



Let Us All Be Peace Boats – Reflections on the UN, Article 26, and Costa Rica

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Article 9 and Article 12 Peace Constitutions for Global Disarmament

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I wish to offer my thanks to the Peace Boat, its organizers, and especially to my friend, the Vice President of International Association of Lawyers Against Nuclear Arms, Carlos Vargas and Akira Kawasaki of the Peace Boat for working to make this event happen. Costa Rica is a perfect place to address the value of Peace Constitutions as its own Constitution's prohibitions on militarism embodied in Article 12 has proved to be a great strength for Costa Rica and have served as an example for the entire world.

In that regard I will discuss an important contribution to world security which Costa Rica made when it chaired the UN Security Council this past November. I would first like to discuss the larger context of the UN in the hopes that this will give one a greater appreciation for Costa Rica's contribution.

War is hell and its prosecution enlists enormous amounts of wealth, creativity, social organization, sacrifice and passion. Despite the enormous

suffering of this accursed institution, it has been with us since the inception of territorial claims.

With the creation of the modern state and its organizational capacities, war has taken on a new dimension. It can end human civilization. This truth is new.

The spiritual admonition to honor peace and love life contained in Hinduism, Buddhism, Judaism, Christianity, Islam and other religions has not terminated war. Religious identity has been and remains to be a force stimulating and rationalizing violent passions despite core teachings dedicated to our personal and collective betterment. In fact, the modern state system emerged at the Council of Westphalia in 1648 in order to terminate the ravages of the religiously motivated Thirty Years War which devastated Europe. Yet war remains an unresolved challenge. Its resolution requires our attention, intelligence, wisdom, diligence, and highest spiritual aspirations.

International law, until the mid twentieth century, was content only to address conduct in war (*jus in bello*) and justifications for war (*jus ad bellum*) assuming war to be an acceptable fact of life.

The sentiment for non violence grew in intellectual circles and spawned hundreds of peace societies in the 19th century in response to the slaughters of the Napoleonic wars. Political institutions were influenced when the Czar of Russia, Nicholas the Second, convened the Hague Peace Conference of 1899.

Its advocacy of systematic peaceful resolution of disputes could not overcome the intransigent adherence to national autonomy and the unencumbered use of force by the state. A deluge of immeasurable suffering, bloodshed, terror and destruction, arising from two world wars, both begun in the most industrially advanced area in the world, Europe, and the failed efforts of the League of Nations to create a council to resolve disputes, forced humanity to rethink and recalibrate our attitude toward war.

In August of 1945, as the cities of Hiroshima and Nagasaki blazed under irradiated fires, the heart of humanity shivered with the knowledge that within our hands is the technical means of our own destruction. As Nobel Peace Laureate Dr. Joseph Rotblat said, "In the nuclear age the human species has become an endangered species."

No danger hangs over us today like the threat posed by nuclear weapons. They compelled recognition of our shared responsibility to one another and to future generations 60 years ago when the United Nations system was adopted. Apparently 4,000 years of recorded organized ignorance, struggles, tribulations, and sacrifices was not enough. The face of hell drove us to a clear decision. Would the world continue to be organized around the principle of the law of power where only the few held sway over the rest or would it move to a greater level of collective security and shared interests by relying on the power of law?

The creation of the United Nations answered that question and affirmed our need to pursue collective security. Its Charter begins: "We, the Peoples of the United Nations, determined to save succeeding generations from the scourge of war which twice in our lifetime has brought sorrow to mankind..." This statement embodies a new legal and moral norm abhorring war. The UN Charter continues by affirming fundamental human rights and equal rights of all nations. The goal of this majestic legal instrument, stated in its first Article, is to create framework to "maintain international peace and security. And to that end to take effective collective measures for the prevention and removal of threats to peace and for the suppression of acts of aggression, and other breaches of the peace and to bring about by peaceful means and in conformity with the principles of justice and international law the adjustment and settlement of international disputes."

This puts us all on notice that collective security must be recognized as the process through which each individual state must pursue its own interests. It embodies the aspiration to end the reliance on war.

The costs of both war and the illusion that to prevent war one must prepare for war are hard to measure. The largest cost is the failure to pursue the numerous paths toward stability based on enhancing justice and the quality of life for people, the very oxygen of hope that deters violence best. And this approach is hardly new. It helped rebuild the world after the devastation of World War II through the Marshall Plan. Today we need another Marshall Plan, but this time it must be global.

The Millennium Development Goals, in a sense, embody this shared responsibility of addressing global poverty and sustainable development as a duty of the entire international community. (See Appendix A) Financing for achieving the Millennium Development Goals by 2015 would require around \$72 billion a year, a fraction of the \$1.3 trillion dedicated to military purposes. What does this say about our human values? But the UN does provide a way to actually begin changing this distortion.

According to the UN Charter the Security Council not only has the primary responsibility for the maintenance of international peace and security, according to Article 24, but is also mandated by the “forgotten” Article 26:

“In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world’s human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.”

The Military Staff is made up of the military Chiefs of Staff of the permanent members of the Security Council “on all questions relating to the Security Council’s military requirements for the maintenance of international peace and security.” It virtually stopped functioning on after 29 months in July 1948, rendered inoperative by the Cold War and the arms race it stimulated.

Thus, when Costa Rica chaired the Security Council in November 2008 under the skilled hand of its Permanent Representative Ambassador Jorge Urbina, its visionary President Oscar Arias chaired the session on November 19th and raised the duty to adhere to Article 26.

