

# Peace - a Dialectic Process

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History comes to prove that peace has always been achieved by paying the price of great efforts, as a result of the fights and struggles of millions and millions of people. Peace maintenance and consolidation usually implies the confrontation of opposing forces – as an expression of the subordinated processes and phenomena's *dialectic nature*. This dialectical character is being amplified nowadays, as a consequence of the international situation's obvious deterioration.

The complex problems of contemporary age, including international relations, were submitted to ample studies, most researchers

inferring thesis and useful conclusions<sup>2</sup> with view to understand the dialectical character of actual processes and phenomena<sup>3</sup>. The thorough study of the *objective* causes of these phenomena facilitates the understanding of certain senses and general tendencies in international relations. Meanwhile it explains its correlations with the *subjective* factors considering that the political decision of the government and the will of state representatives gain more and more ground. There are evoked significant moments in the historical evolution in order to make easier an insight on the essence of these complex phenomena and identify the required solutions.

## § 1. Contradictory Tendencies

In the light of studying contemporary life's phenomena, there resulted important *mutations* in the relation of forces on a world scale as well as significant tendencies and orientations in the evolution of peace phenomenology. There is a major conclusion, according to which action is taken, further on, in international life to maintain influence and domination spheres using different means to this end, should them be of economic, political, diplomatic or military nature<sup>4</sup>. It becomes clear that great danger is represented by *military* ways, trough the destruction means it provides for taking action as well as through its particularly serious consequences on the human material plane<sup>5</sup>.

At the same time, experience displays the risks of the other ways and ans. For instance, it is also known that *economic pressure*, inequitable contractual formula, credit solution and other ways of "assistance" determine the accentuation of dependencies and favors the

climate of some new relations of dependence and subordination. According to United Nations estimations, as a consequence to *inequitable* exchange relations, restrictive commercial practices as well as to tariff and tariff free obstacles, the number of developing countries decreased from 31% in 1950 to 21% in 1965, 18% in 1973 and 11% in 2002. It is considerable that manufactured products represent only 5% of the exportation made by developing countries to developed country markets. Thus, "the great majority of the developing countries, even after having conquered their political independence, continue to preserve relations of inequality and dependence with the former colonial forces, fact that explains the maintenance of domination in international relations after World War M"<sup>6</sup>. Such a situation has often generated confrontation by maintaining and deepening the sources of *strain and conflict*.

Grave perils addressed to peace are generated by *political pressure*, interference in the internal affairs of States, encroachments or diplomatic operations aiming at domination maintenance and consolidation of relations between States in different regions and areas of the world.

The UN General Assembly rejects all pressure forms of political, military, economic, ideological or cultural nature within international relations, by blaming menaces that imply violence, recourse to force, direct or indirect aggressions, interference and open or disguised intervention in other states' internal affairs. All these *jeopardize* peace and peoples' state of quiet by generating tension and conflicts in international relations.

It is seldom stated that the assertion of peoples' will, namely the will of becoming the masters of their own fate and national wealth *should constitute* a peril to peace. Or, as it is well known, what really endangers peoples' peace is not their fight for independent and

sovereign development but *domination* policy exercised on other peoples, the violation of their fundamental rights and their legitimate aspirations to progress and development. Such a policy may become the generating cause of strain and tensional state that can easily evolve into conflagrations. That is exactly the reason why, the consolidation of peace<sup>7</sup> implies the liquidation of domination, of interference policy in other peoples' internal affairs and guaranteeing conditions for each people's free and independent development. In promoting and guaranteeing these conditions, far from creating any peril to peace, *the most solid grants of its maintenance and consolidation* are achieved.

Bringing into the open the main tendencies and orientations existing in the contemporary evolution of peace concept and phenomenology, helps to understand the need of intensifying struggle to combat every bellicose attempt or action, so that none of them might be finalized while peace be *maintained and Consolidated*.

