

A JUSTIFICATION FOR PEACE AS A HUMAN RIGHT

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Recent years have seen increased debate about the contributions that human rights make to the creation of conditions of peace. However, less attention has been paid to the claim that peace itself is a genuine human right. Whereas some critics argue that a focus on rights results in an overly formal juridical account of peace at the expense of a more robust notion of positive peace, others contend that a legal framework of rights is all that is needed to eliminate violent conflict. In this paper I strike a position between these two arguments and articulate a normative defense of the human right to peace embedded within a broader discourse of social justice. I do so by demonstrating that a right to peace is a genuine human right because it satisfies appropriate justificatory tests, including those concerning its scope, the duties it generates, and its economic feasibility.

1. Introduction

In his treatise of 1795 titled 'Perpetual Peace: A Philosophical Sketch,' Immanuel Kant writes that 'reason... absolutely condemns war as a test of rights and sets up peace as an immediate duty' (1991: 104). For Kant, humanity's highest moral purpose is to establish universal and lasting peace. The problem of peace is an extremely topical and urgent matter. In the past several decades, discussion of the protection of human rights has been at the forefront of the agenda of peace scholars, activists, and organizations. As a result, human rights have gained greater visibility and recognition through their increased assertion in situations of conflict that threaten such rights. However, less attention has been paid to the claim that peace itself is a genuine human right. The task of articulating this claim, persuading critics that peace is a right which merits national and international recognition, and translating this recognition into meaningful implementation is one of the primary

human rights challenges of the twenty-first century. This paper presents a small contribution to that task, as it articulates a normative defense of the human right to peace (HRP). Overall, I argue that a right to peace is a genuine human right because it satisfies appropriate justificatory tests.

Some controversy exists at present about how extensively the discourse of rights should be used in expressing values and norms favorable to peace. Enthusiasts among theorists and activists argue that rights discourse ought to be the primary and fundamental approach to most if not all issues of peace, including warfare, disarmament, and political oppression (Alston, 1980; Thee, 1997; Tomasevski, 1982). By contrast, others hold that discussion of peace issues should make very limited appeal to the discourse of rights and the formal legalisms that allegedly accompany it, or that rights talk ought to occupy a place of secondary importance to discussions of positive peace. Still others deny that there can even be such a thing as a right to peace.¹

However, speaking of rights within a broader discourse of social justice is necessary and useful for dealing with some of the most serious consequences of human violence and conflict, and human rights are by now regarded as integral elements of theories of international justice. In particular, the right to peace can play a useful role in protecting human interests and in providing a link between the peace and human rights movements. This is not to say, however, that HRP is justified solely on the instrumental grounds that it will be useful to peace activists. It is important to note that HRP will prove useful to peace activists only if people find plausible the claim that it is a genuine human right satisfying appropriate justificatory tests.² Thus, if employed wisely, HRP can prove to be a

¹ See, for example, Forsythe (1993: 3-7), who dismisses the notion of a right to peace as 'diplomatic rhetoric' that leaves the claimed right without 'independent and specific meaning,' such that we cannot 'know what we are obligated to do under' such a right. In the sections that follow I attempt to clarify the meaning of, and specify the obligations that follow from, the right to peace. For an approach that emphasizes the secondary role of rights in the creation of a peace culture, see Kothari (1988).

² For discussions about the appropriate justificatory tests for human rights, see Cranston (1967), Donnelly (1989: 9-45), and Shue (1996: 13-20).

valuable normative asset in trying to resolve violence and security crises. For this reason, HRP can play a central role in justifying and guiding a wide range of peace principles and programs, but it should do this together with other norms of social justice such as the fair distribution of social goods and obligations to future generations.

In Section 2 I offer an account of the scope of HRP, in Section 3 I describe the duties generated by HRP, and in Section 4 I provide a justification for HRP.

2. The Scope of the Human Right to Peace

2.1 *Categories of Human Rights*

The idea that peace is a condition conducive to the realization of basic human rights has been declared since the adoption of the United Nations Charter in 1945.³ To 'save succeeding generations from the scourge of war,' to 'live together in peace,' and 'to maintain international peace and security' are phrases concerning the purpose of the United Nations that appear in the Preamble to the UN Charter. In subsequent international instruments, we find similar expressions on the contribution of human rights to peace. For example, the 1948 Universal Declaration of Human Rights (UDHR) provides in the Preamble that recognition of 'the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.'⁴ The International Covenants of 1966—on economic, social and cultural rights, and on civil and political rights—repeat this claim.⁵

³ U.N. Charter, signed 26 June 1945, 59 Stat. 1031, T.S. No. 993, 3 Bevans 1153 (entered into force 24 Oct. 1945).

