Building Political Consensus
for the "Right to Peace"

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The violence-torn summer of 2014 seems to cast into doubt the possibility of attaining the long hoped-for goal of peace in the world. The killings in Gaza, Ukraine, Syria, and Iraq, to name but the top of the list of centres of atrocities, have depressed those who are working every day to build the structures of peace. We find it hard to have our voices heard against the relentless barrage of beheadings and bombings that fill the TV screens. Stopping the carnage seems overwhelming.

It doesn't seem to be a good time for me to bring out my book, *Peacemakers: How People Around the World Are Building a World Free of War*. The central message of the book is that people in many parts of the world have discovered that war is futile and great numbers of civil society activists are working to build the conditions for an enduring peace. Does the summer of 2014 shatter that conviction? It does not.

After the 20th century in which two world wars plus the Korean and Vietnam wars and numerous conflicts killed upwards of 100 million people,

did we think that it would suddenly be easy to turn the corner and enjoy peace gardens everywhere?   Did we forget that the political structures are still mired in a culture of war in which the economic interests of the military-industrial complex outweigh the peace proposals of visionaries? Did we suppose that institutions to guarantee peace through the rule of law would just blossom in a desert?

We are living through a transformative moment in history, and movement forward is uneven. The ugliness of war has become etched in people's minds, but the force of humanitarian law is not yet engraved in public policies. We now realize that in modern warfare there are no victors, but we have not yet gained sufficient confidence to reinforce the structures of peace. We must probe further to comprehend Dag Hammarskjöld's message that peace is not just a passive state of affairs in a world without war, but a state of living devoted to action.

The negative news of the day must not dissuade us from continuing our work for peace. There may still be killings to come, but the trendline of history is moving away from the widespread practice of violence.

Consider some of the places whose very names conjure up the spectre of genocide and mass human suffering in the recent past: Rwanda, Bosnia, Cambodia, Hiroshima, Northern Ireland. In the small East African nation of Rwanda, where about 800,000 people were killed over the span of a hundred days in 1994, commerce is thriving in a stable atmosphere. In Bosnia, thousands of Muslims were massacred in the worst crime on European soil since World War II, and now the Muslims and Serbs live in a fragile peace. In Cambodia, where two million people died in the "killing

fields," the international community mounted an effective restoration program, and the country has become a tourist centre of South Asia. In Hiroshima, where the first atomic bomb killed 140,000 people, the rebuilt vigorous city is a centre of the anti-nuclear weapons campaign. In Northern Ireland, "the Troubles" – the fierce and violent clashes between Catholics and Protestants in which 3,500 people were slain – had been seen as one of the world's intractable conflicts, but today the people live basically in peace.

The list of war-torn places that have given way to processes of peace and reconciliation is long: Angola, Ivory Coast, Mozambique, Guatemala, El Salvador, Timor Leste, Sierre Leone. All of these places have stories of progress to tell in building the conditions for peace. New mechanisms to improve peacekeeping, peacebuilding and international justice, many under United Nations auspices, are laboriously being built. This creativity goes largely unreported and people are unaware of the great strides being made in changing the old culture of war into a culture of peace. Despite the headlines, a new dynamic for peace exists in the world. As former US President Bill Clinton noted: "In places once synonymous with conflict, like the Balkans and Rwanda, former antagonists are now working together to solve problems."

There is no better example of how the world is moving from war to peace than Europe, which suffered through two World Wars in the 20th century and now basks in the glow of the 2012 Nobel Peace Prize to the European Union. The recent fighting in eastern Ukraine certainly challenges this aspiration, but it has not unleashed wider conflict. The mechanisms for peace, unknown in earlier times, have at least prevented World War III. Wise political leadership is now desperately needed to draw Russia into the European orbit, not keep it out.

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My assessment of global security conditions today indicates that the existing political processes are insufficient to guarantee peace. We still have war because, among other reasons, war has not been unambiguously ruled illegal. The continued buildup of international law, particularly international humanitarian law, has now become essential in a globalized world. We expect the law to be enforced in the local communities where we live, so it is safe to go out into the streets. Why should the world as a whole not be given the same legal protection?