## § 2. Major Requirements

In light of the deep knowledge of today's complex realities there emerge the demands and requirements of primordial importance in peace defence, preservation and consolidation: a. revealing the causes of facts and actions that generate a state of strain and conflict between States; b. eliminating suspicion and uncertainty in the relations between nations and peoples; c. creating an environment to enhance friendly relations between nations implying mutual respect for the dignity and worth of each human person.

a. The evolution of international relations in different areas of the world emphasizes the need to have a precise knowledge of *the causes determining facts and actions*, which generate state of tension and conflict<sup>8</sup>. This necessity is justified by the fact that it represents the only way that makes possible their elimination<sup>9</sup> as well as the re-settlement of deterioration -endangered relations on their natural track, as a consequence to the removal of previously existing conflict sources.

It is also to be considered that subjectivity often interferes when explaining the causes of certain situations or tensional state. Therefore, the aspects under which things are presented become different, and most frequently contradictory. For this very reason, the objective analysis of causality represents a *sine qua non* condition for ridding real causes in order to re-establish normal relations in the region or area where the state of tension or conflict has appeared.

b. The relation of peace cannot be erected but on the *very foundation of complete trust between peoples and nations*. Doubt always germinates actions and leads to facts that generate tensional state and even conflicts. A climate of uncertainty favors actions that estrange peoples from each other, by creating the deformed image of impossibility to cooperate and get closer; fact, which – gradually – may degenerate into a serious state of conflict. By the multiple interrelations it gives birth to, this unreal image, represents frequently a starting point in

generating strain relations and conflict. This is the very reason why, *eliminating suspicion* represents a priority demand as far as strivings for the promotion of peace and the creation of peaceful structures and relations between peoples and nations are concerned.

c. There is no doubt that peace can be maintained and strengthened, provided concerted action of progressive forces contribute to the preservation of a *favorising climate for living in good understanding*. Thus, no room is left for actions that do not meet the requirements of developing peaceful relations. Experience regarding relations between states, nations and peoples proves that such climate can be promoted provided *mutual respect for each people's human worth and dignity* is ensured. It is unconceivable that a nation or people enjoy greater respect than another; that its evolution, material or spiritual living conditions confer it more dignity in its relation to another people or nation. Such an approach cannot but lead to a tensional state, in many cases able to pose threat on peace relation and generate clashes. Consequently, it is necessary to promote and guarantee the mutual respect of each nation and people. In this regard, natural guarantees are given to enhance trust and strengthen the spirit of brotherhood and peace.

Peace promotion and consolidation require: a. the instauration of a new international democratic and equitable policy; b. the cessation of arms race and the orientation of all peoples' resources towards economic and social progress<sup>10</sup>; c. the intensification of all efforts for detente and cooperation between all nations.

Bringing durable and equitable solutions to the complex problems that our contemporary world is faced with, implies *the act of thinking over and re-settling* international relations on the solid foundation of equality and mutual respect, elimination of threat or use of force, guarantee the conditions for the free and independent development of all peoples.

Peace pledge implies radical change in armament policy. The problem of maintaining military equilibrium *should not be approached in the sense of completing one's own arsenal* in order to keep pace with the adversary, but

by *reducing* systematically troops and armament<sup>11</sup> in order to achieve a balance as far as it concerns disarmament and *not armament*. In a recent study of the International Institute for Peace Research, attention is called to the fact that reality behind numerical equality - allowing each party to destroy the other for an equal number of times - is represented by the advancement of one of the parties, thus leading to the danger of starting a nuclear war. To stress the imperative of halting arms race, we recall a study made under the UN aegis stating that peoples in the world are nowadays confronted with an unprecedented *military complex*: 23 millions armed people; the dissemination of destruction means that reached a high perfection level; a super-destroying stock of nuclear and conventional weapons and a permanently increasing bent on mass destruction technology. Furthermore, this study concludes that the portentously wide dissemination of weapon accumulation constitutes a defining feature of world trade. In this case, putting an end to arms race appears to be the only reasonable measure, and the unique solution possible becomes global effort, the global strategy of total and general disarmament.

