

The Right to Peace and Its Position in International Documents

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ABSTRACT: The purpose of this article is to determine the main assumptions of familiarity with the international documents that have been created by organizations and governments in the field of peace and the place of this concept in these documents. In the second place, there is a need for stronger international rules and documents in the field of peace restoration and governments' adherence to them. This article intends to prove through the method of scientific analysis whether there are sufficient and mandatory international documents in the field of the right to peace in international law or not? If there are sufficient documents, what is the guarantee of reasonable implementation in non-compliance with these rules in international law? The findings of the research show that the right to peace has been recognized in many international documents and this right is part of the fourth generation of human rights. It should be pointed out that the existence of international laws and regulations in the field of peace is a global need, and its observance is considered a basis for the political structure of human freedom.

KEYWORDS: Peace, security, human rights, development right, International documents.

1. INTRODUCTION

Recognition of the right to peace as a human right was proposed for the first time in 1976 by the Human Rights Commission, and the next step was the drafting and approval of Resolution No. 73/33 dated December 15, 1978 by the General Assembly entitled "Declaration on the Preparation of Communities" To live in peace" was removed. After that, many efforts have been made to stabilize and strengthen the legal status of peace as a human right. We can mention the approval of the "Declaration on the Right of Nations to Peace" by Resolution No. 11/39 on November 12, 1984.

Human rights are fundamental and inalienable rights that are considered essential for the life of mankind. In other words, "human rights are a set of privileges belonging to the people of a society and stipulated in the relevant rules, which people, by virtue of being human and in their relationships with other members of the society and with the ruling power, with the necessary guarantees and protections, are entitled to it. they have" (Kirimi, 2018).

The term of the third generation of human rights has emerged in the last half century. This right has been recognized in the declarations and resolutions of the United Nations and in the African Charter of Human Rights. Collective and group rights are described as the third generation of human rights, the distinguishing feature of this generation of human rights is that it emphasizes collective rights instead of individual rights (Rebecca Wallace, 2014). Among the rights that are effective in this generation and in the mentioned word, we can mention the right to development, the right to a healthy environment, and the right to peace (Kirimi, 2018).

The importance of this research is that it defines the right to peace and its place in international documents. This research can be a suitable source for researchers in the field of international law and human rights. In the field of human rights and the right to peace, there are numerous international documents, including conventions and declarations in international law. However, the fundamental problem in international law is not the absence of legal rules and regulations in this regard, but rather the lack of strong enforcement and guarantees for the implementation of these rules, which has made the international community face turmoil and unrest. This has been a long historical process, and as a result, the UN Charter entrusted the maintenance of international peace and security to the most important pillar of the organization, the Security Council. The establishment of international peace and security has been one of the oldest human ideals. This was explicitly emphasized in the 1968 Tehran Conference Declaration. This statement, by linking peace and human rights, emphasizes that world peace is a human ideal and that peace and justice are a necessary condition for the full realization of human rights and freedoms. Therefore, the question that arises is whether the right to peace has been identified in international documents? In other words, what is the position of the right to peace in international documents?

Many studies have been conducted on peace and human rights so far, such as Mr. Farhad Talaei and Farzaneh Poursaeed's article titled "Investigating the Mutual Influence of Human Rights and Peace," which examines the relationship between human rights and peace and their mutual influence on each other. Mr. Homaion Mafi and Hussein Kavyar's article titled "Peace and Human Rights in the Curriculum with an Emphasis on International Documents" also examines the necessity of teaching peace

and human rights in the curriculum and strengthening peace and human rights through education. Additionally, Mr. Poria Askari and Yalda Keshvari's article titled "The Necessity and Requirements of Peace Studies from the Perspective of International Law" focuses on the importance of peace studies in strengthening the system of higher education in international law and human rights in Iran. The difference between this research and previous studies is that in this article, the right to peace is studied first, and then its position in the light of international documents is examined. Our assumption in this study is the existence of international documents regarding the right to peace and its identification in those documents.

2. CONCEPT OF PEACE

The concept of peace has various meanings and interpretations. In Persian language, peace is defined as "a reconciliation, an agreement, a compromise between disputants, a settlement, a truce, a treaty, and the opposite of war and conflict." However, in contemporary international relations, peace is not simply the absence of war or conflict, but a broader concept that encompasses non-violent situations and structures.