⁴ Universal Declaration of Human Rights, adopted 10 Dec. 1948, G.A. Res. 217A (III), U.N. GAOR, 3d Sess. (Resolutions, pt. 1), at 71, U.N. Doc A/810 (1948).

⁵ International Covenant on Civil and Political Rights, adopted 16 Dec. 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (entered into force 23 Mar. 1976); International Covenant on Economic, Social and Cultural Rights, adopted 16 Dec. 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3 (entered into force 3 Jan. 1976).

Further references to the relationship between the maintenance of peace and human rights are to be found in various other resolutions and declarations. However, all of these documents share the view that the recognition and implementation of human rights will aid in creating conditions conducive to the emergence of peace. They do not speak of the right to peace per se. We do not find an explicit reference to peace as a human right until the 1981 African Charter on Human and Peoples' Rights, which asserts that 'All peoples shall have the right to national and international peace and security.'⁶ In 1984 the UN General Assembly approved the succinct Declaration on the Right of Peoples to Peace.⁷ In four points, the Declaration provides (1) that the peoples of our planet have a sacred right to peace; (2) that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each state; (3) 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 and the renunciation of the use of force in international relations; and (4) that all states adopt appropriate measures at both the national and international level to implement the right of peoples to peace.

Clearly, the actual commitments and policies of states as yet contain no recognition of such a right. The existence of prudential relations but not of peace exactly, between states is generally regarded as pragmatically helpful for the continuance of basic human rights within the conventional scope of international law and relations. Yet to say, as the Declaration on the Right of Peoples to Peace does, that all peoples, both individual and collective, have a right to domestic and international peace is to make the more powerful claim that all persons are entitled to the existence of peace whether or not the state in which they live recognizes this fact. Such an entitlement, it is suggested, must have a place among people's other basic entitlements affirmed in the international human rights documents.

⁶ African Charter on Human and Peoples' Rights, art. 23.1, adopted 27 June 1981, O.A.U. Doc. CAB/LEG/67/3 Rev. 5 (entered into force 21 Oct. 1986).

⁷ Declaration on the Right of Peoples to Peace, adopted 12 Nov. 1984, G.A. Res. 39/11, U.N. GAOR, 39thSess., 57th plen. mtg., U.N. Doc. A/Res/39/11 (1984).

Human rights are often delineated according to three stages. Under this scheme civil and political rights are defined as first-generation human rights, and economic, social and cultural rights are defined as second-generation rights. More recently a third generation of human rights has been articulated. These third-generation or 'solidarity' rights are thought to include development, a healthy environment and peace (UNESCO, 1980; Marks, 1981). The concept of generations of human rights serves some analytical and pragmatic purposes in helping to identify the character and content of different types of rights, yet it is important to recognize the indivisibility and interdependence of all human rights.⁸ Civil and political rights are sometimes characterized as 'negative' rights insofar as they entail the freedom of individuals from governmental interference. Economic, social and cultural rights are generally characterized as 'positive' rights insofar as they promote governmental policies designed to create the social conditions that enable individuals to flourish. It is clear, though, that the realization of civil and political rights often requires state intervention in order to guarantee the participatory rights of individuals, while the progressive realization of economic, social and cultural rights requires safeguards to protect against the possible abuse of individual rights by the actions of government.

Third-generation rights are typically characterized as rights that inhere in groups and not merely individuals. The concern for solidarity rights stems from the recognition of the broad common interests of humanity, especially to certain basic conditions of life that are indispensable to the promotion of human dignity and well-being and to the effective fulfillment of other human rights. There is much disagreement as to whether group rights are in fact human rights, but the details of that particular debate need not occupy us here (Marks, 1981; Alston, 1984; Donnelly, 1989: 143-154). Instead, we can understand third-generation rights as referring to the rights of individuals existing as members of social groups. The right to peace, then, means broadly the right of individuals, acting collectively, to conditions of peace indispensable to living a fully

⁸ On the dangers of employing the metaphor of successive generations of human rights, see Wellman (2000: 640-41).

human life. To this point very little indication has been given as to what is meant by conditions of peace and the range of issues this concept raises, such as the content of such a right and the correlative duties needed to secure the right in question.

