

The Right to Peace Takes Shape

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It is surprising that, just when human rights in their many manifestations have become lodged in most governments' consciousness, the idea that I, and every other human being, have a right to be free from the ravages of war is so controversial – at least among the policy-makers in the West. An effort is under way at the UN to adopt a declaration stating that all individuals have the right to live in peace so that they can develop fully all their capacities, physical, intellectual, moral and spiritual, without being the target of violence. The end result of such thinking could well be the outlawing of war. While this would move humanity to a higher state of existence, the idea is not welcomed by those who are convinced that peace comes only through the flexing of military muscle. Arms-makers definitely reject the thought.

The renewed effort to establish a right to peace stems from a resolution adopted by the UN Human Rights Council in 2012 on «promotion of the right to peace». The Council prepared a draft declaration, and governments and civil society groups around the world are examining it before it goes to the floor of the General Assembly for a vote in 2014 or 2015. Governments at that time will have to decide if they will abide by a legal obligation to renounce the use or threat of use of force in international relations, and that their subjects can hold them accountable.

The right to peace is not a new idea. In fact, on 12 November 1984, the UN General Assembly adopted a Declaration on the Right of Peoples to Peace, which affirmed, «the peoples of our planet have a sacred right to peace». The Declaration said that this right «constitutes a fundamental obligation of each state», and the exercise of this right demands «the elimination of the threat of war», particularly nuclear war. Although the vote was 92 in favour and none opposed, there were 34 abstentions, and

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the Declaration, absent any strategy for implementation, went on the shelf.

The wars in Iraq (the first one), Somalia, Yugoslavia, Rwanda and elsewhere left a sense that the international community had taken a wrong turn after the end of the Cold War and was missing a golden opportunity to build a better foundation for peace.

In 1997, Federico Mayor, the Director-General of the United Nations Educational, Scientific and Cultural Organisation (UNESCO), presented a new elaboration with two strategies: first, immediate action on urgent issues such as poverty, environmental destruction, and international justice through strengthening the UN system; and second, a massive education campaign focused on youth and designed to foster an understanding and tolerance of other cultures. The Norwegian Institute of Human Rights followed up with a new draft outlining peace as a human right, peace as a duty, and the development of peace through programmes promoting a culture of peace. The right to peace came into better focus as a global ethic of non-violence and reverence for life through identifying the roots of global problems and addressing conflicts early.

A remarkable debate then took place at UNESCO's General Conference in 1997. One European country after another either attacked or expressed reservations about the right to peace. Countries from the South struck back, accusing the North of wanting to protect their arms industries.

Paraguay jabbed at the North: «Perhaps peace is a greater concern in the South where scarce resources are being diverted to war». Seeing that prospects for a consensus were hopeless, Mayor pulled back.

During the next two years, the debate shifted to a somewhat less contentious topic, a culture of peace, which is not seen as a «right», but an «approach» to peace that seeks to transform the cultural tendencies toward 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. Mayor formulated a Declaration and Programme of Action on a Culture of Peace, and rounds of debate at UNESCO followed. At one point, the US delegate, probably unwittingly, put his finger precisely on why a human right to peace is needed: «Peace should not be elevated to the

category of a human right, otherwise, it will be very difficult to start a war».

While certainly more digestible than the right to peace, a culture of peace should not be seen as an anodyne substitute. For, if society became less bellicose and more supportive of even elementary social justice in a world of intense competition over resources, recourse to war would decline as the years pass. Codification of the right to peace might then be more easily obtained.

A culture of peace is not just a collection of amorphous paeans to harmony on a good day. It is rooted in a new understanding that human beings are not genetically programmed for war. There is no inherent biological component of our nature that produces violence. This was the conclusion of the Seville Statement on Violence drafted in 1986 by 20 leading biological and social scientists under the auspices of the International Society for Research on Aggression. After examining arguments based on evolution, genetics, animal behaviour, brain research, and social psychology, the scientists drew the conclusion that biology does not predestine us to war and violence. «We conclude that biology does not condemn humanity to war, and that humanity can be freed from the bondage of biological pessimism». War, the scientists said, is a product of culture. Throughout the 20th century, wars were the first choice of most governments in dealing with conflict. It seemed «natural» to go to war against a perceived evil. But that does not mean that humanity cannot get out of the sociological trap of the culture of war. There is no denying the presence of evil in the world, which all too often manifests itself in violence. But war in response to violence is no longer the only option.

The point here is that humanity has achieved a level in its maturation where aggression can be controlled and dealt with by new mechanisms, such as the International Criminal Court and internationally-sponsored peacekeeping operations. Humanity is slowly climbing out of the pitiless hole of warfare that has claimed so many lives. We now know that it is possible to put war behind us, even if political practitioners are not yet ready to dismantle the war machinery.

