

**Plädoyer gegen jeden Krieg und für den Frieden – 30. April 2022**  
**Plea against any War and for Peace – 30 April 2022**

Wenn es wahr ist, dass „der Krieg böse ist“<sup>1</sup>, dann sollen alle Kriege sofort unmöglich gemacht werden. Wenn es wahr ist, dass „Krieg im 21. Jahrhundert eine Absurdität ist“ und dass „ein Krieg im 21. Jahrhundert auf keinen Fall akzeptabel sein kann“<sup>2</sup>, dann soll „die Geißel des Krieges“ ausgerottet werden, um weiteres „unsagbares Leid“ zu stoppen Menschheit“<sup>3</sup>. Wenn es wahr ist, dass „wenn wir über Kriegsverbrechen sprechen, wir nicht vergessen dürfen, dass das schlimmste Verbrechen der Krieg selbst ist“<sup>4</sup>, dann müssen nicht nur die Täter von Kriegsverbrechen zur Rechenschaft gezogen werden, sondern alle, die für die Vorbereitung, die Durchführung und die Fortsetzung des Krieges verantwortlich sind. Wenn es stimmt, dass „[wo] es Krieg gibt, der höchste Preis von Zivilisten gezahlt wird“<sup>5</sup>, dann sind alle Zeitzeugen des Krieges dafür verantwortlich, alle vom Krieg betroffenen Zivilisten zu schützen und zu erlösen.

Wenn Regierungen „... im Namen ihrer Völker [feierlich erklären], daß sie den Krieg als Mittel für die Lösung internationaler Streitfälle verurteilen und auf ihn als Werkzeug nationaler Politik in ihren gegenseitigen Beziehungen verzichten“<sup>6</sup> und „...vereinbaren, daß die Regelung und Entscheidung aller Streitigkeiten oder Konflikte, die zwischen ihnen entstehen könnten, welcher Art

If it is true that “the war is evil”<sup>1</sup>, then all wars shall be made impossible immediately. If it is true that “war is an absurdity in the 21st century” and that “there is no way a war can be acceptable in the 21st century”<sup>2</sup>, then “the scourge of war” shall be eradicated to stop further “untold sorrow to mankind”<sup>3</sup>. If it is true that “when we talk about war crimes, we cannot forget that the worst of crimes is war itself”<sup>4</sup>, then not only the perpetrators of war crimes shall be held accountable but all those responsible for the preparation, the conduct and the continuation of war. If it is true that “[w]herever there is a war, the highest price is paid by civilians”<sup>5</sup>, then all contemporary witnesses of war are responsible to protect and redeem all civilians affected by war.

If governments “... solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another”<sup>6</sup> and “... agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may

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<sup>1</sup> United Nations Secretary-General António Guterres, Apr 28, 2022.

<https://www.un.org/sg/en/content/sg/press-encounter/2022-04-28/secretary-generals-remarks-the-press-three-locations-outside-of-kyiv>

<sup>2</sup> Ibid.

<sup>3</sup> Charter of the United Nations.

<sup>4</sup> See footnote 1.

<sup>5</sup> Ibid.

<sup>6</sup> Article I, Kellogg–Briand Treaty, 1928.

oder welchen Ursprungs sie auch sein mögen, niemals anders als durch friedliche Mittel angestrebt werden soll“<sup>7</sup>, dann sind diese Regierungen und ihre Nachfolger moralisch und politisch verantwortlich für die Verbrechen der Kriegsvorbereitungen und Kriegführung.

Wenn Souveränität nicht vereinbar sein kann mit dem Recht auf Kriegführung (*jus ad bellum*), weil Krieg moralisch verwerflich und politisch geächtet ist, dann ist es das Gebot der Stunde, den „Ewigen Frieden“ zu verwirklichen, wann „[s]tehende Heere (*miles perpetuus*) mit der Zeit ganz aufhören [sollen]“ und „[k]ein Staat sich in die Verfassung und Regierung eines andern Staats gewalttätig einmischen [soll].“

arise among them, shall never be sought except by pacific means”<sup>7</sup>, then these governments and their successors are morally and politically responsible for the crimes of war preparations and warfare.

If sovereignty cannot be reconciled with the right to war (*jus ad bellum*), because war is morally reprehensible and politically ostracized, then the need of the hour and the order of the day is to make the “Perpetual Peace” a reality come true when “[s]tanding armies shall in time be totally abolished” and “[n]o state shall by force interfere with the constitution or government of another state.”

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<sup>7</sup> Article II, Kellogg–Briand Treaty, 1928.

**Convention on the Rights of the Child (The General Assembly, in its resolution 50/155 of 21 December 1995**

“Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world [...]

