

ANALYSIS OF CONCEPTUAL FOUNDATIONS OF INTERNATIONAL INSTRUMENTS FOR GLOBAL PEACE AND DEVELOPMENT

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Abstract

All efforts going on in the world for promotion of global economic order through liberalization and privatization can flourish only with the nation states on the globe converging to an agenda for establishment of peace between them and within each of them. For this reason all events of universal importance from the Second World War show that, along with trade and development, management of conflicts and establishment of peace have been a priority with the world bodies. There is an urge to understand this process of creating peace and a congenial atmosphere to make it sustainable. On an examination of the international conventions and declarations a full-fledged jurisprudence has evolved at the international level which underlines the philosophical foundations for eliminating war and establishing harmony between nation states and internally within various countries mainly by fine adjustment of interests of parties or groups in conflict by giving boost to the economy, advancement of use of technology, and, if necessary, by deploying peace keeping forces. The present paper focuses on the global policies and provisions in the international instruments related to the establishment of enduring peace in the world with responsibilities of nation states and international agencies for promoting harmony. An analysis of peace as a human right and the correlative measures which have been taken for promoting economic activities and development as a prelude to peace have been given here. Details about the peacekeeping missions of the United Nations, which have or are working in different parts of the world, are given here explaining their impact and desirability.

I Introduction

LAW AND economy are the most pervading concepts of the 21st century with technology as the bull worker. The discussions around the world are at a very high pitch for giving boost to the economy and strengthening of the legal regime through liberalization and privatization. This all, however, would be in vain if global peace is not ensured. A perusal of events from the Second World War shows that, along with the international instruments for economic development and trade, the international declarations and conventions providing for establishment of peace

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have been a priority with the world bodies and are even today at the top of their monitoring list. Hence, while discussing law and economy at the national or international level, the importance of the peace process for economic development cannot be under assessed. This paper has, therefore, been structured to give a detailed account of the global policies and provisions in the international instruments related to the establishment of enduring peace in the world with responsibilities of nation states and international agencies for promoting harmony. While it analyses the finer aspects of peace as a human right and correlative measures for promoting economic activities and development, it ends with an over view of the peacekeeping missions of the United Nations which have or are working in different parts of the world.

II Understanding peace

Peace is a state of harmonic co-existence—an earnest desire of all human beings. It enjoys precedence in thought and priority in action. Whenever man has behaved differently, and opted for war, he has done so under some misunderstanding or considered it a prelude to peace. The issue was never understood better earlier than during the two world wars. The realization of the significance of peace during the period invoked positive responses from almost all nations of the world which led to the adoption of many declarations related to peace by the UN General Assembly and a number of operations for peacekeeping in different regions of the world. Efforts to restrict the nuclear culture and destruction by mines are the recent manifestation of the same basic human desire for peace.

To emphasize further it may be stated that peace is a state of tranquility, serenity and order. It implies calmness, harmony and freedom from war. It is marked by cessation of hostilities and non-existence of strife. As the most cherished desire of humanity and an unending aspiration of every individual, in its wider perspective, peace refers to conditions of liberty, good health and security as indicators of development. It has, therefore, a direct nexus with enjoyment of human rights—the rights without which it is not possible either to live or to live like a human being. They are fundamental in their nature and purpose, accordingly sometimes termed as basic human rights. When allowed they help in the fullest development of human qualities, intelligence, talent and conscience. They improve human dignity, enable a maximum use of human capabilities, ensure greater safety and also tend to satisfy the spiritual needs of an individual. Availability of human rights facilitates life with comfort and excellence. Their denial leads to conditions of social imbalance, unrest and violence.

