

Manifesto against war

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War is horrific. War is a monster that tramples on all the human rights that have been so hard to achieve. War is the absolute lowest point of existence. It leaves behind blackened, polluted land where civilisation once stood. War shows the failure of coexistence, the failure of political systems. War is the elimination of civil law. War is degrading, and every human being knows this. But the echoes of military destructiveness threaten every society and every individual time and again. How is it possible that in the 21st century, sovereign constitutional states, having accepted the Universal Declaration of Human Rights of 10 December 1948, allow human rights to no longer be defended.

Legal principles

European cultural developments cannot be viewed separately from the principle of *equality* before the law, as laid down in the *Declaration of the Rights of Man and of the Citizen* in Paris on 26 August 1789. The law has developed in the settlement of power differences. In fact, works of art, buildings, pieces of music, houses, streets, squares and parks are the visible, tangible testimonies of this European cultural awareness. A self-awareness that has been developed and continues to grow through *equality* before the law. Legal principles are the language of resistance.

Homer

Homer was the most celebrated of all rappers, the singing poets of the ancient Greek world, who travelled from generation to generation between 800 and 600 BC along the eastern coast of the Mediterranean, improvising songs. In the lively performance, the audience became part of historical moments and legendary, mythical characters who addressed life questions, grief, love, revenge, struggle and homesickness. The two surviving long heroic poems, the *Iliad* and the *Odyssey*, tell of a journey. The journey of *Achilles* to Troy is marked by reflection on anger, resentment and revenge, struggle and death. The journey of *Odysseus* is a return after the battle for Troy to his homeland, the island of Ithaca, where his home becomes a centre of Hospitality and friendship.

With these long poems, *Homer* taught us that the difference between barbarism and civilisation is Hospitality (*Xenia*), in which friendships are formed. The legal system established in Europe is inconceivable without the Mediterranean dining table, where fellow human beings are invited to eat and drink.

Laws/Nomoi

From the time of the Athenian *Akademeia*, founded by the philosopher *Plato* (circa 428-348 BC) in 387 BC, cultural life was characterised by a transfer of the oral Hellenic traditions of songs, myths and poems to a written reflective and reflexive language. The Athenian *Akademeia* made language the material of philosophy. The distinction between truth and falsehood, between right and wrong, was found in written dialogue through argumentation and reasoning.

Plato began his *Dialogues* after the suicide of *Socrates* in 399 BC in response to the verdict of the Athenian city council, which sentenced him to death. *Plato* was unable to do anything for 15 years, but this also gave him the inspiration for the *Laws*. *Nomoi* is a draft text for an imaginary colony (*Magnesia*) where justice will be the highest power and tyrannical rule will no longer be possible, where people talk and consult with each other. It is the last and longest dialogue *Plato* wrote. Justice is the product of dialogue.

Magna Carta

The Anglo-French wars required cooperation between the king and the landowners, who mobilised the troops and financed the war. A council of 25 landowners was formed, which drew up an agreement binding the king's power to the law. The *Magna Carta* of 12 October 1216 contained 63 legal rules. No one could be imprisoned without a court order, one of which was called *Habeas Corpus*. The involvement of a judge in a conflict with the authorities is a legal principle that has been enshrined in the European legal system ever since.

On the law of war and peace/De iure belli ac pacis

Hugo Grotius (1583-1645) provided a semantic solution to the political dilemma of domination by force. In his book "*De iure belli ac pacis*", published in 1625, he argued that waging war at sea, annexing overseas territories and dominating "foreign peoples" is a right of all people of good will. In the 17th century, the Christian faith represented the goodness of God on earth, and therefore domination was a means of spreading goodness. His writings became the guiding principle for overseas trading companies, which were to rule with "justified" violence. The "colonial charter" was issued by the States General of the United Netherlands.

The trading companies were given the freedom to govern the conquered overseas territories on the basis of local, imposed regulations. It was they who drew up laws and regulations in the colonies, enforced monopolies, carried out military actions and had their own military courts. The right to wage war was the right of the ruler. The colonial charter placed the colonies outside the legal order of the Republic. *Grotius*'s law of war laid the foundation for domination and inequality of power between peoples.

