The warranty of peace

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Introduction

Peace is a curious state of living together. It is wanted by many people while the same people never let it happen. This accusation suddenly changes the opinion. There is a figurative parapet with what the meaning of "peace" is and then this meaning appears to differ (almost) per person.

Europe had quite a strong unity that the Roman rule had inside. But after that, with the “Great Migration”, a considerable variety of customs and beliefs were mixed in the then existing society. This created a form of chaos that destroyed a lot of all unity and peace. The fragmentation of habits and customs plus the mixing of unknown ways of thinking and skills led to a learning process that lasted for centuries**:** the Middle Ages. The Middle Ages are characterized by a quiet fall back to brutal violence and a rebirth (Renaissance) to 'civilization' around 1500 AD.

Although the Romans used a civil rights system for peaceful living together, the Magna Carta in 1215 is considered to be the first document that reflected a sense of equality as the foundation of society. The feudal system operating at that time escalated, giving rise to the philosophy of the “Trias Politica” before 1755. This awareness provoked rebellion and revolution in Europe, with a revolution in the Netherlands from 1783-1787. The French Revolution in 1789 brought at the same time the civil rights with the Code Civil (1807) and was spread and introduced throughout Europe by Napoleon.

Nevertheless, oppression turns out to lead to the First World War and its horrors. Followed up by the humiliation that started the Second World War in Europe with its hatred of people. Bodily experiences finally brought an understanding out of the human being, which base led us to the Human Rights in 1948. These led to the development of a treaty in Europe for the **protection** of these rights (The Convention for the **Protection** of Human Rights and Fundamental Freedoms). But the generations of human beings hereafter have committed since about 1990 a growing and now objectively detectable betrayal of the soldiers who had to give their lives in war for peace and security. This betrayal is unforgivable

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Betrayal of this is unforgivable

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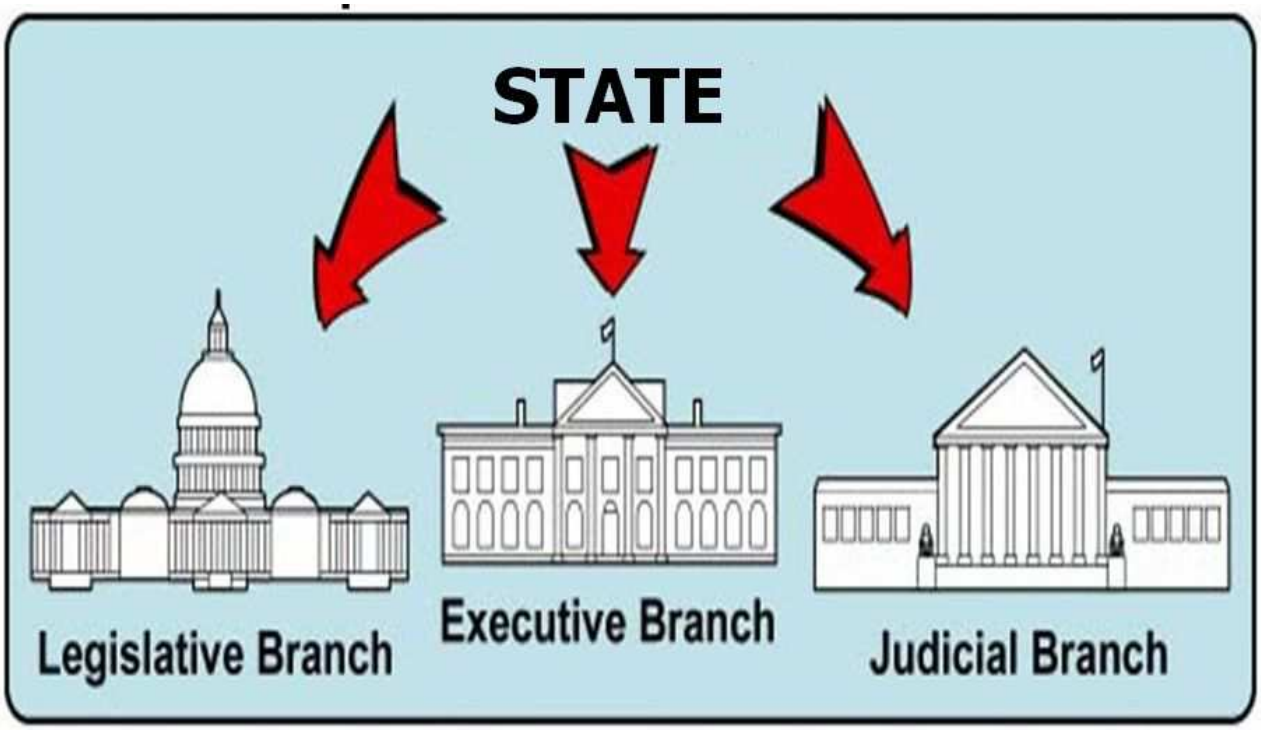
The Philosophy of the Trias Politica