It is not in any way imponderable or difficult to understand that nobody can live, labour, develop and sustain without peace; and nor can anyone enjoy rights in belligerence. To think of rights in a ruffled and raucous situation is quite moronic

and doltish. Even in the biological sense life is a peaceful, harmonious and coordinated existence of various constituent elements. Placatory is a *sine qua non* to birth, growth and dignity of human beings, while as antagonism is a prelude to rage, rowdiness and destruction. Likewise it can be asserted that peace is a *sine qua non* for enjoyment of human rights and belligerence renders life with health, comfort and excellence impossible. Thus, peace, human rights and development are interdependent. It is not possible to appreciate and enjoy human rights, including right to economic development, fully without peaceful circumstances and conversely, it is not possible to maintain peace without securing human rights and economic well being for all people. Thus, right to peace is the first and foremost right of every human being, as well as that of a group of human beings or a nation, without which other rights cannot be enjoyed. The fact is supported by the unending chain of events in the whole human history, which in its reality has been, nonetheless, a struggle for rights and establishment of peace and prosperity. In other words, technically speaking, whole human history can be described and explained just by three co-dependent variables, 'peace', 'human rights' and development. For this reason the issue of peace and development should be brought to focus academically with due concern it deserves.

Recognition of peace as human right

The matter of correlation between human rights and peace has been well within the appreciation of the concerned world bodies and the universal instruments adopted from time to time. The development of the post world war movement for human rights is basically an outcome of the concern for peace, which precipitated during the most destructive phases of the age when there was no respect for life and humanity. The reasons for birth of United Nations Organization and the recognition of the principle that human rights and fundamental freedoms are the corner stone for future maintenance of peace are in these respect relevant subjects for any body's consideration. It may be recalled that during the Second World War, President Franklin D. Roosevelt of the United States of America (USA) and Prime Minister Winston Churchill of the United Kingdom (UK) expressed in Atlantic Charter (1940) their fervent desire to establish a peace which would afford to nations the means of dwelling within their own boundaries, and which would afford assurance that all the men in all the lands may live out their lives in freedom from want and fear. Subsequently, in 1941, 26 allied nations which were later joined by 21 additional nations expressed their firm conviction through a declaration that a complete victory over their enemies was essential to defend life, liberty, independence, religious freedom, to preserve human rights and justice in their own lands as well as other lands. They were, it is being claimed, the first to use the term 'human rights' in an international instrument. The doctrine put forward in this study has, therefore,

been unequivocally a part of many basic universal instruments with a definite programme of action.¹

UN Charter and peace

In its essence the present human rights movement is a culmination of the quest for peace initiated during the first and the second world wars. After the First World War many treaties were concluded by several European countries binding them to protect social, religious and national minorities. The execution of these obligations was supervised by the League of Nations. In view of the relationship between action for establishment of peace and need for enforcement of human rights a demand was made by the representatives of Cuba, Mexico and Panama in the United Nations Conference held at San Francisco in 1945 proposing that the conference should adopt a Declaration of the Essential rights of Man. This eventually became a voice of all the people and thereby establishment of peace and promotion of respect for human rights became a common goal of the United Nations (UN). The United Nations Charter (here in after referred as UN Charter) accordingly brings the matters of peace and human rights together in its preamble as follows:²

We the people of the United Nations determined to save succeeding generations from the scourge of war, which twice in our life time has brought untold sorrow to mankind, and to re-affirm faith in fundamental human rights in the dignity and worth of the human person, in equal rights of men and women and of nations large and small, and *to practice tolerance and live together in peace* with one another as good neighbours, and to unite our strength *to maintain international peace and security*, and...[t]o employ international machinery for the *promotion of economic and social advancement* of all people, ... [h]ave resolved to combine our efforts to accomplish those aims.

The Preamble of the UN Charter therefore, makes *inter alia*, a special mention of the urge to practice tolerance and life in peace and a will to strengthen the maintenance of international peace and security. The UN Charter, while specifying the purposes of the United Nations, further asserts that its objectives are:³

- (a) to 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, and to bring about by peaceful means and in conformity with the principles of justice

1 See generally: Thomas Buergenthal, *International Human Rights In A Nutshell* (1995) and Muhammad Zamir, *Human Rights Issues and International Law* 1-5 (1990).

2 'Preamble', The United Nations Charter, 1945. [Emphasis added].

3 *Id.*, art 1. [Emphasis added].

and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

- (b) to develop friendly relations among nations based on respect for the principles of equal rights and self determination of peoples, and to take other appropriate measures to strengthen universal peace;
- (c) to achieve international cooperation in solving international *problems of an economic, social, cultural, or humanitarian character*, and in promoting and encouraging *respect for human rights* and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
- (d) to be a centre for harmonizing the actions of nations in the attainment of these common ends.