In contemporary conditions – in order to approach and solve all complex matters of world policy – it is required to start from the stringent need of *cooperation*, and not that of *confrontation*, the respect for each people's human worth and dignity as well as the right to freely and individually create their own destiny without any external interference. There is no doubt that the determination and acceleration of certain evolution directions aiming at peace maintenance and consolidation need everyone's direct implication, an active contribution. Triumph in the cause of progress and peace is conditioned by a *broader participation possible* in the solution brought to the problems we are facing nowadays<sup>12</sup>. It is a complex dialectical! process, where positive tendencies favoring progress and peace, gain ground in their permanent confrontation with opponent forces and militarist tendencies. The analysis of objective evolutions let us draw the conclusion

that – despite rather persistent hindrances and obstacles – it lays in the power of all progressive forces in the world that the

spectrum of a new conflagration be deterred, and *peace prevail*.

### § 3. The Role of International Law

Nowadays, International Law has an essential role to play in the maintenance of peace and consolidation. This role, motivated in various theoretical works, is proved by the daily evolution of Interstate relations. In this respect, while emphasizing the need to increase the role of International Law<sup>13</sup>, the UN Secretary General showed that at present a difficult responsibility was borne "not only by governments, but also by mankind, itself, because "peoples live under the threat of an uncontrollable conflagration". Peace maintenance obliges us to undertake all measures required "in an emergency case"<sup>14</sup>. According to Riccardo Monaco, Contemporary International Law should serve to the promotion of peaceful relations<sup>15</sup>, while Edwin Glaser brought attention to the fact that the norms of International Law postulated the obligation of every state to refrain from "*any action meant to harm international relations, to aggravate a conflict between States, to create or amplify situations that might imperil peace, security and international welfare*"<sup>16</sup>. Gheorghe Moca asserts, more directly, that "peace and security relations with the participation and in the benefit of all States in the world cannot occur only on the grounds of International Law, the overall observance of its principles, norms and institutions made for a common interest"<sup>17</sup>. In numerous researches, particularly in last years' studies, it has been proved the need and significance of the increasing role that International Law plays in peace promotion and maintenance, finding peaceful solutions to conflicts, preserving relations of cooperation between all the nations and peoples of the world, and in the consecration of "principles that should lay at the basis of interstatal *relations*"<sup>18</sup>. The *active* part played by Contemporary International Law in peace preservation and consolidation is determined by: a. the enhancement of human conscience aiming to search and find really *durable* solutions to the major problems it is

confronted with; b. the need to consecrate more clearly the rights and obligations of all States in their relations with one another; c. the demand to restrain gradually and eliminate war from international life; d. the imperative aiming at general disarmament, and mainly, at nuclear disarmament; e. awareness of the role that peoples, the overall progressive forces should play in the prevention of conflicts and tensional state as well as in finding solutions to any international conflict exclusively by peaceful means<sup>19</sup>.

Certainly, Contemporary International Law acquired new dimensions, more clear finalities in peace maintenance and consolidation under the conditions of *enhancing human conscience* aiming to search and find really durable solutions to the serious crises it is confronted with. Provided the solutions given to international problems take into account the *objective* requirements necessary to the harmonious development of every nation, within a peaceful environment, they acquire a *long lasting, durable* character. International regulations issued according to these requirements prove their necessary efficiency by serving the progress of each and every nation.

Noteworthy efforts have been made – especially during last decades – in stating more clearly the rights and obligations of all States as for the relationships between them. According to the Charter and its annex, the General Assembly of the united Nations adopted in 1970 *The Declaration on Principles of International Law concerning the Promotion and Development of Friendly Relations and Co-operation among States*, and in 1974, *The Charter of Economic Rights and Duties of the Nations*. It has been rightfully considered that the specification of those rights and obligations represented a "means for peace consolidation for a common benefit. The natural development of international relations implies mutual respect for the rights and obligations of

each state, should it be large, medium-sized or small. It represents a *major premise* of peace, cooperation and good understanding between all nations.