Peace and security do not have a fixed concept and its concept has undergone changes and transformations with the passage of time. Until the recent developments in international relations, peace meant respecting the principles of sovereignty, having equal rights for nations, respecting the security of countries and the immunity of their representatives, respecting the territorial territory of countries, not interfering in each other's internal affairs, and peaceful settlement. It was considered a dispute. But globalization has changed the concept of international peace and security. In this period, the nature of threats has changed and spread to other areas such as poverty, terrorism, smuggling, organized crimes, the spread of infectious diseases and human rights violations. Globalization has had important positive and negative consequences for various dimensions of human security, including military, economic, cultural and psychological security. Globalization has had an impact on peace by blurring the political, human, biological and cultural boundaries between people.

Currently, the most important goal of contemporary international law is peace, followed by justice, which has transformed the concept of peace. Although the issue of peace has been present in international documents since ancient times, in 1986, the United Nations General Assembly adopted a declaration entitled the Right to Peace, recognizing peace as a human right. Since then, peace has been considered a two-dimensional concept, combining the traditional and hard notion of peace and the respect for human rights.

Negative peace, which is simply the absence of war or the traditional concept of peace, and positive peace, which includes the observance and guarantee of human rights, are the two types of peace. Johan Galtung defines positive and negative peace as follows: "Negative peace is a situation where there is no direct violence. Positive peace is a situation where besides negative peace, we have the absence of structural violence. In the West, the concept of peace emphasizes the absence of violence, while Eastern definitions emphasize the presence of certain conditions for achieving peace."

3. THE RIGHT TO PEACE AND ITS POSITION IN THE CHARTER OF THE UNITED NATIONS AND THE UNITED NATIONS CHARTER.

3-1- The Position of Peace in the Charter of the United Nations.

The Charter of the United Nations is one of the important documents of the third decade of the twentieth century that was able to bring about significant changes in the international community, especially in the field of creating peace based on the conditions of that time. The United Nations Charter, which was actually considered the constitution for member countries, outlined its first goal as creating peace and maintaining international security. In its introduction, it was deemed necessary to expand cooperation between countries and ensure international peace and security by accepting commitments to avoid war, justice, and integrity, observing the rules of international law, and accepting the commitments of governments and implementing the Charter. It is evident that the first goal of the United Nations organization according to its Charter is to preserve peace and consider it as one of human rights.

The first paragraph of Article 8 of the Charter talks about reducing national military weapons to maintain peace. In Article 11, it talks about the necessary measures that each state has the right to resort to in order to prevent a threat. In the same article, the state is given the right to request assistance from the General Assembly or the Council in such a situation. Similarly, in Article 12 of the Charter, preventing war to resolve international disputes is emphasized. In the same article, the Charter urges states to resolve their disputes through arbitration, judicial proceedings, or settlement in the Council and avoid war as much as possible.

In the Charter of the United Nations, war with one member of the United Nations is considered as war with all members, and necessary measures have been taken to prevent resorting to war, and there are guarantees for necessary actions in this regard. Cutting off economic and commercial relations, severing relations between citizens of the offending country and other

countries, and ending financial and trade relations between citizens of the offending country and other countries are among the mentioned measures to prevent war.

Articles 16 and 17 of the Charter state the following: If any member of the United Nations resorts to war in violation of its obligations under Articles 12, 13, or 15, it will be considered as though it has committed an act of aggression against all members of the United Nations. In such a case, the members of the United Nations shall sever diplomatic and economic relations with that country without delay, and take necessary measures to prevent any further relations between their nationals and the nationals of the violating country. They shall also prohibit all financial and commercial transactions between their nationals and the nationals of the violating country, whether or not such nationals are members of the United Nations.

In this regard, the Executive Council is required to recommend to those governments whose interests are jeopardized by such a conflict to equip their military forces, including ground, naval, and air forces, to assist the armed forces of the United Nations, which are tasked with fulfilling international obligations. Furthermore, paragraph 4 of this article refers to the expulsion of a delinquent member from the organization.