On 5 August 1667, the *Perpetual Edict* was adopted by the States of Holland, stipulating that the highest military offices were incompatible with the office of stadtholder. The authors of the *Edict* included the brothers *De Witt*, who advocated limiting the sovereign power of the stadtholder. On 20 August 1672, they were both murdered, their bodies lynched and hung from the scaffold in front of the prison gate in The Hague. *Baruch Spinoza* (1632-1677) wrote on a piece of paper that evening, "*ultimo barbarorum*".

Trias Politica

The *Trias Politica* of 1748 is a legal principle formulated in "*De l'esprit des lois*" by *Charles de Montesquieu* (1689-1755). Following in the footsteps of *Plato*, *Montesquieu* also sought to protect society from the tyranny of autocratic rulers. The separation of the legislative, executive and judicial powers was necessary for the distribution of power. *Montesquieu*, like *Grotius*, had his sights set on the distant colonies where colonial trading companies were establishing trading posts with increasing success. His vision

was of an open, expansive world with different cultures, languages and gods, which would be brought to prosperity by the “natural rationality” of man. His *Trias Politica* became the civil law model for the division of power, thereby invalidating both the exclusive Christian morality of the church and the mythical inviolability of the king.

However, the *Trias Politica* was not introduced in the colonised areas. Two systems continued to be used in European legal thinking: a legal order for civil society based on the principle of *equality* and an armed colonial power order for ruling over others. These two systems are fundamentally incompatible: the civilising model of justice and the model of domination by military power.

Declaration of the Rights of Man and of the Citizen/Déclaration des Droits de l’Homme et du Citoyen

The *Declaration of Human Rights* of 1789, proclaimed during the *French Revolution*, came at a time when citizens understood and demanded that their voices be heard and their interests respected. The uprising against state violence brought with it a new legal principle: *equality before the law*. The pursuit of a balance of power between states and rulers was now demanded and formulated by the people. With the description of human rights, the willingness to submit to a higher, central power disappeared. This new, revolutionary social thinking opened the consciousness to changed class relations in a new society.

Four years later, on 21 January 1793, King *Louis XVI* was tried in three votes by the *National Convention*, sentenced to the guillotine and beheaded. *Marie Antoinette* was also sentenced to the guillotine and beheaded on 16 October 1793. They were accused of suppressing riots, conspiring against public freedom and conspiring with foreign powers. They had betrayed the people. Jurisdiction shifted from the king to the citizens.

The *Code Napoléon* of 1804 reinforced these French civil rights in a coherent code, which elaborated on *equality*, *property rights* and *freedom of contract*. Wherever *Napoleon* went, citizens were given a *Civil Code*.

Battlefields and millions of deaths

The 19th century was a bloodbath due to the many wars fought on the European continent. The Napoleonic Wars of 1804-1815, for which estimates range from 3.5 million to 6.5 million military and civilian casualties; the Caucasus War of 1816-1864 with an estimated 100,000 victims; the Greek War of Independence of 1821-1829 with an estimated 800,000 victims; the Franco-Prussian War of 1870-1871 with estimates between 180,000 and 500,000 victims, followed by a smallpox pandemic with an estimated 500,000 victims; the Crimean War of 1853-56 with estimates between 500,000 and 750,000 victims.

European heads of state, in their role as commander-in-chief of the army and in close cooperation with their army leaders, were confronted with a slowly but surely growing social awareness that military violence and war were undesirable in a civil society. This came at a time when the military war industry was supplying increasingly violent and destructive armies with repeating rifles, long-range artillery, heavy explosives, machine guns, mechanised transport and telegraphic communication.

About the Social Contract/Du Contrat Social and the new pedagogy

The image of humanity was under severe pressure as a result of the violence of war, in which people killed each other en masse on orders. It was *Jean-Jacques Rousseau* (1712-1778) who defined the image of humanity not from within, but from without: humans were shaped by their environment and it was therefore necessary to free the environment in which each individual grew up from violence and oppression. In his *Social Contract* of 1762, he wrote that citizens have a social contract with each other. This contract is binding on the duties and freedoms of individuals.

