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The Human Right to Peace

—Douglas Roche

So overpowering is the culture of war that it discourages many from even thinking that they could be instruments of change. A deep cynicism and mistrust are deeply imbedded in populaces. Many who do speak up for change are dismissed as idealists. Yet despite a political and societal climate that supports the entrenched culture of war status quo, there are significant signs that "a culture of peace" is being born. Already the ideas and formulation of a culture of peace have taken shape and been given a structural basis. A culture of peace may still be a goal rather than the dominant reality, but, just as Mahatma Gandhi and Martin Luther King's principles of non-violence were taken up by many, so too the programs for a culture of peace are slowly taking shape.

A New Vision of Peace

The idea of a culture of peace to overcome—in a non-violent way—the culture of war was first taken up at a conference of scholars in 1989 at Yamoussoukro, Ivory Coast, as a "new vision of peace" constructed "by developing a peace culture based on the universal values of life, liberty, justice, solidarity, tolerance, human rights and equality between men and women."

The conference emphasized that violence is not an endemic part of the human condition.

UNESCO then began to formulate a culture of peace as a set of ethical and aesthetic values, habits and customs, attitudes toward others, forms of behaviour and ways of life that draw on and express:

- Respect for life and for the dignity and human rights of individuals.
- Rejection of violence.
- Recognition of equal rights for men and women.
- Upholding of the principles of democracy, freedom, justice, solidarity, tolerance, the acceptance of differences, and
- Understanding between nations and countries and between ethnic, religious, cultural and social groups.

A culture of peace is an approach to life that seeks to transform the cultural roots of war and violence into a culture where dialogue, respect, and fairness govern social relations. In this way, violence can be prevented through a more tolerant common global ethic. The culture of peace uses education as an essential tool in fostering attitudes supportive of nonviolence, cooperation and social justice. It promotes sustainable development for all, free human rights, and equality between men and women. It requires genuine democracy and the free flow of information. It leads to disarmament.

The culture of peace is, at its core, an ethical approach to life. It recognizes that the world is experiencing a fundamental crisis. Though this crisis is often expressed in economic, ecological or political terms, it is fundamentally a crisis of the human spirit. It is a crisis of all humanity which, in the journey through time, has reached the point where we are capable of destroying all life on earth just at the moment when the recognition of the inherent human rights of everyone is beginning to take hold. A choice in how we will live, which path we will follow, is illuminated. The culture of peace offers the vision of a global ethic toward life in full vibrancy; the culture of war offers the prospect of misery and annihilation.

When he was UNESCO Secretary-General, Federico Mayor dedicated himself to three initiatives to develop a culture of peace: a proposal for an International Year for the Culture of Peace (2000); a proposal for a U.N. Declaration and Programme of Action on a Culture of Peace; and an initiative of the Nobel Peace Laureates' "Campaign for the Children of the World" that would eventually become the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-10).

The centerpiece of this work is the Declaration and Programme of Action on a Culture of Peace adopted by the U.N. General Assembly September 13, 1999. It is

perhaps the most comprehensive programme for peace ever taken up by the United Nations.

The Declaration should be examined closely to see its scope. Article 1 sets out the framework for a culture of peace:

A culture of peace is a set of values, attitudes, traditions and modes of behaviour and ways of life based on:

- Respect for life, ending of violence and promotion and practice of non-violence through education, dialogue and cooperation;
- Full respect for and promotion of all human rights and fundamental freedoms;
- Commitment to peaceful settlement of conflicts;
- Efforts to meet the developmental and environmental needs of present and future generations;
- Respect for and promotion of the right to development;
- Respect for and promotion of equal rights and opportunities for women and men;

The full development of a culture of peace is integrally linked to:

- Promoting peaceful settlement of conflicts, mutual respect and understanding and international cooperation;
- Complying with international obligations under the Charter of the United Nations and international law.

The Programme of Action on a Culture of Peace followed and defined eight areas of action:

- Education;
- Sustainable economic and social development;
- Respect for all human rights;
- Equality between women and men;
- Democratic participation;
- Understanding, tolerance and solidarity;
- Participatory communication and the free flow of information and knowledge;
- International peace and security.

U.N. Secretary-General Annan pointed out that, while each of these areas of action have long been U.N. priorities, "what is new is their linkage through the culture of peace and non-violence into a single coherent concept… so that the sum of their complementarities and synergies can be developed."

