

# Together for Peace and Justice (#GfFuG)

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## Introduction

As global international organizations, the United Nations Organization (UNO) and the International Criminal Court (ICC) have the task of ensuring world peace, compliance with international law, the protection of human rights and the development of international cooperation.

Unfortunately, the UNO and ICC are only partially able to act in their current constellation, as some states only respect international law if it serves their own purposes.

Strengthening the UNO and the ICC in fulfilling their most important task, "*securing world peace and international security, fundamental human rights and the equal rights of all nations*", is therefore indispensable and long overdue.

## Motivation

The past 73 years have shown that decisions about our lives, our values, our society and our world must not be left uncontrolled in the hands of a few rich and powerful people who all too often represent only their own interests. This applies equally to the governments of our countries and to the national representatives in the United Nations.

Wars, especially wars of aggression, are crimes under international law.

A war is the Ultima Ratio, the last resort and, except for defense, in no case necessary. Almost any conflict within the international community could be settled by peaceful means, negotiations and compromises. The governments of our countries, however, are far too often willing to threaten and wage wars in order to enforce their interests instead of seeking a peaceful solution.

Steadily rising military spending is all too clear proof of this.

Most recently, more than USD 1.5 trillion (**USD 1,500,000,000,000.00**) were spent annually on armaments worldwide (USD 1.686 trillion in 2017<sup>1</sup> and USD 1.739 trillion in 2018<sup>2</sup>).

This money, if used for people's welfare, construction and development, could make an important contribution to solving acute problems such as climate change and social deprivation.

The only power that can exercise the much-needed control and bring about change is us, **all people of all nations**. Only if all people become aware of this responsibility but also of their possibilities and act accordingly, the course of events can be changed and we can achieve that all peoples live together in peace and dignity.

The present demands are intended to express this aspiration unequivocally and to take an important step towards a fairer, better and more peaceful world. A world without war victims, a world in which no human being has to flee from his homeland or is expelled from it, a world in which national and international politics are shaped with words and not with weapons, a world in which the available resources are used for the well-being of human beings and not for their murder.

### **To the UN Secretary-General, the UN General Assembly and the International Criminal Court.**

Countless wars since and despite the existence of the United Nations have brought untold suffering to humanity. Wars do not create peace. Wars must be prevented. It must be possible to prosecute war criminals in international courts, no matter which country they come from.

Nuclear/atomic weapons do not secure peace, on the contrary they represent a permanent threat to all life on our planet.

Where our governments do not let diplomacy speak, but weapons, they do not act in our sense, not on our behalf and not with our consent.

WE, THE PEOPLE OF ALL NATIONS –  
DETERMINED,

to save succeeding generations from the scourge of war, to secure the fundamental human rights and the international security, world peace and equal rights of all nations, large and small, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to protect our living space for future generations,

AND FOR THESE ENDS

to unite our strength to control the acting of our civil servants in order to ensure the peaceful coexistence of nations and the strengthening of the United Nations, its organs and all international organizations and institutions serving this goal –

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS.

We therefore raise the following DEMANDS:

- Nuclear weapons MUST be outlawed and destroyed as well as chemical and biological weapons.
- All nations MUST sign and ratify the Treaty on the Prohibition of Nuclear Weapons, the Chemical Weapons Convention and the Biological Weapons Convention.
- It MUST be ensured that conflicts are never provoked or exacerbated by the mere allegation by a government that it has evidence of the misconduct of another state or person.  
Evidence MUST always be examined and verified beyond doubt.

- The International Criminal Court MUST be supported and recognized by all UN member states.
- The International Criminal Court MUST prosecute all crimes within its jurisdiction consistently and without exception. It MUST be provided with the necessary means.

Office and home country MUST NOT have any influence on investigations and prosecutions against war criminals.