Johan H. Pestalozzi (1746-1827) developed a school system in Switzerland based on this new philosophy, and his pedagogy aimed to support the natural development of children. This new concept for education took as its starting point an understanding of the factors that disrupt children's development. Violence is the most profound, inhibiting factor for personal development. He called this '*Pedagogy of Head, Heart and Hands*'. A harmonious relationship between people and their environment was crucial for the development of individuals and society, he argued. In 1798, he founded a school for war orphans in Stans (Switzerland). In 1805, he founded a Volksschule (people's school) in Yverdon, near Lake Geneva. The aim was to provide education for every child.

Communist Manifesto

Karl Marx (1818-1883) and *Friedrich Engels* (1820-1895) published their Manifesto in London on 21 February 1848. It called for social activism against state violence and oppression. The manifesto includes a political programme for the abolition of existing power structures of capitalism, which is defined as a model of exploitation of labour, workers and raw materials. Only a revolution against the propertied class will be able to liberate the workers. *Class consciousness* is the key concept: working people liberate themselves from their oppressed position by developing solidarity and consciousness, which, through the legal position of the working class, gives it an identity and power. The argument for resistance was '*You have nothing to lose but your chains.*' The most necessary conditions for equality are: unity of the proletariat, abolition of private ownership of land and inheritance rights, a progressive tax system, nationalisation of credit, means of communication and transport, universal obligation to work, universal education, abolition of child labour. The most effective model for resistance to oppression is strike action.

The consequences of the *Communist Manifesto* in the field of constitutional law and legal principles were enormous: class consciousness instead of submission, solidarity instead of struggle, internationalism instead of nationalism, education instead of dogma, workers instead of rulers, change instead of conformity, rules of law instead of power.

Geneva Convention

22 August 1864: signing of the *Geneva Convention*, which obliged states to facilitate humanitarian aid to soldiers. It was a citizens' initiative by *Henri Dunant* (1828-1910) who, with the establishment of the Red Cross and the initiative for the *Geneva Conventions*, brought about the *Humanitarian Law of War*: nurses, doctors, ambulances and hospitals worked under the protection of the *principle of neutrality*.

Public education

It became clear that reforming society at the political level was not possible without a drastic overhaul of educational methods. The initiatives of *Pestalozzi* in the field of pedagogy were further developed. *Maria Montessori* (1870-1952), drawing on her training as a doctor and later as an anthropologist, developed her focus on the different stages of child development into a new educational programme. She opened her first “*Casa di Bambini*” (for 3 to 6-year-olds) on 6 January 1907. *Francisco Ferrer* (1859-1909), a contemporary of *Maria Montessori*, founded the first secular school in Spain in 1901, the “*Escuela Moderna*” for boys and girls in mixed classes, where education was no longer dictated by religion and the church, but based on the free development of the child, all children. He founded a total of fifty schools.

Francisco Ferrer was sentenced to death in Barcelona in 1909 on false charges by a military tribunal and executed by firing squad on 13 October 1909. He was accused of inciting the Catalan uprising against clerical power. The church used military force to silence a critical voice. His execution led to large demonstrations throughout Europe with hundreds of thousands of protesters and thousands of arrests.

Peace Conferences

The initiative for a *Peace Conference* came from *Tsar Nicholas II* of Russia, who wanted to put an end to the recurring economic crises that were causing wars and ruining countries. Armies were growing, weapons were becoming mass-produced and the continuing mistrust between great powers increased the chances of a destructive industrialised war. *Tsar Nicholas II* had been sent the book, '*The Future of War*', by the banker *Ivan Bloch* (1836-1902), published in Paris in 1898, in which *Bloch* warned against a disastrous militarised state.

But true pacifism came from society, which was shaped by a social aversion to ruthless militarism. *Bertha von Suttner* (1843-1914), figurehead of the peace movement in Europe, had published her pacifist appeal “*Die Waffen nieder*” (*Lay Down Your Arms*) in Dresden in 1889 and was an important voice in the growing peace movement.