2.2 *What the Human Right to Peace Prescribes*

Although one might propose a broad formulation of HRP that claims a right to a nonviolent, secure, pleasant, cooperative, friendly, harmonious and even loving world, a narrow formulation focusing exclusively on human security and nonviolence has the best chance of gaining acceptance as a genuine human right. Consequently, I will argue for a right to a secure a nonviolent world, meaning a world that is not destructive of the central capabilities characteristic of flourishing human existence.

The meaning of a 'peaceful,' or safe and nonviolent world is ambiguous, since the term 'peace' may be defined in both a positive and a negative sense. In its negative sense, peace is defined as the formal absence of war. Negative peace refers to the state that exists during the period between wars, such as between World Wars I and II. In its positive sense, peace is defined as the presence of such 'life-affirming and life-enhancing values' as cooperation, harmony, friendship, and love (Barash, 2000: 2). Positive peace refers to a condition that is greater than the mere absence of war, although the precise characteristics of this condition are difficult to identify.

Nonetheless, proponents of the concept of positive peace point out that mere negative peace falls short of the fundamental goal of absolute nonviolence. The absence of the overt violence of war does not preclude the presence of various forms of indirect or 'structural' violence within a given society (Galtung, 1975). For example, one state may not be literally at war with another state, but its social, cultural and legal institutions may be structured according to discriminatory beliefs and policies that deny rights and access to education, employment, or health care to certain individuals. In cases where social practices deny education, housing, the opportunity to work or to participate in governance because of race, religion, sex and so forth, great psychological, social, and economic harm is being done to human beings, even if tanks and bombs are not being used. Such 'unjust social arrangements,' John Rawls (1999a: 302) has noted, 'are themselves a kind of extortion, even violence.' In addition, as

Kant pointed out it is common for 'peacetime' to be viewed as little more than a temporary suspension of hostilities that allows the various parties the luxury of preparing for war (Kant, 1991: 94).

However, proponents of the concept of positive peace also claim that genuine peace cannot be had unless, in addition to the absence of war and structural violence, a radical transformation of human consciousness also occurs. In their view, every individual must alter his or her beliefs and modes of thought so as to prefer 'affirmative' values such as cooperation, harmony, brotherhood, compassion and love (as well as others like faith, hope, humility, courage and trust). Both Martin Luther King, Jr. and Mohandas Gandhi exemplify this perspective. King believed, for example, that 'only love' can 'drive out hate' from the human heart. Gandhi's and King's claim is that we must reject all forms of violence *and* reshape human consciousness if we are to create a world that is free of violence. Thus proponents of positive peace share not only the supposition that violence is morally impermissible, but also the assumption that violent beliefs and structures of consciousness can be, and must be eliminated from human thought.

My argument for HRP does not address the psychological issue of the transformation of human consciousness. Rather HRP is concerned only with a particular set of threats to human security and safety, namely those *large-scale threats which stem from war and the brutalities of despotic regimes*. Broadly speaking, HRP is concerned with security from armed conflict, whether domestic or international, and the structural violence associated with political oppression. Given this, peace can be equated with the absence of direct and structural collective violence. My argument for HRP is further distinguished from the ideal of positive peace insofar as there are, under some conditions, limited and justifiable uses of force and violence.⁹ Specifically, these are for purposes of protecting the human rights of individuals against harm caused by wars of

⁹ Gandhi rejects the use of violence as a way of eradicating violence, stating that 'it would be absurd to say that violence has ever brought peace to mankind' (Gandhi, 1946: 127). He reasoned that while resorting to violence in order to eradicate violence 'appears to do good, the good is only temporary; the evil it does is permanent' (Gandhi, 1925: 134).

aggression and widespread violence perpetrated by despotic regimes against their own citizens. The complete and permanent elimination of conflict is, I believe, highly unlikely. Therefore, the argument offered in support of HRP is grounded in a conception of 'just' rather than positive peace. Just peace moves beyond mere negative peace but does not require the highly utopian features of positive peace. Just peace is a realistic yet stringently normative position, which requires the presence of basic social and political institutions committed to principles of fairness, equality, respect, opportunity, democratization, and the protection of human rights.¹⁰ While just peace maintains a preference for nonviolent mediation and resolution of conflict, it also recognizes the legitimate use of force in certain limited cases where violence must be used to resist and abolish greater instances of injustice, such as genocide and other gross violations of human rights.¹¹ In this way, the argument for HRP does not force us to choose between either peace or justice in such difficult cases.

