

Right to Peace and Duty



Law

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ABSTRACT

Just as justice and peace are often seen as being in opposition to each other- to conflict resolution were developed independently for use in different contexts.-the notion of transformative mediation that problem-solving mediation is too focused on the outcome

Introduction

"To all men of good will, to all those responsible for the development of history today and tomorrow; hence, to those who guide politics, public opinion, social directions, culture, education, to youth, rising up in its yearning for world-wide renewal, with a humble and free voice, which comes forth from the desert where no worldly interest is, We again proclaim that imploring and solemn word: Peace.

Peace is today intrinsically linked with the ideal recognition and effective realization of the Rights of Man. To these fundamental rights there corresponds a fundamental duty, which is Peace."¹

In this new century, we must start from the understanding that peace belongs not only to states or peoples, but to each and every member of those communities. The sovereignty of States must no longer be used as a shield for gross violations of human rights. Peace must be made real and tangible in the daily existence of every individual in need. Peace must be sought, above all, because it is the condition for every member of the human family to live a life of dignity and security.

It was in 1989, during the International Congress on Peace in the Minds of Men, in Yamoussoukro, Côte d'Ivoire, that the notion of a "Culture of Peace" was first mentioned. Over the past ten years, the idea has come a long way. In 1994, Federico Mayor, Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), launched an international appeal on the establishment of a right to peace; in February 1994, UNESCO launched its Towards a Culture of Peace programme; in 1997, the United Nations General Assembly proclaimed the year 2000 as the "International Year for the Culture of Peace"; and in 1998, the same Assembly declared the period 2001-2010 the "International Decade for a Culture of Peace and Non-Violence for the Children of the World". This is how the notion of a Culture of Peace conquered the world.

The idea of consensus, or peace, is sometimes mistaken for an absence of conflict or for society's homogenization process. However, in order to achieve mutual understanding, there must first be differences with regard to sex, race, language, religion, or culture. The quest for mutual understanding begins with the recognition of these differences and of a will to overcome them to reach a common objective. Achieving mutual understanding protects a society from self-destruction by letting it build foundations so as to design a new way to live together. Indeed, mutual understanding fosters certain values vital for peace, including non-violence, respect of others, tolerance, solidarity and openness to others.

So we have discussed about right to peace in international concept and international

Laws why necessarily right to peace in our society?²

Definition of peace

Peace is a state of harmony characterized by the lack of violent conflict and the freedom from fear of violence. Commonly understood as the absence of hostility, peace also suggests the existence of healthy or newly healed interpersonal or international relationships, prosperity in matters of social or economic welfare, the establishment of equality, and a working political

order that serves the true interests of all. In international relations, peacetime is not only the absence of war or violent conflict, but also the presence of positive and respectful cultural and economic relationships.³

Albert Einstein

"Peace is not merely the absence of war but the presence of justice, of law, of order--in short, of government."⁴

Peace is the absence of hostility, it's the obtainment in an environment where relationships are harmoniously stable and balance without violent or conflict. In this context, it is the coexistence of people from different background/religion or ethnicity in an enclosed or open settlement in matters of social or economic welfare, the acknowledgment of equality, and fairness in political relationships. Peace means tolerance and coexistence, a stage of mutual harmony.⁵

William Blake:

For mercy has a human heart,
Pity a human face, and love,
The human from divine, and peace, the human dress.⁶

Peace has always been among humanity's highest values--for some, supreme. Consider: "Peace at any price."⁷

Peace is a duty.

All the comments of the modern world concerning the development of international relations, the interdependence of the interests of peoples, the accession of new States to freedom and independence, the efforts made by civilization to attain a single world-wide juridical organization, the dangers of the incalculable catastrophes should new armed conflicts occur, the psychology of modern man with his desire for undisturbed prosperity and universal human relationships, the progress of ecumenism and mutual respect for personal and social freedoms, all this persuades us that Peace is one of the supreme benefits of man's life on earth, an interest of the first order, a common aspiration, an ideal worthy of mankind, master of itself and of the world, a necessity in order to maintain the conquests achieved and to achieve others, a fundamental law for the free circulation of thought, culture, economy, art, and a demand which can no longer be suppressed in view of human destiny. This is so because Peace is security, Peace is order. A just and dynamic order, We add, which must continually be built up. Without Peace there is no trust, without trust there is no progress. And that trust, We declare, must be rooted in justice and fairness. Only in a climate of Peace can right be recognized, can justice advance, can freedom breathe. If, then, such is the meaning of Peace, if such is the value of Peace, then Peace is a duty.