Likewise, Article 17 suggests that the organization's actions towards member and non-member states that violate the rule of non-use of force are similar. If a conflict arises between a member and a non-member state, the organization refers to Article 12 of this Charter to resolve the conflict peacefully through negotiation or by inviting the parties to the dispute to the Executive Council to resolve the conflict. In case of resorting to war with other countries, as per Article 16 of this Charter, which refers to collective and group attacks by members, the organization will take disciplinary action.

Article 19 of the Charter also emphasizes the need for review of treaties and situations that are non-enforceable and jeopardize international peace. In practice, the United Nations has not been very successful in implementing the Charter's provisions regarding the prohibition of the use of force or war, and has been unable to prevent violations of the Charter, including the occupation of Vilnius, the old capital of Lithuania, by Poland in 1920, the occupation of the island of Corfu by Italy in 1923, the Japanese invasion of Manchuria in 1931 and China in 1937.

3-2- The Right to Peace in the United Nations Charter

In the introduction of the United Nations Charter, the safety of future generations from possible wars, respect for human rights and living in peace and global security are stated as the most important goals of creating the organization and drafting its charter. The first article of this charter considers peace and security as well as eliminating threats to peace as one of the most important goals of the United Nations. The second article of this charter talks about resolving the international disputes of the members of the organization in a peaceful way so that this method does not harm global peace and security. On the other hand, according to the same principle, the United Nations has the authority to monitor the behavior of non-member countries in order not to disturb their actions against the Charter of World Order. Also, compliance with international peace and security for the member states is considered a mandatory thing according to the fourth article of the Charter.

Article 11 of the United Nations Charter grants the General Assembly the power to make recommendations, in accordance with Articles 12 and 35 of the Charter, for the maintenance of international peace and security. Similarly, Article 24 designates the primary responsibility for the maintenance of international peace and security to the Security Council and empowers it to take necessary measures in achieving this goal. The preamble of the Charter emphasizes the purpose of the United Nations in preserving future generations from the scourge of war, securing fundamental human rights, including the right to peace, and living in a state of international peace and security. Article 1 of the Charter sets out the maintenance of international peace and security, and the elimination of threats against peace, as the purposes and objectives of the organization. Article 2 emphasizes the resolution of international disputes by peaceful means that do not endanger international peace, security, and justice, as well as the organization's duty to ensure that non-member states act in accordance with these principles. The membership of states in the United Nations, in accordance with Article 4 of the Charter, reflects their commitment to peace. Article 15 of the Charter puts decisions of the Security Council regarding international peace and security under the scrutiny of the General Assembly. Article 18 designates the provision of General Assembly recommendations on the maintenance of international peace and security as among the important matters. Finally, Article 2 stipulates the organization's duty to promote and encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

The United Nations Charter for the preservation of international peace and security establishes the following actions: the adoption of effective collective measures to prevent and eliminate threats against peace and to stop any aggressive or other acts that violate peace, providing means for the settlement and resolution of disputes that may lead to a breach of peace, a general prohibition on the use of force or threats against the territorial integrity or political independence of any country, refraining from any action by countries that conflicts with the goals of the United Nations (Ziyaie Bigdeli, 2014). According to Article 33 of the Charter, parties to disputes that may lead to armed conflict must resort to methods such as negotiation, mediation, conciliation, arbitration, and judicial settlement before resorting to war. If these methods fail to resolve the dispute, according to Article 37 of the Charter, the parties must refer it to the Security Council.

Legal issues and disputes that are referred to the Security Council by countries, In order to review it based on the statute, the council refers to the court. In addition to dealing with the issue, the court can make recommendations for the countries involved in the case. According to Article 39 of the United Nations Charter, the Security Council has the authority to make decisions based on Articles 41 and 42 in addition to recommending, in order to restore international peace, in the event of threats, peace violations or acts of aggression. Adopt the United Nations Charter. (Abbasi et al., 2013). The purpose of the enactment of Article 39, which has allowed the Security Council to take measures to establish global peace and security, was to establish order in the Giti region from a political point of view, and it was not meant to rule justice or standards in any way. International law should be implemented exactly (Falsofi, 1999).