Implementing such an extensive Programme of Action is a long-term challenge. This is why the U.N. called for partnerships to develop among various actors (governments, civil society and the U.N. system) which would work towards "a global movement for a culture of peace." The Programme would be aimed at not only the 2000 International Year for the Culture of Peace but at the decade that followed. In preparation for the year, Nobel Peace Prize Laureates drafted Manifesto 2000, translated into more than 50 languages, to act as a guideline for public awareness campaigns:

> The work already accomplished in the United Nations system to develop the concept of the human right to peace is one of the world's best kept secrets. The culture of war so pervades public opinion that it has drowned out voices asserting that the human right to peace is a fundamental right of every human being and is, in fact, the major precondition for all human rights. The time has come to emphasize that the peoples of the world have a sacred right to peace.

- Respect all life: Respect the life and dignity of each human being without discrimination or prejudice;
- Reject violence: Practice active non-violence, rejecting violence in all its forms: physical, sexual, psychological, economical and social, in particular towards the most deprived and vulnerable such as children and adolescents;
- Share with others: Share my time and material resources in a spirit of generosity to put an end to exclusion, injustice and political and economic oppression;
- Listen to understand: Defend freedom of expression and cultural diversity, giving preference always to dialogue and listening without engaging in fanaticism, defamation and the rejection of others;
- Preserve the planet: Promote consumer behaviour that is responsible and development practices that respect all forms of life and preserve the balance of nature on the planet;
- Rediscover solidarity: Contribute to the development of my community, with the full participation of women and respect for democratic principles, in order to create together new forms of solidarity.

The culture of peace should not be considered the technical solution to every world problem; rather it supplies the moral foundation for a better individual and global order, and a vision which can lead people away from despair and society away from chaos. However, just as the Programme was starting, chaos struck in the terrorist attacks on New York and Washington. Since September 11, a deep sense of fear has pervaded the general populace. We have been violently attacked. We have been told that we do not know where the next attack is coming from. *We must be ready. We must prepare ourselves for this new kind of aggression. If preemptive attacks are necessary, so be it. War against this unseen enemy must be fought.* Media relentlessly feed us images of destruction and ceaselessly convey the

message that the military's might is now necessary to protect us. The culture of war was given a great gift by the terrorists of September 11. If you want peace, the Romans said, prepare for war. The terrorists have apparently confirmed this.

In this environment, the culture of peace can hardly be heard let alone obtain the political attention and government funding to make an impression on electorates. In addition to being fearful, many are cynical about peace ever being achieved in such a turbulent world. The arms manufacturers, who mount such powerful lobbies in the legislative halls of Western countries, discount the elements of peace as so much naiveté. To challenge militarist thinking is to run the risk of being considered unpatriotic. The fences enclosing creative thinking are indeed high.

But the machinery of war has not in the past built the kind of world in which people everywhere can achieve human security. Why can it be expected to do so in the new conditions? Rather, it is the slow, painstaking construction of a new culture of peace that offers hope for a better future. The values of such a culture are well worth the time it takes to develop them. The momentum of history, buttressed by new life enhancing technologies, is on the side of the culture of peace.

Peace: A 'Sacred Right'

The work already accomplished in the United Nations system to develop the concept of the human right to peace is one of the world's best kept secrets. The culture of war so pervades public opinion that it has drowned out voices asserting that the human right to peace is a fundamental right of every human being and is, in fact, the major precondition for all human rights. The time has come to emphasize that the peoples of the world have a sacred right to peace.

That very sentence—"the peoples of our planet have a sacred right to peace"—was inserted into the first operative paragraph in the Declaration on the Right of Peoples to Peace, adopted by the U.N. General Assembly November 12, 1984. One does not need to be reminded of the countless deaths in wars that have occurred in the almost two decades following it. Such a recounting does not invalidate the U.N. Declaration; it only underlines the point that this right needs to be better understood before procedures are developed to enforce it under the rule of law.

> Meanwhile, attention in UNESCO shifted back from a "right" to peace to the "culture" of peace. This was easier to digest for those who did not want their "right" to make war impeded. Everyone, after all, could be for peace in general. UNESCO showed its wisdom by treading slowly and developing the concept of the culture of peace into a series of programs that would, at least in the minds of those who truly understood the dimensions of the culture of peace, prepare the groundwork for a later acceptance of the human right to peace.