¹⁰ We might think of the position advocated here as being 'realistically utopian' in the sense proposed by Rawls for his political philosophy of the Law of Peoples. Rawls writes that political philosophy 'is realistically utopian when it extends what are ordinarily thought of as the limits of practical political possibility' insofar as 'it depicts an achievable social world that combines political right and justice for all liberal and decent peoples.' A 'realistic utopia' would 'set limits to the reasonable exercise of power' by employing 'political (moral) ideals, principles, and concepts to specify a reasonable and just society' (Rawls, 1999b: 6, 12-14).

¹¹ Following the recommendations of the Carnegie Commission for the Prevention of Deadly Conflict I support the use of force for preventing the outbreak or recurrence of violent conflict in circumstances of postconflict peacekeeping and preventive deployments, under the following conditions: (1) Any threat or use of force must be governed by universally accepted principles, as the UN Charter requires. Decisions to use force must not be arbitrary, or operate as the coercive and selectively used weapon of the strong against the weak; (2) The threat or use of force should not be regarded only as a last resort in desperate circumstances. Opportunities may arise when clear demonstrations of resolve and determination can establish clear limits to unacceptable behavior; (3) States—particularly the major powers—must accept that the threat or use of force must be part of an integrated, usually multilateral strategy (e.g. with a UN Security Council resolution specifying a clear mandate and detailing the arrangements under which force will be used), and used in conjunction with political and economic instruments. See Carnegie Commission (1997: xxv-xxvi). For a justification of humanitarian intervention on the basis of a human rights liberalism see Smith (1999).

Threats to human well-being are the primary focus of HRP because the most severe effects of military conflict and political violence are death, dislocation, and harm to physical and mental health. Threats to human well-being—such as the use of bombs, guns, torture, and the denial of health care—not only kill, but maim, disfigure, shorten a person's life, cause permanent physical and emotional disabilities, and lead to temporary or recurring illness. Threats to human well-being also extend beyond the traditional limits of physical health and affect aspects of what Martha Nussbaum calls the 'central human capabilities.' These capabilities are functions characteristically performed by human beings and 'are so central that they seem definitive of a life that is truly human' (Nussbaum, 1999: 39). Without the availability of these capabilities, Nussbaum writes, 'we would regard a life as not, or not fully, human' (1999: 39). The central capabilities Nussbaum identifies are (1999: 41-42):

1. *Life*. Being able to live to the end of a human life of normal length; not dying prematurely or before one's life is so reduced as to be not worth living.
2. *Bodily health*. Being able to have good health, including reproductive health; being adequately nourished; being able to have adequate shelter.
3. *Bodily integrity*. Being able to move freely from place to place; being able to be secure against violent assault, including sexual assault, marital rape, and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.
4. *Senses, imagination, and thought*. Being able to use the senses; being able to imagine, to think, and to reason—and to do these things in a 'truly human' way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training; being able to use imagination and thought in connection with experiencing and producing expressive works and events of one's choice (religious, literary, musical, etc.); being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech and freedom of religious exercise; being able to have pleasurable experiences, and to avoid nonbeneficial pain.

5. *Emotions*. Being able to have attachments to things and persons outside ourselves; being able to love those who love and care for us; being able to grieve in their absence; in general, being able to love, to grieve, to experience longing, gratitude, and justified anger; not having one's emotional development blighted by overwhelming fear and anxiety. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.)
6. *Practical reason*. Being able to form a conception of the good and to engage in critical reflection about the planning of one's own life. (This entails protection for the liberty of conscience.)
7. *Affiliation*. (a) Being able to live for and in relation to others, to recognize and show concern for other human beings, to engage in various forms of social interaction; being able to imagine the situation of another and to have compassion for that situation; having the capability for both justice and friendship. (Protecting this capability means, once again, protecting institutions that constitute such forms of affiliation, and also protecting the freedom of assembly and political speech.) (b) Having the social bases of self-respect and nonhumiliation; being able to be treated as a dignified being whose worth is equal to that of others. (This entails provisions of nondiscrimination.)
8. *Other species*. Being able to live with concern for and in relation to animals, plants, and the world of nature.
9. *Play*. Being able to laugh, to play, to enjoy recreational activities.
10. *Control over one's Environment*. (a) *Political*: being able to participate effectively in political choices that govern one's life; having the rights of political participation, free speech, and freedom of association. (b) *Material*: being able to hold property (both land and movable goods); having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure. In work, being able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers.

