whatever you name this, a human right to peace could even *grant a right of access to such soft procedures and therefore a State duty to provide this access*. This will also be, on the very long run, a fair “good bye” to most if not all win-lose procedures. And this will put an end to most if not to all the procedures adding trouble, unnecessary burdens, damages or even violence, punishment and war to already heavy situations. As we know or should know, without these added burdens, it will become much easier to walk the path of experience and lessons learned, of social justice, to move away from coercion into understanding and consent, into consensus procedures and so forth to avoid reoccurrences of breaches and offenses and walk the path of the future instead of the path of grief, strife, maiming or killing.

Please note also that peaceful management of conflicts will also serve the entire human rights system, as it will bring tools and values to peacefully coordinate the respective and common uses of all human rights, and if need be, to gently soften the conflicts of interests arising between various types of human rights, but also between all stakeholders and duty bearers of these rights. So forth peace as a human right gives or highlights the common goal of all human rights, which is the peaceful and common use of all human rights.

Secondly, but even before conflict management, if breaches of peace become violations of a human right, this will enhance in a major way the *prevention of conflicts and violence*. Pushing this further, if there is a right to sufficient prevention of breaches of peace then, if such prevention has not been sufficiently applied, one can question the existence of any right of repression. Said otherwise, if a State or an authority has the duty and the necessary means to prevent breaches of peace, not only is it accountable for that breach, but then it also has absolutely no right to punish whoever, in the first place, would’ve never committed the offense, or breach of peace, if such due diligence to prevent had been accurately applied.

It does not go without saying that such a shift of paradigm, prevention instead of repression, would bring a serious regress to the vast fields of industry hindering our lives, our safety and health, thereafter simply pretending that we are solely responsible for the bad use we make of their produces, be them small arms, weapons of all sorts, but also low quality food or any addictive products.

Thirdly, this is very important as well and in fact this is the very first step for implementing the right to peace, before prevention and conflict management. With such a right to peace and the correlative duty of the State to provide peace, the State’s best policy (or good governance) is to provide *peace education for all*. Sooner than not, this will make peace a universal value, known to all and therefore sooner or later a universal practice. To some extent, this has already started. Education is getting better, and this has effects, on what I will call hereafter “the non-violence of States”.

Fourth, last but not least, if education, prevention and soft justice all do fail, if some madman or madwoman is still around prepared to use or waging violence or war, moreover if non-violence is not present or fails as well, there might be a need to resort to force, in justice, to protect and/or to restore peace. There again, a right to peace and an independent overlook on any use of force will gently and greatly enhance the capacity, give new tools to the *independent monitoring and control of all uses of force*, should any ever occur.

Putting the human right to peace to practice, where and how?

First, let us imagine the effects and *the symbolic value* of everyone being capable of saying and claiming in any circumstances: “I have a peaceful right to live in peace”. This bears tremendous potentials. Of course symbols are abstract; they can be void or abused and lead to ideologies. However, offering the possibility to every human being to know that he has a right to live in peace will make a major difference for the

future of humanity and for the well-being of each and all. So, ideally or symbolically, everyone will have the possibility or even the duty to participate in the progress of peace and so will everyone practice peace and cooperation in all situations where peace is needed, from the small situations of our daily lives to big issues of our human future. As we say in French, this is “*musique d’avenir*”, music for the future.

Because, in my humble opinion there is a right to peace and because it will not be achieved at once, sadly there might still be – and so far they are many – violations of the right to peace. Therefore there are needs for redress and for mechanisms to enhance and follow the progress of the realization of peace for all.

Monitoring peace and the progress of peace in regular reports, as it is already similarly done for many if not for all human rights treaties, is in my opinion the best perspective for official action to implement and achieve peace in all the fields where it is needed.

This is the best soft law approach we can get to the direct implementation of a human right to peace.

Then of course and despite what I said on prevention of and peaceful conflict management, *judiciary redress* of violations of the right to peace could also be needed, even if such violations may already be covered by other bodies of law as many directly damaging violations of peace and integrity are already protected by other human rights or by criminal law. However, such a judiciary right of control over the respect of the right to peace – including over the official use of force – would give better access to human rights courts or bodies of law, bringing a new perspective and a broader legal approach to violence prevention.

The way ahead

René Cassin and the founders of the human rights system had the true belief that through human rights it would be possible to keep clear from dictatorships, because popular control of human rights help the people to intervene soon enough if elected governments enter into massive abuses of powers and violations of human rights. History has proven this to be a very good option to reduce state violence, at least internally, that is to reduce the violence of governments against their own populations. This is not yet enough to say that States are becoming non-violent, moreover if the total disappearance of poverty, the abolition of war and the fulfillment of all human rights are or should be on the agenda.

Moreover, because this human rights approach has done very little so far to reduce the potentials of States towards violence and war in the international sphere. Could a human right to peace change this?

Even if Nations-states are not really ready to fully recognize peace as a human right, this is a promising avenue. Not only because a human right to peace would be a very good political tool, but also because it enshrines the cause of peace in every one.

