

HUMAN RIGHTS AND WORLD PEACE

by

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Introduction

Human rights are those rights which are inherent in all men and women and which they ought to have solely by virtue of their humanity. They come with birth and are concerned with the dignity and worth of the individuals and "represent minimal moral standards for human society."¹ Human rights are universally inherent, inalienable and inviolable rights of all members of the human family which the states and their public authorities are to ensure for the people. However, the concept of human rights was for long entirely viewed as a matter entirely within the domestic jurisdiction of the states to grant or deny rights to their citizens and, as such, was not subject to interference from any outside pressure. But in course of time, as a result of the work of international, regional, governmental and non-governmental organisations around the globe, human rights transcend national boundaries and jurisdictions and thereby go beyond the limits of municipal public law, falling a matter of international concern to be promoted and protected within the framework of international law. But all the international attempts and efforts before World War II were made in respect of the protection of religious freedom, protection for war prisoners and treatment of wounded, protection of minorities and labour which can not be described as general human rights to which all members of the human family were entitled. But immediately before, during, and after World War II it was the concern for man, for the human person which emerged at the centre of international affairs as a common denominator in the

1. Abram, Morris B, "Freedom of Thought, Conscience and Religion," *Journal of the International Commission of Jurists* (1967) p. 40.

search for a better world of tomorrow. However, the object of this paper is to explore and examine the relationship which, if any, exists between the enjoyment of human rights and the maintenance of world peace and vice versa.

Relationship Between Human Rights and International Peace

It is widely believed that the denial of human rights is not only an individual and personal tragedy as it also creates conditions of social and political unrest, sowing the seeds of violence and conflict within and between societies and nations. It was President Wilson of the U.S.A. who, perhaps, for the first time at the Peace Conference in Versailles (1919) advocated for the international protection of minorities (which, in fact, came into being as a prelude to the evolution of the law towards an international protection of the rights of man) in order to prevent states' disputes and maintain peace in the world. As he said,

"Take the right of minorities. Nothing I venture to say is more likely to disturb the peace of the world as the treatment which might in certain circumstances be meted out to minorities. And therefore if the great powers are to guarantee the peace of the world in any sense, is it unjust that they should be satisfied that the proper and necessary guarantee has been given?"²

The nations of the world, stunned by the atrocities committed against humanity in the course of World War II by fascist States (Italy, Germany), realized that the protection of individual freedoms could no longer be left to the sole discretion of states. The world "was shocked by the discovery that the Nazis had slaughtered six million Jewish people during the years 1938 through 1945."³ The laws authorizing the dispossession and extermination of Jews and other minorities, the laws permitting arbitrary police search and seizure, the laws condoning imprisonment, torture and execution without public trial in Nazi Germany aroused the unanimous indignation and a wave of public

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2. Quoted in Russo, Alessandra Luini del, *International Protection of Human Rights* (1971) p. 25.
 3. Totten, Samuel and Kleg, Milton, *Human Rights* p. 36.

opinion arose demanding the establishment of organized international protection for human rights. The protection of human rights needed to be the concern of all humanity. It was realized that there could be no real and enduring peace among the nations of the world without the acknowledgement of the human dignity and worth of the individuals who made up these nations and that a nation which systematically denies the rights of its own citizens could not be realistically depended on to recognise the rights of other nations and their peoples. As Professor Schwelb observed :

"Hitler and Mussolini's records proved, moreover, how close a relationship exists between outrageous behaviour by a government towards its own subjects and aggression against other nations, between respect for human rights and the maintenance of peace."⁴

Thus it is obvious that violations of human rights, particularly when there is a consistent pattern of gross violations, can be a cause of war although of course not the only cause. In fact, World War II became a crusade against tyranny, a crusade for human rights. Political leaders and legal scholars looked to the international protection of human rights both as an end in itself and as a means of ensuring international peace. Their conviction was set out in a number of statements, declarations and proposals made while the war was still being fought. For example, in his celebrated "Four Freedoms" message to Congress, of 6 January 1941, President Roosevelt declared that :

"In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms.

"The first is freedom of speech and expression—everywhere in the world.

"The second is freedom of every person to worship God in his own way—everywhere in the world.

"The third is freedom from want—which, translated into world terms, means economic understandings which will secure every nation a healthy peacetime life for its inhabitants—everywhere in the world.

4. Quoted in Petrenko, Alex, "The Human Rights Provisions of the United Nations Charter", IX Manitoba Law Journal, (1978) p. 53.

"The fourth is freedom from fear—which translated into world terms, means a world-wide reduction of armaments to such a point and in such a through fashion that no nation will be in a position to commit an act of physical aggression against any neighbor—anywhere in the world.