It is the duty of present history. Whoever reflects upon the lessons which past history teaches us will proceed at once to declare that a return to war, to struggle, to massacre, to the ruins caused by the psychology of conflicting arms and forces, even to the death of men who are citizens of the earth, the common fatherland of our life in time, that such a return is absurd. He who knows the significance of man cannot avoid being a follower of Peace. He who reflects on the causes of the conflicts between men must recognize that they betray a lack in man's mind, and not true virtues of his moral greatness. The necessity of war could be justified only in exceptional and deplorable conditions

of fact and law, which should never be verified in modern world society. Reason, and not might, must decide the destinies of peoples. Understanding, negotiations, arbitration, and not outrage, blood and slavery, must intervene in the difficult relationships between men. No precarious truce, unstable equilibrium, fear of reprisals and revenge, successful conquest or fortunate arrogance, can guarantee a Peace worthy of that name. Peace must be willed. Peace must be loved. Peace must be produced. It must be a moral consequence; it must spring up from free and generous spirits. A dream it may well seem; but a dream which becomes a reality by virtue of a new and superior human concept.

Yes, a dream, since the experience of these recent years and the rise of recent murky floods of evil ideas, such as radical anarchic contestation, violence considered lawful and always necessary, the policy of power and domination, the armaments race, trust in methods of cunning and deception, the inescapable tests of strength, and others, seem to suffocate hope for the peaceful ordering of the world. Yet that hope remains, for it must remain. It is the light of progress and of civilization. The world cannot give up its dream of universal Peace. It is precisely because Peace is always coming to be, always incomplete, always fragile, always under attack, always difficult, that We proclaim it. We proclaim it as a duty, an inescapable duty. The duty of those responsible for the destiny of peoples. The duty of every citizen of the world; because all must love Peace, and all must work together to produce that public mentality and common conscience which make it possible and probable. Peace must first be in men's minds, so that it can then exist in human events.

Indeed, Peace is a universal and perennial duty. In order to recall this axiom of modern civilization, We invite the world to celebrate once again, for the year 1969 which is about to begin, World Peace Day on the first of January. This is a wish, a hope and an engagement; the first sun of the new year must shed upon the earth the light of Peace.

We dare to hope that, above all, it will be Youth who will grasp this invitation as a demand which can interpret everything new, lively and great, yearned for by their exasperated spirits, because Peace demands the correction of abuses and coincides with the cause of justice.

This year a special circumstance recommends Our proposal to all: there has just been celebrated the twenty-fifth anniversary of the Declaration of Human Rights. This event interests all men, individuals, families, groups, associations and nations. No one must forget or neglect it, for it calls all to the fundamental recognition of the full dignified citizenship of every man on earth. From such recognition springs the original title of Peace; in fact, the theme of World Peace Day is precisely this: "The promotion of Human Rights, the way to Peace". In order that man may be guaranteed the right to life, to liberty, to equality, to culture, to the enjoyment of the benefits of civilization, to personal and social dignity, Peace is necessary: when Peace loses its equilibrium and efficiency, Human Rights become precarious and are compromised; when there is no Peace, right loses its human stature. Moreover, where Human Rights are not respected, defended and promoted, where violence or fraud is done to man's inalienable freedoms, where his personality is ignored or degraded, where discrimination, slavery or intolerance prevail, there true Peace cannot be. Peace and Rights are reciprocally cause and effect, the one of the other: Peace favors Rights, and Rights in their turn favour Peace.

