

# Protection the Culture of Peace in International Law

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**Abstract:** It is difficult to deny the importance of having a set of treaty legal rules that provide an appropriate legal framework for the protection of a culture of peace as long as we recognize that armed conflicts are international or non-international but are the product of intellectual convictions adopted by people in specific historical stages that contribute in one way or another to making the present and producing the future.

Therefore, it is important to research in the areas of international protection for a culture of peace by first identifying aspects of the legal framework regulating the subject of the research, and then explaining the mechanisms of international protection, provided that the beginning begins with the definition of what is meant by a culture of peace, since defining the aforementioned concept will entail an important result related to determining the scope of the research. Within the framework of the rules of general international law, and in light of goal (16) of the declared goals of the United Nations to achieve sustainable development where the focus is on encouraging the existence of human societies that believe in comprehensive peace for all as an effective tool to reach the concept of sustainable development as well as the possibility of resorting to A judiciary so that the realization of this aspect becomes available to all, and to establish, at all levels, effective institutions that are accountable, which requires envisioning a kind of complementarity between national frameworks that are supposed to cultivate faith in peace, coexistence, and respect for all human values despite the differences and diversity on the one hand and the frameworks.

The international community that seeks to promote reaching the same goals on the other hand, according to clear legal perceptions, wherever the first steps are confident and based on sound and realistic foundations applicable in practice, the goal of reaching the final goals will be more feasible than imagined.

**Keywords:** International peace, International agreements, international law, Introduction, General principles, International mechanisms.

## INTRODUCTION

Terrorism breeds violence and instability, constrains freedom of movement, lowers living standards and threatens basic human rights, including the right to life and security. It can also undermine the process of economic and social progress. Within the framework of the United Nations, eighteen international legal instruments related to the fight against terrorism have been adopted (Arutyunov E.K. 2017. p. 210).

The life of a person over time and space reflects the details of the prevailing convictions in society with regard to all political, social and economic levels, and also the result at the legal level, given that the law is the product of social life for a group of people in a specific time and place where this idea was "law" and still reflects The fact that it consists of the conclusions of the human mind, and what he reached is devoid of passion so that it is formed from the prevailing cultural inputs in society that led to specific results, and they differ from one society to another due to the variation that exists in human needs and the way they respond to their fulfillment so that this reflects that And on the

cultures to which they belong, which led to their lives being conducted in different forms, and the aforementioned matter applies to their position on the idea of peace, as their positions vary in terms of the nature of the view on this important subject and the degree of conviction in light of different circumstances influenced by political, economic, social and cultural factors, so what is meant With a culture of peace (Referred to the linguistic definition in Rania Sonja, defining culture as a language and convention).

From the beginning it is useful to trace the origin of the word "culture" from a linguistic standpoint, which is a word derived from the triple verb "cultured" where it reads to annex and break the scaffold, just as the aforementioned triple verb expresses several meanings including "acumen", "intelligence," "refinement" "and control of knowledge" "And the speed of learning." It was said in the foot (a boy who is educated, meaning intelligent, steadfast in knowledge of what he needs, and it was also used to refer to the name of the culture machine that was used to settle the warp of spears and ancient swords) As for the word peace, it means linguistically from one of God's most beautiful names, which is salutation For Muslims, it is also intended for surrender and safety (Barrett, & Apsel, 2012).

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## MATERIAL AND METHODS

Methods In the course of the research, we used the methods, such as comparative legal, special legal, the method of structural analysis, the method of comparative law.

## RESULTS AND DISCUSSION

As for idiomatic terms, if the term "culture" is meant according to the definition of "Edward Taylor" as (the total concept that includes knowledge, beliefs, art, ethics, law, customs, and abilities that a person acquires as a member of society) then what is meant by the term "culture of peace" is the comprehensive human awareness of the set of cognitive values arising from the tangible and intangible cultural assets related to the ability to coexist with others in light of the diversity resulting from the variation of people's convictions from different aspects of life and leading to results at the behavioral level leading to a high degree of stability in society P "It is the definition that we adopt being the most comprehensive source of human culture as well as its clear interest in achieving peace through material and material knowledge inputs that contribute to shaping the behavior of individuals within society. Or is it a "culture of peace" (all events, attitudes, attitudes, and behaviors that reflect respect for life, dignity, human diversity, human rights, rejection of violence, commitment to the principles of freedom, justice, solidarity, tolerance, cultural pluralism, understanding between people, absence of occupation, oppression, aggression, violence, injustice and intolerance) and the last definition It focuses on the immaterial culture that includes the ideas, values, attitudes and beliefs that are the focus of people's faith.