The first *International Peace Conference* in The Hague in 1899 was attended by 26 countries and 300 guests. Including, *Bertha von Suttner* with her feminist, pacifist friends *Anita Augspurg* (1857-1943), who worked as a lawyer with *Rosa Luxemburg* (1871-1919), and *Margarethe Selenka* (1860-1922), who researched human evolution as an anthropologist. She was assisted by her friend *Ivan Bloch*. In her diary, she wrote that for the abolition of war, violence and oppression, “*a new kind of human being must emerge*”.

The *Hague Convention* contained a treaty for the peaceful settlement of disputes between states. The declaration included a ban on the use of poison gas and English Dum Dum bullets. In 1907, the *Second Hague Peace Conference* followed, in which arbitration of international disputes was made compulsory. In 1913, the unique *Peace Palace* opened its doors in The Hague. This was the seat of the *Court of Arbitration* for disputes between states. European politics could now effectively pursue a policy of peace. *Ferdinand Domela Nieuwenhuis* (1846-1919), the Netherlands' most famous anarchist and fierce

opponent of war and militarism, provocatively exclaimed: “*The Peace Palace is open, the war can begin!*”

Anti-militarism

Rosa Luxemburg (1871-1919) and *Karl Liebknecht* (1871-1919) took the *Communist Manifesto* of 1848 as the basis for an anti-militarist movement in Germany. In their analysis, capitalism, and with it the hierarchical class society, is based on militarism and oppressive colonial politics. The abolition of capitalism is not possible without the abolition of militarism, without the abolition of armament, without the abolition of the colonies.

They shared their anti-militarism with the French historian of the *French Revolution*, *Jean Jaurès* (1859-1914), a prominent champion of class struggle. At the 16th meeting of the Bureau of the *Socialist International* in Brussels on 29 July 1914, which was also attended by *Rosa Luxemburg* and the Dutch *Pieter Troelstra* (1860-1930), he called for a *General European Strike* against military escalation and war. *Jean Jaurès* was assassinated on 31 July 1914 on a café terrace on Rue Montmartre in Paris by a young nationalist. Three days later, on 3 August, the First World War began.

The war produced a constant stream of testimonies: soldiers, nurses, civilians, writers and poets gave detailed accounts of the reality of war, the horror and the madness of violence. Some of the best-known accounts are those of Henri Dunant, “*Un souvenir de Solferino*” (1862), Henri Barbusse (1873-1935), “*L'enfer*” (1908) and “*Le feu*” (1916), Karl Liebknecht, “*Militarismus und anti-Militarismus*” (1907), Rosa Luxemburg, “*Briefe aus dem Gefängnis*” (1916), Guillaume Apollinaire (1880-1918), “*Côte 146*” (1914). These were not the classic, heroic chronicles written by strategists and warlords, but direct descriptions of reality. During the Battle of the Somme, which lasted four and a half months from 1 July to 18 November 1916, 1,070,000 soldiers lost their lives. England lost 420,000, France 200,000 and Germany 450,000 soldiers. The First World War ended on 11 November 1918.

The written testimonies, ranging from letters and poems to stories, reports, diaries, biographies and wills, painted a grim picture of profound human disillusionment. These writers came to the conclusion that ending war and disarmament was the only option for a life in peace.

Rosa Luxemburg and *Karl Liebknecht* were both arrested in Berlin on 15 January 1919 for their revolutionary, anti-militarist views, which they had promoted in the *Social Democratic Party* and, from 1915, in the radical *Spartacus League*. Their funeral on 25 January 1919, together with 38 other supporters who had been killed, turned into a massive procession through Berlin, described in the diary of *Käthe Kollwitz* (1867-1945): “*They are buried in a mass grave (...) Crowds gather around the grave.*”

Communist and anarchist Europe continued the struggle against state militarism, given the violent crackdown on the population, which, through awareness of social injustice, increasingly despised state violence.

Versailles Peace Treaty

The *Peace Conferences* of 1899 and 1907 had normalised political consultation between states and made arbitration of international disputes compulsory. The peace movement had embraced this. And yet the European states had not averted war.