It is common knowledge that the philosophy of the Trias Politica arose (circa 1730) in a state of dissatisfaction with the feudal system and with a view of subordination to the nobility. The vision only focuses on governance. While its creator Montesquieu turned against slavery, sought ways to increase freedom and to prevent tyranny.

It is also common knowledge that the philosophy of trias politica has one essence and that is that a State has three services (to the citizenry) that shall monitor each other's functioning. The core of this State is the absolute dominion of "the law". The three departments are the makers and the executors of "the law", with finally, in case of dispute, the State department which only then comes into action.



The philosophy pictures that a tyranny is prevented when the people participate equally. The legislature is the executive plus the people; the executive power is the State at the service of the people; the third power does right that is controlled by the people.

The misfire of the philosophy of the Trias Politica

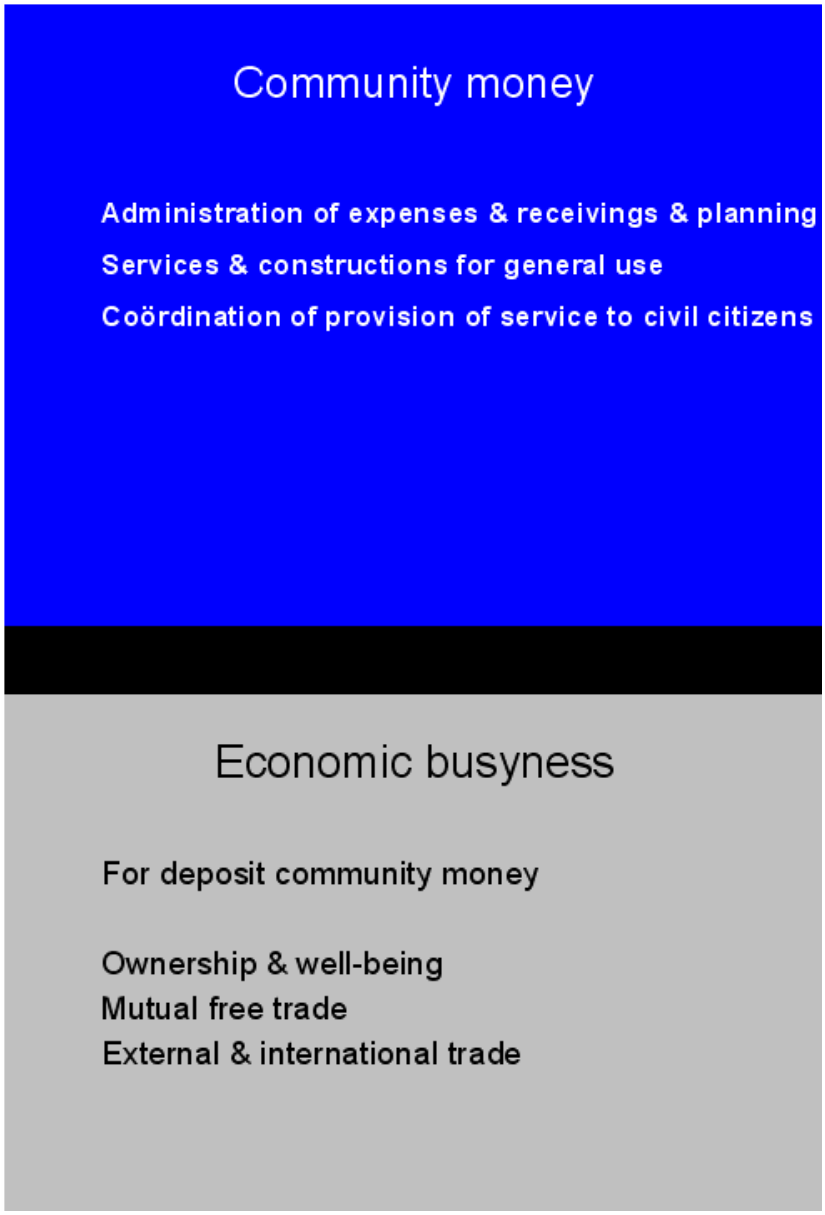
The first misfire of the philosophy "Trias Politica" is that it aims at the power of to govern. The persons with ambition in governing have inseparable a lust for power. This lust is indivisible and the moral character that belongs to ambition is as well indivisible. To spread these persons into three State departments does not decrease this moral character of each and also the lust for power cannot be divided. So a competitive spirit is created from which the world of today suffers.