"That is no vision of a distant millennium. It is a definite basis for a kind of world attainable in our own time and generation. That kind of world is the very antithesis of the so-called new order of tyranny which the dictators seek to create with the crash of a bomb.

"... The world order which we seek is the cooperation of free countries, working together in a friendly, civilized society."⁵

President Roosevelt's closing words were :

"Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights or keep them... "⁶

Thus he announced that America was ready to stand up in defence of the four essential human freedoms everywhere in the world which were the necessary conditions of peace. Later, in the same year, in the Atlantic Charter of 14 August 1941, which was later subscribed to and endorsed by 47 nations, President Roosevelt (of the USA) and Prime Minister Churchill (of the UK) expressed their hope that after the final destruction of the Nazi tyranny, there would be established "a peace which will afford to all nations the means of dwelling in safety within their own boundaries and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want."⁷ One year later in the "Declaration by the United Nations," signed on 1 January 1942 by 26 nations (including the four Great Powers, the U.S., the UK, the USSR and China) then at war and subsequently adhered to by 21 other nations, the signatory Governments expressed their conviction " that complete victory over the enemies

5. Quoted in Sohn, Louis B and Buergenthal, Thomas, *International Protection of Human Rights*, New York (1979) pp. 506-507.

6. *Ibid.* at p. 507.

7. U.S. Executive Agreements Series 236 p. 4.

is essential to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands."⁸

The Provisions of the United Nations Charter Linking Human Rights and Peace

At the end of World War II the United Nations was established through the adoption of the UN Charter in June 1945. The United Nations Conference on International Organization, which met in San Francisco in April 1945, in drafting the Charter greatly enlarged and broadened the objectives of the United Nations as a whole revolving around a central idea, that peace cannot be established in a durable fashion so long as oppression, injustice and economic distress prevail in the world. This was rightly pointed out by President Truman in his closing speech to the San Francisco Conference :

"The Charter is dedicated to the achievement and observance of human rights and fundamental freedoms. Unless we can attain those objectives for all men and women everywhere—without regard to race, language or religion—we cannot have permanent peace and security."⁹

The interdependence between human rights and world peace is made clear in several provisions of the Charter of the United Nations. The first words of the Preamble of the Charter read :

"WE THE PEOPLES OF THE UNITED NATIONS DETERMINED to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small ..."

The important purposes of the United Nations are "to maintain international peace and security, and to that end : to take effective collective measures for the prevention and removal of threats to

8. *Ibid.* at p. 18.

9. Sohn, Louis B. and Buergenthal, Thomas, *op. cit.* pp. 513-514.

the peace, . . ."10 and "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace."11 Therefore the Charter states :

"With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

....

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."12

The Charter also provides that "all Members pledge themselves to take joint and separate action in co-operation with the Organization"13 to promote universal respect for, and observance of, human rights and fundamental freedoms for all.

International Instruments Linking Human Rights and Peace

The United Nations has so far presided over the promulgation of over 70 major international human rights instruments. A number of such instruments contain provisions linking human rights generally, or one or more particular human rights, with international peace and security. The Universal Declaration of Human Rights, which was adopted on 10 December 1948 by the General Assembly and with which began the real history of human rights at the level of international law, provides that :

"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.

10. Art. 1(1) of the UN Charter

11. Art. 1(2), *ibid.*

12. Art. 55, *ibid.*

13. Art. 56, *ibid.*

... disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

... it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

... it is essential to promote the development of friendly relations between nations."¹⁴

The Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations, which was adopted by the General Assembly in Resolution 2625 (XXV) of 24 October 1970, also stresses "the importance of maintaining and strengthening international peace founded upon freedom, justice and respect for human rights."¹⁵ It further expresses the conviction "that the subjection of peoples to alien subjugation, domination and exploitation constitutes a major obstacle to the promotion of international peace and security."¹⁶

United Nations Resolutions Linking the Enjoyment of Human Rights and the Maintenance of International Peace.