The peace talks after the First World War, held in Paris from 18 January to 28 June 1919, gave the political leaders of the time the explicit task of translating pre-war peace ideas into a binding international legal document. The American president *Woodrow Wilson* (1856-1924) came to Paris in person to seal the peace with the establishment of the *League of Nations*; an alliance in which all countries were united into a community of nations, protected by sovereignty and the right to independence. Away with colonial rule, away with the power of unilateral national interests, away with the need for armament. *The Covenant* (effective 10 January 1920) contained, in addition to the concept of territorial integrity, the *Constitution of the Mandate System*. The colonies, which were under foreign rule, were prepared for independence by the victors of the war (advanced nations). The *Council of the League of Nations* determined the “degree of authority, control or administration” necessary for this legal process towards independence for all those peoples who were not considered ready for it... The old European power mentality of ruler and ruled still formed the basis of international legal thinking, and thus the legitimacy of violence remained a reality for the populations under mandate.

The United States never joined the *League of Nations*. The American Senate rejected the *Covenant*, drafted by their own president *Woodrow Wilson*, on 16 September 1919. As a result of this manifest American nationalism, warfare and armament under the banner of self-defence could continue unabated.

The discontent and distrust of the Arab and African populations of the new “*mandate territories*”, who were confronted with new borders, appointed administrators and an unknown future, was and remains very high and was also followed with indignation by the peace movements in Europe.

The interwar period

There was peace in Europe between 1919 and 1939. Work continued on strengthening the rule of law: 1921 *Naval Disarmament Conference* in Washington (limitation of the size of the war fleet), 1923 *Treaty of Lausanne* on the Air Force (laws of war for the air force), 1925 *Geneva Protocol* on Chemical Weapons (ban on chemical weapons), 1929 *Geneva Convention* (regulations for the treatment of wounded and sick soldiers and the protection of prisoners of war).

And yet this did not prevent the European states from simultaneously expanding their military power in the struggle for national interests and hegemony. The First World War was a test for the war industry for the further development of weapons: tanks, bulldozers, howitzers, machine guns, anti-tank guns, fighter planes, explosive substances and nuclear fission.

Nuclear fission

In England, *Ernest Rutherford* (1871-1937) worked on atomic fission at Victoria University in Manchester between 1909 and 1917. In 1917, he successfully “split” the atom. This

was the beginning of nuclear physics, which all famous nuclear physicists would continue to work on for the realisation of the atomic bomb.

North Atlantic Treaty

The *Atlantic Charter* of 14 August 1941, drawn up by US President *Franklin Roosevelt* (1882-1945) and British Prime Minister *Winston Churchill* (1874-1965), is the legal document for the post-war division of power and stipulated that America and England should each play an equal role in the post-war international organisation that would be established for this purpose: the *United Nations*. Thirteen secret meetings took place between *Roosevelt* and *Churchill* to draft the text of the Charter. The *Atlantic Charter* was signed at the American military base *Argentia*, Newfoundland. The Charter stipulated, among other things: no territorial expansion by the US and the UK, territorial changes in agreement with the populations concerned, all peoples have the right to self-determination, trade barriers would be reduced, economic cooperation worldwide and the promotion of social welfare, participating countries would work towards a world free from want and fear, participating countries would work towards freedom of the seas, disarmament of aggressors and general disarmament after the war.

The English nuclear fission project was brought to the United States via *Niels Bohr* (1885-1962). In 1939, the *Manhattan Project* was launched here, led by the American army, with *Robert Oppenheimer* (1904-1967) as scientific director. The decision to build the atomic bomb was a fact. The successful test near Los Alamos, for the nuclear explosion of the plutonium bomb, called "*Trinity*", took place on 16 June 1945.

Ted Hall (1925-1999), the youngest scientist on the *Manhattan Project* team, understood that the power this destructive weapon would give the US would threaten world peace. On 20 October 1944, at the age of 19, he became a spy for the Russians and successfully passed on the information needed to build a plutonium nuclear bomb.