Now, recognizing and implementing a human right to peace is both a top-down and a bottom-up process. Regarding the top-down approach, the United Nations Human Rights Council has picked up the topic in 2007 and since then the discussions are ongoing¹³. They are arduous, but as I write they might end up with a resolution on “the right *to live* in peace” taken by the General Assembly of the UN, hopefully next year. The process is slow and not always as straight forward as civil society would want it and so far it is mostly soft law with too little mechanisms of control and redress. However, soft law serves our peaceful practices. As the discussions go, this will not yet be a declaration granting such a right to peace as an autonomous right, moreover with ne new means of redress, including reports on the progress of peace. It would only be reinforcing the value of peace as an inherent part of the right to life. Nevertheless, this would be sufficient to deepen the connection between peace and human rights and to allow therefore the Human Rights Council to do further work on the issue of peace at large. In my opinion and viewing the existing oppositions to the human right to peace as such, this is a fair step.

Because at the United Nations Nation-States are the sole decision makers and because some of these States, mostly occidental ones, are not yet sufficiently peace-prone to adhere to the concept of peace as a human right, there is also a strong need for a bottom-up approach.

¹³ See note 10

So far civil society, though well present and growing on the topic has not yet built sufficient popular support and understanding for the human right to peace to be accepted and granted by States through the international community. Before and for that to happen, there is a need for the people in the peace field and for the ones in the human rights field to understand their common interest in the topic.

But civil society, though well needed and very efficient, is nevertheless only a new form of representation of the people. Individually claiming the right to live in peace as a human right, culturally and legally, is also bottom-up approach we can all use. Keeping on raising the level and the quality of peace and of peace awareness throughout the world will also forward the concept. In this regard, it is because, as individuals, we fulfill our duty to provide peace for all that on the long run there will be sufficient critical mass to receive an equivalent and reciprocal right to live in peace from States.

Finally, there is another thing we can do to forward our right to peace. And that is to help our own Nation-States and governments to move towards peace enhancements of all sorts.

Let us look at that for while.

Nation-States, are they part of the problem or part of the solution?

Somehow, we have nation-States since 1648 and the Westphalia treaty. They are at the core of our political system and this is very unlikely to change in the near future, withstanding the fact that a collapse of the Nation-state system would be a disastrous option. So how shall we make do with them?

Beforehand, I feel a strong need to recall, regularly and systematically that *war is illegal*. There is a need to know this and to proclaim this. War is illegal and it has been since the adoption of the United Nations charter in 1945 as the Charter states in article 2, paragraph 3 and 4¹⁴ that member states shall settle their disputes peacefully and refrain from the use of threat and force. Here again it is “saying without naming”, but under this provision of law, war is totally illegal.

It must then be noted that, quoting the charter again, article 4, says that only “peace-loving nations” can become members of the United Nations¹⁵. Moreover, by now all independent countries of the world are members of the UN, so the organization is universal, war is therefore illegal for all the States of the world, and shall be “peace-loving”. In my opinion, Nation-States are accountable for that and I hope that the future will prove me right.

So, if war is illegal and States should be peace-loving, how can it be that States still hold such tremendous means of war? When questioned, they usually invoke the right of self-defense, article 51 of the Charter¹⁶.

In this regard, first, no means of self-defense could ever legally include weapons of mass destruction or moreover any types of warfare that would potentially massively violate human rights and humanitarian law. None of these means of war are legitimate for self-defense. States therefore do have, in my humble

¹⁴ UN Charter, article 2, *emphasize added*:

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall *settle their international disputes* by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall *refrain in their international relations from the threat or use of force* against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

¹⁵ UN Charter, article 4, *emphasize added*:

1. Membership in the United Nations is open to all other *peace-loving states* which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.
2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council

¹⁶ UN Charter, article 51, *emphasize added*:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, *until the Security Council has taken measures necessary to maintain international peace and security*. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

opinion, a duty to refrain from using, producing and possessing such weaponry and to disarm if they have some. On the long run, we could find here the legal grounds needed to say that disarmament, at least for these types of weapons is mandatory. We shall see.

In this direction, if this is not yet news for you, in April this year, the Marshall Islands – a small country in the Pacific Ocean – sued at the International Court of Justice the nine nuclear powers for not fulfilling their obligations to faithfully work towards nuclear disarmament under the non-proliferation treaty as under customary law¹⁷.

Secondly, one should not invoke the right to self-defense if it does not do its utmost to prevent the use of such a right. And should the need for such a use of self-defense nevertheless arise, there is still an obligation, under customary law, to render it as less damageable as possible. Finally, the United Nation's Charter clearly states that self-defense is only a provisional measure until the Security Council acts to restore peace. We know the failures of the Council and we know that they are caused by those who – said harshly – most desperately cling to their arsenals and war powers.

So here again, we need to look for other avenues and tools if peace is to progress and armament to regress. And here I close this very indignant page on war.

Because there is a third reason – so much more blissful if I may say – to consider self-defense differently. That is: why have and need an army for self-defense, while so many countries in the world, one out of eight, do not rely on an army or do not even have or need one for their security and their self-defense?

Non-militarisation, is it a fool's dream or a tool of peace?

The damage done by armies, real or potential, is so great; when understood, the will to abolish war is so pungent and the fact that war is waged by armies so evident that some countries indeed decided not to have an army at all.