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity [...]

Article 29

[...]

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin”

**Convention on the Prevention and Punishment of the Crime of Genocide (1948)**

“Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Article III

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.”<sup>8</sup>

**Rome Statute of the International Criminal Court (1998)**

“*Conscious* that all peoples are united by common bonds, their cultures pieced together in a shared heritage, and concerned that this delicate mosaic may be shattered at any time,

*Mindful* that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity,

*Recognizing* that such grave crimes threaten the peace, security and well-being of the world,

*Affirming* that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation,

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<sup>8</sup> [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1\\_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf)

*Determined* to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes,

*Recalling* that it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes

...

Article 6  
Genocide

For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Article 7  
Crimes against humanity

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are

universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

2. For the purpose of paragraph 1:

- (a) "Attack directed against any civilian population" means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;
- (b) "Extermination" includes the intentional infliction of conditions of life, *inter alia* the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;
- (c) "Enslavement" means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;
- (d) "Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;
- (e) "Torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;
- (f) "Forced pregnancy" means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;
- (g) "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;
- (h) "The crime of apartheid" means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;
- (i) "Enforced disappearance of persons" means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

3. For the purpose of this Statute, it is understood that the term "gender" refers to the two sexes, male and female, within the context of society. The term "gender" does not indicate any meaning different from the above.

Article 8  
War crimes

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.

2. For the purpose of this Statute, "war crimes" means:

(a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

(i) Wilful killing;

(ii) Torture or inhuman treatment, including biological experiments;

(iii) Wilfully causing great suffering, or serious injury to body or health;

(iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;

(v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;

(vi) Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;

(vii) Unlawful deportation or transfer or unlawful confinement;

(viii) Taking of hostages.

(b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;

(iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

- (iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
- (v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;
- (vi) Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;
- (vii) Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;
- (viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
- (ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- (x) Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
- (xi) Killing or wounding treacherously individuals belonging to the hostile nation or army;
- (xii) Declaring that no quarter will be given;
- (xiii) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;
- (xiv) Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;
- (xv) Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;
- (xvi) Pillaging a town or place, even when taken by assault;
- (xvii) Employing poison or poisoned weapons;
- (xviii) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;

- (xix) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;
  - (xx) Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions set forth in articles 121 and 123;
  - (xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
  - (xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;
  - (xxiii) Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;
  - (xxiv) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
  - (xxv) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;
  - (xxvi) Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.
- (c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:
- (i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
  - (ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
  - (iii) Taking of hostages;
  - (iv) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial



guarantees which are generally recognized as indispensable.

- (d) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.
- (e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:
  - (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
  - (ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
  - (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
  - (iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
  - (v) Pillaging a town or place, even when taken by assault;
  - (vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;
  - (vii) Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;
  - (viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;
  - (ix) Killing or wounding treacherously a combatant adversary;
  - (x) Declaring that no quarter will be given;
  - (xi) Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;

(xii) Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;

(f) Paragraph 2 (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.

3. Nothing in paragraph 2 (c) and (e) shall affect the responsibility of a Government to maintain or re-establish law and order in the State or to defend the unity and territorial integrity of the State, by all legitimate means.”<sup>9</sup>

#### **Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, 14 May 1954**

*“Recognizing* that cultural property has suffered grave damage during recent armed conflicts and that, by reason of the developments in the technique of warfare, it is in increasing danger of destruction;

*Being convinced* that damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world;

*Considering* that the preservation of the cultural heritage is of great importance for all peoples of the world and that it is important that this heritage should receive international protection;

*Guided* by the principles concerning the protection of cultural property during armed conflict, as established in the Conventions of The Hague of 1899 and of 1907 and in the Washington Pact of 15 April, 1935;

*Being* of the opinion that such protection cannot be effective unless both national and international measures have been taken to organize it in time of peace;

*Being* determined to take all possible steps to protect cultural property;”<sup>10</sup>

#### **Hague Conventions of 1899 and 1907**

“CONVENTION for the Pacific Settlement of International Disputes

[...] Animated by a strong desire to work for the maintenance of general peace;

Resolved to promote by their best efforts the friendly settlement of international disputes;

Recognizing the solidarity uniting the members of the society of civilized nations;

Desirous of extending the empire of law, and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a tribunal of arbitration, accessible to all, in the midst of the independent Powers, will contribute effectively to this result;

...

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<sup>9</sup> [https://legal.un.org/icc/statute/99\\_corr/cstatute.htm](https://legal.un.org/icc/statute/99_corr/cstatute.htm)

<sup>10</sup> [http://portal.unesco.org/en/ev.php-URL\\_ID=13637&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html)

## Article 2

In case of serious disagreement or conflict, before an appeal to arms the Signatory Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers.