The philosophy pictures the audit of each other's functioning, while the rule of the law gives to the legislative power an oversize of rule thus an oversize of power. So that nothing improves. Auditing each other's functioning is impossible in reality.

The second misfire of the philosophy "Trias Politica" is that a nation consists of neither more nor less than two groups. One of which is civil citizenry and the other is

government with civil service. This civil service is the civil service organisation plus State servants. Although both depend on each other, the nature of each dependency is different. This difference, when abused, is the hostile oversize of power where this difference must be**:** doing the job well.

Looking closer
The civil citizenry is a society and also a social partnership. For the first view counts that if there is little civil citizenry, then little government with civil service is needed. For the second view, if there is little variation in craft and trade, then little government with civil service is needed. Conversely, government with civil service is needed because the civil citizenry does not have the time for this due to busyness with keeping the economy going and going forward.

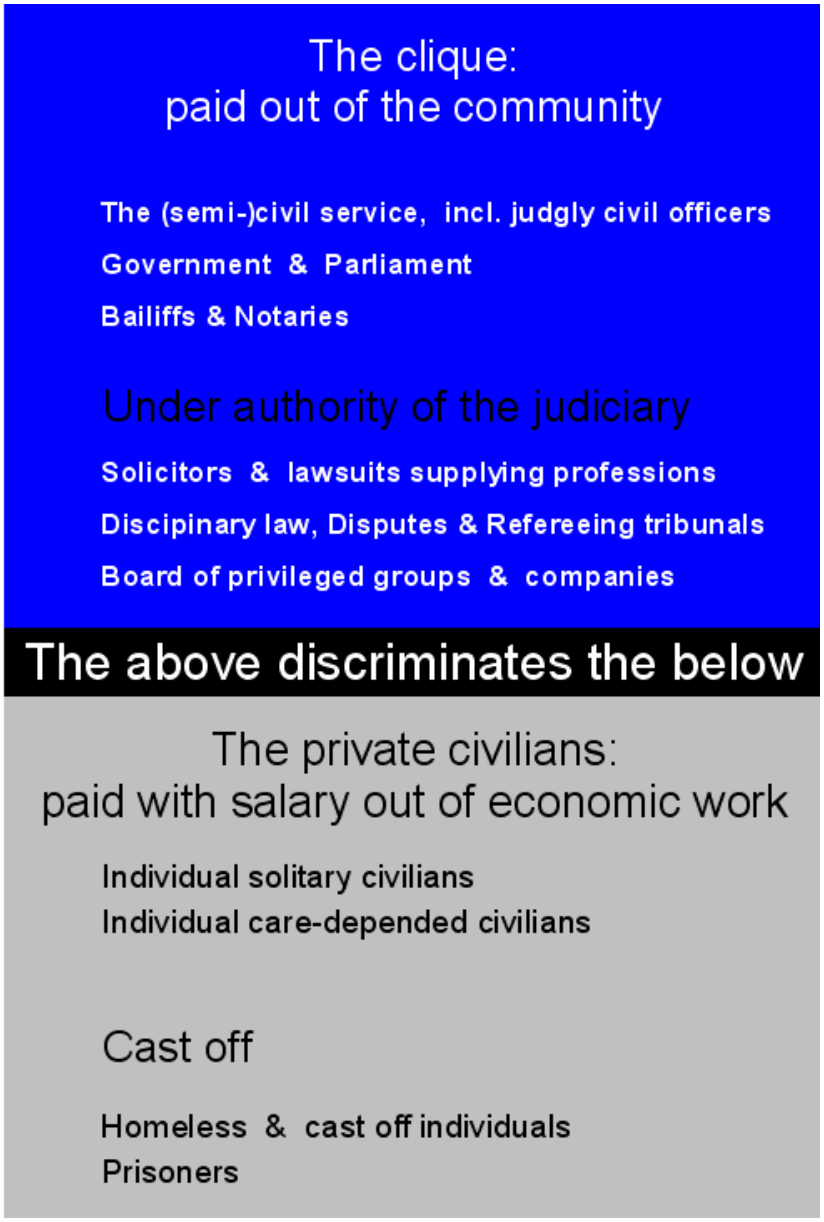


The civil service collects numbers and data and from this it has an overview of the status, prognosis and planning of the state of affairs for its own governing. The civil service depends on numbers and data supplied by the citizenry.