The intimate linkage between human rights and peace was first recognized in the Preamble and Articles 1 and 55 of the U.N. Charter, and Article 28 of the Universal Declaration of Human Rights, and the two Covenants on Civil and Political and Economic, Cultural and Social Rights. The Preamble to the Charter, in stirring language evoked by the ashes of World War II, affirms that the peoples of the United Nations are determined "to practice tolerance and live together in peace with one another as good neighbours." Article 1 proclaims as the first purpose of the U.N. the maintenance of international peace and security.

Written a few years later, the Preamble to the Universal Declaration of Human Rights states, "The recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." These documents affirm the right of states to peace through a "peace system" with the primary goal being the preservation of peace and a respect for human rights as essential to the development of friendly relations among nations.

The Oslo Draft Declaration

A meeting convened by the Norwegian Institute of Human Rights in Oslo June 6-8, 1997, prepared a draft Declaration for UNESCO's General Conference later that year. The Declaration's aim was to broaden the human dimension of peace and divide the right into three interrelated components. The first defines peace as a human right, understanding that all human beings have a right to peace inherent to their humanity. War and violence of any kind, including insecurity, are considered "intrinsically incompatible" with the human right to peace. The section calls on states and members of the international community to ensure its implementation without discrimination. The second section elaborates on this task by making it a "duty" for all global actors, including individuals, to "contribute to the maintenance and construction of peace," and to prevent armed conflicts and violence in all its manifestations.

The third section elaborates the "Culture of Peace"—the means by which the right to peace is to be achieved. As we have seen, the culture of peace is a strategy that seeks to root peace in peoples' minds through education and communication, and a set of ethical and democratic ideals.

In essence, the right to peace is a global ethic of non-violence and reverence for all life and offers a blueprint to identifying the roots of global problems and checking conflict in its early states. It is an attempt to move beyond the day-to-day crises that make the headline news and address their deep-seated causes.

The power of this draft declaration is in its challenge to the hypocrisy dominating the world order today, and it was here that the codification of the right to peace came to a halt. A remarkable debate on the Oslo Draft Declaration took place in UNESCO's General Conference on November 6, 1997. One European country after another either attacked or expressed reservations about the right to peace and accused Mayor of over-stepping his mandate. Countries from the South struck back, accusing the North of wanting to protect their arms industries. At the end, Paraguay stated, "This rich discussion shows that the culture of peace is the central issue…and that the Human Right to Peace is needed for individuals and states." Noting that the debate split North and South, Paraguay added, "Perhaps peace is a greater concern in the South where scarce resources are being diverted to war." Failing to achieve a consensus, Mayor did not press further with the issue. Skepticism about the human right to peace continued to echo for years after. In the informal discussions at the U.N. in 1999, concerning the Draft Declaration and Programme of Action on a Culture of Peace, the U.S. delegate stated, "Peace should not be elevated to the category of human right, otherwise it will be very difficult to start a war." Whether this statement was intended or a malapropism, the delegate had put his finger precisely on why a human right to peace is needed.

Efforts are continuing at the U.N., but they still lack the necessary Western backing. In 2002, the U.N. Social, Humanitarian and Cultural Committee adopted a resolution calling for the promotion of the right to peace. The resolution would have the U.N. affirm that the peoples of the planet have a sacred right to peace, and resources released through disarmament measures should be devoted to the economic and social development of all peoples, particularly those in developing countries. Although the resolution had 90 votes in favour, a hefty 50 negative votes (mostly Western countries and the new East European members of NATO) were cast against it, and 14 abstentions were registered. Such division renders the resolution practically inoperable.

When language is softer, the idea of moving away from war as a means of resolving conflict meets less resistance. For example, in 2003, the U.N. General Assembly concluded five months of negotiations by adopting by consensus a