These capabilities point to some basic aspects of well-being in

HRP, namely, those that pertain to avoiding unnecessary misery and to securing the possibility of a minimally good human life.¹² For example, having to live without access to adequate educational facilities, without the opportunity to freely express one's opinions, or without the possibility of participating in political governance might not destroy one's physical health, but each deprivation would seriously harm human functioning, cause humiliation and assault one's dignity. In sum, HRP should address forms of military and political violence that create significant risks of killing people or depriving them of the possibility of a minimally good life defined in terms of the central human capabilities. This is a general criterion that sets the level of the elimination of violence at an attainable standard, and describes the level of protections against violence that states should guarantee. Because the quality of life and threats to human functioning vary from one country to the next, assessment of conditions and implementation of relevant public policy must remain open to plural specification. International human rights typically set broad normative standards that can be interpreted and applied by appropriate legislative, judicial, or administrative bodies at the national level, even as the standards offer reasonable guidance to policymakers. Standards for nonviolence should be specified further at the national level through democratic legislative and regulatory processes open to all citizens.¹³

3. Correlative Duties of the Human Right to Peace

In order to define further the scope of HRP it is necessary to describe the duties that individuals, governments, corporations and international organizations must bear in relation to this right. This is because a right is not merely a claim to some freedom or benefit;

¹² A minimally good human life means that all people should have at least their basic capabilities protected from violent harm, whatever else they have and pursue. For an alternative discussion of the possibility of generating a list of goods valuable to all agents, see Pogge (1999).

¹³ For more on the argument that human rights norms require democratic governance, and on the linkage between democratic norms, human rights and the peaceful resolution of conflict, see Beetham (1997), Held (1990), Ray (1995), and Russett (1993).

it is also a claim against certain parties to act so as to make that freedom or benefit available. With respect to the duties of individuals and corporations, then, it should first be recognized that persons, organizations, and corporations have a duty to refrain from activities that generate unacceptable levels of violence. For example, individuals have a duty to refrain from discriminating against others on the basis of race, gender, religion or sexual orientation, and to refrain from the deliberate or predictable harming, injuring, mutilating, or killing of others. Hospitals have a duty to provide access to adequate medical care to all persons in need of such care regardless of their race, gender, religion or sexual orientation. Companies that manufacture advanced technological goods have a duty to take strong precautions against the illicit acquisition and use of such technology for harmful purposes. Corporations that produce such goods also have a duty to compensate victims should harm occur.

Similar to individuals and corporations, governments have negative duties to refrain from actions that give rise to serious threats of violence to human life and well-being. For example, governments have a duty not to produce, stockpile, and use nuclear weapons since these weapons indiscriminately maim and kill thousands of innocent human beings. In addition to these negative duties, governments also have a duty to protect the citizens of their states against violence generated by other governmental or private agencies. An effective system of human rights protection requires a governmentally-enacted system of regulation to ensure that police, intelligence, and security agencies comply with its standards, and impose significant penalties on those who fail to comply. An adequate system of human rights regulation also requires that citizens, non-governmental human rights organizations, and governmental organizations have the power to prosecute violators, whether public or private, and seek compensatory damages. Furthermore, all citizens should be allowed to exercise rights to political participation, enabling democratic participation in decisions about significant risks of violence. As Kant recognized, a democratic (or republican) form of government offers the best prospect of attaining peace. This is because 'the consent of the citizens is required to decide whether or not war is to be declared' and 'it is very natural that they will have great hesitation in embarking on so dangerous an enterprise' (Kant, 1991: 100).

Finally, international organizations have negative duties to refrain from generating significant risks of violence. For example, the United Nations has a duty to ensure the safety of non-combatants when using military force to conduct peacekeeping operations and in cases of humanitarian intervention. The World Bank has a negative duty to refrain from loaning money to countries and projects that will produce major risks of violence to human well-being, such as facilities that can produce weapons-grade nuclear materials. These international organizations also have positive duties to promote and protect HRP through declarations, regulations and enforcement measures providing for the reporting of violations, the mediation of disputes, the use of diplomatic, political, and economic pressure to coerce violators to comply, and the use of international military force to rescue endangered peoples, stop ethnic cleansing or genocide, and restore territorial integrity.

