



WHAT ARE PEACE, JUSTICE AND STRONG INSTITUTIONS?

Few concepts have been as widely studied, heralded and long-awaited through history, nor as ignored and put off.

What is “Justice”? A Socratic question¹ reflected upon by Plato in *The Republic*. For the first Greek philosophers, all the virtues were based on justice (considered the universal virtue), whilst justice was founded on the idea of “good”, which is the harmony of the world.

In Classical Roman times, the jurist Ulpian defined justice as “the perpetual and constant will to render each his own”.

¹ NELSON, L., *Die Sokratische Methode*, Verlag Öffentliches Leben, 1929.

Saint Thomas Aquinas identified with Ulpian’s concept of justice², and maintained that natural law is the base of judicial theory. For Aquinas, classic natural law gives individuals a series of justice guidelines that enable them to live together (the duty to fulfil promises, the duty not to harm the life of others, the duty to construct an order of co-habitation based on freedom and equality, etc.).

For Locke (modern natural law) natural laws require a centralised organisation for common issues that guarantee order, established with a

² AQUINAS, Saint Thomas, *Suma Teológica*, II-II, q. 58, Art.1.



series of laws³. The different streams of natural law are at odds with legal positivism, which separates morality from law, and, in its diverse streams, defends the idea that rule of law could exist regardless of its ethical rationale. These are philosophical theories that have arisen throughout history and that seek to substantiate the sense of justice.

Natural law reached its pinnacle in 1948 with the Universal Declaration of Human Rights, when it transformed from a right granted by each sovereign state to a universal right for all people based on the inalienable right to dignity for everyone. To exercise these rights, the UN upholds the concept of a **“Rule of Law”, under which societies are regulated in order to live in justice and peace: “a principle of governance in which all persons, institutions, (...) including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated (...), ensuring adherence to the principles of separation of powers, participation in decision-making, avoidance of arbitrariness, and procedural and legal transparency”⁴.**

³ BONILLA SAUS, Javier, “Aproximación a la obra política de John Locke” *Work Document* No. 23, Montevideo, 2006

⁴ *Doc. S/2004/616, The rule of law and transitional justice in conflict and post-conflict societies*, Report by the Secretary General, UN, 2004

THE HEART OF THE UN’S MISSION

In the words of the pacifist leader Mahatma Gandhi: “There is no path to peace. Peace is the path”. The creation of the UN in 1945 in the aftermath of the Second World War, responded to the **main objective of keeping international peace and security** (Article 1, UN Charter).

“Lasting peace is a prerequisite for the exercise of all human rights and duties. **It is not the peace of silence, of men and women who by choice or constraint remain silent. It is the peace of freedom – and therefore of just laws –** of happiness, equality, and solidarity”⁵ Peace does not just mean a lack of violence. It is a Third Generation human right⁶, which encompasses, among others, the right to live in a safe environment; the right to resist the oppression of human rights-violating regimes; the right to call upon all States to disarm; and, of course, the right to justice. Indeed, **if rule of law is a vital requisite for achieving peace, one of the basic rights of the rule of law is equal access to justice.** Justice administrations must be transparent, independent, impartial, non-discriminatory and effective (Article 10 of the Universal Declaration of Human Rights, Article 24 of the Spanish Constitution).

⁵ *The Human Right to Peace*, Declaration by the General Director of UNESCO, 1997

⁶ More information about VASAK’s classification of Human Rights, *FABRE Foundation document*, 2017, p.2-3



However, instead of **“establishing conditions under which justice and respect for the obligations arising from treaties and other sources of international law”⁷** can be **maintained**, some States perpetuate corruption, increase the manufacturing of arms, and turn a deaf ear to peaceful activists and victims of the never-ending wars scattered around the world.

Sustainable Development Goal (SDG) 16 is the ultimate international call to “promote fair, peaceful and inclusive societies” between now and 2030.



WHAT IF UTOPIA WERE A REALITY?

SDG 16 aims to reduce violence in the world - particularly towards children (targets 16.1 and 16.2) - and to do this it highlights the need to reduce corruption (16.5); to create efficient and transparent institutions (16.6); to protect fundamental liberties (16.10); and to promote the state of law and access to justice. It is hard to believe that everyone will have a fair trial by 2030, when **between 2013 and 2015, 31% of the global imprisoned population did not have a trial or a sentence.** In Central Asia this percentage rose to 67% and in Latin America and

the Caribbean this figure stood at 43% (2% more than in 2005).⁸



The first step towards defending fundamental rights and guaranteeing access to justice is for everyone to have a legal identity by registering all births (target 16.9). **Between 2010 and 2016 in Sub-Saharan Africa, just 46% of children under age 5 were registered. Globally this figure stands at 71%.**

Despite the UN adopting the Global Counter-Terrorism Strategy in 2006, considering the ambitious nature of Agenda 2030 (and that one of the main international concerns continues to be armed conflict), it is **compelling – and far from encouraging – that none of the goals set to achieve peace propose a specific international commitment to end wars and to act firmly upon their causes. In 2017, 32 active armed conflicts were registered (14 in Africa, 9 in Asia, 6 in the Middle East, 3 in Europe and 1 in America), with 40% of them considered high intensity⁹.**

⁸ SDG Report 2017, UNDP

⁹ For more information consult the *Report about conflict, human rights and the construction of peace: ¡Alerta 2018!*, Universitat Autònoma de Barcelona, Escola de Cultura de Pau, 2018

⁷ Preamble, United Nations Charter, San Francisco, 1945



WHO CAN DO WHAT?

ON AN INTERNATIONAL LEVEL



The United Nations Security Council is the chief body responsible for international peace and security, along with the General Assembly. Furthermore, the Commission, the Fund and the Peace-building Support Office aim to help countries and regions in the transition from war to peace. The Office of Disarmament Affairs works to eliminate nuclear weapons and weapons of mass destruction.

ON A NATIONAL LEVEL



Target 16.4 establishes that between now and 2030, the illegal arms trade must be reduced. In 2007 in Spain, the Arms Trade Act was passed. The **"Arms Under Control"** campaign led by Oxfam Intermon, Amnesty International, FundiPau and Greenpeace, exposes the risk of authorising arms exportation to conflict-stricken countries. It aims to follow up the application of this act.

ON A LOCAL LEVEL



The role of duty solicitors in the legal system is fundamental in guaranteeing equal access to justice.

Find out why on [FABRE Testimony – SDG 16](#).

AND WHAT CAN YOU DO?



"If we want a world of peace and justice we must resolutely put intelligence at the service of love." Antoine de Saint-Exupéry

Infant and Primary Pupils

What is justice? Are there people that do not have equal access to it? Why is free justice important? And how do we explain this to children? The Spanish General Advocacy Council has created [a series of cartoon videos](#) showing how "super" duty solicitors come to the rescue of the citizens that need help.

To work on the definition of peace, you could use some ideas suggested by [Help in Action](#) about peace-related plays, the dove, or the peace-mobile.

Secondary and Baccalaureate Students

The Model of the United Nations (MUN) is an activity in which students role-play delegates in mock-sessions held in the main UN bodies, representing some of the countries participating in the session: Afghanistan, Zimbabwe, Panama, etc. They discuss current issues in the session that feature in the UN agenda. They undertake research, public speaking, drafting, and negotiation with other "delegates", and hone their critical skills, tolerance, empathy and awareness about global problems. Find out more [here](#) and feel free to involve more groups of students.

After putting the MUN into practice, work on the [Theory of Rawls Justice](#) in philosophy: will they be able to repeat the session with the Rawls "veil of ignorance"? Were their MUN decisions the fairest possible?

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