In these emphatic expressions the UN Charter not only recognizes the nexus between peace and human rights but makes it a duty of the comity of nations to work together for the establishment of peace which can make possible the enjoyment of human rights. The charter urges upon the nations:

- (a) to take effective collective measures to prevent and remove threat to peace;
- (b) to suppress acts of aggression or breach of peace;
- (c) to work for the adjustment and settlement of international disputes;
- (d) to try to develop friendly relations among nations based on respect for the principle of equality and self determination;
- (e) to take appropriate measures to strengthen universal peace;
- (f) to join hands in solving problems of social, economic and cultural or humanitarian character; and
- (g) to maintain respect for human rights and fundamental freedoms.

In the light of these provisions of the UN Charter, it is an inalienable right of the people of the world to claim to live in peace and to seek conditions to make the enjoyment of their basic rights possible. All the nations of the world have an inherent obligation to show due deference towards this right and take positive measures to check any obstruction, direct or indirect, hindering its enjoyment.

Declaration on the Essentials of Peace

The United Nations concern for peace and necessity of peaceful enjoyment of rights is forcefully and sufficiently made obvious by its adoption of separate declaration, namely, Declaration on the Essentials of Peace, 1949 which recognizes the promotion and paramountcy of human dignity and other human rights as important essentials of peace. The declaration was adopted by the UN General Assembly on 1 December, 1949.⁴

Primarily, for the purposes of this declaration two proposals came before the General Assembly each presented by the then Union of Soviet Socialist Republic

4 General Assembly Resolution, 290 [IV].

and one jointly by the United Kingdom and the United States of America. The former stressed upon the five permanent members of the Security Council to conclude among themselves a “Pact for Strengthening the Peace” and the latter called upon the United Nations to lay down the basic principles necessary to achieve an enduring peace. The Soviet proposal was not adopted but criticized as being an attempt to create a body superseding the Security Council. The US and UK proposal was adopted by the UN General Assembly by 53 votes to 5 though it was termed as “wholly unrealistic, inadequate and composed of phrases culled from the UN Charter”. The General Assembly declared the UN Charter as the most solemn pact of peace in history and underlined it as a document, which lays down the basic principles necessary for the establishment and maintenance of peace.

It may not be out of place to mention here that the UN Charter requires the United Nations to promote universal respect for human rights and fundamental freedoms and their observance for all without distinction as to race, sex, language and religion.⁵ The charter requires all member states to pledge themselves to take joint and separate action in cooperation with the organization for the promotion of universal respect for the observance of human rights and fundamental freedoms for all alike.⁶ It also empowers the General Assembly to initiate studies and make recommendations necessary for realization of human rights and fundamental freedoms⁷ and authorizes the Economic and Social Council to make recommendations for the same purpose and prepare draft conventions and call international conferences with respect to matters falling within its competence.⁸ Additionally the council may make arrangements with the members of United Nations and other specialized agencies to obtain reports on the steps taken to give effect to its recommendations and those of the General Assembly⁹ and set up commissions for the promotion of human rights.¹⁰ Pursuant to this the council has established the commissions or like bodies on human rights and status of women and sub-commissions on prevention of discrimination and protection of minorities. These principles being a substantive part of the UN Charter have been further sanctified by the Declaration on the Essentials of Peace, 1949, as basic principles necessary for the endurance of peace.¹¹ The common disregard of these principles is the main cause for prevalence of international tension. The Declaration of 1949, therefore, earnestly calls upon every nation to exercise certain restraint and take

5 *Supra* note 2, art.55.

6 *Id.*, art. 54.

7 *Id.*, art.13.

8 *Id.*, art. 62.

9 *Id.*, art. 64.

10 *Id.*, art.86.

11 Declaration on the Essentials of Peace, 1949 (hereinafter referred to as Declaration of 1949) cl. 1

some other positive measures for enabling people to live in peace. Under the declaration every state has been required:¹²

- (a) to refrain from threatening or using force contrary to the Charter; and
- (b) to refrain from any threats or acts, direct or indirect, aimed at impairing the freedom, independence or integrity of any State, or at fomenting civil strife and subverting the will of the people in any State.