4. Justification of the Human Right to Peace

Human rights are fundamental international moral and legal norms that protect people from severe social, political, and legal abuses, simply because one is a human being. Human rights are justified in general for broad normative reasons. They secure claims to life, liberty, equality and fairness and in so doing protect our fundamental interests and central human capabilities. The argument of this paper is that they should also secure a claim to nonviolence and security. To qualify as a human right, however, HRP must satisfy at least four criteria. First, proponents must demonstrate that the proposed right-holders have a strong claim to the object of the right by showing that this object is of great value to individuals and society, and by showing that these values are frequently threatened by military and political abuses. Second, they must show that this claim cannot be adequately satisfied unless people are granted rights rather than weaker forms of protection which might prove inadequate. Third, proponents must demonstrate that the parties that bear duties under the right can legitimately be subjected to the negative and positive duties required for compliance with and implementation of the right. Finally, the proposed right must be practicable given current economic and institutional resources.

4.1 *Threats to Fundamental Values*

The rights specified in various documents ranging from the Magna Carta to the UDHR were enumerated in response to perceived abuses by governments. Legal rights, such as the rights to habeas corpus and protection against arbitrary arrest and detention (UDHR, Articles 9-11), reflect the fact that repressive governments often use the legal system to harass, torture and kill political opponents. There is good reason, then, to view the articulation of the specific right of HRP against the background of those threats and forms of violence that frequently lead to the abuse of human dignity and destruction of the central human capabilities.

Technological developments underlying the proliferation of relatively inexpensive, mass-produced weapons have contributed to the creation of major, direct violent threats to human security and well-being. Globally, military expenditures amounted to approximately \$780 billion US Dollars in 1999, an increase of roughly two percent over 1998 expenditures. The largest spender in 1999 was the United States, whose \$260 billion dollar expenditure accounted for 36% of the world total, followed by Japan, France, Germany, and the UK, whose combined expenditures account for another 23% of the world total (SIPRI, 2000). Although military expenditure and arms production have declined since the end of the Cold War, in 1998 the combined sales of the top 100 companies in the world arms industry amounted to \$155 billion US dollars. Conventional weapons, particularly small arms and light weapons, are the major items exchanged in the global arms market, which is subject to minimal control and provides for massive illicit weapons trafficking. In the past decade alone, more than four million people have been killed in violent conflicts and, in 1997, there were more than 35 million refugees and internally displaced persons around the world as a result of war or mass violence (U.S. Committee for Refugees, 1997: 84).

When violent threats reach this level of severity the security and well-being of many people are significantly degraded. Few human rights violations, other than genocidal programs of mass extermination, cause such extensive and large-scale damage to the welfare of so many individuals and communities. Yet the very existence and use of these weapons is typically accepted as a common feature of modern society, and is rarely viewed as the violation of a specific human right.

Even in an apparently less severe case, such as when a government denies its citizens the opportunity to organize peacefully and to express themselves freely, substantial harm to people's well-being is caused by repression of this sort. This is not to say that every person living in these states is physically harmed in a direct sense. Nevertheless, the indirect effects of state repression on the central human capabilities are extensive and far-reaching. The long-term emotional, mental, and physical trauma caused by political oppression and social marginalization are well documented and constitute a persisting legacy of violent conflict which undermines the quality of life for many survivors of such conflict.¹⁴ The effects of structural violence are not trivial. State repression kills some people, injures and shortens the lives of others, and causes emotional and material suffering. While the basic interests in life, health, and a minimal level of welfare are identified for protection by a number of existing human rights, such as rights against murder, torture, or physical injury, war and structural violence are significant and frequent threats to collective interests that are not yet protected by a human right to peace. The human right to peace aims to protect people against war and structural violence and their consequences, *in their entirety as systemic problems* and not merely as isolated instances of otherwise acceptable domestic and international activities.