With regard to the basic foundations upon which a culture of peace is based, it can be said that a set of components must be available that help to adopt positive behavior that rejects violence, and this issue depends on the capabilities associated with the extent of the ability to learn and the mechanisms available to achieve the aforementioned side, and these pillars are the following points. (Human Rights in the Field of Administration of Justice, A Handbook on Human Rights for Judges, Prosecutors and Lawyers, Episode No. 9 of the Professional Training Series, United Nations High Commissioner for Human Rights in cooperation with the International Bar Association, United Nations, New York, Geneva, 2003, p. 752).

The existence of a set of ideas and perceptions inherent in the human mind obtained as a result by

treating the human mind to inputs of information related to the extent of the legitimacy of resorting to violence in some cases and its relationship to the idea of rejecting violence to the maximum extent possible.

Common habits and behaviors in a society that express methods of dealing with different situations as far as this aspect relates to reactions issued by individuals in the face of a challenge posed by the other side requires settlement in ways that are supposed to reject violence with the full conviction of that.

The language used to express ideas and attitudes in the sense of the extent of the semantics prevalent in society from its adoption of behavioral attitudes that are prevalent as a practice through the indication or tone of the language used "terms or words with special meanings" related to expressing the situation from conflict situations and how it is managed on the one hand and the extent of correlation By sticking to peace on the other hand.

The extent of the conviction available in the society of the feasibility of legal rules adopted at the official level with the various sources of law from the top of the legal pyramid to the bottom, which ensures the management of the relationships that arise within it among the people of the law so that this leads to achieving a large percentage of the idea of legal security and societal stability, the matter What requires a strong conviction of the subjectivity of ideas and methods of dealing with them on the one hand as well as the clarity of what is required on the one hand what must be done by the individual and what he must refrain from.

Belief in the possibility of settling disputes through constructive dialogue without resorting to violence "force" and this aspect also requires working on disarmament, it is the instrument of war, with full conviction of the right of all human beings to live at an adequate level as well as rejecting any practice that leads to the exploitation of others or nature Which requires full respect for human rights and work to achieve sustainable development, and a conviction of the feasibility of some ethics such as tolerance, solidarity and the possibility of understanding with others under various circumstances (Radhi, Abdel-Hadi, 2007).

In light of the advanced definition of the meaning of peace culture, and the main pillars upon which it

depends, it is possible to visualize jobs performed in society that contribute to determining or controlling the behavior of individuals so that the aforementioned role contributes to enhancing the goal of achieving peace in society. The international source is in multiple cases so that this can lead to a move away from resorting to violence in times of crisis even further if the culture mentioned in the minds of decision makers has disappeared so that its role also appears in determining behavior trends, prevailing values and goals to be achieved in light of Inherited knowledge that makes up the minds of individuals in society as well as for what he believes decision-makers in particular, the absence of a culture of peace means the loss of peace, which requires the restoration of confidence in a range of relevant international legal norms on this subject and to activate it to the fullest extent possible. And if culture as a general concept arises through what the individual acquires in his society from the values he accepts for himself, negative or positive in the results that lead to it, it is also an evolving concept that is intrinsically linked to the development of society, and it can grow continuously in different directions.

The sources of the legal system that governs relations between countries are formed from a set of legal, convention and customary legal principles and general principles endorsed by civilized nations as well as the writings of senior writers in common law, and the attitudes of the courts, expressed by the judicial rulings, the advisory opinions issued by them. And if we acknowledge, starting with the hypothesis that working to consecrate the culture of peace is an end that finds a basis for it in a set of rules and legal principles binding on all persons of international law, then the advanced hypothesis needs a statement or evidence confirming its content, to what extent can we say that working to establish a culture of peace is An international obligation of the persons of international law.

The concept of the right to life is determined in accordance with the rules of international human rights law, that no country (at any time should be involved in the arbitrary or extrajudicial execution of people or overlook it. And that ... they have a legal duty to prevent violations of the right In life, to investigate, prosecute, punish and remedy these violations, they also have equally a legal duty to take positive measures to provide effective protection of the right to life in times of public emergency). The right to life is considered a natural right, and its protection is an obligation that is not limited to not being violated exclusively by the state and its public authorities, but it

is a right that requires the existence of a guarantee requiring that there is no attack on it by individuals, bodies, and groups, as well as the need to legislate the two laws that achieve this protection on The actual level, whereby the legal penalty is imposed on the person who violates this right in any way (Saleh, 2011).