For decades, for obvious security reasons, for lack of information about them or even because of a lot of disinformation, the fact that not all countries think they need an army has remained unknown or unnoticed. This is rapidly changing. The success of Costa Rica (and not only in the world cup), its example of abolishing the army then followed by its neighbor Panama after the Noriega affair and the numerous living peace successes brought by the 24 other countries not having an army, will progressively become a natural challenge to militaristic policies.

What is an army and who does not have one?

To identify which countries in the world do not have armies, we (APRED's team), using UN membership as a base, looked at all the independent countries of the world. Countries to which we added three other independent entities, the Holy See (the Vatican City) that though not being a member of the UN (and it never will be), is recognized as an independent country and Niue and the Cook Islands, both freely associated with New-Zealand, but somehow too small to assume UN membership, yet for the rest being considered as independent and acting as such.

To know if a country has an army or not two criteria are used. First a legal criterion, which will if it is fulfilled define the existence or the absence of an army and secondly a mandatory factual criterion, is there in fact an army or not within the country, there using two sub-criteria, the existence or not of heavy weapons and the status of all armed forces, are they doing civil policing or are they a separated institution with a warlike mission.

Reality shows, for various reasons – the most surprising one being: why regulate something, an army that does not in fact exist? – that the legal criterion is not always fulfilled. Moreover, there are contradictive cases: Japan where the army is constitutionally banned, while there is one fact and Haiti where the army is fully provided for in the constitution, while there is none in fact.

¹⁷ <http://www.nuclearzero.org> and <http://www.icj-cij.org/docket/index.php?p1=3&p2=1>

This explains the need for a second criterion, facts from the field, what is an army and is there one present in the studied country. Defining the status and the purpose of the various paramilitary forces has been a challenge but we came out with a very clear line, after some decades of doubts on two countries. All the countries wanting to avoid having an army have integrated all their forces within in the police (or sometimes in a similar ministry), while all the ones of similar size so far wanting to have an army have a special administrative status, both for the force and for the soldiers.

The possession of heavy weapons by a country is not quite a sufficient sign of the presence of an army or not, as they are small exceptions. Air and sea control, police or border forces may sometimes have some small cannonry or similar offensive tools or even vessels or aircrafts that could be considered war materials in other countries. As an example, it is frequent for coast guard vessels to have a small canon on board. On the other hand there is also a country, San Marino, which is not pretending it has no army, while having no heavy weapons.

An overlook

We have five countries in the world constitutionally banning the army: Kiribati, Costa Rica, Panama, Liechtenstein and Japan. As we seen, Japan cannot be counted as not having an army; the country is not in phase with its constitution as it has the height biggest military budget in the world¹⁸. Of the four others, three of them can reestablish military forces in case of danger, though for Costa Rica and Panama, these forces should still be integrated within the police. Nothing is said for such forces of Liechtenstein, but none of the three ever used the possibility, for Liechtenstein including during both world wars. In Kiribati, the army is banned at all times.

It is noteworthy to add here that they are five other countries in the world who do not ban having an army but who, as the UN does, ban war, sometimes saying it even more clearly than the UN. These are San Marino, Japan again, Italy, Ecuador and Bolivia¹⁹.

Then we have four countries where it is sure that the absence or the existence of an army was not intended to be ruled constitutionally or legally. Lawyers call this a “purposeful silence” because there are others signs, either in the constitution itself or in the works collected while writing it, that show that if the writers of the constitution had wanted to rule on the army, they would have done so. Often, simply because security issues are ruled at constitutional level for the police, security issues for the army should there be any should also be ruled in the constitution, but as there is no army there is no need to rule it. When this sign is clear, it also implies that to re-establish an army, should there be a will to do so, the constitution should in principle be changed accordingly. These countries are Iceland, Nauru, Tuvalu and the Vatican State.

We also have seven countries where the existence of an army or, overall, defence issues are regulated by an international treaty that would need to be changed should an army be re-established. These are Andorra, Cook Islands, Niue, Marshall Islands, Micronesia, Monaco and Palau. I will talk more about this regarding independence and security issues.

So we have fifteen countries where the legal criterion is met and where reestablishing an army would mean a major or sometimes an impossible change of law.

Nine more countries meet the factual criterion, in fact they have no army, but their constitution or legal order is unclear or ambiguous on the issue. For eight of them, the clauses present in the constitution on security issues are sufficient to think that reestablishing an army would need a constitutional change. However, human rights clauses talking about the army, often a conscientious objection right or sometimes a quartering clause, have been included, which leaves doubts on the issue. These countries are Dominica, Grenada, Mauritius, Solomon Islands, Samoa, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines. They are all ex-British colonies, emancipated at the same period, with very similar constitutions. In Vanuatu, the constitution is totally silent, but there used to be a small defense force, now

¹⁸ SIPRI, *Trends in world military expenditure, 2013*, p. 2. http://books.sipri.org/product_info?c_product_id=476

¹⁹ Bolivia (art. 10), Ecuador (art. 416), Italy (art. 11), Japan (art 9), San Marino (art. 1).

integrated in the police, so it is the factual criterion that shows that the constitution was not specifically designed to ban the army.