The United Nations; Universal Declaration of Human Rights

The Second World War changed the balance of power between states through altered alliances. Europe was politically and economically weakened. On 24 October 1945, the United States established the *United Nations* in San Francisco (replacing the *League of Nations* in Geneva), whose founding treaty was signed by 51 states. The *Security Council*, *Security Council* was established in London on 17 January 1946, specifically charged with maintaining international peace and security. The permanent members were: the US, the UK, Russia, France and China.

Several *peace treaties* were drawn up, the first of which was the *Treaty of Paris*, signed on 10 February 1947. On 9 December 1948, the Convention on the Prevention and Punishment of the Crime of Genocide was adopted. This is an international treaty in which states declare that genocide is a crime. The treaty was the first legal instrument obliging states to prosecute and prevent genocide: it was adopted unanimously. On 10 December 1948, the human rights of the *French Revolution* of 1789 were finally declared a universal right and enshrined in the *Universal Declaration of Human Rights* during the third General Assembly of the United Nations in Paris, *Palais de Chaillot*. A committee of

18 members had worked on this for more than a year and a half, led by *Eleanor Roosevelt* (1884-1962), widow of President *Roosevelt*. *The Palais de Chaillot* was a symbolic location, where Hitler had had a photo taken of himself standing on the terrace with the *Eiffel Tower* in the background during his brief victory tour of Paris in 1940. The *Universal Declaration of Human Rights* was sent to all 51 member states. The guiding legal principles were: *equality, individual freedom and the right to life!*

The *Universal Declaration of Human Rights* was later split into two human rights treaties: the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*, both adopted on 16 December 1966.

War crimes

The Second World War from 1939 to 1945 lasted six years and claimed 55 million victims worldwide, half of whom were civilians. The United States carried out two atomic bomb attacks on Hiroshima on 6 August 1945 and Nagasaki on 9 August 1945. On 8 August 1945, the Charter was signed in London for the establishment of an *International Military Tribunal* under the leadership of English judge *G. Lawrence* (1880-1971) for the trial of Nazi suspects, including ministers and army leaders. The charges were Crimes against Peace, War Crimes and Crimes against Humanity (in the context of war). The *Military Tribunal* held 12 sessions in Nuremberg from 20 November 1945 to 1 October 1946. Twenty-two defendants were brought before the court and 12 were sentenced to death by hanging.

On 3 May 1946, the International Military Tribunal for the Far East began in Tokyo, led by the Australian *William Webb* (1887-1972). The tribunal ended on 12 November 1948. Twenty-eight leaders of the army and government were tried, seven of whom were sentenced to death by hanging. The Japanese emperor was not prosecuted.

NATO: North Atlantic Treaty Organisation

Established on 4 April 1949, *NATO* is based on the 1941 North Atlantic Treaty, which was signed by 12 states in Washington, led by US President *Dwight Eisenhower* (1890-1969). It was a collective defence treaty between the capitalist states against communist Russia, an ideological rivalry known as the *Cold War* because of the renunciation of direct military confrontation. Both “blocs” had nuclear weapons at their disposal. On 14 May 1955, the Warsaw Pact was established as a counterpart to the *North Atlantic Treaty Organisation*.

NATO is an intergovernmental military alliance. Its purpose is to guarantee the freedom and security of its member states by political and military means. The organisation has two departments: a civil-administrative department (*North Atlantic Council, Nuclear Planning Group, International Staff*) and a military department (*Military Committee for Strategy, Command Operations, Command Transformations for Defence Planning*). The headquarters was initially in London, then in Paris, but with the withdrawal of France in 1966, it was moved to Brussels in 1967. The *Supreme Headquarters, the Military Command Centre*, has been located in Casteau, north of Mons, Belgium, since 1967. Expansion of *NATO* from 12 to 32 members between 1949 and 2004: West Germany in 1955, Eastern European countries in 1999, Poland, Hungary and the Baltic States in 2004.

Council of Europe

On 5 May 1949, on the initiative of 10 European countries, the *Council of Europe* was established in London as an international organisation for the preservation of peace and the observance of human rights in Europe. Its headquarters are in Strasbourg. The *European Convention* was signed in Rome on 4 November 1950. The treaty incorporates the human rights and civil rights of all inhabitants of the contracting states into the *European Convention on Human Rights (ECHR)*. The *European Court of Human Rights* was established on 21 January 1959 in Strasbourg.