The civil citizenry watches over government functioning. It needs an overview for this and is dependent on an overview with information provided by the civil service.

When the civil citizenry provides incorrect information to the civil service, this results in incorrect overviews with information. Conversely, when the civil service provides incorrect information to the civil citizenry, this does not result in incorrect overviews with information. This is one element of the fundamental difference in power or interests. The information controls the results and thus also the decisions. The same applies to the services that the civil service performs for the public benefit. This embodiment is not robotically programmable and varies in duration. Unforeseen circumstances or errors cause redoing preparations or to wait for new materials, machines or tools. In short, the civil citizenry is dependent on the civil service for the use or deployment of new or improved works of public benefit. This dependence also and similar applies to the provision of governmental services. Conversely, there are no dependencies for the civil service. Because this is the core of its existence

Each dependence is instantly an oversize of means for service en results by abuse into over-power. This is even more true for the judiciary.



The growth towards a fighting society

War experiences beget a society with the rebirth of the value of cooperation. The size of this value grows with the growth of doing together. Until a saturation is reached in which war wounds have been supplanted by the satisfaction of the achieved state of well-being. The children of the early post-war children lose attachment to war and pass on to their children (the third generation) to use freedom. From here, this generation has different goals and a generation gap grows. This generation sees by and with their studies the possibilities that change their well-being into a well-going (prosperity).

The entrepreneur among them creates himself a need to which can be supplied. This also gives the social partnership a different moral. The money system that worked in craft, manufacturing and trade is used capitalistically. By ambition it becomes central because getting rich(er) is the individual competition. So that in society the striving for more income and then more capital becomes increasingly stronger than is necessary. This upheaval in society and social partnership entails higher state incomes so that a consensus is created for the competitive businesses. The economic combat develops in the social partnership and the society hardens.

The fighting society is mainly there for not to lose or not to be inferior. But it grows to worse; to also have what a rich other one already has. The motto “those who ask are skipped” changes to the motto “who does not ask, does not win”. Then asking becomes demanding and the new economy is to counteract each other (the right to strike) until the other pays to stop it (a little). The quarrels grow. Especially by skill in deceit such as misleading texts or the later otherwise explained texts in agreements or advertisements.

Why the fighting society never brings peace

In fighting, the morale is ingrained of only one winner. This conviction and mentality stands in the way of peace. Because peace is precisely, that people live together with the otherwise thinking people and this stands in the way of fighting. In any fight, two winners are absolutely impossible.

Fighting moral has generated contempt in society for 'the other'. This disdain results in to scorn as well the persons who make an agreement. So that any agreement (which is on paper as a mnemonic) such as a law or contract is scorned. So that every fighter of every law (or contract) explains in his own opinion the goal and executes this. This opinion changes along with the profit or the advantage to be gained. This doing and behaviour resembles an Autism Spectrum Disorder. The arbitrariness that characterizes the fighting society stands in the way of peace.

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Peace is impossible because of the fighting society, that escalates further to war. Because of the many disputes, especially because of the capitalistic use of the money system, the courts with their tribunals or judges reveal the injustice-economy. So that everyone takes their own (conflicting) measures against injustice or for protection against injustice.

In combat with the fundamental and worldwide legal principles of unity of right and equality of rights, they generate enormous numbers of variations in equally large numbers of judgments or verdicts. The courts have become production-aiming companies in the fighting society and the tribunal-system has crashed. Because of specifically this, every individual citizen and also every country takes its own measures. Because of the useless tribunals, most recently the war has started in Ukraine.

The peaceful society

The horrors of the extermination camps in World War II have fueled awareness of what people are capable of. By using the jointly and for common good intended public services, funds and means. Some of the people with bodily acquired war experiences analyzed and then conceived the "Declaration of Human Rights". What has been overlooked is why humanity strays from empirical knowledge and then thus terrible events do repeat again.