According to Article 41, the initial actions of the Security Council against offending countries in the context of armed attack or the use of armed force do not include military action, but rather an attempt to prevent offending countries from jeopardizing peace in other ways. These actions may include the severance or complete cessation of economic relations, the reduction or cessation of political relations, and the reduction or cessation of telegraphic and radio communications. However, it should be noted that according to Article 42, if the Security Council determines that these actions are insufficient or that they have not had the desired result, it will take necessary measures to maintain and restore peace through naval, air, and ground forces. These actions will inevitably involve demonstrations, sieges, and ultimately military attack. In this case, all member countries of the United Nations are required to cooperate fully with the Security Council.

Article 39 of the Charter specifically considers three factors to disrupt peace: threats against peace, violations of peace and acts of aggression. Peace threat has the same wide meaning and concept as aggression. International peace and security may be jeopardized by various factors, including differences between governments and internal crises of countries (Falsafi, 1990). Later, international terrorism became one of the permanent examples of threats against international peace and security, and even some council resolutions have mentioned it as the most serious threats against international peace and security (Sadat Maidani, 2002).

Article 55 of the United Nations Charter introduces respect for human rights and fundamental freedoms as the basis for achieving peace and security in the world. One of the best ways to promote human rights and respect for fundamental freedoms is to internalize and institutionalize these values, and to achieve this goal, peace and human rights education is essential (Mafi and Kayyar, 2011). According to Article 52 of the Charter, the expansion of collective arrangements for the maintenance of international peace and security, consistent with the purposes of the Charter, has been welcomed and even supported by the United Nations. By concluding any treaty, in addition to expanding the rules of international law, it brings about global and regional order first, and limits the powers inherent in their exclusive jurisdiction to the benefit of the international community. The situation that has arisen in the world today has made it possible for the United Nations to intervene in countries in a humanitarian manner even without their permission (Hakakzadeh, 2010).

Therefore, as stated, the United Nations Charter is one of the important and credible documents in which peace has been accepted as a principle. The United Nations Charter strongly emphasizes the preservation of international peace and security, and first recommends the necessary measures to preserve peace for non-compliant countries, and ultimately considers military aggression permissible above non-compliant countries under the leadership of the Security Council. However, the regulations of the Charter have not been observed better than the Covenant of the League of Nations, and the United Nations has not been able to fulfill the role that the Charter has assigned to it in preventing coercion and maintaining peace. And the organization has not been able to prevent various forms of international conflicts, including: (The Soviet Union's military intervention in Czechoslovakia in 1968, and in Afghanistan in 1979, India-China War from 1946-1954, Algerian War from 1954-1962, Vietnam War from 1964-1973, Arab-Israeli Wars in 1948, 1956, 1967, and 1973, Iran-Iraq War from 1980-1988, and the Falklands War between the UK and Argentina in 1982) (Ziaei Bigdeli, 2014).

4. THE ROLE OF PEACE IN THE BRIAND-KELLOGG PACT AND INTERNATIONAL COVENANTS

4-1 The Briand-Kellogg Pact

The Briand-Kellogg Pact or the Paris Peace Pact was signed by 9 states on August 27, 1928. Its official name is the General Treaty for Renunciation of War. By 1939, the number of treaty members had reached 63 countries, including Afghanistan. This treaty is also called the Pact of Sanctions against War. Treaty members are committed to refraining from using war as an instrument of foreign policy and are obligated to resolve their international disputes through peaceful means and in a spirit of cooperation. Although many countries accepted this pact, it did not prevent numerous wars, such as Japan's attack on Manchuria and Pearl Harbor in 1941, Italy's invasion of Ethiopia in 1935, the Winter War between the Soviet Union and Finland in 1939, the invasion of Poland in 1939, and the United States' intervention in Central America. Nevertheless, the pact has always been valid and enforceable in the international arena.

4-2 The International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights

In the preamble of the International Covenant on Civil and Political Rights and also in the preamble of the International Covenant on Social, Economic and Cultural Rights with the approval of the principles of the United Nations Charter, It considers the inherent dignity of human beings, equality of rights for all, non-transferability of rights, the basis of public freedom and the basis of this freedom based on global peace and justice. Article 13 of the International Covenant on Social, Economic and Cultural Rights emphasizes the role of effective education in the promotion, respect and observance of human rights in countries, and the agreement and commitment of the member states in creating a spirit of friendship and tolerance and also developing the activities of the United Nations in maintaining peace. And international security is emphasized.