In numerous international documents<sup>21</sup>, as well as in doctrinaire works it appears more and more frequently the need to *restrain* gradually and *eliminate* war from international life. Fulfilling its mission, by limiting and finally doing away with war on the Planet, Contemporary International Law proves in a most obvious way possible, its new features and significance in peace maintenance and consolidation<sup>22</sup>. In doctrine, it has been demonstrated that restraint and elimination of war could not be done "in virtue of a rhetoric full of devoutness or a purely platonic thinking"<sup>23</sup>. In this respect, there are required certain norms that make out of this general desideratum the objective of *practical* action. Undoubtedly, it represents a noble mission of International Law, implying new improvements and transformations regarding the elaboration and applications of its norms<sup>24</sup>.

There is an even more efficient role given to International Law in the process of disarmament, notably in nuclear disarmament. The viability of the undertaken measures

depends on the nations<sup>1</sup> political will which is reflected in the juridical norms that make *real* disarmament and implicitly, leads to the cessation of arms race with all the consequences it brings about. Life shows that - the more the will of peoples or of any progressive forces all over the world increases and state of tension and strain, conflicts of life on the Planet have to be prevented and ridded - the more the role of international norms increases, aiming to achieve these decisive goals in peace preservation and consolidation.

The fulfillment of these objectives requires important changes in the *structures and finalities* of International Law, the improvement of previously regulations and the adoption of new norms, meeting actual requirements. All make possible that International Law manifest today as "a factor that influence and condition democratic evolution in international life, peace maintenance and international security"<sup>25</sup>. In respect of these changes, it is needed an ample and sustainable action in order to guarantee the enhancement and codification of this law meeting the present and future needs of a world of international peace and cooperation<sup>26</sup>.

#### NOTES:

<sup>1</sup> see William Epstein, *Nuclear proliferation: The Failure of the Review Conference*. In *Survival*, vol. XVII, nr. 6, Nov./Dec. 1975, p. 262-269; Kei Wakaizumi, *Japan's Role in a New World Order*, in F.A., vol. 51, nr. 2, January 1973, p. 310-326; A. James Gregor, *The Fascist Persuasion in Radical Politics*, Princeton University Press, Princeton, 1974, p. 408 and next.

<sup>2</sup> see Neville Brown, *The Future Global Challenge. A Predictive Study of World Security, 1977-1990*, Royal United Services Institute for Defence Studies, Whitehall, London, Crane Russak & Company, Inc., New York, pp. 3-60; 157-381; Correlly Barnett, *Strategy and Society*, Manchester University Press, Manchester, 1975; Nils Skold, *Defence Policy for the 1970s and 80s*, The Ministry of Defence, Stockholm, 1974, p. 60 and next

<sup>3</sup> see J. C. Kapur, *India in the Year 2000*, India International Centre, New-Delhi, 1975; E.E. Mahaut, *Canada and the European Community: The New Policy*, in L.A., vol. 52, nr. 4, October 1976, pp. 551-564, William Rees-Mogg, *The Reigning Error*, Hamish Hamilton, London, 1974, p. 68 and next; E. Colin S. Gray, *SALT: Time to Quit*, in *Strategic Review*, vol. VI, nr. 4, Făli 1976, p. 14 and next; L.F. Damrosch, D.J. Scheffer, eds., *Law and force in the new international order*, Rev. by J. Manas, Harvard Intl. LJ, 36, 1995.

<sup>4</sup> A. James Gregor, *op. cit.*, p. 408 and next.

<sup>5</sup> It is known that - on the grounds of historical experience - war has been defined as being *an instrument of decision* in major conflicts concerning possession or the distribution of certain values. It decides in an imperative manner "who is the one who takes and who is the one who keeps". Still, it has been proved at the same time, that in the case of certain armed conflicts we might face a multitude of interests of various nature (Th. C. Schelling, *The Strategy of Conflict: Prospectus for a Reorientation of Game Theory*, in J. C. R., nr.2, 1958, pp. 203-251); see L.F. Damrosch, D. J. Scheffer, *cit. op.*

<sup>6</sup> Doc.A/C6/34/L 7, p. 3

<sup>7</sup> It is known that in its classical *definitions*, peace is the type of international relations that exclude armed violence and is characterized by the absence of war between peoples and States. According to G. Bouthoul's conception "peace represents the natural state of a sovereign human group, endowed with political autonomy, whose mortality does not involve a part of organized and directed collective homicide" (Definition et delimitation de la paix, in E.P., nr. 11, 1974, p. 50).