- Government members, secret service employees and officers who order wars of aggression contrary to international law, deliberately accept so-called "collateral damage", provoke unrest in foreign countries or commit other crimes in the sense of the Rome Statute, MUST be prosecuted just as soldiers commit war crimes, even if it is to be expected that a convicted person will evade a punishment. The same applies to directors and officers of international companies who condone, order or commit crimes against humanity.
- Transparency is indispensable for democratic control.  
A report MUST be published regularly, at least once a year, in which
  - the names of the persons convicted by the International Criminal Court,
  - their country of origin and the function in which they committed the offences,
  - their crimes,
  - the level of penalties imposed, and
  - in the case of non-execution of the sentence, the reasons therefor are listed.

This report MUST be available to all people of all nations, in their official language.

For a well-functioning common world, it is important that people know who governs their countries respectively whom they can elect into their governments.

## Background Information

### UNO (United Nations Organization)

On 26 June 1945 the UNO was founded by 51 states<sup>III</sup> as a result of the Second World War. Today (2018) 193 states are members of the UNO - and thus almost all of the states of our world accepted by all countries<sup>1</sup>.

According to its charter<sup>IV</sup> (its founding treaty/its „constitution“), the most important tasks of the UNO are the **securing of world peace**, the **observance of international law**, the **protection of human rights** and the **development of international cooperation**.

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom, AND FOR THESE ENDS ... HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS. Accordingly, our respective Governments, ...

*(Preamble to the Charter of the United Nations)*

### General Assembly

Chapter IV of the UN Charter defines the composition, tasks and competences of the General Assembly<sup>V</sup>. It is the most important advisory body of the United Nations. It can discuss all international issues and matters covered by the Charter. **All Member States** are represented in the General Assembly. It meets at least once a year.

As a general rule, the General Assembly does not take decisions, it makes recommendations.

### Security Council

The UN Security Council<sup>VI</sup> (*Chapter V of the UN Charter*) has 15 (five permanent and ten non-permanent) members. The General Assembly elects the ten non-permanent members for a two-year term. Five non-permanent members change each year (*Article 23*).

The Security Council „has primary responsibility for maintaining international peace and security“ (*Article 24*). It determines „the existence of any threat to the peace, breach of the peace, or act of aggression“ (*Article 39*) and initiates countermeasures accordingly (*Articles 41 and 42*).

The Security Council is the only UN body which can make decisions binding on the Member States (*Articles 25, 43 and 45*)<sup>VII</sup>.

### Permanent Members (P5)

The five permanent members of the Security Council are **China**, **France**, the **Russian Federation**, the **United Kingdom** and the **United States**.

Each of these countries has a → veto right and can therefore prevent any decision by the Security Council.

### Veto Right

Due to their veto right, the five → permanent members have far-reaching influence on the practice of UN peace-keeping, as the veto right regularly prevents the enforcement of important resolutions.<sup>VIII,IX,X</sup>

It is obvious that → resolutions and decisions are always prevented if they concern one of the permanent members himself or his interests.

### UN resolutions

UN resolutions are decisions of the bodies of the United Nations.

Resolutions of the → Security Council are binding under international law. They are pronounced against states or parties to a conflict whose actions constitute a threat to international security or a violation of international law or human rights.

Resolutions of the → General Assembly and other UN bodies are generally not binding but are to be understood as recommendations.

### Wars since 1945

Since 1945 (since the existence of the UN and the end of the Second World War) many millions of people have been victims of more than hundred wars<sup>XI</sup>. Many of these wars were illegal and began with lies<sup>XII</sup>.

Countless people suffered immense suffering, were mutilated, traumatized, lost their lives, their families or their homeland. At the end of 2017, 68.5 million people worldwide were fleeing.<sup>XIII</sup>

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<sup>1</sup> Among the non-members of the UN, the Vatican State is the only State recognized by all countries. It voluntarily renounces membership of the UN.

## Ban on Violence

*Article 2(4)* of the United Nations Charter provides for a ban on violence which is binding on all countries.

(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.

There are only two exceptions to this prohibition of violence:

1. The right to self-defense (*Article 51*)
2. There is a clear mandate from the UN Security Council (*Article 42*)

All other wars or acts of aggression are **illegal** and a **violation of international law**.

Acts of aggression include, in addition to attacks by a state against another state, „the sending of armed gangs, groups, guerrillas or mercenaries“ .<sup>xiv</sup>

Moreover, *Article 2(7)* prohibits any intervention in " matters which are essentially within the domestic jurisdiction of any state ", except in cases of threat or breach of peace.