4.2 *The Need for Rights*

Because a rights claim is a demand for some sort of social action, it is also important to show that the right-holder's enjoyment of the object of the right cannot be secured by any norms weaker than a right. For example, one might contend that severe conflict and repression could be eliminated by expressions of diplomatic disapproval, or by mass nonviolent movements. If the vast majority of people could be drawn into a Ghandian movement of nonviolence and love, this might make it unnecessary to declare and implement HRP. Alternatively, one might criticize the very notion of human

¹⁴ These issues are surveyed in Carnegie Commission (1997). A significant effort to document the traumatic effects of state oppression and violent conflict is *The Truth and Reconciliation Commission of South Africa Report* (1999), which includes extensive testimony by both victims and perpetrators of political violence.

rights for being an inappropriate source of social and political change. Karl Marx (1978), for example, argued against basing social and political change on rights because such rights supposedly are predicated on the egoistic separation of humans from one another and weaken the bonds of community relations. In similar fashion, some pacifists might advocate instead developing a nonviolent consciousness of positive peace rather than perpetuating the status quo in the guise of legalistic reform.

While the spread of nonviolent consciousness would certainly be a welcome development, it is nevertheless imperative to retain the language of rights when the enjoyment of the object of a rights-claim is threatened or denied. Present circumstances around the globe attest, I think, to the prevalence of threats to peace and to the widespread denial of peace. The claim to a human right to peace is in effect a final appeal because weaker norms and the absence of such a right have proven to be ineffective in protecting collective human interests to nonviolence and security. The hope that nonviolent consciousness can make HRP unnecessary is an example of what James Nickel has called the 'threat-elimination strategy.' According to Nickel, the 'threat-elimination strategy has sometimes been advocated by those who see the possibility of a transformation of human motivation and consciousness through religion or other forms of enlightenment. They hope that such a transformation will eliminate selfishness, greed, conflict, and corruption' (Nickel, 1987: 117). In the case of HRP, this strategy suggests that if people had the right sort of nonviolent consciousness, they would not willingly pursue violent ends through violent means, thus eliminating the need for HRP. The approach represented by those who prefer consciousness-raising-strategies overemphasizes the importance of good motivation and underestimates the need to institutionalize human rights, thereby giving effective legal force to these rights. If the time should come when all people voluntarily eschew violence, then the claim to HRP will no longer be necessary.

4.3 *Legitimate Duties*

Effective rights empower right-holders by imposing moral or legal burdens on duty-bearers. Proponents of HRP must show not only that the right-holders have a strong case for the object of the right, but also that the burden of providing for the enjoyment of this right

can be legitimately imposed on the duty-bearers. As discussed above, individuals, organizations, and corporations have negative duties to refrain from activities that create unacceptable levels of violence. Governments and international organizations also have positive duties to protect citizens from violence and promote their security and well-being. Those who engage in activities which harm citizens' security and well-being should bear the burden of regulations which require compensation.

One complex aspect of violent risks and harms is that they often result from activities engaged in by many people, such as armed conflict and state repression. These activities produce risks or harms as the result of the cumulative effect of individual decisions and actions made by hundreds or thousands of people. Such collective action can bring about a variety of human deprivations, such as population displacement, illness and starvation, which may not be attributed to a single actor. This raises the issue of collective responsibility for actions leading to the widespread violation of HRP.

An extensive discussion of this issue is beyond the scope of this paper. Nevertheless, some basic points can be addressed. Collective responsibility has long been a problematic topic for philosophers. The paradigm of moral responsibility is the individual actor who has intentionally harmed some other person or persons. In this case the actor's causal relation to the harm is a necessary but not sufficient condition for assigning moral blame or obligation. Authentic responsibility also requires some element of intentionality on the actor's part. In the case of groups, the roles of agency and intentionality are less clear than with individuals. A group may collectively produce a certain result without each individual agent's knowledge or awareness that he is contributing to that result, such as when a traffic jam occurs when many drivers just happen to be on the road at the same time.

Despite this difficulty, it can be said that responsibility for some result is assignable to particular individuals, including the members of groups for their contributory acts. Individuals may be held responsible for choosing to become and remain members of groups pursuing goals that involve harming others, as well as for their degree of active contribution to a harmful result (Held, 1971: 471). An individual may argue of course that his particular contribution to a result is insignificant and thus avoids responsibility, but if every member of a group makes this claim the possibility is raised that no

one can be held responsible for the result. Derek Parfit has countered that, although an individual contribution may seem insignificant, even a seemingly minor act contributes directly to the harmful effects of the 'set of acts' that results from its combination with the actions of others. Therefore, an individual who performs an act knowing that it will contribute, even in some small way, to the overall result of harming others, can be held morally responsible (Parfit, 1986: 67-86).