The flagrant and massive violations of human rights as mentioned earlier, might lead the world into armed conflicts. This fact has also been recognized in several resolutions of the United Nations bodies. From time to time UN bodies have adopted resolutions linking the enjoyment of human rights with the maintenance of international peace and security. In a resolution entitled "Essentials of Peace", adopted on 1 December 1949, the

14. The preambular paragraphs of the Universal Declaration of Human Rights.

15. The third preambular paragraph of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations, 1970.

16. The thirteenth preambular paragraph, *ibid.*

General Assembly called upon every nation "to refrain from any threats or acts, direct or indirect, aimed at impairing the freedom, independence or integrity of any States or at fomenting civil strife and subverting the will of the people in any State"; and further called upon every nation "to promote, in recognition of the paramount importance of preserving the dignity and worth of the human person, 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."¹⁷

When nations continue to ignore and abuse human rights of their citizens, they often plant the seeds of rebellion. The serious infringements of the principles of the Charter of the United Nations and the other relevant international instruments, in particular such odious crimes as aggression, invasion, military occupation, genocide, apartheid and other crimes against humanity constituted gross violations of human rights which had an effect on international peace and security. Such violations of human rights resulted in threats to, or breaches of, international peace and security. The Sub-Commission on Prevention of Discrimination and Protection of Minorities in 1985 recognized that respect for human rights and fundamental freedom was one of the important conditions for securing international peace.¹⁸ Therefore, "it is of paramount importance for the promotion of human rights and fundamental freedom that Member States (to the General Assembly) should undertake specific obligations through accession to, or ratification of international instruments in this field and, consequently, that the standard-setting work within the United Nations system in the field of human rights and the universal acceptance and implementation of the relevant international instruments should be encouraged."¹⁹

17. Res. 290(IV) of the General Assembly adopted on 1 December, 1949.

18. Res. 1985/2 of 27 August 1985.

19. Res. 290(IV) of the General Assembly adopted on 1 December 1949.

United Nations Resolutions and Declaration Stressing the Importance of International Peace to the Realization of Human Rights.

The war and the fear of war are reasons and sometimes pretexts for suspending the exercise of certain human rights. It is only in an atmosphere of peace and security that everyone can enjoy his rights and freedoms; as long as there is hunger, disease, or lack of opportunities to participate in the government of one's country, there can be neither lasting peace nor significant development. It is increasingly being realized that peace, human rights and development can only be achieved when the arms race has been put to an end. The great resources which would be released by general and complete disarmament could contribute in a major way to the development of all States and this could ensure the provision of the basic necessities of life of the teeming millions of human beings throughout the world. Thus peace, disarmament and development are all necessary for securing in full measure human dignity and basic human rights. This interrelationship was clearly recognized by the General Assembly in December 1982 thus :

"international peace and security are essential elements for the full realization of human rights including the right to development."²⁰

Similarly, the Sub-Commission on Prevention of Discrimination and Protection of Minorities expressed its conviction that the maintenance of international peace and security for all peoples and individuals was vital for social and economic progress and for the full realization of human rights and vice versa, and stressed the threat that the arms race, particularly the nuclear arms race, posed for the achievement of social and economic progress and for the universal realization of all human rights.²¹

The Declaration on the Right of Peoples to Peace, approved by the General Assembly in November 1984, also echoed the above views :

20. Res. 37/199 of 18 December 1982 adopted by the General Assembly.

21. Res. 1984/30 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

"that life without war serves as the primary prerequisite for the material well-being, development and progress of countries and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations."²²

The Declaration solemnly proclaims that the peoples of our planet have a sacred right to peace and declares that the preservation of that right, and the promotion of its implementation, constitute a fundamental obligation of each State. It 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.

Conclusions

The foregoing discussion reveals that " . . . peace in the last analysis is a matter of human rights." No sure foundation of lasting peace and security can be laid unless the the rights and dignity of all men and women are respected and protected. The attainment and preservation of world peace will remain a distant dream for humanity if the basic human rights of mankind are trampled down and disregarded. The maintenance of international peace and security for all peoples and individuals is also vital for the full realization of human rights. This interrelationship between human rights and international peace was, in fact, first declared in a number of statements, declarations and proposals by the political leaders and legal scholars during the World War II. Later, the interdependence between peace and human rights has been affirmed in several provisions of the Charter of the United Nations. A number of international human rights instruments adopted by the United Nations also contain provisions linking human rights with international peace and security. Furthermore, the United Nations bodies have adopted several resolutions from

22. Res. 39/11 approved by the General Assembly on 12 November 1984.

time to time in which firm conviction has been expressed in this regard. Therefore, all States and international organizations should take appropriate measures at both the national and the international level to promote and defend human rights; they should work for the elimination of massive and flagrant violations of the rights of nations and people and all forms of racism and racial discrimination. The international community is to make continued effort to strengthen peace, removing the growing threat of war, particularly nuclear war, halt the 'arms race and achieve general and complete disarmament under effective international control taking into account the adverse impact of escalating military expenditures on international peace and security, the social and economic development and the enjoyment of human rights and fundamental freedoms.