

Peace as a Human Right

25 Principles of International Order to Ensure Sustainable Peace

by Alfred de Zayas,* Geneva



Alfred de Zayas
(Photo ma)

The motto of the Peace of Westphalia of 1648, “Pax Optima Rerum”,¹ peace is the highest good, reminds us that even after the monstrous Thirty-Years’ War with its eight million deaths, peace could be re-established in Europe by diplomatic negotiation. There were no victors.

In the post-World War II world, the United Nations Charter serves as a universal constitution, a rules based international order, equipped with various fora for peaceful settlement of disputes.

Pursuant to article 2, paragraph 3, of the Charter there is a treaty-based obligation to sit down and negotiate. Intransigence is not an option. Article 39 of the Charter gives the Security Council the competence to determine when an action or omission constitutes a threat or breach of international peace and security. Indeed, the *animus* to provoke and the refusal to talk constitute such a threat of the peace.

In the Ukraine conflict it is NATO that has prevented a negotiated end to the conflict pursuant to the Minsk Agreements of 2014 and 2015, and now since hostilities began in February. NATO wants a military victory over *Putin* and rejects compromise.

The Ukraine war did not begin 2022 but already with the unconstitutional coup d’état against the democratically elected President of Ukraine, *Victor Yanukovich* in February 2014. In an effort to find a peaceful settlement, Russia negotiated through the OSCE and the *Normandy Format* – to no avail.

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Since February 2022 NATO has been preventing compromise. Indeed, already in March 2022 there was a viable *quid pro quo* reached thanks to Turkish mediation. Both Ukraine and Russia were willing to stop the slaughter. The US intervened and made sure that there would be no peace, but a long war. Prolonging a war constitutes a crime against peace and a crime against humanity.

Article 2(4) of the UN Charter prohibits not only the use of force, but also the threat of the use of force. NATO’s expansion to the very borders of Russia constituted a palpable threat to the national security of Russia. NATO’s eastward expansion could not be interpreted as “defensive”, since there was no menace emanating from Russia. *Gorbachev* was a man of peace. He agreed to dismantle the Warsaw Pact with the tacit agreement that NATO too would be dismantled.

Indeed, Russia wanted normal relations with the West. President *Bill Clinton* took advantage of Russia’s self-inflicted weakness and reneged on the promises of *G.H.W. Bush’s* Secretary of State *James Baker*. Sure enough, power brings initial impunity, but sooner or later there is pushback.

My *25 Principles of International Order*, initially presented to the UN Human Rights Council in March of 2018, and republished in my book “Building a Just World Order” (2021),² declare that peace is an enabling human right, the precondition to the enjoyment of all other human rights – civil, cultural, economic, political and social rights.

These principles derive their legal basis from the UN Charter, core UN Conventions, *inter alia* the *Convention on the Prevention and Punishment of the Crime of Genocide*, *Vienna Convention on the Law of Treaties*, the two *UN Human Rights Covenants*, as well as key General Assembly resolutions, including resolutions 2131 (XX), 2625 (XXV), 3314 (XXIX), 39/11 and 55/2, 60/1.

Principle 1 stipulates:

Peace is not the peace of cemeteries, as in *Tacitus’ Agricola, solitudinem faciunt, pacem appel-*

lant (make a wasteland and then call it peace). The United Nations Charter commits all States to promote *Peace with Justice*. The Preamble and articles 1 and 2 of the Charter stipulate that the principal goal of the Organization is the promotion and maintenance of peace.

This entails the *prevention* of local, regional and international conflict, and in case of armed conflict, the deployment of effective measures aimed at peace-making, reconstruction and reconciliation. The production and stockpiling of weapons of mass destruction constitutes a continuing threat against peace.³ Hence, it is necessary that States negotiate in good faith for the conclusion of a universal treaty on general and complete disarmament under effective international control.⁴

Peace necessitates an equitable world order, characterized by the gradual elimination of the root causes of conflict, including extreme poverty, privilege and structural violence. In order to achieve universal peace, it is necessary to create and safeguard the conditions of peace, including economic development and progressive social legislation. The motto of the *International Labour Organization* deserves being recognized as the universal motto for our time: *si vis pacem, cole justitiam* (if you want peace, cultivate justice).

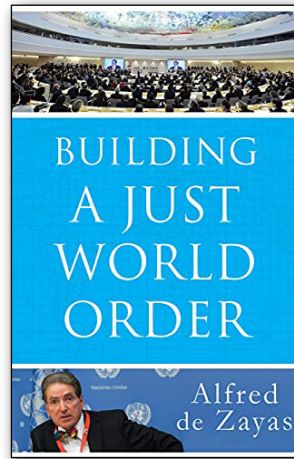
Principle 18 stipulates:

Non-intervention constitutes customary international law. No State may organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State.