Every society, whether globally, nationally or regionally, develops by or on the basis of shared principles. These have been and will be recorded and often on paper for demonstrable signature. Since the signatories knew their agreements best, to record these is almost solely for memory support and for the unwitting later generations. And this is where things go wrong, as this now is established empirically.

The essence of Human Rights is the freedom that everyone can be here and the freedom to be who one is (which the person often has yet to discover). The first revolt has been made in the Declaration and the principles for peaceful coexistence have been laid down from out of the view of the human person. It describes how the individuality of a person is recognizable and declares these as "Fundamental Freedoms".

The Declaration is unequivocally clear that the Rights to the "Fundamental Freedoms" are inalienable. So the expression of thoughts is untradeable (so not to steal or sell) the property of the person even if it is recorded on paper. This claim has empirical evidence by the signature. This ownership is completely separate from

any tradable rights such as the right to own, to reproduce or distribute the paper on which what is written.

The thought plus the expression of this thought which is recorded on, for example, paper thus remains forever the inalienable property of the thinker. So that any explanation by another of what is on paper destroys the property and infringes on the Fundamental Freedoms. Plagiarism is defined for this and against plagiarism the obligation has been developed to state the source (with or without a quote).

This foundation of thought ownership also applies to laws and their legislature and from there to agreements and their parties and books with their writer. Each of these three legal relationships cannot therefore relate to ownership, but exclusively to copyright(s). It applies to any information carrier because it has a recorder ("author") and sometimes the owner cannot sign.

The order in a peaceful society

The "Declaration of Human Rights" is a thought-statement and signed by the Nations who think alike. This also executes the foundation that unity (versus discrimination) is publicly visible with only one document. Public means, it is freely accessible to everyone (every one) and also it can be studied undisturbed.

One of the rights is a social and international order within which the Rights set forth can be fully realized (Article 28 of the Declaration). This order exists only by rules which are known beforehand. This means that one is able to predict with reasonable certainty how the other will do, refrain from doing or behave. This order is created by the law of a democratic legislature plus the rule of the law.

The Declaration is a statement and has no equality (versus discrimination) with "force of law". This is different with the European "Convention for the Protection of Human Rights and Fundamental Freedoms". This is a treaty; thus about what is to be endured by the signatory States in the service of each individual civil citizen to whom it has been promised. The European Convention is therefore not a corrected declaration of human rights. After all, this would destroy the unity of the one document. The European Treaty is a further elaboration of the Declaration. Furthermore, this treaty is unilateral and no 'counter behaviour' is wanted in return. The endurance of civil liberties is sometimes limited, but only the limitations as laid down; no more and no other. Finally, the European Treaty is an ordinary contract which, in case of non-compliance, always results in a breach of contract (against each individual civil citizen), in accordance with national law. From the moment of signature, one and the same execution thereof is established.

The orderly execution

The Fundamental Freedom of thought and of its expression is destroyed in today's fighting society. Because if one doesn't listen, this freedom is useless and worthless. Also have other people began to determine what one person thinks, wants or means. We know this as gossip and this is not freedom of speech but character murder. Because the story often changes with each new retelling. The death blow to the ownership of thought is given by almost every judge in a tribunal who gives, since many years ago, afterwards its own explanation on how the law had to be executed or applied. Knowing-and-willing, the tribunal has destroyed the ownership right of the legislator (author) and does not implement the law as that legislator wants and intends. In fact, every judge creates a new story; an innocent becomes guilty; with every judgment there is a new illegal law. Disorder and forbidden arbitrariness have come to rule. Hardly anyone minds about the judgment.

The only good implementation is that each State as a first step implements the protection in its own legislation and in its mandate to tribunals. This immediately gives the order and the inseparable binding of laws. This bond directly indicates that all laws must be in harmony with each other. It is therefore impossible for a law to be solely, isolated or in conflict with one law or with other laws. Every national bourgeoisie (ie not one individual civil citizen excepted) has the freedom to mix and reveal the rights, within the limits of the protection, as far as necessary in their own believe of life.

Any implementation requires civil servants and staff, so the second step is to institute a body. So that there is a hierarchy, but it cannot possibly be a hierarchy of one dominion over another.