Finally, in two more countries the legal order differs from the fact that there is no army on the ground. In Haiti, the constitution fully describes the army, yet it was abolished by decree in 1995 and the constitution was never or not yet changed thereafter. There are presently attempts in Haiti to reestablish an army, but nothing worth noting regarding weapons or manpower, moreover viewing the economic situation of the country and the fact that the international community is against it. In San Marino, the law regulates “military forces” which are mostly police, customs and a ceremonial guard, all without heavy weaponry.

We have then scrutinized in details the police and other paramilitary forces of these 26 countries and came to conclusion that in fact they have no armies²⁰.

Because, sometimes the police forces of these countries with no army are much bigger than the so called defense forces of other countries of similar size or strategic situations, and though the later clearly pretend to have an army, 14 more countries were overviewed to control the nature of their forces. Because all of them have a separate administrative structure, either a ministry or a personal status making it an army or its personal soldiers and moreover because all of them do have some weaponry meant for war missions, we came to the conclusion that our setting of the line between who has an army or not, and the criteria used therefore are correct.

Fig. 2: List of the identified countries

| |
|---------------------------------|
| Andorra |
| Cook Islands |
| Costa Rica |
| Dominica |
| Grenada |
| Haiti |
| Iceland |
| Kiribati |
| Liechtenstein |
| Marshall Islands |
| Mauritius |
| Micronésia (Federated state of) |
| Monaco |
| Nauru |
| Niue |
| Palau |
| Panama |
| Salomon Islands |
| Samoa |
| San Marino |
| St-Kitts and Nevis |
| St-Lucia |
| St-Vincent and the Grenadines |
| Tuvalu |
| Vanuatu |
| Vatican (Holy See) |

Yet, though the line drawn between army-less countries and other ones was conclusive, we did one more research, mostly to counter the argument holding that because they have no army, these countries need

²⁰ The details of this research will be published this fall by the Åland Islands peace institute, www.peace.ax .

more policemen. Figures grossly show that it is not so. The world average is 300 policemen for 100'000 inhabitants and nearly half of the countries without armies, including all the big ones except Mauritius, are below or fairly around the average. For the others, the forces are anyhow so small that it does not make much of a difference regarding compensation of non-existing military power and they are objective reasons for bigger police forces. A country cannot go below a certain number of policemen to function whatever the ratio to the size of its population; some have special security needs because of huge maritime territories, because of high class tourism or wealthy inhabitants, because they are on drug routes or because of, mostly in the past, secession risks or reasons to fear internal turmoil may occur or finally, simply because ceremonial guards have a rising effect on the figures.

Fig. 3: *Ratio policemen / population for countries without armies. World average: 0.3%*

| Countries without armies | Population | Nb of Persons (Police) | Ratio |
|---------------------------------|------------|------------------------|----------|
| Haiti | 10,413,211 | 17,500 | 0.1680% |
| Costa Rica | 4,667,096 | 9,800 | 0.2099% |
| Iceland | 325,620 | 700 | 0.2149% |
| Solomon Islands | 581,344 | 1,300 | 0.2236% |
| Vanuatu | 264,652 | 700 | 0.2645% |
| Samoa | 189,000 | 520 | 0.2751% |
| Kiribati | 106,461 | 300 | 0.2819% |
| Andorra | 76,098 | 240 | 0.3157% |
| Liechtenstein | 36,942 | 120 | 0.3252% |
| Panama | 3,405,813 | 12,000 | 0.3523% |
| Micronesia (federated state of) | 101,351 | 450 | 0.4442% |
| St Lucia | 169,115 | 850 | 0.5026% |
| Tuvalu | 11,323 | 70 | 0.6194% |
| Dominica | 71,293 | 444 | 0.6235% |
| San Marino | 33,540 | 210 | 0.6268% |
| Cook Islands | 14,974 | 100 | 0.6711% |
| Nauru | 9,945 | 75 | 0.7575% |
| St Vincent and the Grenadines | 109,000 | 850 | 0.7798% |
| Mauritius | 1,257,900 | 10,763 | 0.8556% |
| Palau | 20,901 | 180 | 0.8612% |
| Niue | 1,613 | 15 | 0.9375% |
| Grenada | 103,328 | 1,030 | 0.9970% |
| Marshall Islands | 56,086 | 628 | 1.1214% |
| St Kitts and Nevis | 54,000 | 650 | 1.2037% |
| Monaco | 36,136 | 600 | 1.6620% |
| Vatican (Holy see) | 839 | 300 | 35.7568% |

How to become army-less?²¹

Out of the 26 identified countries, 7 underwent a demilitarization process; all the others gained independence without creating an army. *One of the reasons why I present our work here at IPR A today is that there is still a lot of research to be done on countries without armies. One of the fields where this research is needed and urgent, because witnesses and sources are rare or disappearing is to objectively explain why these countries made such a choice at the time of independence, while some others, in similar situations, chose differently.*

Regarding demilitarization, things are clear. The first one to undergo demilitarization, though through a progressive process, was Monaco in the 17th century, for ballistic reasons. The rock of Monaco is a stronghold and until then it was impossible to shoot cannonballs unto the palace and the old city.

²¹ This paragraph partly draws from my article, pages 160 – 166, *Non-militarisation and countries without armies* in *Non-Killing security and the State*, Center for global non-killing, Joam Evans Pim (ed.), Hawaii, 2013, p. 153 – 176.