We start with the implementation of the Universal Declaration of Human Rights, which has clearly built a framework for the civil and political and the economic and social rights of every person. Can those rights be extended into a right to peace? Can I, as a human being possessing the rights conferred by the Universal Declaration, claim the right not to be attacked in a war? Can the people of Iraq, Syria, Afghanistan make this claim also? Can, in effect, war be outlawed? What would be the ramifications of a legal ban on war? Is the theory of a Just War valid today? These are questions that law students should grapple with, for it is becoming clearer by the day that humanity, joined together in an interdependent world, needs the protection of the rule of law.

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 Human Rights Council 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 right to peace is not a new idea. In fact, thirty years ago today, on November 12, 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 the declaration, absent any strategy for implementation, went on the shelf.

In 1997, Federico Mayor, the Director-General of the United Nations Educational, Scientific and Cultural Organization (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 programs 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 behavior, 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 peace-keeping 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, September 13, 1999, of a Declaration and Programme of Action on a Culture of Peace, regarded at the time as the most comprehensive program 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. Programs and petitions were organized by 180 international organizations 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 2001-10. 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. But can we – at least at this moment in history – turn the culture of peace into the right to peace? Does it follow that, because all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, all people are entitled to the right to peace in order to enjoy their inherent human rights? That is the issue now on the global agenda.

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In 2012, The UN Human Rights Council began study of a draft Declaration on the Right to Peace in the expectation that the declaration would eventually be adopted by the General Assembly. An inter-governmental working group was set up and it was here that the divisions over peace burst out into the open. The draft text put a wide range of economic and social benefits under the umbrella of "peace."

The US was forthright in opposition: "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.

A counter-argument is that human rights, peace and development are interdependent and need to be reinforced in their oneness and backed up by the UN Charter. However, the Charter (written before the Universal Declaration) does not resolve the right to peace issue because the Charter, while prohibiting armed conflict against a state, allows the use of force in self-defence, at least until the Security Council takes action. In other words, the Charter is not definitive enough in banning war.

Just as it was necessary to go beyond the Charter in writing the Universal Declaration, the proponents of the right to peace claim it is now necessary to wrap the issues of peace and security, development and human rights into a single framework called the right to peace.

Many states find this appealing because it reflects a holistic approach to peace. They take the view that without peace, it is not possible to realize all human rights, including the right to development. Others, notably the US, the UK and some Western countries, hold that there is no legal basis for peace in international law and it is impossible to find a common definition of peace grounded on human rights.

Trying to mollify both camps, the chairman of the Human Rights Council process, Ambassador Christian Guillermet of Costa Rica, has softened the original text and has submitted a new draft currently being debated. The centre-piece of the new draft declares:

> **"Everyone is entitled to the promotion, protection and respect for all human rights and fundamental freedoms, in particular the right to life, in a context in which all human rights, peace and development are fully implemented."**

This phrasing is a long way from banning warfare, yet it does bring into focus the need to strengthen law in order to achieve that which the declaration holds vital. Even though the phrasing avoids the controversial term, "right to peace," the term is retained in the title of the declaration, so it remains to be seen whether a consensus on the revision can be achieved.

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. The present simplified declaration, based on a moral call, should stand a better chance of wide acceptance. But opponents doubtless fear that the new draft, if adopted, would pave the way to a future comprehensive law against warfare. That, of course, is exactly what the proponents want. But can such a lofty goal be reached in one step? As a politician and activist, my immediate concern is 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 development of public opinion to a higher level in opposing war is a necessary basis for legal prohibition of warfare. Thus, for me, the present draft declaration has great political value in laying the basis for a more secure world. Fighting over the legality of the document at this stage may derail the long-range efforts needed to strengthen international law.

In short, a general non-binding declaration on 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 jeopardizes long-range gains.

I think there could be the beginning of a consensus by formulating the right to peace as a right to pursue the benefits imparted by the Universal Declaration of Human Right 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.

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 civilization 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 recognize almost intuitively that peace is their right. They will demand it.

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