At the outset of the meeting, President Arias, stated that the time had come to recognize the link between the waste of resources devoted to arms and the need for resources devoted to development. President Arias had the moral authority to lead the debate since Costa Rica had relied on Article 12 of its own Constitution through which it had retired its military decades ago.

Costa Rica is an unarmed nation, he said, but it is not a naïve nation. He stated that he had not come to lobby for the abolition of all armies, but called for support for the “Costa Rica Consensus”, an initiative to create mechanisms to forgive debts and provide international financial resources for developing countries that spent increasingly more on environmental protection, education, health care and housing, and increasingly less on weapons and soldiers. He also asked for support for the arms trade treaty that sought to prohibit the sale of arms to States, groups, or individuals when there was sufficient reason to believe that they would be used to violate human rights or international law.

He said, “We seek to eradicate extreme poverty and hunger; yet armed conflicts are the largest single cause of world hunger, and a major cause of food emergencies. We seek to reduce child mortality; yet thousands of child soldiers are fighting as we speak. The strengthening of multilateralism, the reduction of military spending in favour of human development, and the regulation of the international arms trade are steps in the right direction -- the same direction signaled 63 years ago by those who, having survived atrocities, were nonetheless able to hope.”

Sergio Duarte, United Nations High Representative for Disarmament Affairs, read a statement by Secretary-General Ban Ki-moon. “Security is a common good. And as such, it has value only when it is shared with others”, he said.

The robust interventions of numerous countries highlighted the broad scope of issues needed to make the change in paradigms from the pursuit of military dominance to collective security. Issues addressed ranged from fulfilling nuclear disarmament commitments under the Nuclear Nonproliferation Treaty and preventing an arms race in space to controlling the ridiculously bloated commerce in conventional weapons. They all echoed the clarity one can find in a statement by

Former US President Dwight Eisenhower:

Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children.

Is it not obscene that the world is spending over \$3.3 Billion per day on weapons? The lessons of Costa Rica in establishing a thriving country without a military are not based on ideas that are new. But they do serve as an inspiring example in our day and age. The principles of law, the principles of pursuing peace by serving human needs rather than by fear and terror of state violence, better known as war, are not new and have always worked well. They work well because they are based on our capacity to be human, to identify our common values and interests and to work together for our collective security. In an age where we are challenged to protect the global commons – the living systems upon which all civilization depends, such as the oceans and the climate – is it not necessary to pursue our collective interests together? Is it not obvious that what is right is also practical and necessary?

Focusing on our individual roles, let me conclude: Our goal in life must be to make our own lives “peace boats” where the cargo is our own human characteristics. War is a consequence of forgetting our core human purposes, to learn and to love. War is the ultimate distortion of human character. It is the denial of love. It is the ignoring of love’s power. No other power brings humans into harmony between inner purpose and outer expression as well. When such harmony is achieved individual lives are at peace. It is my fervent hope that we all be blessed with the lives dedicated to serving this principle of peace. May God bless these peace boats.

Thank you deeply.

Appendix A

The Millennium Development Goals (MDG) do address this crisis in our humanity. They are a landmark of compassion and justice in action. For the first time in human history all the nations of the world have committed to a set of interconnected goals:

1. Eradicate extreme poverty and hunger

- Halve, between 1990 and 2015, the proportion of people whose income is less than one dollar a day.
- Achieve full and productive employment and decent work for all, including women and young people.
- Halve, between 1990 and 2015, the proportion of people who suffer from hunger.

2. Achieve universal primary education

- Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.

3. Promote gender equality and empower women

- Eliminate gender disparity in primary and secondary education preferably by 2005, and at all levels by 2015.

4. Reduce child mortality

- Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate.

5. Improve maternal health

- Reduce by three quarters, between 1990 and 2015, the maternal mortality ratio.
- Achieve, by 2015, universal access to reproductive health.

6. Combat HIV/AIDS, malaria, and other diseases

- Have halted by 2015 and begun to reverse the spread of HIV/AIDS.

- Achieve, by 2010, universal access to treatment for HIV/AIDS for all those who need it.
- Have halted by 2015 and begun to reverse the incidence of malaria and other major diseases.

7. Ensure environmental sustainability

- Integrate the principles of sustainable development into country policies and programmes; reverse loss of environmental resources.
- Reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss.
- Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation (for more information see the entry on water supply).
- By 2020, to have achieved a significant improvement in the lives of at least 100 million slum-dwellers.

8. Develop a global partnership for development

- Develop further an open trading and financial system that is rule-based, predictable and non-discriminatory. Includes a commitment to good governance, development and poverty reduction—nationally and internationally.
- Address the special needs of the least developed countries. This includes tariff and quota free access for their exports; enhanced programme of debt relief for heavily indebted poor countries; and cancellation of official bilateral debt; and more generous official development assistance for countries committed to poverty reduction.
- Address the special needs of landlocked and small island developing States.
- Deal comprehensively with the debt problems of developing countries through national and international measures in order to make debt sustainable in the long term.
- In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries.

- **In cooperation with the private sector, make available the benefits of new technologies, especially information and communications.**

Fulfilling these commitments is far less expensive than war. The funds are there to accomplish this. It is for us to generate the political will. Each year about \$1.3 Trillion dollars goes into military coffers. The best estimates are that a ten year commitment of around \$76 billion per year, less than 7% of military expenditures, would lead to the MDG's fulfillment.

(United Nation's Millennium Development Goals of halving extreme poverty, halting the spread of HIV/AIDS, reducing infant mortality, ensuring access to clean water and providing universal primary education throughout the world can be met with an investment of \$760 billion (spread over a decade). Yet over this same period at today's rates we will put over \$13 Trillion Dollars into military coffers. We must start pursuing human security rather than war.)