...

## Article 4

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.”<sup>11</sup>

### **The Geneva Conventions and their Commentaries**<sup>12</sup>,

“The Geneva Conventions and their Additional Protocols form the core of international humanitarian law, which regulates the conduct of armed conflict and seeks to limit its effects. They protect people not taking part in hostilities and those who are no longer doing so.”

e.g. Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949.<sup>13</sup>

Two precursory documents of International Humanitarian Law:

- “The Lieber Code of April 24, 1863, issued as General Orders No. 100, Adjutant General's Office, 1863”<sup>14</sup>
- “The 1864 Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field, signed 150 years ago, was the founding text of contemporary international humanitarian law.”<sup>15</sup>

“For centuries, the right to resort to war (*jus ad bellum*) had been deemed inseparable from the concept of sovereignty. The accompanying destruction of property had been seen as an inevitable part of warfare. From the nineteenth century onwards, much effort has been made at the international level to make warfare more humane. This effort has resulted in numerous multilateral treaties that impose certain limits on the means and methods of conducting armed conflict. The first half of the twentieth century witnessed a radical change in the area of international law governing the recourse to armed conflict. After WWI, in what is considered the most grandiose peacekeeping effort, the *Treaty Providing for the Renunciation of War as an Instrument of National Policy of 27 August 1928*, [Footnote 2: *Treaty Providing for the Renunciation of War as an Instrument of National Policy*, 27 August 1928, art 1, 46 Stat. (1929) 2343, 2346, TS No. 796, 94 LNTS 57, 63.] also called the *Pact of Paris*, or the *Kellogg-Briand Pact*, [Footnote 3: Aristide Briand was the French foreign minister and was the first to suggest a bilateral non-aggression pact in the spring of 1927. Frank B. Kellogg, the US secretary of state, proposed that the pact be converted into a general multilateral treaty, which the French accepted.] prohibited any recourse to armed conflict. Initially, this treaty was intended to be a bilateral non-aggression pact, but it eventually became a multilateral agreement, attracting nearly all the nations of the world, agreeing to renounce war as an instrument of national policy and to settle all international disputes by peaceful means.”

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<sup>11</sup> <https://docs.pca-cpa.org/2016/01/1899-Convention-for-the-Pacific-Settlement-of-International-Disputes.pdf>, <https://docs.pca-cpa.org/2016/01/1907-Convention-for-the-Pacific-Settlement-of-International-Disputes.pdf>

<sup>12</sup> <https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions>

<sup>13</sup> <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/xsp/.ibmmmodres/domino/OpenAttachment/applic/ihl/ihl.nsf/4825657B0C7E6BF0C12563CD002D6B0B/FULLTEXT/GC-I-EN.pdf>

<sup>14</sup> [https://avalon.law.yale.edu/19th\\_century/lieber.asp](https://avalon.law.yale.edu/19th_century/lieber.asp)

<sup>15</sup> <https://www.icrc.org/en/doc/resources/documents/treaty/geneva-convention-1864.htm>

(Jadranka Petrovic: *The Old Bridge of Mostar and Increasing Respect for Cultural Property in Armed Conflict*. Leiden/Boston: Brill, 2013, p. 89)

### **Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments or Roerich Pact (Nicholas Roerich), 15 April 1935**

“Article 1. The historic monuments, museums, scientific, artistic, educational and cultural institutions shall be considered as neutral and as such respected and protected by belligerents. The same respect and protection shall be due to the personnel of the institutions mentioned above.

The same respect and protection shall be accorded to the historic monuments , museums, scientific, artistic, educational and cultural institutions in time of peace as well as in war.

[...]

Article 3. In order to identify the monuments and institutions mentioned in Article 1, use may be made of a distinctive flag (red circle with a triple red sphere in the circle on a white background) in accordance with the model attached to this Treaty.”<sup>16</sup>

### **The Banner of Peace**

“[...] this flag is a symbol of peace, not of one country, but of civilization as a whole.

The flag for this project has three spheres within a circle on a white ground, symbol of eternity and unity.” (Nicholas de Roerich: “The Banner of Peace.” In: *The Roerich Pact. Banner of Peace. No 1*. Paris, 1931. The Archive of the Nicholas Roerich Museum, pp. 22-25 (25).

### **Olympic Truce**

“The ancient Greek tradition of the *ekecheira*, or ‘Olympic Truce’, born in the eighth century B.C., serves as a hallowed principle of the Olympic Games. In 1992, the International Olympic Committee renewed this tradition by calling upon all nations to observe the Truce.