The declaration further calls upon every nation:¹³

- (a) to carry out in good faith its international agreements;
- (b) to afford all United Nations bodies full cooperation and free access in the performance of the tasks assigned to them under the Charter, and
- (c) to promote, in recognition of the paramount importance of preserving the dignity and worth of the human person, full freedom for the peaceful expression of political opposition, full opportunity for the exercise of religious freedom and full respect for all the other fundamental rights expressed in the Universal Declaration of Human Rights.

While defining the essentials of peace the declaration is most explicit about respect for human rights and advises the states to take necessary steps:¹⁴

- (a) to promote nationally and through international cooperation, efforts to achieve and sustain higher standards of living for all people;
- (b) To make possible for people free exchange of information and ideas essential to international understanding and peace.

To make peace enduring, the declaration advises the member nations to participate fully in all the works of the United Nations and calls upon the five permanent members of the Security Council to broaden progressively their cooperation and to exercise their restraint in the use of the veto in order to make the Security Council a more effective instrument for maintaining peace.¹⁵

Regarding settlement of disputes and to avoid frequent cropping up of further troubles every nation has been called upon, under the declaration to play a positive role by requiring them:¹⁶

- (a) to settle international disputes by peaceful means and to cooperate in supporting United Nations efforts to resolve outstanding problems;
- (b) to agree to the exercise of national sovereignty jointly with other nations to the extent necessary to attain international control of atomic energy which would make effective the prohibition of atomic weapons and assure the use of atomic energy for peaceful purposes only.

An examination of the heretofore referenced provisions of the 1949 Declaration

12 *Id.*, cls. 2 and 3.

13 *Id.*, cls. 4 - 6.

14 *Id.*, cls. 7 & 8.

15 *Id.*, cls. 9 & 10.

16 *Id.*, cls. 11-13.

on the Essentials of Peace exhibits, no less than necessary, a basic nexus between the matters essential for achievement and sustenance of peace and the respect for and promotion of human rights. It is not possible to think of either without the other. Peace is an inalienable human right and the promotion of human rights, in the first instance, implies a positive effort to establish enduring peace.

Declaration on Preparation of Societies for Peace

After the 1949 Peace Declaration in 1978, the United Nations General Assembly adopted another declaration, namely, Declaration on the Preparation of Societies for Life in Peace¹⁷ and reaffirmed the right of individuals, states and whole mankind to peace and highlighted the need that every state must accept certain duties and responsibilities which may ensure the enjoyment of that right. The declaration invites all states to guide themselves in their activities by recognition of the supreme importance and necessity of establishing, maintaining and strengthening a just and durable peace for present and future generations through the following principles:¹⁸

- (a) Every nation and every human being regardless of race, conscience, language or sex, has the inherent right to life in peace. Respect for that right, as well as for the other human rights, is in the common interest of all mankind and an indispensable condition of advancement of all nations, large and small, in all fields.
- (b) A war of aggression, its planning, preparation or initiation are crimes against peace and are prohibited by international law.
- (c) In accordance with the purposes and principles of the United Nations, States have the duty to restrain from propaganda for wars of aggression.
- (d) Every State, acting in the spirit of friendship and good neighbourly relations has the duty to promote all-round mutually advantageous and equitable political, economic, social and cultural co-operation with other states, notwithstanding their socio-economic systems, with a view to securing their common existence and cooperation in peace, in conditions of mutual understanding of and respect for the identity and diversity of all peoples, and the duty to take up actions conducive to the furtherance of the ideals of peace, humanism and freedom.
- (e) Every State has the duty to respect the right of all peoples to self determination, independence, equality, sovereignty, the territorial integrity of States and the inviolability of their frontiers, including the right to determine the road of their development, without interference or intervention in their internal affairs.
- (f) A basic instrument of the maintenance of peace is the elimination of

17 General Assembly Resolution, 33/73, 15th Dec.1978.

18 *Id.*, part I cl. (a).

the threat inherent in the arms race, as well as efforts towards general and complete disarmament, under effective international control, including partial measures with that end in view, in accordance with the principles agreed upon within the United Nations and relevant international agreements.

- (g) Every State has the duty to discourage all manifestations and practices of colonialism, as well as racism, racial discrimination and apartheid, as contrary to the right of peoples to self determination and to other human rights and fundamental freedoms.
- (h) Every State has the duty to discourage advocacy of hatred and prejudice against other peoples as contrary to the principles of peaceful coexistence and friendly co-operation.