When the range of cannons became sufficient to shoot directly at the town from the neighbouring mountain, the Prince realized that Monaco could not overcome such vulnerability and gave up the modernisation of its artillery. Liechtenstein thought its army to be too expensive and simply disbanded it in 1868. Costa Rica made that strategic choice in 1948. The story is worth briefly telling. A rightist party associates itself with the communist party to gain a majority. They then lose the next elections and cancel them, thus starting a civil war, won by a centrist coalition, supported by a brigade of mercenaries wanting to topple all Central American dictators. The United States, at the beginning of the Cold War, refuses to support the communists but they cannot either support the new junta and their brigade as they already support many dictators in the region. The only strategic solution to avoid new combat and to gain the support of the US for the new powers in place is to send the mercenaries away, but to totally disband the defeated army to avoid having it taking arms again against the new junta. To add a trait of genius to this very special political move – abolish the army –, move that the Americans did not foresee obviously, the new government directly reallocates the military funds to the population through the budget of education, thus gaining popular support for this unusual measure and starting a policy of “peace through education not arms” that still goes on. It then changes the constitution, to enshrine the new policy in the State order and infrastructures. In Dominica in 1981, for political reasons, the army attacks the police, loses and is disbanded. In Grenada two years later, the army is accomplice to a revolution gone awry and is not re-established after the US intervention. Similarly, in Panama, the defeated army after the US intervention in 1989 is not re-established. Finally, after being reinstated in power by the US, the president Jean-Bertrand Aristide dissolves the army in 1995.

In the countries that became independent without giving themselves an army, Iceland did so in the summer of 1944. Though well defended, it did so in the midst of world war II. And in Kiribati in 1981, there was an electoral debate at the time of independence on having an army or not, which was solved by the choice of not having one and resulted in a constitution forbidding having it.

They are deep lessons to be taken from all these processes. The vanity of arming in front of more mighty powers concerns all the Nations of the world, eventually except the nuclear powers, though they should indeed disarm as well, yet for other reasons. Monaco therefore showed the way centuries ago, a lesson still far from being learned. The disrespect for human needs created by the gigantic economic waste on military funds is an insult to dignity while so many people in the world, including in rich countries, do not make ends meet. Liechtenstein long ago and more recently Costa Rica made that humane choice by sending the soldiers home and then using the funds for better purposes. The wisdom of converting military funds into means of peace through education has brought peace and prosperity to Costa Rica and preserved the country from the wars, civil wars and dictatorships in which all other Central American countries fell. In Dominica and Grenada, not re-establishing an army “gone bad” was not only a security need, it was understanding that very small armies, with unclear mission are, or where at the times, more of a danger to security than a help for it. Quite a few other small countries have known similar problems while most small paramilitary units can and should instead be integrated in the police. Panama despite not having an army anymore was capable, first of following Costa Rica’s example, a humble move and a constitutional choice, and then of getting the US to close down all the military bases it had in the country, including the well hated “school of the Americas”, when the Canal was given back to the country in 1999. And though things were not as easy for

Haiti – the demilitarization process wasn't done properly therefore bringing more trouble years later – the country is still better off without armed forces that it does not need.

Finally, this also shows that when votes occur on having an army or not, often constitutional ones, people and authorities do not systematically jump at having one.

Non-violent means of state security, the security of countries without armies

Before describing objective means of security for these countries, I would like to tell two stories brought to us through non-militarisation.

From 1959 to 1982, during 23 years, Icelanders fought, within NATO members against Germany and Great-Britain, what is now called the Cod Wars, to preserve its economic rights over the fishing waters surrounding the country. They won. The story is not without deep teachings of life and peace. First, this is a war where only one person died. Isn't that one death too much for the respect of life? If all wars could be less deadly, it would be a great step for human dignity. Secondly because at the peak of the fight, we have a government, an army-less government, fighting a war with non-violent means. Great-Britain and Germany, as they had traditionally done for centuries wanted to fish the Icelandic waters, but now with modern fishing methods, huge trawlers and onboard fishing factories. Iceland was being deprived of its main source of income and fish stocks were depleting fast. To defend the livelihood of its people, the Icelandic Coast guard designed a gigantic automatic cutter that would cut off and therefore sink trawler nets, thus ruining a fishing seasons as there is only one such nets on each boat. Two boats once collided in the process and a sailor died in the accident. But finally, through at Montego Bay in Jamaica, when the treaty on the law of the sea was adopted in 1982, Iceland gained as did all the countries of the world, full recognition of its economic exclusive zone on the waters surrounding its territory²².

The example of Liechtenstein is another example of humanity and courage, of non-violent power in the midst of war. At Yalta in 1945, all the major powers agreed that all Soviet Union nationals found in the territories conquered by any of the Allies should be returned to USSR. Many Russians or inhabitants of territories occupied by USSR such as Ukraine, the Baltic States and others, fought during the war against USSR, communism or the Stalinist regime. Handed over, they were treated as traitors and often executed. While all the other European countries closed their eyes on this murderous practice, Liechtenstein, in order to preserve the lives of some 500 refugees present on their soil, refused to bow under the pressure of the Soviet Union. 300 hundred refugees later immigrated to Argentina, while the other 200 hundred who freely chose to return to the USSR were all executed at once during the return trip²³.