## International Criminal Court

With the founding of the UN, the International Court of Justice (ICJ) was also established, the functioning and jurisdiction of which are governed by the Charter of the United Nations (Statute of the International Court of Justice).

However, only states can be parties before the International Court of Justice (Article 34 paragraph 1 of the ICJ Statute). Individuals cannot be prosecuted by the ICJ<sup>xv</sup>. In order to close this gap, the International Criminal Court (ICC) was established on 1 July 2002. The ICC is based on the Rome Statute<sup>xvi</sup>.

The ICC is an independent and unbiased institution, outside the United Nations, supported by 123 countries (64 per cent of UN member states).

The jurisdiction of the ICC is limited to the most serious crimes affecting the international community as a whole (**genocide, crimes against humanity, war crimes** and the **crime of aggression** - *Article 5(1)* of the ICC Statute).

Unfortunately, some states (the **USA, Israel, Turkey, China, Russia, India, Pakistan** and others) do not participate in the ICC Statute.

In addition, on August 2, 2002, US President George W. Bush enacted the „*American Service-Members' Protection Act*<sup>xvii</sup>“, which empowers the President of the United States to use all necessary means, including military invasions, to free U.S. citizens indicted by the ICC from access by the court.

Also, in September 2018, White House security advisor John Bolton threatened entry bans and financial sanctions against ICC judges and prosecutors if investigations into alleged war crimes by Americans in Afghanistan are pushed forward<sup>xviii</sup>.

In March 2019, the Chief Prosecutor of the ICC, Fatou Bensouda, was actually deprived of her entry visa<sup>xix</sup>. The ICC said it was working "impartially and independently" and would continue its investigations despite US sanctions.

The *International Criminal Tribunal for the former Yugoslavia* (ICTY) was founded on 25 August 1993.

The *International Criminal Tribunal for Rwanda* (ICTR) was established on 8 November 1994 and their legal successor, the *International Residual Mechanism for Ad Hoc Criminal Tribunals* (MICT), was established on 22 December 2010, each with the agreement of the USA (*UN Security Council Resolutions 827, 955 and 1966*).

This shows clearly, that war crimes should be punished in principle, but only if they are not committed by Americans or their allies.

Other governments also demonstrate a similar attitude by rejecting the ICC.

## Nuclear Weapons and Powers

At the beginning of 2018, nine states (USA, Russia, Great Britain, France, China, India, Pakistan, Israel and the Democratic People's Republic of Korea (North Korea)) were in possession of an estimated **14,465 nuclear weapons**. Of these, 3,750 are operational and almost 2,000 are on high alert<sup>xx</sup>.

## Treaty on the Prohibition of Nuclear Weapons (TPNW)

The Treaty on the Prohibition of Nuclear Weapons<sup>xxi</sup> is an international agreement signed by 69 states to date (as of October 2018) and ratified by 19 states, prohibiting the development, production, testing, acquisition, storage, transport, stationing, use and threat of nuclear weapons.

The treaty will enter into force after it has been ratified by 50 states.

Unfortunately, the nuclear powers and NATO countries are not yet willing to enter into the treaty.

„Every country has the government it deserves. “

- Letter of August 15, 1811 from Joseph de Maistre (1753 to 1821) -

„The people have lost the confidence of the government  
and can only regain it by doubling their work.

Wouldn't it be easier  
if the government dissolved the people and chose another one? “

- The Solution (1953) by Bertolt Brecht (1898 to 1956) -

„I will build a great wall -  
and nobody builds walls better than me, believe me - ... “

- Donald Trump (1946 to ...) in June 2015 -

„I also do not want refugees to come to our country.  
But I do not want to build walls to prevent that.

I want to achieve that every person can live a decent, peaceful and contented life  
in a (his) beautiful home. “

- Olaf Morlock (1962 to ...) in January 2019 -

„Everybody said, "You can't do that.

Then someone came who didn't know that and simply did it. “

- Goran Kikic (1975 to ...) in March 2016 -

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