...

Referring to the original tradition of the Olympic Truce practised in ancient times, as described in resolution 76/13, I also call upon all warring parties of current armed conflicts around the world to boldly agree to true mutual ceasefires for the duration of the Olympic Truce, thus providing an opportunity to settle disputes peacefully.” (United Nations General Assembly, Seventy-sixth session, A/76/648, 6 January 2022)

### **Conference on Security and Co-Operation in Europe Final Act (Helsinki 1975)**

“*Reaffirming* their objective of promoting better relations among themselves and ensuring conditions in which their people can live in true and lasting peace free from any threat to or attempt against their security;

[...]

*Recognizing* the close link between peace and security in Europe and in the world as a whole and conscious of the need for each of them to make its contribution to the strengthening of world peace and security and to the promotion of fundamental rights, economic and social progress and well-being for all peoples”

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<sup>16</sup> <https://ihl-databases.icrc.org/ihl/INTRO/325?OpenDocument>, <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/xsp/.ibmmodres/domino/OpenAttachment/applic/ihl/ihl.nsf/EE57F295093E44A4C12563CD002D6A3F/FULLTEXT/IHL-44-EN.pdf>

### **The Charter of Paris for a New Europe (1990)**

“Europe is liberating itself from the legacy of the past. The courage of men and women, the strength of the will of the peoples and the power of the ideas of the Helsinki Final Act have opened a new era of democracy, peace and unity in Europe. Ours is a time for fulfilling the hopes and expectations our peoples have cherished for decades: steadfast commitment to democracy based on human rights and fundamental freedoms; prosperity through economic liberty and social justice; and equal security for all our countries.

[...]

Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government. Respect for them is an essential safeguard against an overmighty State. Their observance and full exercise are the foundation of freedom, justice and peace.

Democratic government is based on the will of the people, expressed regularly through free and fair elections. Democracy has as its foundation respect for the human person and the rule of law. Democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person.

Democracy, with its representative and pluralist character, entails accountability to the electorate, the obligation of public authorities to comply with the law and justice administered impartially. No one will be above the law.

[...]

We reaffirm our commitment to settle disputes by peaceful means.

[...]

Our relations will rest on our common adherence to democratic values and to human rights and fundamental freedoms. We are convinced that in order to strengthen peace and security among our States, the advancement of democracy, and respect for and effective exercise of human rights, are indispensable. We reaffirm the equal rights of peoples and their right to self-determination in conformity with the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States.

[...]

We want Europe to be a source of peace, open to dialogue and to co-operation with other countries, welcoming exchanges and involved in the search for common responses to the challenges of the future.

[...]

The destiny of our nations is linked to that of all other nations. We support fully the United Nations and the enhancement of its role in promoting international peace, security and justice. We reaffirm our commitment to the principles and purposes of the United Nations as enshrined in the Charter and condemn all violations of these principles. We recognize with satisfaction the growing role of the United Nations in world affairs and its increasing effectiveness, fostered by the improvement in relations among our States.

[...]

We reaffirm our deep conviction that friendly relations among our peoples, as well as peace, justice, stability and democracy, require that the ethnic, cultural, linguistic and religious identity of national minorities be protected and conditions for the promotion of that identity be created. We declare that questions related to national minorities can only be satisfactorily resolved in a democratic political framework. We further acknowledge that the rights of persons belonging to national minorities must be fully respected as part of universal human rights.

[...]

We express our determination to combat all forms of racial and ethnic hatred, antisemitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds.

[...]

Being aware that an essential complement to the duty of States to refrain from the

threat or use of force is the peaceful settlement of disputes, both being essential factors for the maintenance and consolidation of international peace and security, we will not only seek effective ways of preventing, through political means, conflicts which may yet emerge, but also define, in conformity with international law, appropriate mechanisms for the peaceful resolution of any disputes which may arise. Accordingly, we undertake to seek new forms of co-operation in this area, in particular a range of methods for the peaceful settlement of disputes, including mandatory third-party involvement.”

### **Kellogg-Briand Pact (Pact of Paris, August 27, 1928), officially the “General Treaty for Renunciation of War as an Instrument of National Policy”**

Source: League of Nations, *General Treaty for Renunciation of War as an Instrument of National Policy, Signed at Paris, August 27, 1928*, League of Nations Treaty Series, 1929, pp. 59-64.

<https://treaties.un.org/doc/Publication/UNTS/LON/Volume%2094/v94.pdf>

<https://www.state.gov/kellogg-briand-pact>

<https://www.state.gov/wp-content/uploads/2020/02/249-Kellogg-Briand-Treaty.pdf>

#### “Article I

The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another.