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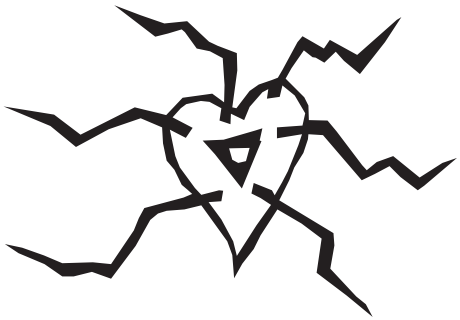

resolution on the prevention of armed conflict. The resolution called on parties to a dispute threatening international peace to make the most effective use of existing and new methods for peacefully settling disputes, including arbitration, mediation, other treaty-based arrangements, and the International Criminal Court, thus promoting the role of international law in international relations. It reaffirmed the primary responsibility of the Security Council for the maintenance of international peace and security. And it called on Member States to support poverty eradication measures and enhance the capacity of developing countries; to comply with treaties on arms control, non-proliferation and disarmament; and to strengthen their international verification instruments and eradicate illicit trade in small arms and light weapons. The resolution was hailed as a landmark in efforts to move the world body away from a culture of reacting to crises to one of preventing them from reaching critical mass.

Though shying away from any implication that the prevention of armed conflict sets the stage for a full-scale discussion of the "right to peace," the resolution contains within it important elements of the culture of peace. Far from being anodyne or just another resolution, it is infused with an obligation to the victims of violence and challenges states to move from rhetoric to reality in preventing violence. It is a significant step forward by the U.N. in preparing the way for the right to peace.

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'Human Rights Have Come a Long Way'

In considering the difficulties of enshrining the human right to peace in law, it is helpful to consider the overall progress made on the human rights agenda. Starting with the Universal Declaration followed by the covenants, the various conventions on women's and children's rights, and then such instruments as the Anti-Personnel Landmines Treaty, the Rwanda and Yugoslav tribunals and the International Court of Justice, the whole field of human rights has taken centre stage. As Mary Robinson, former U.N. High Commissioner for Human Rights (and former President of Ireland) puts it: "Human rights have indeed come a long way." Even though many governments do not necessarily observe human rights standards, most at least acknowledge that human rights have a role to play. The forward-minded nature of the U.N.'s work on the delineation and implementation of human rights is seen particularly in the Convention on the Rights of the Child. The Convention is a universally agreed upon set of non-negotiable standards and obligations. It spells out the basic human rights that children everywhere—without discrimination—have: the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life. The Convention protects children's rights by setting standards in health care, education and legal, civil and social services. These standards are benchmarks against which progress can be assessed. States that are parties to the Convention are obliged to develop and undertake actions and policies in the best interests of the child.

The Convention on the Rights of the Child is the first legally binding international instrument to incorporate the full range of human rights—civil and political rights as well as economic, social and cultural rights. Two Optional Protocols to strengthen the Convention entered into force in 2002, and address the involvement of children in armed conflict, the sale of children, child prostitution, and child pornography. The Convention is the most universally accepted human rights instrument in history. It uniquely places children at the forefront in the quest for the universal application of human rights. By ratifying this instrument, national governments have committed themselves to protecting and ensuring children's rights and they have agreed to hold themselves accountable before the international community. Every country in the world has ratified it except two: the U.S. and Somalia.

The subject of the human right to peace has clearly entered circles of discussion at the U.N. Some hold that it is already a component of developing international law. This is a signal moment because a full discussion of the right to peace puts a new spotlight on the age-old question of the abolition of war itself. In the new era of weapons of mass destruction, the viability of war as a legal means to resolve disputes is clearly over. War today can lead to the obliteration of humanity. Unfortunately, the world community, held in check by the forces of the culture of war, is a long way from outlawing war. The debate on the human right to peace, therefore, is a step forward. As it is pursued, it will force the political system to face up to its responsibility to at least avoid war.

The debate inevitably will centre on the deeply controversial question of the future of nuclear weapons. The International Court of Justice has already given its view on this matter: it says nations have a legal obligation to get rid of them. While the abolition of nuclear weapons will not by itself guarantee peace, it is an elementary fact of the 21st century that as long as nations brandish nuclear weapons there can be no peace.

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These proponents of militarism as the route to peace appear to operate today from the commanding heights of public opinion. But against this insidious thinking that war equals peace is rising a new army—not of soldiers but of highly informed, dedicated, and courageous citizens of all countries who do see the perils ahead. There is a blossoming of both understanding and action in the new phenomenon of an alert civil society calling governments to account for paying only lip service to their human rights commitments. Buttressed by the dynamic means of electronic communication, they are bringing new energy to the global quest for peace.

Douglas Roche is an internationally recognized expert on nuclear disarmament and arms control issues. Currently sitting as an Independent Senator, he was a long-standing member of the Foreign affairs Committee of Parliament.