5. THE RIGHT TO PEACE IN DECLARATIONS

5.1- Universal Declaration of Human Rights

The Universal Declaration of Human Rights is one of the first actions taken by the United Nations to promote and respect human rights, which was adopted by the General Assembly in 1948. This declaration complements human rights, and the right to peace is one of the issues that the approving parties of this declaration have focused on and emphasized its observance. The Universal Declaration of Human Rights, in its first words, recognizes the inherent dignity and worth of all members of the human family and the equal and inalienable rights of all members of humanity as the foundation of freedom, justice, and peace in the world. This declaration also emphasizes the encouragement of friendly relations between nations.

The commitment of countries to the development of peace and human rights education was mentioned for the first time in Article 26 of the Universal Declaration of Human Rights. According to the second paragraph of Article 26, the purpose of education is the development of human character, respect for human rights and fundamental freedoms, brotherly understanding and tolerance among all people from different groups, regardless of religion and race, and promoting the performance of the United Nations in safeguarding Peace education is one of the most important missions. (Mafi and Kaviar, 1390).

Article 28 of the Declaration also recognizes social and international order as a right for all human beings in such a way that the rights and freedoms listed in the Declaration can be realized for everyone. The meaning of this article can be analyzed in line with the necessity of peace and tranquility for the full realization of human rights (Talaie and Poursaid, 1392).

5.2- Tehran International Conference on Human Rights Declaration

From April 23 to May 13, 1968, a conference was held in Tehran to review the progress made during the twenty years since the adoption of the Universal Declaration of Human Rights. The Tehran International Conference on Human Rights was the first global conference on human rights held to develop a program for the future. The result of this international conference was the adoption of a declaration consisting of a preamble and nineteen articles called the Tehran International Conference on Human Rights Declaration (known as the Tehran Declaration). The most important issue addressed in this declaration is the need for governments to adhere to their commitments to promote and respect human rights and fundamental freedoms. One of the important issues that has been considered in this declaration is the issue of peace and international security.

In the preamble of this declaration, peace is recognized as a human ideal and the full realization of human rights and freedoms is deemed to be peace and justice. Based on Article 7 of this declaration, racism has been condemned as a crime against humanity and perceived as a threat to international peace and security. Therefore, legitimate means have been emphasized for all countries to eliminate this heinous phenomenon. Discrimination based on race, religion, and beliefs, especially, is recognized as a major threat and a gross violation of human rights, posing a danger to freedom, justice, and world peace. As stated in Article 11, gross violations of human rights resulting from discrimination based on race, religion, and beliefs, or their expression, wounded the conscience of humanity and jeopardized the foundations of freedom, justice, and peace in the world. Since this document is a non-binding international document, even its adopters do not have mandatory and enforceable power.

5-3- Declaration on the Preparation of Societies for Peace

One of the important resolutions of the United Nations General Assembly concerning the impact of peace on human rights and the right to enjoy peace is the resolution on the Declaration on the Preparation of Societies for Peace, December 15, 1978. In the preamble of this declaration, the right of individuals, governments, and all humanity to live in peace is affirmed and in accordance with the Charter of (UNESCO), it is emphasized that since wars take shape in the minds of humanity, defense of peace must also take shape in the minds of humanity. Furthermore, this preamble also recognizes that peace among nations is a prominent value of humanity. In Article 1 of this declaration, the right to live in peace is mentioned as an inherent right. This article states that every nation and every human being, regardless of race, has an inherent right to live in peace. Respect for this right and other human rights is in the direction of the mutual benefit of all humanity and is a fundamental condition for the progress of all large and small nations in all fields. In Article 2, the third section of this declaration stipulates that the implementation of the principles set forth in this declaration requires serious action by governments, the United Nations, and

its specialized institutions, especially UNESCO and other interested national and international organizations, both governmental and non-governmental.

5-4- Declaration on the Right of Peoples to Peace

The Declaration on the Right of Peoples to Peace (adopted on November 12, 1984) is one of the comprehensive international documents that encompasses all nations, regarding their right to peace. The adoption of this declaration is considered another step towards international peace and security. However, it should be noted that this declaration does not even have mandatory power for its adopters. This declaration identifies the right to peace as a collective right for all nations.