A new law is tied to its history. This chronological chain is: Declaration > European Treaty > Constitution > branch to Civil, Criminal and Administrative. For the latter branch applies: General laws > specific laws. For the Dutch tribunal there is the “General Provisions Act” and out of there then the Civil and Criminal Procedures.

The implementing of the Declaration and the European Treaty must have been completed at some point in time. This is the nearly flawless being woven in doing and not doing. Also, the execution must be such that the human errors that occur are corrected almost immediately after they are noticed. Public scrutiny estimates 5 to 7 years, at the most, to achieve the author's desired performance.

Maintaining a peaceful society

Peace is very different from being free of war. Before and on the threshold to war there is violence. The peaceful society is characterized by the absence of violence. Because it is made unnecessary to communicate through all kinds of violence. Within a peaceful society and social partnership, disagreement is meant to be due to differences of opinion. There is also the freedom to express all those differences plus the moral obligation to take these seriously.

The Declaration has unequivocal indicated the limit. A right may not be exercised (or used) to restrict another human being's right (Article 30 of the Declaration and Article 17 of the ECHR). A “difference of opinion” may arise about this. This difference arises either from misunderstanding: the unsuspectingly acting or either by deliberate acting: wanting to limit.

Example: there are comedians who believe that it is their freedom of expression to 'shock' one or more other(s). This is often done with deliberately humiliating or insulting texts, drawings or other expressions. This right (to this exercise of the right to freedom of expression) does not exist and therefore does not exist also for comedians.

The warden: anything can happen in society or in social partnership. The impregnable threshold to violence is the tribunal (Article 10 of the Declaration and Article 6 of the ECHR). Any civil citizen is authorized to submit any claim to the tribunal.

There is one (1) tribunal: one tribunal has been established in both the Declaration and the ECHR. That this was not intended and intended otherwise is verifiable because the author of each document has not and nowhere laid down at which of that imagined number of tribunals the only correct human rights are determined.

The tribunal's first task is to establish concretely what each party has done to avoid a lawsuit. This is simple due to the communication back and forth, to exchange knowledge about the law and the rights that are involved. In case of doubt, the doubting party has a duty to investigate what the legislator's will and intention is with regard to that law. Contradiction creates doubt or certainty about lack of knowledge. Out of the simple investigation by the tribunal on avoiding the lawsuit follows whether there is misunderstanding or deliberate intent.
In the case of deliberate intent, the wrangler is almost automatically engaged in illegal activities. This observation is immediately the judgment and then remains only the legal consequences.

In the case of misunderstanding resumes the tribunal.

It is the tribunal's second task to identify the case presented in order to bring it within the legal framework of all equal cases. Only in being the first case, of all equal cases, there is no previous statement. In this case, the tribunal's third task is to publish the will and intention of the author of the law in question. Hereafter it is then the fourth task of the tribunal to publicly carry out or apply this will and intention, in the case presented.

After the judgment, there are the legal consequences and both parties are given a sufficient period of time, corresponding to their knowledge and skills, to agree on the legal consequences. This cannot fail, unless a party turns out to be a wrangler after all. The agreed legal consequences are notified to the tribunal, which then pronounces the reasoned and then complete decision publicly, records it and closes the trial.
The final verdict on a "Fair Trial" (and the human rights implicit in it) rests with public scrutiny. For this it is mandatory to announce the judgment in public.

Appeal: Even a tribunal can commit a human error. This is then the exceptional case of appeal by one party. An appeal is lodged before the period for agreeing on the legal consequences.

In the special case of appeal, the tribunal and its court defends itself and the legislator joins the appeals party. The tribunal defending itself should experience this appeal as a functioning talk. The public scrutiny also has the final verdict on the "Fair Trial" of this appeal. After the decision, the case is referred back to the tribunal (necessarily after first correcting) for the term to agree on the legal consequences again.

Errors are corrected under the rule of Article 8 of the Charter of Public Control.

Standard: Each unit has a standard to which derivates are calibrated. An example is the kilogram or meter that each has a standard. The "RIGHT" also has a standard by which the doing right is calibrated in every "Fair Trial". This standard has been issued in the "Charter of Public Scrutiny" (URL: "www.publicscrutiny.nl") and is copied in the annex.

National authority: the judgments of legal public scrutiny are unabridged, unimpeded and immediately imposed on each tribunal by one national authority (Article 13 ECHR) and this too is done in public.