The *European Convention on Human Rights* contains an important legal principle, Article 3-8, which enshrines the *right to life* and the *inviolability of the person*. The *right to self-determination* is part of this fundamental right. This extends to the *prohibition of the death penalty and torture*. The duty of care of states is also enshrined in it, which means that states must take active measures to protect these rights. The *European Court* monitors compliance with human rights.

Legal principles

The most important legal principles that bind the state to the law and the courts are: *the principle of legality* (the government is bound by the law), *legal certainty* (clear rules from the government), the principle of equality (everyone is equal before the law), *the principle of due care* (the government must exercise due care in its decision-making), *the principle of motivation* (the government must give reasons for its decisions), *the principle of trust* (the government must have the trust of its citizens), *fair play* (fair treatment of citizens by the government), *the principle of proportionality* (the consequences of government measures must not place a disproportionate burden on citizens), *access to the courts* (citizens must have the possibility of going to court).

Russell-Einstein Manifesto

On 9 July 1955, the *Russell-Einstein Manifesto* was published in London by a group of physicists, warning against armed conflict between Communism and anti-Communism involving the use of nuclear weapons. It is a strong call for a peaceful resolution of international conflicts. Signed: *Max Born, Percy W. Bridgman, Albert Einstein, Leopold Infeld, Frederic Joliot-Curie, Herman J. Muller, Linus Pauling, Cecil F. Powell, Joseph Rotblat, Bertrand Russell, Hideki Yukawa*. *Robert Oppenheimer* refused to sign.

“(...) we urge the governments of the world to realise, and to acknowledge publicly, that their purpose cannot be furthered by a world war, and we urge them, consequently, to find peaceful means for the settlement of all matters of dispute between them.”

The rule of law versus militarism

The “*Cold War*” ended with the collapse of the Communist Soviet Union under *Mikhail Gorbachev* (1931-2022) on 9 November 1989 and with the fall of the Berlin Wall. Every effort should be made to create a world in which universal human rights are respected, with all the fundamental rights that this entails. The United Nations Declaration of Human Rights expressed the hope that the “*promotion of universal respect for and observance of human rights and fundamental freedoms*” would liberate humanity from violence.

The 1941 Atlantic Charter, the establishment of *NATO* in 1949 and the development of the atomic bomb testify to a very different world view, in which human rights are subordinate to state security and the maintenance of the balance of power between states. The military alliance of states is based on the loyalty of armed forces for whom military force is a deterrent against external aggression. The arms race that results from this is considered necessary for waging territorial wars in order to enforce a balance of power between armed forces. *NATO*'s military strategy, through the *Council*, which consists of representatives of the member states, leads to a political decision on the use of military force. This legitimises violence as a means of resolving power conflicts.

The use of military force is inevitably a serious violation of universal human rights, which by definition must be protected by the judiciary (NOT by *NATO* forces).

This is what *Julian Assange* (1971), founder of Wikileaks, denounced in 2006 with the publication of the video "*Collateral Murder*", an indictment of war crimes committed by the American army. *Assange* was persecuted for 14 years (2010-2024) under US charges of espionage, which carry a life sentence. He was granted asylum in the Ecuadorian embassy from 2012 to 2019 and was held in the high-security *Belmarsh prison* from 2019 to 2024. This is also what *Edward Snowden* (1983), a CIA employee at the *NSA*, exposed when he published information about unlawful government surveillance of the civilian population. *Snowden* fled from Hong Kong to Russia on 23 June 2013 and has been living there ever since.

Citizens are deprived of their human rights by every war, a sacrifice that is sold to them as the price of freedom. Citizens are called upon to fight and die for their country. Citizens pay for armament and warfare through national taxes, at the expense of the necessary support for social, community and cultural life. All legal principles are violated through the use of violence. Every war that breaks out is the ultimate violation of human rights.

Disarmament of the state is necessary for the enforcement of legal principles; disarmament of the state is a prerequisite for the flourishing of the rule of law.

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