We presume to hope that these arguments will prove valid for every person, every group of persons, every Nation; that the transcendental importance of the cause of Peace will encourage meditation upon it and application of it. Peace and Human Rights - such is the thought with which, We hope, men will commence the coming year. Our invitation is sincere, having no other purpose than the good of mankind. Our voice is feeble but clear; it is the voice of a friend, who desires that it be heard not so much because of who says it, but of what he says. It is addressed to the world; that world which thinks, which is capable, which grows, which works, which suffers, which waits. Oh! May this voice not be ignored! Peace is a duty!¹

International law about right to peace

Nowadays many international or regional organizations are involved in peacemaking, peace-enforcing and peacekeeping activities: United Nations, North Atlantic Treaty Organization, Organization for Security and Co-operation in Europe, African Union, European Union, etc. In fact, they send multinational forces to the various conflict areas. While the expression 'collective security' does not occur in the United Nations Charter, it is often used to refer to the system for the maintenance of international peace and security under the UN Charter and the corresponding provisions of regional organizations. According to the UN Charter the United Nations have the primary responsibility '[t]o maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace...' (Art. 1 (1) UN Charter). If it determines, in accordance with Art. 39 UN Charter, the existence of a threat to the peace, breach of the peace, or act of aggression, the UN Security Council may make recommendations, or decide what measures shall be taken by members of the UN to maintain or restore international peace and security.

This Research Guide is intended as a starting point for research in the field of International Peace and Security. It provides the basic materials available in the Peace Palace Library, both in print and electronic format. Handbooks, leading articles, bibliographies, periodicals, serial publications and documents of interest are presented in the Selective Bibliography section. Links to the PPL Catalogue are inserted. The Library's classification index codes 41. International police and 179. International Peace and Security and subject heading (keyword) International Peace and Security are instrumental for searching through the Catalogue. Special attention is given to our subscriptions on databases, e-journals, e-books and other electronic resources. Finally, this Research Guide features links to relevant websites and other online resources of particular interest.

The General Assembly declaration has been reaffirmed in countless resolutions, including by the United Nations Commission on Human Rights. In its resolution 2002/71 of 25 April 2002, the Commission links the right to peace with the right to development, affirms "that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries" and urges "the international community to devote part of the resources made available by the implementation of disarmament and arms limitation agreements to economic and social development, with a view to reducing the widening gap between developed and developing countries."

An extraordinary civil society initiative - in which dozens of organizations from every continent played an instrumental role - is making its way through the UN Human Rights Council and then the General Assembly. It is a universal declaration on the human right to peace, officially known as the Barcelona Declaration on the Human Right to Peace.

The Barcelona Declaration was sponsored by the Spanish Society for International Human Rights Law and the International Catalan Institute for Peace. It results from a process started in 2005. A panel of experts helped formulate the original draft of the declaration in October 2006 in Lluçanès, Spain. After many meetings around the world, the declaration was adopted by consensus of the International Drafting Committee on June 2, 2010 in Barcelona. The Committee was comprised of ten independent experts reflecting gender balance and representing each of the five UN geographical groups. [Ambassador Anwarul Chowdhury, former Under-Secretary-General and High Representative of the United Nations and Chairperson of the Drafting Committee, and the Spanish Association for the Development and Application of International Human Rights Law contributed significantly to the advancement of the Barcelona Declaration.]

The 16-page Declaration, with 28 preamble paragraphs and 15 articles, represents a comprehensive review of the Charter of the United Nations. It stresses that peace is a universal value and the *raison d'être* of the United Nations. The document incorporates an amazing history of conventions, declarations, charters and protocols from cities and states all over the world. All of these documents promote the commitment to peace as a general principle of international law and as the underpinning to the realization of rights and freedoms of the Universal Declaration of Human Rights.

There have been many previous efforts to declare a human right to peace, or to frame peace as a human right. The most recent significant effort was the Hague Appeal for Peace conference in May 1999, at which a declaration entitled "Peace is a Human Right" was drafted. In addition, Canadian senator Douglas Roche wrote *The Human Right to Peace* (2003), and political science professor John Fried wrote a paper on the topic, "Toward a Right to Peace" (1994). The UN General Assembly also approved a Declaration on the Right of Peoples to Peace on November 12, 1984, with the United States, United Kingdom and France abstaining from the vote.

While the UN proclaimed September 21 to be the International Day of Peace and the Director-General of UNESCO wrote a Declaration on the Human Right to Peace (January 1997), nowhere is there an explicit statement in established or customary law establishing a right to peace. Thus, the well researched, issue-inclusive, Barcelona Declaration – thoroughly reviewed by both experts and members of civil society – is a necessary addition to the existing body of human rights laws.