These two stories show, if need be, that with strength, courage and imagination, there is no need to have an army to get rights and dignity respected, even in the biggest issues as worldwide law of the sea or against a major power as USSR was. In this regard, what will come out of trial the Marshall Islands set against the nuclear powers is worth following²⁴.

Regarding security of army-less States there is a strong need to recall that security is a right and a State duty and that therefore States have to provide safety for their people, with or without an army.

²² http://www.un.org/Depts/los/convention_agreements/convention_overview_convention.htm, arts. 55 to 75.

²³ <http://en.wikipedia.org/wiki/Liechtenstein>.

²⁴ See note 17

Then there is a need to highlight that there is no general provision in international law making it mandatory for a country to have an army or not. There never will be such a clause due to the fact that they are standing countries without armies and that somehow, having an army or not is at first, mostly an internal affair and secondly, more importantly, because not having an army is a major achievement regarding disarmament²⁵.

Now interestingly enough, the zone in which militarisation can happen has been totally circumscribed in the 70' as all the territories left to explore, Antarctica, the deep sea bed, outer space and all celestial bodies have been demilitarized. This leaves only national territories to be militarized or not, or to be demilitarized if need be.

Then there are numerous treaties, both bilateral and multilateral, regulating the existence or the presence of armies, armed forces or various types of weapons, worldwide or in any given region. Most of them are disarmament or arm controls treaties. Some are UN resolutions and a few of them delegate security issues to other countries, with various degrees of contingencies.

As we seen, seven countries without armies are concerned by such treaties. At the worst, they contain the total delegation of defence issues to another country, including through the management and rights of regard and even veto, of the foreign country on the international relations regarding security issues, of the delegating country. Marshall Islands, Palau, Micronesia have such a treaty with the United States of America and to lesser extent Monaco as one with France. The three other countries without armies have a supplier clause of common management of security issues. Niue and Cook Islands have one with New-Zealand and there is a very loose solidarity rescue clause, to be activated at free will in case of need, between Andorra, France and Spain. All these treaties, though more or less binding on the countries without armies can be renegotiated and in fact, besides the one concerning Andorra which is recent, all of them have been recently updated or are the process of being revised.

There can also be "defeat or war treaties" or even UN resolutions imposing military limitations to a country, but none of the countries here under study have ever had one imposed on them.

This set aside and generally speaking, all the countries without armies organize their own security as any other country of the world would, by considering all options under their situation, including hereby by not having an army.

They largely rely on collective security and generally it serves them well. As mentioned, except for three of them, Niue, Cooks Islands and the Holy See, they are all members of the UN. Then except Mauritius, they are all also members of a regional security organisation, which largely compensates for their small size and gives them more means and a broader view to address the security issues they locally face.

Their size is also of importance to explain both their non-militarisation and to see how they handle their security. Yet, if size is definitely a factor explaining non-militarisation so far, expect for the very small ones, there is also a matter of choice. As shown, countries of similar size have armies and because, it is worth saying, two countries did remilitarise, Gambia in the 80' and the Maldives Islands in 2006.

Regarding security, I would like to draw attention as well on the fact that the inhabitants of all these countries but one, the Holy See, enjoy full democratic security and stability. Moreover, there have been only two major breaches of the rule of law, in any of them in the last three decades, in the Solomon Islands and in Haiti, both of them answered to with the help of the international community. All

²⁵ Though the Conference on Disarmament hasn't produced anything worth mentioning in 20 years, Costa Rica has demanded to be granted membership, based on that very achievement. <http://www.demilitarisation.org/spip.php?article167>

the other countries without armies are long standing democratic regimes and this is more than a small achievement as most of them are in the south and recently founded countries. Compared to most decolonized countries, where civil wars, dictators and coups were rather frequent, one can easily grasp on the one hand the advantage of having an unarmed democracy, moreover in times of rapid modernization and on the other hand, the damages and impediments armies have brought to the development process as a whole.

Viewing the wealth, well-being and security record of the countries without armies, we can conclude that the problem of war, though resting on the shoulders of Nations-States alone, is not due to the Nation-States institution *per se*, but that it is directly imputable to the war credentials and potentials that some States produce, maintain and impose to the rest of humanity.

The question could then be, at least for all of us still living in countries that do have armies: what are we waiting for? Or how can we help our own countries to become peace-prone and value oriented, thus avoiding the irreconcilable contradiction of having to provide peace for their people and to all the people of the world, while having at the same time to promote and pay for war, the worst violence of all times.

And this is where integrating peace in our own local and national constituencies and political structures is of major importance.

Before moving to this next topic, I would like to say that we are in need of more research on countries without armies, at least in the fields of diplomatic and international relations, of gender studies and economic studies, they are clues and hints that show that these countries are most likely better off in these fields, but we need scientific research and means to demonstrate it.

We the people²⁶ ... integrating peace in our own constitutions

Constitutions are “locally universal”. They rule many aspects of life, for everyone, in a given territory. They also have influence abroad. And more than not, they participate in the codification of our universal values. There are annually around 15 constitutional revisions worldwide, but there could be more in the future as many countries in the south are thinking about reviewing the ones they inherited from the decolonization process²⁷, or anywhere if the demands for such revision become more pressing.