Using the Seville Statement as a guide, UNESCO outlined a culture of peace embracing a set of ethical and aesthetic values, habits, customs, attitudes toward others, forms of behaviour,

and ways of life that would reject violence and respect the life, dignity and human rights of all individuals. In a culture of peace, the old enemy images of the culture of war would give way to understanding, tolerance and solidarity; democratic participation would replace authoritarian governance; sustainable economic and social development would replace exploitation of the weak and of the environment.

This work led to the UN General Assembly's adoption, 13 September 1999, of a Declaration and Programme of Action on a Culture of Peace, regarded at the time as the most comprehensive programme for peace ever taken up by the UN. It set out a route to ending violence through education, dialogue and cooperation, commitment to peaceful settlement of conflicts, promotion of the right to development, equal rights and opportunities for women and men, freedom of expression, opinion, and information. A group of Nobel peace laureates drew up guidelines, which were translated into more than 50 languages: respect all life, reject violence, share with others, listen to understand, preserve the planet, rediscover solidarity. Programmes and petitions were organised by 180 international organisations around the world to mark the International Year for the Culture of Peace in 2000. An International Decade for a Culture of Peace and Non-violence for the Children of the World was designated for 2001-2010. Then 9/11 struck.

Some analysts have written that the terrorist attacks on the World Trade Center and the Pentagon were the real opening of the 21st century and that the «war on terror» defines how we will live as the century progresses. I disagree. It is true that a sense of fear pervaded the general populace and security systems upended to head off future attacks. There will always be individuals willing to give their lives to attack an enemy. But terrorism is an aberration, not a system of change in people's lives and attitudes toward one another. There are not civil society groups by the thousands coalescing around terrorism, rather there are civil society groups by the tens of thousands implementing at ground level, in one way or another, the values of a culture of peace. This huge and often unsung movement, which rejects war, provides a transformative moment for humanity. It is still overshadowed by the immense news coverage the media gives the existing intra-state wars and other forms of strife. The movement to a culture of peace, however «soft» it may appear on the surface compared

to the «hard» decisions of warfare still lingering in the militarists' offices, is the real power of the 21st century. The momentum of history, buttressed by new life-enhancing technologies, is on the side of the culture of peace.

When the UN Human Rights Council set in motion the formal study of the draft Declaration on the Right to Peace, as a result of the work of Carlos Villan, founding President of the Spanish Society for Human Rights Law, the vote was 34 in favour, one against and 12 abstentions. The US took a strand at the outset that it opposed the concept of the right to peace, let alone what the draft Declaration contained. Nonetheless, it joined 80 other states at an inter-governmental working group meeting in Geneva in February 2013 to examine the draft text. It was here that the divisions over peace burst out into the open.

The draft text begins with a Preamble «reaffirming the common will of all people to live in peace with one another», and expressing a conviction that the prohibition of the use of force is the primary international prerequisite for the well-being of countries and for the full implementation of human rights and fundamental freedoms. It expresses «the will of all peoples that the use of force must be eradicated from the world, including through full nuclear disarmament, without delay». Its fourteen articles start off by proclaiming a principle, «Individuals and peoples have a right to peace [...]. The right to peace is related to all human beings, including civil, political, economic, social and cultural rights». It moves into controversial terrain when it states that mechanisms should be developed «to eliminate inequality, exclusion and poverty, as they generate structural violence, which is incompatible with peace». And then: «All peoples and individuals have the right to have the resources freed by disarmament allocated to the economic, social and cultural development of peoples and to the fair redistribution of natural wealth, responding especially to the needs of the poorest countries [...]». Conscientious objection to military service is proclaimed, private military and security companies regulated, and migrants protected.

«Everyone shall enjoy [...] the right to adequate food, drinking water, sanitation, housing, health care, clothing, education, social security and culture». The environment is included: «Everyone has the right to a safe, clean and peaceful environment, including an atmosphere that is free from dangerous man-made interference [...]».

At the very least, the draft shows how complex the subject of peace is.

If peace is to include every social benefit imaginable, and then to make that a right, it is not likely that such a universal state of satisfaction can be obtained. And yet, as has been said many times, there can be no peace without the development of peoples. The problem with the declaration is that it seeks to codify what to many should remain a goal or an aspiration.

Thus well-trained international lawyers diligently pursue the legalities underlying every phrase. Is the right to peace an individual or collective right? Lawyers incessantly debate this point.

At the outset of the inter-governmental meeting, the US made its opposition clear: «We do not recognize the existence of a “right” to peace». The burden of the US position is that, although the country is deeply concerned whenever conflict erupts and human rights are violated, the foundational documents of the UN have never defined peace as a right, rather a goal to be achieved through the full implementation of human rights; and that by drawing into the draft declaration a range of issues still being debated in diverse UN fora, and making them rights, the process confuses and endangers harmonious international progress. Canada joined the US objections: «Canada does not accept that a stand-alone “right to peace” exists under international law. As such we do not see the justification for negotiating a declaration on this concept. Peace is not a human right in and of itself. It is rather a goal that can be best realized through the enforcement of existing identifiable and distinguishable human rights».

