



Declaration

We, participants of the Article 9 & Article 12 Conference – Peace Constitutions for Global Disarmament, held at the Port of Puntarenas, Costa Rica:

Emphasizing the local, regional and global value of the key principles established in Article 9 of the Japanese Constitution and of Article 12 of the Costa Rican Constitution;

Recalling the Article 9's renunciation of "war as a sovereign right of the nation and the threat or use of force as means of settling international disputes", its promise that "land, sea and air forces, as well as other war potential, will never be maintained"; and its declaration that "the right of belligerency of the state will not be recognized"; as well as Article 12's statement that "the Army as a permanent institution is abolished," and "military forces may only be organized under a continental agreement or for the national defense";

Acknowledging the important role that those and other peace constitutions can play in building demilitarized societies, a culture of peace, and fostering an environment conducive to sustainable development and the abolition of war;

Expressing deep concern at the growing military expenditure worldwide that reached \$1,464 billion in 2008, while 1.2 billion people around the world continue to live on less than a dollar a day, almost 850 million remain hungry and inequalities have increased;

Appreciating the key contributions made by civil society in pushing for change towards a better future; and ***asserting*** how much can be achieved when civil society organizations and governments work hand in hand for common goals;

Recalling the Global Article 9 Declaration to Abolish War and other statements issued by the Global Article 9 Conference held in Japan in May 2008;

Affirming the importance of the initiatives taken by Costa Rica at the UN to revitalize Article 26 of the UN Charter and create a plan for the control of armaments and the reduction of military spending, and parallel efforts through “Costa Rica Consensus” to support countries acting to implement this aim;

Accepting the efforts made by civil society worldwide, including the International Association of Lawyers Against Nuclear Arms (IALANA), regarding the worldwide abolition of nuclear weapons, the search for peace and the abolition of war;

Taking note of the Hanoi Declaration issued by the International Association of Democratic Lawyers’ XVIIth Congress; and **encouraging** the crucial role lawyers play in institutionalizing peace and justice;

Insisting on the inextricable link between development and peace;

Reiterate the importance of regional efforts towards disarmament, peace and development; and **highlight** their significant impact on multilateral debates at the global level;

Welcome the recent adoption, in the Latin American region, of peace clauses by Ecuador, Bolivia, and the Union of South American Nations (UNASUR), inspired by the Costa Rican example of the abolition of its armed forces in 1948;

Recall the significance of the Antarctic Treaty which established Antarctica as a nuclear-free and demilitarized region, and the Treaty of Tlatelolco, which prohibits nuclear weapons in Latin America and the Caribbean, both of which have inspired the creation of other Nuclear Weapon Free Zones in the world;

Support the call for negotiations leading to a **Nuclear Weapons Convention** based on the conclusions of 1996 International Court of Justice Advisory Opinion that: “there exists an obligation to pursue and bring to a conclusion, negotiations in good faith on nuclear disarmament in all its aspects...”, as well as on the unequivocal commitments made by nuclear weapons states in the 2000 Final Document of the NPT Review Conference (points 6-13) to achieve nuclear disarmament;

Welcome the support given to the proposal for a Nuclear Weapons Convention by the UN Secretary-General in his five-point plan for nuclear disarmament, as well as the support of a majority of governments of the world who voted in favour of it at the United Nations, and of Nobel Peace Laureates, mayors, parliamentarians, high-level dignitaries and other civil society leaders;

Acknowledge the importance of the revised **Model Nuclear Weapons Convention** submitted by Costa Rica and Malaysia to the UN Secretary General in 2007, that explores the legal, technical and political elements for achieving and maintaining a nuclear free world, and provides a useful guide to negotiations to achieve complete nuclear disarmament;

Deplore the growing tensions in Northeast Asia recently exacerbated by the Democratic People’s Republic of Korea (DPRK)’s nuclear tests; and **appreciate** the role Article 9 of the Japanese Constitution has played in building confidence and preventing tensions from escalating into a regional conflict, as recognized by the UN-convened Global Partnership for the Prevention of Armed Conflict (GPPAC)’s Action Agenda for Northeast Asia (2005);

Urge Japan to fulfill its constitutional obligations to uphold and realize the principles enshrined in Article 9, which are currently endangered by increasing militarization, enormous defence spending, and overseas deployment of the Self-Defence Force;

Support the call for a Northeast Asian Nuclear Weapon Free Zone as a way to achieve denuclearization of the Korean Peninsula, downgrade the role of nuclear weapons in the doctrines of all countries in the region, and meet the security needs of countries not to be attacked with nuclear weapons;

Welcome the growing momentum created by the succession of encouraging statements made by current and former heads of states and government officials towards nuclear weapons abolition;

Express concerns at the current food, climate, energy, trade, social and financial crises and at governments' failure to fulfill their commitments to achieve the Millennium Development Goals by 2015 and **insist** on the necessity to mobilize enough funds to the attainment of these goals including by reducing military expenditures;

Condemn the use of armed forces in political and military operations that overthrow democratically elected governments and suppress civil society, and the threat or use of force as a preventive measure in situations where there is not an imminent and overwhelming threat of force with no other means to prevent it;

Welcome and encourage the initiatives taken by Costa Rica to revitalize Article 26 of the UN Charter and create a plan for the control of armaments and the reduction of military spending;

Believe that peace constitutions supplement Article 26 of the UN Charter's call for regulating armaments and minimizing the world's resources used on military expenses;

And make the following recommendations.

We call on governments to:

- abide by their own Constitutions in the interests of peace and human security, and honour their international commitments, including the UN Charter, the Millennium Development Goals and disarmament agreements;
- recognize the value of and implement the UN Charter's Article 26 that calls for the establishment of an armaments regulation system with the least diversion of the world's human and economic resources;
- build upon the initiatives taken by Costa Rica at the UN, including the "Costa Rica Consensus" and the UN Security Council debate on "strengthening collective security and armament regulation" held in November 2008;
- shift priorities in their allocation of resources and decrease their military expenditures to invest in financing sustainable development, human security and peace;

- develop and adopt a UN resolution acknowledging the role peace constitutions can play in promoting global security and disarmament for development;
- strengthen and put into practice the annual UN resolution on the relation between disarmament and development;
- enact a comprehensive and effective Arms Trade Treaty;
- honour Hibakusha and other nuclear survivors by commencing negotiations to prohibit and eliminate nuclear weapons through a Nuclear Weapons Convention based on the Model Nuclear Weapons Convention presented in 2007 by Costa Rica and Malaysia to the UN Secretary-General and circulated by him to all governments;
- advance nuclear abolition deliberations and negotiations in all relevant international forums including the 2010 Non Proliferation Treaty Review Conference
- promote the establishment of demilitarized zones, following the model set forth by Nuclear Weapon - Free Zones (NWFZs) as a step towards the speedy, universal and verifiable abolition of nuclear weapons and disarmament of *all* weapons;
- participate in the Global Forum on Peace Constitutions being organized in Ecuador in November 2009 that will take the conclusions of this conference further;
- adopt a peace clause into their own national Constitutions, similar to Article 9 of the Japanese Constitution and Article 12 of the Costa Rican Constitution.

Puntarenas, Costa Rica
16 July 2009