If it happens, where can we include peace in a constitution?

Some of the examples given hereafter come from two constitutional revisions that happened in recent years in local States of the Swiss Confederation, but they are valid anywhere.

Preambles often already mention peace. All major states and the UN charter affirm that peace is an essential value²⁸. Though preambles orient the whole text of the constitution, this mention is often of declaratory nature and though a good start, still insufficient.

As we continue our analysis, we will show more concrete ways to integrate peace in constitutions, as a goal for the State and more than not as a State practice.

Some constitutions do indeed mention *goals* the State should achieve. These goals should include peace, an ideal to reach progressively²⁹. Fulfilling human rights and encouraging participation in

²⁶ Very first words of the United Nations Charter: “Preamble. We the peoples of the United Nations, determined to (...)”.

²⁷ Markku Suksi, *Referendums in Constitution making Processes*, Interpeace, Geneva, 2010.

http://www.constitutionmakingforpeace.org/sites/default/files/guidance_papers/InFocus_Suksi_FINAL.pdf

²⁸ Christophe Barbey, *Peace in the constitutions of the members of the Security Council, of the candidates to the Council and of some other states*, in *Une Suisse sans armée*, n° 73 (2007), p.13. <http://www.demilitarisation.org/spip.php?article88>.

²⁹ Swiss constitution, art 2. <http://www.admin.ch/opc/fr/classified-compilation/19995395/index.html#a2>
Bolivian constitution, art 10. <http://www.presidencia.gob.bo/documentos/publicaciones/constitucion.pdf>.

the democratic process should as well be mentioned and receive further in text means of realization and to control the progress towards the objective.

As such peace and conflict-sensitivity, prevention mechanisms should be integrated in all *State activities* should be therefore mainstreamed as should be the rule of law, human rights, gender balance, fair share of resources and respect for the natural environment³⁰.

Peace is to be integrated in *human rights*, as we seen, through the addition of a human right to peace, eventually through an extension of the right to safety³¹.

All State missions should be drawn with a conflict-sensitive approach, though some are more directly concerned with peace:

International relations and development cooperation should be mentioned and include the promotion of peace, democracy and human rights³². «Friendly relations» and «pacific coexistence among states» are often also mentioned³³.

As we seen, countries can *ban war* or *the existence of an army*.

Education for peace should prepare for a civic and harmonious life, including through peaceful conflict-handling³⁴.

Policies to prevent violence should be in the constitution, with adequate means to make them efficient. However, governments can also adopt such measures and programs without constitutional provisions, yet a constitutional support is proactive and populations can rely on it to improve States practices³⁵.

Policies facilitating *conflict-solving methods* that avoid further damages and reoccurrences, such as ombudsmen, meditation and traditional or non-violent methods belong in the constitution. We also suggest a right of access to such «soft justice» procedures.

The way the State assumes its duty to preserve *public order*, the way it manages *security forces* should be mentioned. This supposes regulating and ensuring *independent monitoring of any use of force*.³⁶

Futurology and evaluation of governmental policies are also important elements of good governance.³⁷ Foreseeing the future in a reasonable manner is necessary, as are setting objectives and reporting on their progress and achievements.

All these State missions can be seen, broadly speaking, as *peace policies*, policies which can indeed be also adopted by other agents of society.

³⁰ Constitution of the Swiss Canton of Vaud, art 6, 2, c: «In all its activities it [the State] shall see to it that: [...] c. justice and peace prevail and [it] supports conflict prevention efforts» (translation by the author). <http://www.admin.ch/opc/fr/classified-compilation/20030172/index.html#a6>.

³¹ The human right to peace can also be integrated in the constitutional order through tribunal decisions. Roberto Zamora Bolaños, *Reconocimiento y aplicación judicial del derecho humano a la paz en la jurisprudencia del Tribunal Constitucional de Costa Rica*, in C. V. Durán and C. F. Pérez, (eds.), *Contributions regionales para una declaración unisversales del derecho humano a la paz*, quoted, pp. 419-435

³² Swiss constitution, art. 54: «The Confederation [...] shall in particular assist in the alleviation of need and poverty in the world and promote respect for human rights and democracy, the peaceful co-existence of peoples as well as the conservation of natural resources».

Constitution of Geneva, art. 146: «It [the State] has an international solidarity policy supporting the protection and realization of human rights, peace, humanitarian action and development cooperation». <http://www.admin.ch/opc/fr/classified-compilation/20132788/index.html#a146>.

³³ Montenegro (art. 15), Timor Leste (6), etc.

³⁴ Geneva, art. 193: «The goals of public education are: [...] b) the promotion of human values and scientific culture; c) the development of civic and critical thinking»?. <http://www.admin.ch/opc/fr/classified-compilation/20132788/index.html#a193>

³⁵ Policies adopted to reduce violence can be measured. See the works of the Geneva Declaration, www.genevadeclaration.org.

³⁶ Geneva, art. 184, § 3: «Conflictive situations shall be handled in priority without resorting to force, or with limited force if need be. Concerned persons have a duty to help» (translation by the author). <http://www.admin.ch/opc/fr/classified-compilation/20132788/index.html#a184>.