The Declaration on Preparation of Societies for Peace calls upon all states to act, for the implementation of the given principles, perseveringly and consistently with due regard to constitutional rights and the role of family and the institutions and the organizations concerned.¹⁹ States are supposed to ensure that their policies, including educational processes and teaching methods as well as media information activities are compatible with the task of the preparation for life in peace of entire societies and in particular, the young generations.²⁰ They must discourage and eliminate incitements to racial hatred, national or other discrimination, injustice or advocacy of violence and war.²¹ Nonetheless, states must develop various forms of bilateral and multilateral cooperation, also in international, governmental and non-governmental organization, with a view to enhancing preparation of societies to live in peace and, in particular, exchanging experiences on projects pursued with that end in view.²²

The United Nations General Assembly in part-III of the declaration recommends that the governmental and non-governmental organizations concerned should initiate appropriate action towards the implementation of the declaration. It has appropriately expressed the need for concerned action on the part of governments, the United Nations and the specialized agencies, in particular the United Nations Educational, Scientific and Cultural Organization, as well as other international and national organizations, both governmental and non-governmental.²³ The General Assembly has shown its concern for the principles laid down in the declarations by requesting the Secretary General to follow the progress made in the implementation thereof and to submit periodic reports thereon to it.²⁴

19 *Id.*, part II cl. (a).

20 *Ibid.*

21 *Ibid.*

22 *Id.*, part II cl.(b).

23 *Id.*, part III cls. 1 & 2.

24 *Id.*, cl. 3.

Declaration on Right of Peoples to Peace

Besides the above mentioned declarations the UN General Assembly, in 1984, adopted another very significant declaration known as Declaration on the Right of Peoples to Peace²⁵ and made a direct mention of the fact that recognition and enjoyment of the right of peoples to peace is essential to full implementation of the human rights and fundamental freedoms. On the occasion the General Assembly reaffirmed that the principal aim of the United Nations is the maintenance of international peace and security and expressed a will to eradicate war from the life of mankind and avoid a worldwide nuclear catastrophe. Maintenance of a peaceful life for people is a sacred duty of each state. The General Assembly felt concerned that peace is the primary requisite for material well-being, development and progress of countries and for the full implementation of the human rights and fundamental freedoms. This is also a primary condition for the preservation of human civilization and the survival of mankind. In its specific provisions the General Assembly through this declaration “Solemnly proclaims that the peoples of the world have a sacred right to peace” and “declares that the preservation of the right of peoples to peace and promotion of its implementation constitute a fundamental obligation of each State”.²⁶

The General Assembly further emphasizes that ensuring the exercise of the right of peoples to peace demands that the policies of states be directed towards the elimination of 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 UN Charter.²⁷ 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 levels.

Implementation of programmes and enforcement of right to peace

Promotion and achievement of the ideals of peace and the advancement and protection of human rights being co-dependent constitute two fundamental objectives of the UN Charter. To strengthen the process of peace and to make promotion of human rights possible the United Nations General Assembly declared the year 1986 to be the international year of peace.²⁸

In this regard the proclamation was approved by the General Assembly on 24 October, 1985, the 40th anniversary of the United Nations. The proclamation in

25 General Assembly Resolution, 39/11, 12th Nov. 1984.

26 *Id.*, cls. 1 & 2.

27 *Id.*, cl. 3.

28 General Assembly Resolution, 37/16 (1982).

unequivocal terms considered peace a “universal ideal” and its promotion “the primary purpose of the United Nations”. It also made clear that promotion of peace and security, *inter alia*, requires “the promotion and exercise of human rights and fundamental freedoms, de-colonization in accordance with the principle of self-determination, elimination of racial discrimination and apartheid, the enhancement of the quality of life, satisfaction of human needs and protection of environment.”²⁹ The proclamation recognized that education, information, science and culture can contribute towards living in peace and practicing tolerance, and offered an opportunity of governments; inter governmental and non-governmental organizations and others to reflect and act creatively and systematically to carry out the common aspirations for peace. It called upon all peoples to join with the United Nations in resolute efforts to safeguard peace and the future of humanity.³⁰