With attitudes so hard at the outset, the road ahead to agreement on a declaration, even if shorn of its most controversial points, will be a rocky one. But that is what the exercise of diplomacy is for. Villan wants to build on the existing consensus that human rights, peace and development are interdependent and mutually reinforcing, and that any efforts to solidify the peace process should be guided by the UN Charter in addition to a vast jurisprudence inspired by international law. In applying the Charter, however, the problems mount. Article 2(4) of the Charter says: «All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state [...]». The opponents of codifying peace say that's enough to ensure a

peaceful atmosphere. But, of course, it isn't because it does not constrain corrupt regimes from warring on their own people. The proponents of a right to peace further argue that the flagrant misuse of Article 51 is an additional reason. Article 51 says: «Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security [...]». The US used Article 51 in its preemptive attack on Iraq, claiming that it was acting in self-defence against Iraq's suspected weapons of mass destruction (a suspicion later proved fallacious). So it seems that, just as the Charter is deficient in not banning nuclear weapons (which were not invented when the Charter was written), the Charter by itself cannot fully resolve the claimed inherent right to peace. A favourable resolution may be obtained by putting greater reliance on Article 28 of the Universal Declaration of Human Rights: «Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized». When this article is viewed in the context of the values of non-violence contained in the culture of peace documents, a more positive environment for discourse is produced.

The debate can then build on the agreement already reached by world leaders who, at the 2005 Summit marking the 60th anniversary of the UN, said: «We [...] reaffirm our commitment to work towards a security consensus based on the recognition that many threats are interlinked, that development, peace, security and human rights are mutually reinforcing [...] and that all states need an effective and efficient collective security system pursuant to the purposes and principles of the Charter».

The proponents of a right to peace, however, don't want generalities, at least they want the declaration, in the forum of the Human Rights Council, to pronounce on specifics, such as the immediate elimination of nuclear weapons. But these specific demands are still being debated in a range of other fora. By trying to codify the right to peace at a very early stage in the budding culture of peace, the proponents run the risk of deepening divisions in the international community. Still, they are not wrong to press their case now. The strategy of timing is a judgment call. If people who want peace – a defined peace

– do not speak up, the militarists will continue to dominate the public debates. We must find the right course and speed of action to balance the urgent need for the world community to come together in a common understanding of what needs to be done to achieve peace with the orderly construction of the legal mechanisms to guarantee it.

When the Council returned to the issue at its meeting in June 2013, the US stiffened its opposition to negotiating a text on the right to peace. This time, it was joined by the European Union. But the opponents have left the door open for some progress at future meetings if the subject became a «discussion on the linkage between peace and the enjoyment of human rights». Christian Guillermet Fernández, a Costa Rican diplomat who heads the UN committee working on the draft declaration, has seized on the possibilities of a new text, softening the language in an effort to find a consensus for general acceptance.

At this moment in history, most nations are ready to listen to the moral call for peace as distinct from dealing with the legal imperatives of a dozen disputed components put together in one declaration. A simplified declaration, one based on a moral call, would stand a better chance of wide acceptance. It would be more productive to highlight the political value of a simple declaration than to hold out for a declaration with a supposed legal base. Even a more general non-binding declaration of the right to peace might well act as a catalyst in spurring the development of the components of the peace agenda. The Universal Declaration of Human Rights, though only a non-binding document at the beginning, gave birth to a range of covenants and treaties enlarging the implementation of human rights in many aspects as the years went by. Over-reaching at the beginning jeopardises long-range gains.

Would it not be enough to say that the right to peace is the right to pursue the benefits imparted by the Universal Declaration of Human Rights and subsequent legal instruments unimpeded by physical acts of warfare?

That might not satisfy the most ardent proponents of the right to peace, but at least it would be a less contentious starting point and might hold the international community together. It would shift the focus to the fulfillment of peace through stopping warfare. As a politician and activist, I am concerned with building public opinion for the right to peace. I am not

dismissing the fine points of law needed in any international agreement. But we stand a better chance of working out the law on the right to peace when the culture of peace plays a stronger role in our daily life.

The UN gives us the basis of international law to resolve human conflict even if peace is not yet legally defined. We may not have reached sufficient maturity of civilisation to enforce the right to peace. Governments, at least some of them, are still too strong and are able to overcome the wishes of those who have turned against war. But this situation will not prevail forever. It will give way to those who demand the right to peace, just as the forces of slavery, colonialism and apartheid gave way when the opposition became strong enough. That is why developing the elements of a culture of peace – education, sustainable development, respect for all human rights, equality between men and women, democratic participation, understanding and tolerance, free flow of information, and human security for all – is so important.

A culture of peace will not only make the world a more human place, it will inexorably lead to the acquisition of the right to peace. A system of global governance for the common good of humanity must be our goal.

Future generations, when they have tasted the fruit of a culture of peace, will recognise almost intuitively that peace is their right. They will demand it.

Our role, in setting the 21st century agenda, is to nourish the seeds of peace so that the blossom appears.