

## RIGHT TO PEACE: A SINE QUA NON FOR LIFE

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*“Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”.*

According to the abovementioned words cited in the preamble of Universal Declaration of Human Rights, 1948 Human rights and peace building are two complementary objectives of the United Nations. Human rights are inalienable fundamental rights that everyone has, regardless of their nationality, race, religion, or any other distinguishing characteristic. They cover a broad range of civil, political, economic, social, and cultural rights that form the basis for respect, fairness, and equality.<sup>1</sup> Human rights and peace are intrinsically connected with each other. There is no peace if human rights are denied and vice-versa.

Peace is the fundamental requirement of human being. It is the thirst as well as inner desire of every human being from the day when life began. Peace, at root, is recognizing that everyone shares a common humanity and deserves a good life. It can be as simple as genuinely asking how someone is, sharing a meal, giving directions, helping a stranger carry heavy bags. In short, to achieve world peace it is necessary to respect each other; to tolerate each other and to believe in the values of justice, equality and dignity. In the words of Albert Einstein, peace cannot be kept by force, it can only be achieved by understanding.<sup>2</sup>

Realizing the importance of maintenance of peaceful life for people, Right to peace is emerged as third generation Human Right. It is relatively new concept in the life of human society. Right to peace can be said to be individual as well as collective right. The three basic components of Right to peace are:

- the right to life
- the right to dignity
- the right to order allowing the full outcome of rights.

**1. The right to life comprises:**

- the obligation of States to strengthen peace as the essential element of the right to life.
- the right to safety and to the security of one's person
- the right to the minimum level of subsistence

**2. The right to dignity includes: the right to live “protected from violence and fear”**

<sup>1</sup> <https://www.drishtiias.com/blog/human-rights-and-peace#:~:text=Human%20rights%20are%20inalienable%20fundamental, respect%2C%20fairness%2C%20and%20equality.>, accessed on dated 13<sup>th</sup> December 2023

<sup>2</sup> Balki Dr. Ashwini, 'War: A Devastator of Human Rights', page 91 published in Shodh Prabha(UGC Care Journal), ISSN 0974-8946, Vol. 48, Issue 01, No.3:2023



- the right to be protected from all discrimination
- the right to the prevention of conflicts
- the right to the prevention of violence and the heavy use of force, including that by police and institutions, in a deterrent way.

**3. The right to live in peace and in a culture of peace comprises:**

- the right to order, allowing the full outcome of rights
- the “right to live in conditions of peace and security”
- the right to “a just, viable and sustainable peace”<sup>3</sup>

Thus right to peace is interrelated with other rights that promote a life of dignity for all. Hence promotion of peace is vital requirement for the full enjoyment of all human rights. Initially Right to peace has been codified through various International instruments. For example the Universal Declaration of Human Rights recognises, the right to security and freedom (Article 3); prohibits torture, inhuman or degrading treatment or punishment (Article 5), and calls for an international order in which the rights and freedoms set forth in the declaration can be fully realised (Article 28). The International Covenant on Civil and Political Rights prohibits propaganda for war as well as *“advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”* (Article 20).

The right to peace is also codified in some regional documents such as the African Charter on Human and Peoples' Rights and the Asian Human Rights Charter. The African Charter in its Article 23 states *“All peoples shall have the right to national and international peace and security.”* The creation of the Council of Europe was itself based on the conviction that *“the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation”*.

The *Santiago Declaration on the Human Right to Peace, adopted in 2010* by The International Congress on the Human Right to Peace, is one of the most elaborate documents on peace as a human right. The declaration recognises individuals, groups, peoples and all humankind as holders of the *“inalienable right to a just, sustainable and lasting peace”* (Art. 1) and *“States, individually, jointly or as part of multilateral organisations, as the principal duty holders of the human right to peace”*. The declaration also calls for the right to education *“on and for peace and all other human rights”* as a component of the right to peace because *“education and socialization for peace is a condition sine qua non for unlearning war and building identities disentangled from violence”*. (Art. 2) The right to human security and the right to live in a safe and healthy environment, *“including freedom from fear and from want”* are also put forward as elements of *“positive peace”*. (Art. 3) Other dimensions of the right to peace are the right to disobedience and conscientious objection, the right to resist and oppose oppression and the right to disarmament. The declaration also devotes a specific article to the rights of victims, including their right to seek justice and a breakdown of the obligations entailed in the human right to peace.<sup>4</sup>

United Nations also understood the importance of right to peace and therefore the UN

<sup>3</sup> <https://www.grainesdepaix.org/en/resources/references/human-rights/components-human-right-to-peace>

<sup>4</sup> <https://www.coe.int/en/web/compass/peace-and-violence>, accessed on dated 16<sup>th</sup> December, 2023

General Assembly adopted *the Declaration on the Right to Peace* on 19 December 2016, following long-standing efforts since the 1970s to proclaim peace as a human right. The establishment of the declaration on the right to peace is a milestone. The 2016 Declaration proclaims both international peace and intra-state peace as human rights with individual and collective dimensions. The Declaration, which aims to prevent armed conflict and foster a culture of peace, can be considered part of wide-ranging UN initiatives aimed at sustaining peace.<sup>5</sup>

Article 1 of the declaration states that “*everyone has the right to enjoy peace such that all human rights are promoted and protected and development is fully realized.*” Article 2 imposes an obligation on all the states that they should respect, implement and promote equality and non-discrimination, justice and the rule of law, and guarantee freedom from fear and want as a means to build peace within and between societies and emphasizes that ensuring the exercise of the right of peoples to peace demands that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations. It appeals to all States and International Organizations to do their utmost to assist in implementing the right of peoples to peace through the adoption of appropriate measures at both the national and the international level.

The Declaration on the Right to Peace is a foundation for culture of peace. The adoption of this declaration was said to be a great opportunity to stop wars and armed conflicts in the world and consequently, to avoid all human rights violations, crimes against humanity and genocides, which usually occur in these dreadful situations. But adoption of this declaration was failed to stop war and instances of human right violations.

Rohingya crisis in Myanmar is one of the example in which Myanmar Government launched a major military crackdown on the Muslim Ethnic minority, killing almost 24,000 civilians and forcing 750,000 others to flee to Bangladesh. The Russia- Ukraine which is ongoing from February 2014 is another instance of failure of United Nations in peace keeping and protecting the human rights of the people. The declaration also failed to stop the recent armed conflict between Israel and Hamas led Palestinian Militant groups which has been taking place chiefly in and around Gaza Strip since 7<sup>th</sup> October 2023. War have terrible impact as it results in destruction of lives, infrastructure and environment.

#### ❖ Conclusion:

Peace and security, development and human rights are the pillars of the United Nations system and the foundation for collective security and well-being. The gist of human right jurisprudence is human dignity. Human dignity of a man can only be realized at peace time. Peace is essential for human development, human survival and human happiness. It is one of the most important and universal human values. It calls for aggressive response from human rights perspective. The right to peace is an important human right, it is a right of solidarity in the third generation of human rights. It is based on the claims and expectations for the protection of human rights by every action at the global, regional and national levels. Though

<sup>5</sup> Turan Tuba, ‘The 2016 UN General Assembly Declaration on the Right to Peace: A Step towards Sustainable Positive Peace within Societies?’ published in Human Rights Law Review, Volume 23, Issue 2, June 2023.

it has already been accepted that all human rights are indivisible, interrelated and interdependent, but the nature and scope of the right to peace as third generation of human rights cannot be ignored. It needs recognition as a separate and independent right of solidarity

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