The working linkages, between human rights and peace are also obvious from the reports of UN Sub-Commission on Prevention of Discrimination and Protection of Minorities³¹ which it prepared after studies on the request of the Commission on Human Rights.³² The study pointed out that many instruments have made references to the interrelationship between the realization of human rights and peace. The report proves beyond any doubt that the strengthening of international peace and security is a pre-requisite for economic and social development and for the materialization of all human rights and that the *vice versa* is also true.³³

A pro-active measure adopted by United Nations for maintaining international peace and security is the use of UN peacekeeping forces. These forces are interposed between hostile states or hostile communities in a state of conflict within a state to create conditions necessary for peaceful settlement of disputes. From 1948 till date more than a million troopers have served under the flag of United Nations by monitoring ceasefire, patrolling demilitarized areas, manning buffer zones and de-escalation of conflicts. Before 1993 (*i.e.* prior to the ending of ‘cold war’) peacekeeping forces were largely used to maintain calm on the front lines while giving warring factions an opportunity to arrive a settlement through negotiations. But, the UN peacekeeping forces adopted a new role after 1988. This new generation of the peacekeeping forces responds not only by rescuing weak institutions or ‘failed States’, but also plays a role in situations like collapsing economies, natural disasters and international conflicts including ethnic and tribal warfare. For more effective operations an agenda for peace was issued by the then UN Secretary General, Boutros Boutros Ghali in 1992 which provided for increased use of confidence building

29 Annexure to General Assembly Resolution, 40/3, 24th Oct.1985.

30 *Ibid.*

31 UN Doc. E/CN.4/Sub 2/1988/2.

32 General Assembly Resolution, 1982/7.

33 General Assembly Resolution, 1989/47.

and fact finding measures and the preventive deployment of a UN presence or establishment of demilitarized zones in potential conflict areas. Later some more propositions were put forwards to have a better coordination of the troops in multinational operations.

Beginning with UN Truce Supervision Organization (UNTSO) in 1948 and UN Military Observer Group in India and Pakistan (UNMOGIP) in 1949 a number of UN peacekeeping operations were conducted many of which have already concluded. Some well known operations of the UN peacekeeping have been the UN Good Offices Mission in Afghanistan and Pakistan (1988-90), UN Iraq-Kuwait Observation Mission and others like operations missions to Angola (1991), El Salvador (1991), for Referendum in Western Sahara (1991), Cambodia (1991-92), Somalia I, Mozambique (1992), Somalia II (1973), Uganda-Rwanda (1993), Georgia (1993), Liberia (1993), Haiti (1993), Chad and Libya (1994), Yugoslavia (1994), Kosova (1999), Timore (1999), Sudan (2007), Libya (2011) *etc.*

Status of UN Peacekeeping Missions

Peacekeeping by the United Nations is a way to help countries in conflict to maintain conditions for sustainable peace. Virtually it is the soldiers and military officers, civilian police officers and civilian personnel from many countries who monitor and observe peace processes in post-conflict situations and assist combating parties in implementing the peace agreements they have signed. Such assistance comes in many forms, including confidence-building measures, power-sharing arrangements, electoral support, strengthening the rule of law, and economic and social development. All operations must include the resolution of conflicts through the use of force to be considered valid under the United Nations charter .

The UN Charter gives the Security Council the power and responsibility to take collective action to maintain international peace and security. For this reason, the international community usually looks to the Security Council to authorize peacekeeping operations. Most of these operations are established and implemented by the United Nations itself with troops serving under UN operational command. Where direct UN involvement is not considered appropriate or feasible, the council authorizes regional organizations such as the North Atlantic Treaty Organization, the Economic Community of West African States or coalitions of willing countries to implement certain peacekeeping or peace enforcement functions. In modern times, peacekeeping operations have evolved into many different functions, including diplomatic relations with other countries, international bodies of justice (such as the International Criminal Court), and eliminating problems such as landmines that can lead to new incidents of fighting.