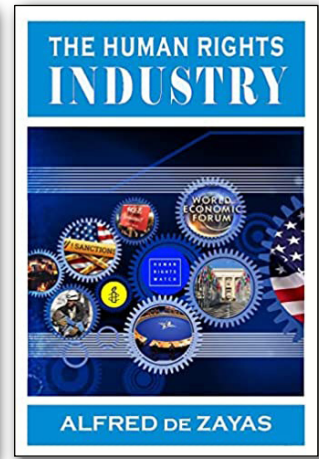
Principle 19 stipulates:

States must refrain from interfering in matters within the internal jurisdiction of another State, and may not resort to economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights.

Unilateral coercive measures are incompatible with the United Nations Charter. Only the Security Council can impose sanctions under Chapter VII of the Charter. When unilateral coercive measures cause widespread hunger and death, they may amount to crimes against humanity under article 7 of the Statute of the *International Criminal Court*.⁵



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Admittedly, the promotion of human rights is of legitimate international concern, and there is an *erga omnes* obligation of States parties to the ICCPR and ICESCR to ensure their enforcement. The so-called doctrines of “humanitarian intervention” and “responsibility to protect” have been hijacked, as empirically shown in the chaos visited upon the people of Libya by US instrumentalization of Security Council Resolution 1973, not for purposes of humanitarian assistance but for purposes of inducing “regime change”.⁶

My forthcoming book “The Human Rights Industry” will document how the United Nations, the Office of the High Commissioner for Human Rights, many international organizations and non-governmental organizations are largely in the service of Washington and Brussels, how the noble principles of peace, democracy and human rights have been instrumentalized against geopolitical rivals.

A brief look at the voting record of the US, UK, EU States in the General Assembly and Human Rights Council and a comparison with the voting record of China and Russia is revealing of who endorses peace and international solidarity, and who does not.

For instance, on 5 November 2022 a UN resolution opposing Nazi ideologies was met with resistance from the US and its allies, with 52 countries voting against it. The draft resolution to combat “*practices that contribute to fueling contemporary forms of racism, racial discrimination, xenophobia and related intolerance,*” introduced by Russia’s representative to the UN, was adopted with 105 votes in support.

The relentless war-mongering and incitement to hatred practiced by numerous NATO countries with the active support of the mainstream

media contravenes the letter and spirit of the UN Charter. Moreover, the vulgar Russophobia and Sinophobia, accompanied by evidence-free allegations and fake news, contravene Article 20 of the *International Covenant on Civil and Political Rights*.

What is not yet universally understood is that NATO today poses an existential threat to the planet, because by its aggressive rhetoric, escalation of tensions, refusal to negotiate, it is playing vabanque with the fate of the human species. This US/European querelle over Ukraine would not be of concern to the peoples of Africa, Asia and Latin America, except for the growing danger of nuclear war.

In a very real sense, because of the crimes of aggression, war crimes and crimes against humanity committed by NATO forces over the past 30 years in Yugoslavia, Afghanistan, Iraq, Libya and Syria, NATO could easily be considered under the prism of articles 9 and 10 of the Nuremberg Statute of 1945 as a “criminal organization.

In a sane world, the crimes committed by NATO politicians and soldiers would lead to judicial investigation and prosecution by the *International Criminal Court* in The Hague. The mainstream media will not tell you that, but you

yourselves can independently arrive at this conclusion. *Res ipsa loquitur*.

Source: <https://www.counterpunch.org/2022/11/11/peace-as-a-human-right/>, 11 November 2022

- ¹ A. de Zayas. “Peace” in William Schabas, ed. *Cambridge Companion to International Criminal Law*, Cambridge, 2016, pp. 97–116.
- ² <https://www.claritypress.com/product/building-a-just-world-order/>
- ³ The UN Human Rights Committee regularly issues “general comments” to elucidate the scope of its provisions. See General Comments Nr. 6 and 14 on the right to life, which condemn the production and stockpiling of weapons of mass destruction that may destroy life on Earth. <https://www.refworld.org/docid/453883f911.html>
<https://www.refworld.org/docid/45388400a.html>
- ⁴ <https://www.un.org/disarmament/wmd/nuclear/tpnw/>
<https://news.un.org/en/story/2020/10/1076082>
- ⁵ see my 2018 report to the Human Rights Council on my mission to Venezuela <https://undocs.org/A/HRC/39/47/Add.1>, paras. 34–39. See also the Preliminary Conclusions of the UN Special Rapporteur on unilateral coercive measures, Alena Douhan.
- ⁶ <https://www.un.org/securitycouncil/s/res/1973-%282011%29>. Also see <https://www.rt.com/news/russia-nato-un-resolution-libya/>; <https://foreignpolicy.com/2016/03/22/libya-and-the-myth-of-humanitarian-intervention/> <https://www.e-ir.info/2019/02/06/to-what-extent-was-the-nato-intervention-in-libya-a-humanitarian-inter->