A variety of dialogues arise around the concept of the right to life by proposing concepts related to the extent of acceptance of the death penalty, war, abortion, euthanasia, "the right to choose", justified killing, animal welfare and public health care. International covenants have explicitly enshrined the human right to life. Article 3 of the Universal Declaration of Human Rights stipulates (everyone has the right to life, liberty, and personal and physical integrity), while Article 6/1 of the Civil and Political Rights Agreement provides (the right to life is a right It is inherent in every person, and that national law must protect this right, and no one should be arbitrarily deprived of his life) The truth is that we find the same respect for the right to life in the field of international humanitarian law where the joint article (3) of the four Geneva Conventions of 1949 enshrined the advanced idea as It is not permissible to attack a person at all times and in all places Life and physical integrity, especially all forms of murder against people who do not take an active part in an armed conflict not of an international character.

As for the concept of human dignity, it is intended according to what "Emmanuel Kant" indicated (that any person should be treated as an end in itself and not as a means, and therefore the person possesses an unconditional value, hence the distinction between the concept of the person and the concept of the thing and this philosopher defines dignity It is the value that the human person inherits the right to enjoy a transaction that makes it an end in itself, not just a means to others). A person is a unique being that does not value at a time while things can be valued at a price.

## SUMMARY

The process of linking the idea of tolerance, which expresses a very high moral content, and the idea of solidarity between people is a clear expression of the close link between the essence of human rights and the content of this idea from an objective point of view, which must be clearly understood by citizens in any democratic society that seeks to Peace, which was explicitly affirmed in the preamble to the Charter in which we read (We the peoples of the United Nations,

and we have committed ourselves to save future generations from the scourge of war. (The Federal Supreme Court in Iraq, in addition to a modest aspect related to the concept of the minority, even if it did not adopt a standard without the other when it was mentioned in its decision numbered (No. / 15 / Federal / 2008) issued on April 21, 2008.

The need to combat manifestations of intolerance and denial of solidarity between people, acts of violence, religious, national and sectarian tendencies of an aggressive nature, terrorism, xenophobia, racism, aggressive expansion, exclusion, marginalization and exclusion against minorities in a non-numerical but objective concept of the term "minority", and not Refugees, migrant workers, migrant women, and vulnerable or vulnerable groups in human societies, and the confiscation of the right to freedom of opinion and expression, are all practices that undermine the foundations of peace and democracy and refrain from opportunities for development so that they constitute, in their entirety or individually, a form of behavior that negates the idea of tolerance and solidarity between people (Adham al-Tai, 2012).

Democracy is described as a political option that focuses primarily on organizing the transfer of power in society according to mechanisms that do not believe in resorting to violence as a "bad option but it is nevertheless the best solution available". Regardless of the validity of the advanced description, the link between democratic mechanisms, which in their essence embraces a distinct moral depth It is an option that allows everyone to participate in decision-making - on the one hand and trying to limit the negative effects of this idea, which is related to the personal aspirations of people, something that can be achieved by fighting all aspects of corruption in society, including the manifestations of political corruption, which are varied, it is difficult to deny that TB A major spoiler is something that requires working to create mechanisms that limit the possibilities of expanding the practice of behaviors, on the part of politicians in particular, that do not serve society by activating the available and various means of control to the maximum extent. In addition to dedicating respect for freedom of expression and ensuring that the media fully plays its role in society.

The effectiveness of any society in achieving the goal of living its members depends in an acceptable way in order to create a kind of happiness on the system of prevailing values in it, which interact with

each other through the behavior of people in their common interaction to meet their material and moral needs, which requires a real belief in the feasibility of the actions of a set of moral values Which depends on devoting a form of self-denial, and from this it highlights the importance of real belief in the feasibility of participation in the various affairs required by human life in society, and participation takes a variety of forms to reflect that move away from the conviction that the ability to live individually far away with For others, participation is represented by activities, events, or efforts undertaken by individuals in all their categories, as well as civil society institutions in the various fields of life, in a way that leads to achieving sustainable development, and the role of participation is highlighted as a basic principle of community development in the field of devoting a culture of peace from the faith of individuals (Report of the Special Rapporteur on the independence of judges and lawyers, United Nations, General Assembly, 13 August 2012, (A / 67/305).

Their work or behavior can solve their problems themselves, and reach a kind of socially acceptable justice through persuasion and understanding without resorting to multiple methods of violence, and considering that they are more aware of the nature of these problems to the extent that the complementary popular role a And it supports the activities of the executive authority so that the mentioned practice reflects the people's keenness and advanced awareness in preserving the public interest.

The strengthening of international and regional organizations must be activated in resolving international disputes through resorting to flexible diplomatic means (Falah, Peace. 2017).