In the preamble of the declaration, it emphasizes the will and aspirations of all nations to eradicate war from the human life and, in particular, to prevent the nuclear catastrophe in the world, recognizing that the primary goal of the United Nations is based on the Charter to maintain international peace and security. With awareness of the nuclear age, this declaration considers the establishment of sustainable peace as a major and fundamental condition for the preservation of human civilization and survival, and it considers it a sacred duty for all governments to provide a peaceful life for nations and to maintain peace.

Article 1 of the declaration explicitly states that "We declare the sacred right of our planet's people to peace." This declaration is specifically formulated regarding the right to peace. Article 2 also obliges governments to maintain and ensure peace, stating: "It is officially proclaimed that the preservation of the peoples' right to peace and the promotion and protection of its implementation is the fundamental obligation of each State."

Article 3 of the declaration, in line with the commitment and obligation of governments to maintain peace and support the peoples' right to peace, stipulates that "It is emphasized that guaranteeing the implementation of peoples' right to peace requires government policies towards eliminating the threat of war, especially nuclear war, avoiding the use of force in international relations and resolving international disputes through peaceful means based on the United Nations Charter." In Article 4 of the declaration, it is mandated for all governments and international organizations to make every effort to assist in the realization of the peoples' right to peace by adopting appropriate laws at the national and international levels.

5.5- Declaration of the Right to Development

The declaration of the right to development is one of the international documents that emphasizes on ensuring peace for the development of nations. In the introduction of this declaration, it supports the goals and principles of the United Nations as stated in the second and third articles of the Charter and emphasizes the promotion of respect for the human rights of all people in a world free from discrimination. Based on this declaration, cooperation between countries in order to eliminate metaphors, prevent and confront any kind of discrimination, respect the rights of all people in the framework of international documents, maintain global peace and security, and friendly relations between nations based on the United Nations Charter is mentioned. Is.

Also, in the introduction, peace and security at the international level are considered essential elements for the realization of the right to development, on this basis and by supporting the attention of governments in the matter of disarmament, which has a close relationship with development, especially in the economic and social field and the welfare of all people. Humans, especially the people of developing countries, has been noted. In the seventh month of this declaration, disarmament is one of the necessities of the international community in order to achieve comprehensive development, and it has clearly pointed out that developing countries should pay attention to this matter.

5.6- Millennium Declaration of the United Nations

Another important international document, which deals with the fields of peace, is the United Nations Millennium Declaration. The United Nations Millennium Declaration was adopted at the Millennium Summit held from September 6 to 8, 2000 in New York State. This declaration is a guiding document for the new century. In this declaration, both the real needs of the people around the world and the remarkable convergence of the views of the governments are visible.

In the first part of this announcement, the basic values and necessities in the field of relations between countries in the 21st century are discussed and these values, Freedom and equality, solidarity, tolerance for each other, respect for nature and natural rights, and the common responsibility of all nations are considered. This declaration is for a more peaceful, successful and fair world, promoting the principles of equality, equality, human dignity and honor at the global level, commitment to comply with the principles of the United Nations Charter, a just and sustainable peace around the world and globalization as a positive force for all the people of the world have been emphasized.

In the second section of the declaration, which pertains to peace, security, and disarmament, emphasis is placed on efforts to rid the world of the scourge of war, whether within or between nations, and to eliminate the dangers posed by weapons of mass destruction. Based on this premise, in the second paragraph of Article 9 of this declaration, the effectiveness of the United

Nations in maintaining peace and security by providing the results and tools that the United Nations has focused on to prevent conflicts, peaceful resolution of disputes, peacekeeping, peacebuilding, and post-conflict reconstruction is highlighted. In paragraph four of the same article, control of arms and disarmament, friendly human rights, and regulations related to human rights by governments, of which peace is one aspect, are mentioned. In paragraphs nine, ten, and eleven of the same article, reference is made to the elimination of weapons of mass destruction, in particular nuclear weapons, the cessation of illegal arms trafficking, and the accession of states to the Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and their Destruction, as well as the Additional Protocol to the Convention on Conventional Weapons. Article 10 of this declaration recommends that countries individually and collectively support the efforts of the International Olympic Committee to promote peace and human understanding through sport and the Olympic ideals. In paragraph ten of article 30 of this declaration, strengthening greater cooperation between the United Nations and national parliaments in various areas, including peace and security, social and economic development, human rights and international law, democracy, and gender issues, is discussed. Finally, in Article 32 of the declaration, efforts by United Nations member countries to emphasize cooperation and development within the framework of the United Nations for global peace are emphasized.