#### Article II

The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.”

#### Art. I

Die Hohen Vertragschließenden Parteien erklären feierlich im Namen ihrer Völker, daß sie den Krieg als Mittel für die Lösung internationaler Streitfälle verurteilen und auf ihn als Werkzeug nationaler Politik in ihren gegenseitigen Beziehungen verzichten.

#### Art. II

Die Hohen Vertragschließenden Parteien vereinbaren, daß die Regelung und Entscheidung aller Streitigkeiten oder Konflikte, die zwischen ihnen entstehen könnten, welcher Art oder welchen Ursprungs sie auch sein mögen, niemals anders als durch friedliche Mittel angestrebt werden soll.

<https://www.jura.uni-muenchen.de/fakultaet/lehrstuehle/satzger/materialien/kellogg1928d.pdf>

### **Kant “Perpetual Peace” (1795)**

“Preliminary Articles”:

1. "No secret treaty of peace shall be held valid in which there is tacitly reserved matter for a future war"
2. "No independent states, large or small, shall come under the dominion of another state by inheritance, exchange, purchase, or donation"
3. "Standing armies shall in time be totally abolished"
4. "National debts shall not be contracted with a view to the external friction of states"
5. "No state shall by force interfere with the constitution or government of another state"
6. "No state shall, during war, permit such acts of hostility which would make mutual confidence in the subsequent peace impossible: such are the employment of assassins (*percussores*), poisoners (*venefici*), breach of capitulation, and incitement to treason (*perduellio*) in the opposing state"

“Definitive Articles”:

- I. “The civil constitution of each state shall be republican.”
- II. “The law of nations shall be founded on a federation of free states.”
- III. “The rights of men, as citizens of the world, shall be limited to the conditions of universal hospitality.”

“The intercourse, more or less close, which has been everywhere steadily increasing between the nations of the earth, has now extended so enormously that a violation of right in one part of the world is felt all over it. Hence the idea of a cosmopolitan right is no fantastical, high-flown notion of right, but a complement of the unwritten code of law—constitutional as well as international law—necessary for the public rights of mankind in general and thus for the realisation of perpetual peace. For only by endeavouring to fulfil the conditions laid down by this cosmopolitan law can we flatter ourselves that we are gradually approaching that ideal.” (Kant, *Perpetual Peace*. London 1903, p. 142)

### Kant “Zum ewigen Frieden” (1795)

Präliminarartikel:

1. „Es soll kein Friedensschluss für einen solchen gelten, der mit dem geheimen Vorbehalt des Stoffs zu einem künftigen Kriege gemacht worden.“
2. „Es soll kein für sich bestehender Staat (klein oder groß, das gilt hier gleichviel) von einem anderen Staate durch Erbung, Tausch, Kauf oder Schenkung erworben werden können.“
3. „Stehende Heere (*miles perpetuus*) sollen mit der Zeit ganz aufhören.“
4. „Es sollen keine Staatsschulden in Beziehung auf äußere Staatshändel gemacht werden.“
5. „Kein Staat soll sich in die Verfassung und Regierung eines andern Staats gewalttätig einmischen.“
6. „Es soll sich kein Staat im Kriege mit einem andern solche Feindseligkeiten erlauben, welche das wechselseitige Zutrauen im künftigen Frieden unmöglich machen müssen: als da sind, Anstellung der Meuchelmörder (*percussores*), Giftmischer (*venefici*), Brechung der Kapitulation, Anstiftung des Verrats (*perduellio*) in dem bekriegten Staat etc.“

Definitivartikel:

1. Die bürgerliche Verfassung in jedem Staate soll republikanisch sein.
2. Das Völkerrecht soll auf einem *Föderalism* freier Staaten gegründet sein.
3. Das Weltbürgerrecht soll auf Bedingungen der allgemeinen Hospitalität eingeschränkt sein.

„Da es nun mit der unter den Völkern der Erde einmal durchgängig überhand genommenen (engeren oder weiteren) Gemeinschaft so weit gekommen ist, daß die Rechtsverletzung an *einem* Platz der Erde an *allen* gefühlt wird: so ist die Idee eines Weltbürgerrechts keine phantastische und überspannte Vorstellungsart des Rechts, sondern eine notwendige Ergänzung des ungeschriebenen Kodex, sowohl des Staats als Völkerrechts zum öffentlichen Menschenrechte überhaupt, und so zum ewigen Frieden, zu dem man sich in der kontinuierlichen Annäherung zu befinden nur unter dieser Bedingung schmeicheln darf.“ (Kant, *Werke*, Bd. 11, S. 217)

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