Round up

The catastrophic flaw in today's world is the national authority (Article 13 ECHR) that enforces at and executes over every court in a country the judgments of the legal public scrutiny unimpeded, and thus also unlimited. In fact, it must restore the democracy in the tribunal-system and judge-system.

For sure it is good hat the civil service organisation avoid intervention by, at last, the legal public scrutiny. But t heir behaviour or actions can NEVER shut off or disable the effectiveness of this intervention for any individual civil citizen who exercises its rights or stands up for the protection of these rights.

The injustice economy protects the capitalistic use of the money system. This use guarantees the quiet downfall of peace. Because it has as its base jealousy & discrimination, because whoever pays the most receives the necessary. The exploitation of dependency starts with thwarting & sabotaging until the desired is paid or done. Due to the injustice economy, this escalates with lying & cheating to scamming & extortion. This way more is paid or faster is paid than one is entitled to. Civil service organisation makes no profit; it creates employment so more income.

The world today is not good. Every demonstration is empirical evidence that the representation of the entire people is lacking. It also proves that the working of democracy is lacking. In the escalation successively, any violence in any form is empirical evidence that the tribunal fails. It also proves that the working of doing justice is lacking.

Almost every judge in a tribunal decides (in today's world) from out of his own opinion and not with what the author of the law intends and means. So that in fact, each time, a new law is made illegally, temporarily and discriminatingly. Moreover, such a process is, from the outset, unacceptably unfair because these opinions were not known in advance to the legal parties. The Dutch “General Provisions Act” prohibits this (and more) from any judge in the Netherlands. So also to judges in the International Courts of Justice and in the Peace Palaces in the Netherlands.

The capricious and discriminatory rulings by tribunals or judges beget the accusation “not getting his way” at the tribunal. But “wanting to get your way” plays only in the pre-legislative process. First time at the tribunal or judge "wanting to get your way" is empirical evidence that the working of democracy in the pre-legislative phase is lacking. The courts and their tribunals or judges have changed into licensing authorities. Here can a license be acquired for those who want to have what the law does not supply a right to have.

Nothing needs to change because this would start with yet again paperwork. What is written on paper is not so much wrong, but too much (arbitrary). The people who execute do not make the system wrong, but the execution. The disharmony in the too large mass of paperwork contributes to incorrect execution.

Turn-over roles is useless, because this does not change the power differences and thus nothing improves. Equality (versus discrimination) with attached democracy is the only improvement. Treating symptoms doesn't help. So in one or more preceding phases, of the escalation, the cause lies. Then solving this cause will help.

Furthermore, above all the rule is that anyone who does not do his official work (for the common good) right, must disappear from that work. In economic companies, this happens as a normal habit.

Annex

Standard of calibrating of "Right"

Right doing can only be calibrated by the legal public scrutiny, by means of the written version of the public judgment. There is no other calibrated right doing.

For calibrating of the Right it requires that there is no good faith in the actions or thoughts of the tribunal or the judge.

Each unit has a standard to calibrate the derivations.
The "Right" has a begin of existence, when each paragraph exists in the written version of the publicly announced judgement**:**

Standard of Right

§ 01 Introduction of the parties and their legal connection.
§ 02 Introduction of the composed tribunal.
§ 03 Inventory of the process documents plus model-judgment.

The facts, Circumstances, causes, and claims

§ 04 What has happened in a chronological order.
§ 05 The legal basis of the claims.
§ 06 The claims of each point of the dispute.
§ 07 The defences.
§ 08 The refutation of, and agreements with, the defences.
§ 09 The model-judgment; this is the investigation and determination report of the registry.
§ 10 The public hearing and the report of it, out of the minutes.

Judgment

§ 11 The law frame of the case.
§ 12 Judgment on what the parties undertook to avoid the lawsuit.
§ 13 Verification of the one (1) previous judgment in all other equal cases, including the willing and intentions of the author of the law plus the execution of these.

Only in the one and only, first case

§ 14 The willing and intentions of the author of the law and of the articles.
§ 15 The execution of the author's willing and intentions in this case.

The order to agree on the legal results

§ 16 The term theorem, servicing the individual skills, to achieve agreement on all the legal results.
§ 17 Determination of all legal results.

§ 18 This written version has been publicly announced.
§ 19 With the literally text "a right for everyone, and executable at each location"
§ 20 Paragraphs 1, 3 up to 8, 10, 12, and 17, shall be signed by the parties to confirm the agreement with the written contents, as far as their input is concerned, and for covering all points of dispute.