The Barcelona Declaration incorporates key principles from other international documents. It includes, for example, an article on uncontrolled trafficking of arms, manufacturing of weapons, the need to implement the Nuclear Non-proliferation Treaty, and the right to disarmament, inspired by UNESCO's Declaration and Programme of Action on a Culture of Peace (September 2000). The Barcelona Declaration also invokes the Rome Statute of the International Criminal Court, calling for accountability of the increasing numbers of private mercenaries and security contractors, and arguing that impunity is incompatible with peace and justice.

Especially important is the recognition that the achievement of peace is a shared responsibility of individuals; that there is an equality of rights and respect for gender-based differences, cultural values and religious beliefs; and that there is a right to education on peace, development, and a sustainable environment. Individuals also have a right to resist and oppose oppressive and totalitarian regimes, and to engage in civil disobedience and conscientious objection.

A very important development occurred on June 17, 2010: The UN Human Rights Council – an inter-governmental body within the UN system comprised of 47 states responsible for strengthening the promotion and protection of human rights around the globe – adopted a draft resolution entitled, "Promotion of the Right of Peoples to Peace." This resolution was sponsored by 22 developing states, and 31 states in the Human Rights Council voted in favor, 14 against, and 1 abstained. The resolution acknowledges the work of civil society and requests the Human Rights Council's Advisory Committee to draft a declaration on the right of peoples to peace. The Spanish Society for Interna-

tional Human Rights Law and associated non-governmental organizations will continue their work at the UN to achieve adoption by the UN General Assembly for a final Universal Declaration of the Human Right to Peace.

Funders can advance this endeavor by supporting the World Campaign for the Human Right to Peace and its efforts to educate international civil society and governments on the content and scope of the Human Right to Peace as set forth in the Barcelona Declaration.⁸

The University for Peace (UPEACE) was established in Costa Rica in 1980 "to provide humanity with an international institution of higher education for peace with the aim of promoting among all human beings the spirit of understanding, tolerance and peaceful coexistence, to stimulate cooperation among peoples and to help lessen obstacles and threats to world peace and progress, in keeping with the noble aspirations proclaimed in the Charter of the United Nations."⁹

Conclusion

Peace is not only an external equilibrium, a juridical order, a complex of disciplined public relationships; for us, Peace is above all the result of the implementation of that design of wisdom and love, through which God willed to enter into supernatural relations with mankind. Peace is the first effect of that new divine economy which we call grace – "Grace and peace", as the Apostle says – it is a gift of God which becomes the style of Christian life; it is a Messianic phase which reflects its light and hope upon the temporal city also, strengthening with its superior motives those reasons upon which that city bases its own Peace. To the dignity of citizens of the world, the Peace of Christ adds the dignity of sons of the heavenly Father; to the natural equality of men, it adds that of Christian brotherhood; to human competition which ever compromise and violate Peace, Christ's Peace weakens pretexts and opposes motives, thus showing forth the advantages of an ideal and superior moral order, and revealing the marvellous religious and civil virtue of generous pardon; to the incapability of human art to produce a solid and stable Peace, Christ's Peace lends the aid of its inexhaustible optimism; to the fallacy of policies of proud prestige and material interests, Christ's Peace suggests a policy of charity; to justice, too often weak and impatient, upholding its needs by the fury of arms, Christ's Peace infuses the unconquerable energy of those rights derived from the deepest reasons of human nature and from man's transcendental destiny. The Peace of Christ, which derives its spirit from the redeeming sacrifice, is not fear of might and resistance; the Peace of Christ, which understands pain and human needs, which finds love and gifts for the little, the poor; the weak the disinherited, the suffering, the humiliated, the conquered, is not cowardice tolerant of the misadventures and deficiencies of man with no fortune or defence. In a word, the Peace of Christ is, more than any other humanitarian formula, solicitous of Human Rights.

Peace is context and duty by state

1. context of right to life
2. context of right to equality.
3. context of right to freedom..
4. context of right to development.
5. context of right to work.
6. context of right to livelihood.

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