Responsibility also may be assignable to the group itself, provided that intentionality as well as causality is present. Certain activities, especially those of waging war and harming large numbers of people through government oppression, can succeed only by means of organized group effort. Such coordination and unification of individual actions into collective actions introduces the element of overt purposiveness to the group as a whole. Group responsibility thus follows from the existence of collaborative coordination—evidenced by consensus, representative endorsement, or delegative authorization—that establishes collective and not merely individual intentionality (Rescher, 1998: 49-50). Given the possibility of normative responsibility for the kinds of collective actions violative of HRP, negative and positive duties can be imposed on organizations, corporations, and governments, as well as individuals, for the protection of right-holders. Doing so then makes it possible to hold accountable those who commit abuses of HRP and other human rights.

4.4 Economic Feasibility

The final matter that must be addressed is the possibility that HRP could fail to be a justified human right if its costs were unduly onerous. Many financial resources and significant institutional endeavors are needed to implement rights, and if these resources are limited or unavailable it may be impossible for duty-bearers to satisfy the obligations flowing from the rights. Because human rights impose correlative duties and 'ought' implies 'can,' one might contend that it would be incoherent to hold that HRP is to be implemented if it were economically impossible.

It is often argued that war is 'good' for the economy of a state insofar as a state's military spending is a contributor to its overall economic health. High military spending, it is thought, supports both the expansion of military forces and the growth of domestic economies; if that is the case, reducing military spending will have

unfavorable economic consequences. Consequently, a reduction in military spending and in military forces for the purpose of eliminating sources of deadly conflict will incur a prohibitive economic cost that threatens the feasibility of HRP. Yet the connection between military spending and economic health is less favorable than this argument would have us think. Consider, for example, that during the Cold War that state with the highest military spending—the Soviet Union at approximately 20% of GDP—had the worst economic performance among leading powers, while the leading power with the lowest military spending—Japan at approximately 1% GDP—had the highest economic performance (Mintz and Chan, 1992). Moreover, over time military spending tends to compete with other economic needs, such as investment in other government projects or civilian industry, and reduces economic growth by depriving the rest of the economy of valuable resources, technology, and talent. Fewer jobs are created, per dollar of U.S. government funds, in the military than in education, housing, construction, health care and similar areas that are of great social need (Mintz, 1992; Mintz and Chan, 1992).

It can be argued, then, that reducing military spending and transforming military development towards civilian sector development within a process of economic conversion, will allow for the more productive use of economic resources and strengthen economic growth in the long term. Moreover, the resources saved by preventing losses due to the destruction of property, land, farms, factories, health, and life can help to finance the implementation of HRP. Indeed it is quite likely that in eliminating the drain on resources caused by constant expenditures for the preparation and executing of war, economic development will become more successful in both developed and developing nations. Overall, then, the economic feasibility of HRP would appear to be no less than, and quite likely greater than, military development (Klein et al., 1995; Dumas and Thee, 1989). Given this, the standard of protection prescribed by HRP would prove affordable with the refocusing of resources toward the production of goods and services that enhance rather than threaten human security and well-being.¹⁵

¹⁵ For an early ethical argument in support of this type of economic conversion, see James (1962).

5. Conclusion

One of the greatest challenges facing the post-Cold War world is establishing a global order that creates the conditions for the peaceful coexistence of all peoples. One way to meet this challenge is to recognize and implement a human right to peace. I have argued in this paper that a strong case exists for HRP. Defined in terms of the absence of large-scale collective violence rather than the harmonization of all interests and the transformation of human consciousness, HRP has a coherent scope. The possibility of reducing collective violence and maintaining peace requires, first and foremost, implementing a juridical system of rights within international law. If a strong and enforceable human right to peace with the scope articulated here were effectively implemented at the national and international levels, it would protect human beings against the substantial and recurrent harms associated with collective violence, protection which cannot be afforded by weaker norms. In addition, HRP has identifiable duty-bearers that can legitimately satisfy the normative and economic obligations flowing from such a right. As a norm that satisfies the tests appropriate to human rights, HRP should be recognized both as a general human right and as an important basis for claims to peace. Implementing HRP would obviously require substantial efforts, but as Kant suggested more than two hundred years ago, the goal of peace requires nothing less than our sustained commitment and perseverance.

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