6. THE RIGHT TO PEACE IN REGIONAL DOCUMENTS

The right to peace has also been recognized in regional international documents, and has been given an important place as a human right.

6-1- African Charter on Human Rights

The African Charter on Human Rights was adopted by the Conference of Ministers of Justice of the member countries of the Organization of African Unity, and was ratified by the heads of African countries at the Nairobi, Kenya conference in July 1981. It became enforceable on October 21, 1986 (three months after receiving the accession document from the majority of African Union member states in accordance with Article 63, paragraph 3) (Mehrpoor, 2013). The African Charter on Human Rights combines three generations or categories of human rights. The first generation includes civil and political rights such as the right to life, freedom, equality, and the like, the second generation includes economic, social, and cultural rights of individuals such as the right to education, the right to work, etc., and the third generation includes the rights of peoples such as the right to peace, the right to development, the right to self-determination, the right to use natural resources, and the right to a healthy environment (Mehrpoor, 2013). In the African Charter on Human Rights, peace has been identified as one of the human rights of nations, and its existence has been emphasized. Article 23 of this charter states: "All peoples shall have the right to peace and national and international security." This treaty is one of the binding regional documents of the African human rights system.

6-2- Istanbul Process Heart of Asia Declaration

The Istanbul Process Heart of Asia Declaration, adopted on December 9, 2019, at the Conference of Ministers of the Istanbul Process Heart of Asia under the title of Peace, Participation, Prosperity, emphasizes the importance of promoting peace, security, and prosperity, especially in Afghanistan and the Heart of Asia region through political dialogue and consultation among Asian countries to create a stable, peaceful, and prosperous region.

According to the above declaration, terrorism and extremism are recognized as the greatest challenges of our time to peace, security, and sustainable development in Afghanistan, as well as in relation to the recognized international governance system. This eighth Conference of Ministers of Heart of Asia countries is aimed at promoting peace, security, and prosperity in Afghanistan and the Heart of Asia region, following conferences in Istanbul (2011), Kabul (2012), Almaty (2013), Beijing (2014), Islamabad (2015), Amritsar (2016), and Baku (2017).

7. OTHER EFFORTS IN IDENTIFYING THE RIGHT TO PEACE IN THE INTERNATIONAL ARENA

Regarding human rights and especially in the recognition of the right to peace in the international arena, many efforts have been made, and in continuation of the previous efforts, we can also mention the following cases: the 1961 Racial Discrimination Convention, peace is a prerequisite for enjoying all rights. Also, in 1996, during the 21st International Conference of the Red Cross in Istanbul, the right to lasting peace was declared as a human right.

Resolution 14 of the Subcommission of the United Nations Human Rights Commission on August 26, 1996 under the title: International peace and security as a basic condition for enjoying human rights and above all the right to life. In this resolution, the Human Rights Commission specifically focuses on the impact of nuclear weapons on peace and human rights and states: This sub-commission believes in reducing nuclear weapons worldwide, banning all nuclear tests, and finally The complete elimination of nuclear weapons will strengthen international peace and security and support human rights, especially the right to justice (Tolaei & Pour Saeed, 2012).

In the next resolution (August 29, 1996) entitled "International Peace and Security as a Fundamental Condition for the Enjoyment of Human Rights and Above All, the Right to Life," the Sub-Commission on Human Rights emphasizes the close relationship between disarmament and development, stating that progress in disarmament leads to progress in development. The resolution further emphasizes that the resources freed as a result of disarmament should be used for economic and social development and the welfare of all people, especially those in developing countries. The resolution states that all governments must promote, maintain, and strengthen international peace and security and use all their international efforts to achieve complete and comprehensive disarmament under effective supervision, ensuring that the resources freed as a result of effective disarmament are used for the development of society, especially the comprehensive development of developing countries. The resolution also urgently calls on all governments to refrain from using weapons that have irreparable effects on human health, the environment, and economic and social welfare.

