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Special Rapporteur on the promotion of a democratic and equitable international order.

Report 2022: challenges to international peace and security

Dear Livingstone Sewanyana,
Mr. Special Rapporteur,

Thank you very much and congratulations for the choice of theme for your next report. We are delighted by the timely and accuracy of the topic; we are very happy to contribute.

The *Center for Global Nonkilling* works and advocates, through an encompassing vision of the right to life, to establish the nonkilling principle at all levels in all human activities.

At the United Nations, we mostly use the Universal Periodic Review, either to call for the swift ratification of the Genocide Convention or to make *country portraits* stating how they can progress towards fulfilling the right to life, thus preventing accidents and injuries.

From conception and desired children until death in dignity, the human right to life is wholesome. It is needed as a base for the fulfillment of all human rights and regarding preventing premature deaths it includes (more or less in a decreasing order of damaged caused) preventive work related to road traffic (SDG 3.6), suicides (SDG 3.4.2) and homicides, including conflict related deaths (SDG 16.1). The right to life also requires, to name some aspects, minimum standards of living including health, reproductive freedoms and rights, a healthy environment, birth registration, deaths in custody including death penalty and the right to longevity.

The right to life can only be fulfilled and its breaches prevented in a fully peaceful environment. Thus, we also work thoroughly on the right to peace, using the UPR and SDG16 to show to countries where they can progress, both for the completion of the legal international peace constitution and towards building comprehensive peace policies.

Some of our UPR country reports are specifically dedicated to the member States that have chosen not to have a national military institution: non-militarised or army-less countries¹.

Our main representative, Christophe Barbey, has been active on the right to peace since the discussion about it at UNESCO in 1998, showing among other aspects of the right that peace is a link needed for the fulfillment of all human rights.

*Conscience and Peace Tax International (CPTI)*² is dedicated, through international organizations, to the cause of persons and institutions *refusing, on ground of Conscience, to pay for military activities* of any sort. We consider that not only is it unbearable to participate physically in war and military institutions making war possible, but we also hold that the right to conscientious objection applies to our economic resources and that taxes, ours should not serve any similar endeavor: war and war means. To conscientious objection to military service (COMS), which we also support through our United Nations work, we add conscientious objection to military taxation (COMT). As responsible citizens and actors of our common life, we demand, we ask for the ability to pay our taxes to funds exclusively dedicated to peace by peaceful or non-violent means. Until governments offer such a possibility, we consider that paying out of our tax bill an equal amount to what would be attributed to the military budget, to the United Nations Peacebuilding Fund as satisfying our taxes duties. At large, we support “money for peace” and improvements in the financing of peace. As an example, we support and follow closely the present ongoing process on financing for peace taking place at the General Assembly, as mandated by the “Sustaining Peace” Security Council and General Assembly twin resolutions of 2020.

“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”³.

Article 4 of the United Nations Charter.

1. *What are the main challenges a) to maintaining and strengthening international peace and security at the global level, b) for instance in relation to needed structural reforms of United Nations organs, c) global disarmament, d) the realization of the right to peace, e) accountability, etc.?*

a) **Challenges**

“The culture of peace is not yet stronger than the culture of war - or not yet in all situations”. However, we are progressing, and as described hereafter the tools of peace are ready and, in our opinion, robust.

b) Are they (more) **structural reforms** of the UN needed?

At some point, taking stock of what has already been done and letting it take root and develop further is important. Too much reform may - or may not - be peaceful enough.

I. A change of *language*, in example in the title of the UN process named “*revitalizing the UN*” to something more positive and in dignity, less critic pointing to a flaw, highlighting qualities and achievements, and therefore objectives – here base rules! – could as an example be “*fulfilling the promise of the United Nations*”; that is to end the scourge of war (2nd phrase of the preamble of the Charter, after “we the people”, you and me).

II. Another different language possibility would be to combine *articles 2 § 3 and 4, 33 and 51 of the Charter, plus eventually 8a from the Rome Statute* to say **load and clear: “war is illegal and exceptions, if ever permitted, are extremely restricted”**.

III. The focus on *prevention* needs to be sustained and reinforced, within the UN but also by bridging silos with the work of the World Health Organisation on the prevention of violence⁴ and with UNESCO to stand and create a culture *stating that violence is never acceptable*⁵.