## CONCLUSION

The presence of human beings and their continued existence on the surface of the globe in a manner that reflects their respect for the values of peace can only be achieved by ensuring that the processes of progress in the various fields of life as well as development are necessary for all human beings and the environment in which they live, and in the advanced context it is useful to indicate an important link Preserving the planet with full belief in the possibility of achieving peace, and the consequence of this belief that it must work to take multiple steps, perhaps the most prominent of which is arms control and respect for the relevant rules of international law including the rules of international human rights law, international humanitarian law (Naccarelli, Conti, DiMarco, & Tracy, 2008).

Policies that may be pursued by some and devoted to forms of negative discrimination in its various types "color, gender, race, religion, sect, social affiliation ... etc" contradicting the principle of equality are the causes of demolition of faith in the viability of peace as a catalyst for living with dignity that includes everyone, The conventions on human rights have enshrined the principle explicitly mentioned as in Article (2/1) of the Civil and Political Rights Convention, according to which states pledged to respect the rights recognized in the Covenant and guarantee them to all individuals in their region and within their jurisdiction without discrimination.

The Inter-American Court of Human Rights has examined the origin of the idea of equality in a fatwa issued by it regarding the proposed amendments to the provisions of naturalization in the Constitution of Costa Rica by saying (the idea of equality derives directly from the unity of the human family and is related to the fundamental dignity of the individual, and this principle cannot be reconciled with the idea of the uniqueness of a particular group with the right In a distinctive treatment on the basis of the alleged superiority of this group, it also cannot be reconciled with the idea of describing a group inferiority and treating it aggressively or subjecting it to other ways of discrimination in the enjoyment of the rights granted to others who are not classified in the same way (The International Court of Justice regarding the Legality of the Threat or Use of Nuclear Weapons, United Nations, General Assembly, Fifty-first Session, Item 71 of the Provisional Agenda, Note by the Secretary-General, Annex, (A / 51/218), p. 207.)

The differences in treatment are incompatible with their uniqueness and their belonging to one type, and since equality and non-discrimination are rooted in the unity of the dignity and value of all human beings, it is necessary that the differences in legal treatment are not all of the same as discrimination because the differences in treatment are not all in themselves an attack on human dignity The European Court of Human Rights considers, within the framework of principles that may derive from legal practice in a large number of democratic countries, that differentiation in treatment is not considered discrimination only when it is not based on objective and reasonable justifications .... There may also be actual cases of inequality that may be a legitimate reason not to harm and in legal treatment that does not violate the principles of justice, but may contribute to achieving justice or protecting those who suffer from a weak legal position.

For example, it is not considered discrimination based on age or social status that the law imposes limits on the legal capacity of minors or persons who are not mentally incompetent and who are unable to protect themselves. Based on the foregoing, the distinction is not made if the differentiation in treatment is based on a legitimate purpose and if it does not lead to the occurrence of cases inconsistent with justice, logic or the nature of things. It is imperative that there is no distinction in the differentiation in the treatment of the state for individuals when the selected classifications are based on a clear and real differentiation and when there is a reasonable proportional relationship between the differentiation and the objectives of the legal rule under consideration. The goals may not be unfair or unreasonable, that is, they may not be arbitrary, arbitrary, authoritarian, or contrary to the fundamental unity and dignity of human beings. Although it is undeniable that a certain real or minor context may cause it to determine the occurrence or non-occurrence of the situation set forth in the previous poor, it is also true, from the idea of unity and basic dignity of the human family, that it can be specified conditions that justify considerations General well-being, to varying degrees, with the criteria outlined above. Here we deal with values that take concrete dimensions in the face of the real cases in which these values must be applied and in which each case permits a certain margin of appreciation in their expression).

The idea of law is based on the existence of a set of rules that are being adhered to by the people of the law in "internal" national societies, as is the case in the international community, and it is assumed that everyone who violates these rules faces a penalty element in the legal rule that is being imposed by "Public authority "It is possible to find the presence of treatments by legislative means related to the violation of the culture of peace. On the international level, it is noted that the Civil and Political Rights Agreement concluded in 1966, which entered into force on March 23, 1976, and which was ratified by Iraq under Law No. 193 of 1970, Article (19) Including them J (1. Everyone has the right to hold opinions without harassment 2. Everyone has the right to freedom of expression. This right includes freedom to seek, receive and impart various forms of transactions and ideas without regard to borders, whether in written or printed form, in artistic form, or By any other means that he chooses 3. The exercise of the rights stipulated in paragraph (2) of this article carries with it special duties and responsibilities,

and therefore it may be subject to some restrictions, but provided that they are defined by the text of the law and are necessary, a. To respect the rights and reputation of others b to protect national security or public order, or public health or public morals.

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