Resolution 13/42, adopted by the United Nations General Assembly on October 28, 1987, entitled "International Year of Peace Achievements (1986)", affirms that peace is a fundamental element of human existence and promoting it is one of the goals of the United Nations. Achieving peace is the ideal of all people in the world. The United Nations General Assembly has issued two other resolutions, Resolution 173/50, adopted on December 22, 1995, entitled "United Nations Decade for Human Rights Education: Towards a Culture of Peace", and Resolution 101/51, adopted on December 12, 1996, entitled "Culture of Peace", which highlight the role of UNESCO in promoting peace.

Another effort that has been made to identify the right to peace in the international arena is the draft Oslo Declaration on the Right to Peace, which was presented at the July 6-8, 1997 meeting in Oslo. This draft highlights the right of every human being to peace, a right that is inherent in the dignity and nobility of human beings, and war, armed conflicts, violence, and lack of security conflict with this right.

In January 1997, UNESCO issued a declaration on the right to peace. In this declaration, sustainable peace is considered a necessary precondition for the realization of all human rights and duties, and it is emphasized that the right to life in peace should be added to the list of other human rights. Resolution 15/22, adopted on November 20, 1997, declares the year 2000 as the International Year for the Culture of Peace.

Resolution 25/53, adopted on November 10, 1998, declares the period of 2001-2010 as the International Decade for the Culture of Peace and Non-Violence against Children of the World. Another resolution of the United Nations General Assembly, Resolution 243/43, adopted on September 13, 1999, emphasizes the role and importance of UNESCO in promoting a culture of peace. Paragraph 1 of Resolution 61 of the United Nations Commission on Human Rights, dated April 15, 2003, emphasizes that peace is a vital requirement for the promotion and protection of all human rights for all.

As the first step, Resolution 8/9 of the Human Rights Council (replacing the Commission on Human Rights) was adopted on July 12, 2008, with the same title as human rights resolutions, namely "Promotion of Human Rights in Relation to Peace". The World Conference on Human Rights, held in Vienna on June 25, 1993, emphasized the importance of education in peace and human rights. The Declaration of the Rights of the Child (1959) and the Convention on the Rights of the Child (1989) have called for the education and preparation of children with a spirit of understanding, peace, human friendship, and service to their fellow human beings. The Convention against Discrimination in Education (1960) emphasizes the importance of education in completing human personality, respecting basic human rights and freedoms, and facilitating the achievement of the UN's goals for peace (Mafi and Kavyar, 1390).

Other efforts by non-governmental organizations have also been made to identify the right to peace, such as the Lurca Declaration on the Right of Human Beings to Peace. This declaration was adopted by the Spanish community to promote international human rights on October 30, 2003, and was submitted to the UN Human Rights Council for review on March 15, 2007. Article 1 of this declaration emphasizes that individuals, groups, and peoples have an inalienable right to a just, stable, and continuous peace.

8. CONCLUSION

The right to peace is derived from human dignity and is considered an essential foundation for the realization and implementation of other recognized human rights. Despite the importance of establishing and maintaining sustainable peace on a global scale, to the extent that respect for human rights and fundamental freedoms is viewed as a tool for achieving this goal, serious and significant efforts to support it as a human right have not been made. Along with the ambiguities and challenges surrounding the nature of the right to peace as one of the rights related to the third generation of human rights, the position of governments towards this right indicates that there is no serious and effective determination to pursue and achieve it at the international level.

It is also noteworthy that although international efforts to identify the right to peace have resulted in only a few non-binding documents, the mandatory documents in this regard are rare. One of the documents that necessarily identifies the right to peace is the African Charter on Human Rights. However, some international human rights efforts to introduce this right to the world should be mentioned, and this is significant in the process of globalization. Actions such as designating World Peace Day can be considered one of the international community's efforts to ensure and emphasize the right to peace as a fundamental human right.

In addition to other third-generation human rights, such as the right to development, the right to a healthy environment, the right to communication, the right to self-determination, and the right to the common heritage of humanity, the right to peace is considered a solidarity human right. The common characteristic of all these rights is the lack of a mandatory international document to guarantee them. Nonetheless, their repeated inclusion in the resolutions of international organizations and declarations paves the way for their entry into customary international law and provides the necessary grounds for the development of mandatory international documents.

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