³⁷ Switzerland and Vaud have a futurology commission, Geneva has an evaluation mechanism.

The latest Swiss futurology report: the www.bk.admin.ch/themen/planung/04632/index.html?lang=fr
And Vaud : www.vd.ch/fileadmin/user_upload/organisation/gc/fichiers_pdf/459_TexteCE.pdf

Large rights of participation through constitutional rights deserve a very special attention. Constitutional and legislative referendums open up the discussion, moreover if citizens can impose of vote by collecting a sufficient number of signatures. This gives more responsibility to the people and a better accountability to the governments. It offers greater opportunities for dialogue and peaceful change when needed. The obligation to ensure or at least the possibility of organizing large *public consultations* on proposals for new laws has its place in constitutions as well. Such consultations encourage responsibility of individuals, ease the participation of civil society and have a peaceful effect on the political debate³⁸.

All these aspects of peace and peace practices, brought together in a Constitution or simply present in State practices show that States can be or become fully peace-prone. Though they are the duty bearers of our universal values, they are also stakeholders as they will benefit from peace and from the well-being of their populations. As such Nations-States can be examples of peace and guides in the promotion of universal values, though this requires coherence and integrity.

Is public participation a key for the future of democracy?

Before coming to my conclusion, I would like to highlight that democracy is evolving.

The «Arab spring» and the «occupy movement» have shown very large crowds taking decisions by consensus. Electronic voting is being tested almost everywhere. So if we had the option of participating more and the feeling that we are effectively partaking in the decision process, would we, the people, do so? A major change has occurred since the philosophy of the Enlightenment which claimed «the greatest good for the greatest number». Modern human rights raise the standard differently: «maybe not as great a good, but sufficient for all».

Among the human rights granted, there clearly is the right to participate in political decisions³⁹. One could wonder what would happen if the people had a right of veto, as the members of the Security Council have. In fact, this is somewhat what is being proposed through consensus procedures. The question is not about winning a majority for one type of a future or for another, it is about all having, together, the right to a future and about building it together. The right to say no, even one against all, allows individuals to express their disagreement while still being considered part of the community. This right however is only a right to further discussion, not the right to block the decision. Talking things over requires time, patience and care, but done adequately most often it works. Sometimes the person in opposition will take a personal initiative without referring to the group, which can be empowering too, especially if the initiative is thereafter approved by the group. Some other times the group will resort to a vote or the person or minority will leave the discussion. Nevertheless, without a right to say no and an equal right to hear why no is being said, there is no possible guarantee that all the rights of all the people have been duly taken in account for the decision. Further, without a consensus procedure, there is no learning space provided for the full empowerment of everyone to effectively participate in the decision process, whatever their opinion may be. Further, if consensus is possible then one can

³⁸ For more reference and works on the place of peace in constitutions, see C. Barbey, *La démarche constitutionnelle en faveur de la paix dans les États fédérés: Expériences faites à Genève et dans le Canton de Vaud*. (The constitutional process in favor of peace in federated states: experiences from Geneva and Vaud), in J. Mekhantar et R. Porteilla, (eds.), *Paix et constitutions* (peace and constitutions), University of Burgundy, Dijon, 2014.

³⁹ International Covenant on Civil and Political Rights, 1966, article 25: Every citizen shall have the right and the opportunity, [...] without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; [...].
<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

question the very nature of our democratic majority system and look forward to enter into more inclusive, and therefore more legitimate, procedures.

Non-violence of States and universal values, final considerations

The evolutions of society and the peace tools I hereby presented are lighthouses on the way towards more peaceful institutions. Among many other peace tools still needed to come to a sufficiently universal approach of peace to be able reverse the culture of war, they are promising avenues.

The human right to peace, non-militarisation and the place of peace in constitutions, all of them still largely in need of progress, are nevertheless both highlighting the universal value of peace and integrating it, greatly I would say, in the infrastructures of our societies.

This leaves Nation-States at a much greater distance of the universal value of peace, a distance that they can only regain by becoming themselves more peace-prone and supportive of the value of peace and more coherent about it. They are many signs showing that many of them are taking that direction. There is a lot more still to be done.

Non-militarisation is now a given fact and it is a promising look at the major problem of war, armies. But here again, as individuals are the final bearers of the right to security and peace, part of the decisions regarding peace rests on their shoulders. This one of the reasons why the place of peace in constitutions and the human right to peace are important: to empower the people to take the decisions regarding their own security, to show that peace is possible and in progress and eventually to bring the people to decide about wars and, more than not, about the means of war and the need for armies.

Though it might not be very popular language, at least in official circles, having States becoming non-violent is the idea. Moreover, though an essential one, it would only be an entry point towards a greater goal, to have the State serve its people, all the people and to serve them well. This is new language: the State serving the people is a “universal infrastructural value”. Without peace, it was very difficult so far to see and to conceive political infrastructures that could fully express, promote and if need be fulfill our universal values.

Simply enough, as most universal values, a State serving the people with and in peace speaks to the heart with logic and good nature.

I feel that it looks at the future with love and I cannot imagine any other future for our institutions than becoming non-violent. Moreover, I know it is possible.

Have a good day, a good week of work with IPRA and a fulfilling life living and sharing our universal values!