When on 21 September, 1998 the 53rd Session of 185 members of the United Nations General Assembly opened in New York, its agenda included deadlocked-

peace process in Cyprus, turmoil in Afghanistan, stalemate in the Middle East Peace Process, violence in Kosovo, Civil War in Sudan and Angola and continuing violence in Congo. The Secretary General, Kofi Annan, while addressing the largest annual gathering of presidents, kings, prime ministers and foreign ministers said that conflicts in Afghanistan, Kosovo and Congo showed the importance of nations in ridding the globe of the scourge of war. Non-proliferation was one of the issues which dominated the agenda. He described the nuclear tests by India and Pakistan as a “highly disturbing development” and asked the two nations to refrain from any further testing, adhere immediately to the global test ban treaty and freeze their nuclear programme and the development of missiles. During the session the Prime Minister of India, Atal Bihari Vajpayee expressed his readiness to participate in the Comprehensive Test Ban Treaty (CTBT) subject to other countries adhering to it without conditions. He also reiterated readiness to actively participate in the negotiations to draft a Missile Materials Cut-Off Treaty (MMCT) at Geneva. The issue of CTBT was caught in rough weather when the American Congress refused to adopt it. On 24 June 1999 the 61-nation conference failed to ‘break an impasse over beginning substantive talks on nuclear disarmament with major nuclear states stalling a consensus on negotiations for complete elimination of all such weapons. Eight UN members—Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden decided to sponsor a UN resolution urging the 185 member General Assembly to finalize an agenda for the achievement of nuclear disarmament possible within a specified time frame.³⁴

Actions for peace include the ratification of the Global Anti-Personnel Landmine Treaty by 40 countries on 16 September 1998, achieving the trigger number of signatories that would make it binding. Landmark convention banning anti-personal mines became international law on 1 March 1999 when 86 countries ratified it—46 more than the required number; later, the treaty was signed by 136 countries in Ottawa (Canada).

The treaty bans production, storage, use or transfer of anti-personnel mines, with no exception for any type or any region of the world. Signatories to the treaty are also required to destroy their landmine stockpiles within four years and remove the deployed mines within ten years. While United Nations Organization is the repository of the treaty, countries like the US, China, Russia, Israel, India and Pakistan have not signed the treaty. Over 70 countries in Asia, Europe, Africa and the America have already scattered in their territories millions of mines which in the last two decades killed or injured more than a million people including a large number of civilians.³⁵

34 P B Sinha and S Sinha, *Comprehensive Review of Current Events Part A*, 1-5(1999).

35 *Ibid.*

III Conclusion

The most cherished desire of humanity and an unending aspiration of every individual, in its wider perspective, is peace. It refers to conditions of harmonic life with liberty, good health and security as indicators of development. It has a direct nexus with enjoyment of human rights—the rights without which it is not possible either to live or to live like a human being. After the First World War many treaties were concluded by several European countries binding them to protect social, religious and national minorities. The execution of these obligations was supervised by the League of Nations. In view of the relationship between action for establishment of peace and need for enforcement of human rights a demand was made by the representatives of Cuba, Mexico and Panama in the United Nations Conference held at San Francisco in 1945 proposing that the conference should adopt a Declaration of the Essential Rights of Man. This eventually became a voice of all the people and thereby establishment of peace and promotion of respect for human rights became a common goal of the United Nations. The United Nations Charter accordingly brought the matters of peace and human rights together in its preamble as cherished goals for realization. The principles constituting the substantive part of the UN Charter were then declared for implementation in other international instruments like the Declaration on the Essentials of Peace, 1949, as basic principals necessary for the endurance of peace. The International Bill of Rights is a detailed version of the principles and policies to attain the same goal, *i.e.*, global peace. The declarations related to right to development, protection of weaker sections of the people and humanitarian law also aim at the same set goal of peace and prosperity. Any disregard of these principles is sure to bring disharmony become the main cause for prevalence of conflict and unrest. The Declaration of 1949, therefore, in addition to other UN conventions and declarations earnestly calls upon every nation to exercise certain restraint and take necessary positive measures for enabling people to live in peace and prepare societies to live in peace. The global view of the peace scenario is, however, even after more than six decades, a disappointment rather than an achievement. The only option left for the international human community is to sincerely implement the programmes of peace and ensure every person everywhere an equitable level playing field and dignity.

To repeat and conclude—peace is an inalienable human right without which neither life nor enjoyment of any other rights or progress is possible. Absence of peace implies a state of destruction—destruction of humanity and everything necessary for sustaining that. Realizing this fact the UN bodies should take every possible measure to establish enduring peace.