

Right of Peoples to Peace (Questionnaire)

QUESTION 1: What do you see as *core components* of the right of peoples to peace, which should be taken into account in the draft declaration?

A core component of the Right of Peoples to Peace is the “Transitional Security Arrangements” provision in Chapter XVII of the Charter (see Quincy Wright on the history of the concept, document attached to my email submission only), designed to establish conditions to guarantee and bring about an effective international organization, which can achieve a positive peace, including general and complete disarmament under strict and effective international control, and the effective promotion of social progress and better standards of life.

QUESTION 2: With regard to the implementation of the right of peoples to peace at *the national level*:

- What mechanisms are necessary for the State to better enhance this right? Could you provide observations/proposals and/or examples of good practices?

Nation states have so far not given up their basic right of belligerency, such as going to war to defend their national interests; this potentially and permanently threatens the right of peoples to peace. UN Member states must, therefore, one after another, delegate “security sovereignty” to the Security Council “by law”. Article 9 of the Japanese constitution as well as the similar provisions in the Costa Rican Constitution are examples of a nation having given up the right of belligerency. In addition, all nations should submit to the compulsory jurisdiction of the ICJ, to settle their differences peacefully.

- What should be the role of civil society?

Peace movements, activists and academics must remind national governments of their duties under international law to achieve general and complete disarmament under strict and effective international control, and develop—in addition to being loyal to their respective country or community—loyalty toward the planet and the international community as an organized body.

- Experiences of international and regional organisations?

PKO have contributed to safeguarding and implementing the right of peoples to peace at the national level; however, they do not foster abandoning reliance on national military institutions for the population’s peace and security, and are therefore liable to perpetuate the condition described as a negative peace or “latent war” (A.H.Fried).

QUESTION 3: With regard to the implementation of the right of peoples to peace at *the*

international and regional level:

- **What mechanisms are necessary to better enhance this right? Could you provide observations/proposals and/or examples of good practices?**

The present system where each country is allowed to maintain maximum military capabilities is one of permanent, "latent war". It is not possible to maintain permanent peace through a system based on military institutions or militarism. The provisions in the UN Charter for the maintenance of international peace and security, including disarmament to a "minimum", must be fully implemented. An outstanding example of adherence to and implementation of Article 24 of the UN Charter is the "war-abolishing" clause in the Japanese Constitution, Article 9, already mentioned. UN Members must renounce the institution of war by delegating "primary responsibility for the maintenance of international peace and security" de facto and de jure to the UN Security Council.

- **Experiences of international and regional organisations?**

The precedent of the McCloy-Zorin Accords adopted unanimously on 20 December 1961 shows the possibilities inherent in a well-conceived plan for general and complete disarmament, and an effective UN security system. The European Union is a good example of a working regional organization; however, it has so far failed to contribute to or initiate the creation of an effective international organization that could abolish war. The OSCE may also contribute to strengthening the United Nations, if and when nations pool sovereignty with the United Nations.

QUESTION 4: With regard to *peace education*:

- **What is your Government doing to provide peace education during primary, secondary and tertiary education?**

Since it has been the primary cause for the failure of the Hague Peace Conferences, 1899 and 1907, my government has continuously obscured the issue of the abolition of war, and successfully campaigned to make the transition from an armed to an unarmed peace, for which the UN Charter is the blueprint, a non-issue. Having joined the United Nations only in 1973, it has been reluctant to educate the public about the purposes and principles of the United Nations, including during primary, secondary and tertiary education. The Foreign Ministry of the FRG had been under the influence of politicians and the international lawyers advising it who "countered the idea of an 'internationalistic' organization of peace with scepticism", and whose "attitude toward a world organization aimed at securing peace was not positive." German 'realpolitik' thus continued "primarily" along the lines of the Hegelian concept of power politics, even after WWII. (The quotations are from Jost Delbrück, Deutschland und die Vereinten Nationen – Rundschau und Perspektiven, in: Ernst Koch, Die Blauhelme. Im Einsatz für den Frieden, Frankfurt, M. and Bonn 1991, pp. 13 and 212, and my own translation)

- What should be the role of civil society?

Civil society movements should act as go-between to inform national constituencies and participate in global decision-making. A world parliament forming a third chamber of the United Nations with advisory functions, consisting of NGOs and active civil society members should be created. Education about important precedents, such as the Hague Peace Conferences, the Kellogg-Briand Pact, and the McCloy-Zorin Accords could be items on the agenda of civil society, in order to positively impact public opinion and policy makers.

- Experiences of international and regional organisations?

The various academic and popular peace research institutes and peace movements, both regional and international, provide a multitude of experiences and examples for promoting peace education, as does the United Nations itself, and UNESCO etc.

QUESTION 5: Do you have any comments on progress report A/HRC/17/39, in particular with regard to the proposed standards for a draft declaration on the right of peoples to peace?

- (1) *In ANNEX II, A. (p. 29/30), state clearly the purpose and procedure of the transition envisaged in the UN Charter.*
- (2) *In particular the following paragraph may be added referencing the transition from an armed to an unarmed peace (during which the P5 assume the responsibility for the peaceful process of the transition, and are called on to prevent a security vacuum):*

All peoples have the right and responsibility to actively participate in and accompany the transition from an armed to an unarmed peace, by instituting appropriate methods and employing international machinery to see that, among other things, subsequent to the adoption of a general treaty on disarmament, only the “minimum” necessary for protecting national borders etc. will be “diverted for armaments”. (Art. 26 UN Charter)

[This paragraph, if adopted, should be subject to revision!]

- (3) *Possibly add the text of the “Luarca Declaration” or excerpts therefrom.*
- (4) *Add reference to the Hague Peace Conferences, the Kellogg-Briand Pact, and the McCloy-Zorin Accords.*
- (5) *The sentence on page 17 (C. Proposed standards, point 2.): “All peoples and individuals have the right to be protected from genocide, war crimes, ethnic cleansing, crimes of aggression and crimes against humanity” the word “crimes” in “war crimes” may be omitted.*

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