IV. A clear mechanism of *evaluation* is needed⁶: objectives, indicators (as for the SDG) or measurements⁷ and lessons learned, themselves turned into standards of peace⁸ are needed for the achievement and sustainability⁹ of our beloved and enriching peace.

V. A *prospective* mechanism would also entail broader stability in “sustaining the progress of peace”. Sustaining, where peace is present is essential, including to help and give examples towards where peace can clearly progress, is non-existent or insufficiently existent. However, as for human rights, peace can almost always improve, and everywhere. Thus, peace needs to be sustained and sustained in its progresses¹⁰.

VI. To reinforce the presence of *peace advisers* and *officers* in the peacekeeping operations and in the resident coordinator’s teams is needed.

VII. Long term peace processes need to have *peace infrastructures* build in them, norms and institutions to implement them, but also cultural activities and improvements in the understanding and commitment for peace.

VIII. The present evolution of *the relation between the General Assembly and the Security Council* is very interesting and most likely promising.

IX. Conditions of *membership* to instances like the Human Rights Council or the Security Council shall be applied or, designed. Can a State, duly condemned for a crime of aggression, have a seat in the Security Council? *Accountability is addressed further (e)*.

X. And indeed, the process started for the *Financing of Peace* must continue, in the UN as everywhere to bridge the (huge¹¹) gap between peace and military fundings.

c) **Disarmament**

Disarmament has been in a stalemate since the end of the cold war unless there was popular pressure to uphold it; only mines, cluster munitions, arms trade and with the help of a majority of States nuclear ban treaties have made a difference since. Courage to confront military structures, institutions and costs, human and economic costs of military activities is clearly needed, as are alternatives to military solutions and cultures.

I. The existence of non-militarised States and non-waging war countries proves if need be that it is not the Nation-State as an institution that creates the scourge of war, but some States who keep existent the possibility of war.

II. A stricter interpretation of what is needed and permitted for self-defense under article 51 of the Charter would be a possible avenue of work.

III. A recall of the Security’s Council duty to lessen military costs under article 26 of the Charter will be useful and should be more frequently demanded.

IV. Finally, if we can consider that “revitalizing” the UN was a bit of a pejorative or outdated terminology as the UN is doing well in many endeavors, would undertaking a “*revival* to the Conference on Disarmament” be adequate? Such is the need.

d) *We shall address the right to peace in the next section, “solutions”.*

e) **Accountability**

Prevention is and remains the only encompassing and humane solution to violence and conflict. Accountability, under a fully peace lens can and must be, only, an occasion for rehabilitation, value enhancement and promotion, engagement for betterment. Retaliation, added burdens, retribution in the name of society or civilization usually make things more complicated and harder to untie. Other solutions may be needed if prevention fails, but coercion, however needed is not a peaceful solution.

2. *What solutions do you deem necessary to overcome those challenges?*

Some solutions were envisioned and suggested in the previous chapter, mostly regarding international aspects of peace. We are of the strong belief that Nation-States promoting peace internally will help create sufficient critical mass to overcome the present situation. We also convinced that the United Nations, in its dedication for peace and inclusive work, as by its exemplar behavior, may help and encourage States to attain and maintain a lively and fulfilling state of peace and well-being in all or most States. There is a will to do so, in the UN and States, including and often through the will to fulfill SDG 16. Numerous Voluntary National SDG Reports show this trend¹². However, a comprehensive grid of what peace policies can be seems useful. Here is a short overview.

Comprehensive peace policies

Peace within political institutions

- a) *Peace as a value.* Many or most countries mention peace in their constitutions, usually the preamble, sometimes as “friendly relations among nations”. A showcased value as often as possible.
- b) *Peace as State duty and goal.* As gender and environmental issues, peace is a transversal matter affecting and relating to all State activities. The Constitution of the Local Swiss State of Vaud states that: “In all its activities, the State shall see that justice and peace prevail. It supports prevention of conflicts” (article 6IIc).
- c) *Peace as a ministry of a department.* To overview, measure and control the progress of peace, on dedicated institution within the government is needed.
- d) Such an institution shall also implement *violence prevention programs*.
- e) *Peace as an education topic (SDG 4.7).* Peace shall be present at all levels of education, both as a topic to be taught and researched and as a way to function through education.
- f) *Peaceful settlements of disputes* shall be made mandatory in internal law, as it is in international law and sufficient infrastructure, prevention bodies and mechanisms and mediators shall be readily available for the population.
- g) Whenever a peace agreement is concluded, be sure to add a *peaceful settlement of disputes clause* into it.
- h) *Peace and nonviolence instead of or limiting the use of force.* The constitution of the Swiss local State of Geneva expresses it this way: “In all conflictive situations, the use of force shall be avoided or limited. Concerned persons shall concur (art. 184.3). Police officers, when brought to circumstances in which they may commit human rights violations shall be granted with a right of conscientious objection. In case of damaging use of force, civil society and victim’s organizations shall be allowed to participate in the ensuing procedure.
- i) *Sufficient funding* shall be provided for the enjoyment and the expansion of peace. Recognize a right of conscientious objection to paying taxes for the military budget and create a mechanism enabling people who do not want to pay for war, war personnel and war means, for armaments to reallocate their public contributions to peaceful and non-violent activities.
- j) Inscribe the *illegality, the banning of war* in local constitutions.
- k) Accept the *reciprocal jurisdiction of the International Court of Justice* and all peaceful settlements of disputes treaties.
- l) *Ratify all disarmament treaties* and reinforce the *international peace constitution*.
- m) *Support the non-militarised countries and encourage other countries to totally demilitarize.*
- n) Support the United Nations Peacebuilding Commission (PBC) and the Peacebuilding Fund (PBF)¹³.

Peace among people and in relations with institutions

Grant peace!

o) *The human right to peace* shall be primarily used peacefully, to be coherent with its content and purpose. Thus, reports and implemented programs in favor of the progresses of peace are the best tools available. Nevertheless, and specially if peace is breached, transitional justice and judiciary mechanisms may be needed. Such processes shall be as nonviolent as possible and shall always draw lessons learned to be directly incorporated in future policies, thus making reoccurrence of similar situations less likely or impossible.

p) *Peace zones shall be established*, both and either as serene and refuge zones, and as zones dedicated to non-violent conflict solving.

q) To grant *ownership in peace processes* increasing *inclusive and democratic participation* is of vital importance. Ownership grants a feeling and duty of responsibility, and consensus procedures, when deeply carried on, usually end by highlighting essential values and shared fundamental rights. Political empowerment and quality of debate can be enhanced by referendums and initiative rights. Consultations of the population regarding planning and main projects may alleviate opposition and bring more efficient (and less contested) accomplishments.

All these possibilities should be supported by examples of good practice and sound research. However, they form in our humble opinion the basis needed to have an as complete as possible vision of where and how peace can be improved.

We are honored by the possibility of contributing.

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¹ <http://www.demilitarisation.org/spip.php?article232>

² <https://www.demilitarisation.org/spip.php?article297>

³ Though literally applying to States non-founders of the UN [other States], viewing the purpose of the Charter and of the UN Organization, we consider this article to be of Universal Value and that it shall be interpreted in the large sense and therefore apply to all members of the UN.

It would be useful to have United Nations practices at welcoming New Nations, eventually jurisprudence and doctrine readings and comments on this article and its interpretation. Time constraints ...

⁴ <https://www.who.int/groups/violence-prevention-alliance>. *I hope they submitted for your report as well.*

⁵ Participation of Upeace is desirable also. *Similarly, I hope they submitted for your report as well.*

⁶ Many States are asking for a more analytical approach in the report of the Security Council (GA Idem 131 (?), yesterday's (9.6.22) GA debate of the report.

⁷ Human rights are not sufficiently measured either.

⁸ The advisory opinion of the advisory committee on the right to peace had in it the concept of peace standards, some norms indeed, but also measurement.

⁹ The Institute for Economics and Peace (EIP) does the global peace index does, but also other measurements such as the cost of security (and not only military costs). <https://www.economicsandpeace.org/>. *There again, I hope they submitted for your report as well.*

¹⁰ Prospective mechanisms and institutes of course exist, both in public and private spheres. Switzerland has one for its general development and evolution. I am not aware of any such mechanisms specifically dedicated to the survey and the progress of peace. There may be a gap to fill there, ☺.

¹¹ Fiches de paix 17

¹² I. e. Lesotho. Many others. An inventory of these SDG 16 VNRs, who does them, with what content (what themes of peace) and degree of efficiency.

¹³ *Evermore, or submit to them, I hope they submitted for your report as well.*