<sup>8</sup> Several researchers underlined the importance that economic interests had in generating conflicts and tensional state (see G. Bouthoul, *De l'agressivite a l'animosite*, in "Guerres et paix", nr. 2, 1996, p. 24; see Jan Tinbergen, *Restructuring International Order*, Edit. Politică, 1978, p. 56 and next). In studies on Belgian trials it has been made a distinction between a. *structures* – either spiritual or material; b. *circumstances* – force balance at an international scale, different social group relations; c. *occasional causes*, while certain authors – like W. Mc Dougall – drew attention to the role played by the instincts of domination, submission, and those of possession and aggressiveness. Jan Tinbergen – by analysing the chances to mankind's survival – showed that "the problem to be questioned is not whether passing from a war economy, to a peace economy but that of making the passage from a *belligerent mentality to a peaceful one*". Furthermore, he emphasized the "it would be a real disaster if this conclusion were inferred only from the ruins of a nuclear holocaust" (Jan Tinbergen, *cit. work*, p. 78, underl. ns.).

<sup>9</sup> The doctrine underlined the need that – in order to maintain and achieve peace – armed confrontation should be studied minutiously. As it is only the acquisition of a deep knowledge of war etiology that makes possible to find "proflactic techniques" and necessary "therapeutic" means, in general (see the research made by H. Savon, for instance, in E.P., nr. 4, 1972, p. 11 and next).

<sup>10</sup> *Relationships between disarmament and development*, A/51/45 D of December 1996 and A/52/600 D of 9 December 1997.

<sup>11</sup> *General and complete disarmament*. A/52/600 of 9 December 1997.

<sup>12</sup> see Leopold Kohr, *The overdeveloped Nations*. Schocken Books. New York. 1978. p. 9 and next; Wilfrid L. Kohl, *Economic Foreign Policies of Industrial States*, Lexington Books, 1978, p. 21 and next.

<sup>13</sup> *Action to be taken dedicated to the 1999 centennial of the first International Peace Conference and the closing of the United Nations Decade of International Law*. A/52/647 of December 1997.

<sup>14</sup> Javier Perez de Cuellar, *Statement at the twelfth special session of the General Assembly*, doc. A/S - 12/PV. 1, in June 7, 1982.

<sup>15</sup> see Riccardo Monaco, *Manuale di Diritto Internazionale Pubblico*. II edizione, Unione Tipografica - Editrice Torinese, 1977, p. 5 and next

<sup>16</sup> Edwin Glaser, *Participation in International Life – a right and obligation of each state*, in *Towards a New International Order*, Edit. Politica, Bucharest, 1976, p. 448 (underl. n.s.).

<sup>17</sup> Gheorghe Moca, *Public International Law*, vol. I, University of Bucharest, Faculty of Law, Bucharest, 1977, p. 3 (underl. n.s.)

<sup>18</sup> see *United Nations Decade of International Law*, A/52/647 of 15 December 1997.

<sup>19</sup> *Ibidem*.

<sup>20</sup> Resolution 3281/XXIX, of 12 December 1974.

<sup>21</sup> see A/52/647 of 15 December 1997.

<sup>22</sup> *Ibidem*; see United Nations Decade of International Law, A/52/647 of 15 December 1997.

<sup>23</sup> John Courtney Murray, *Morality and Modern War*, Church Peace Union, New York 1959, p. 40 and next. See Paul Ramsey, *The Limits of Nuclear War*, New York, 1963, p. 15 and next.

<sup>24</sup> See P. Craig, Ed.: C. Harlow, Ed., *Lawmaking in the European Union*, Sweet & M., 1997.

<sup>25</sup> Gheorghe Moca, *cit. work*, p.9 (underl. en.).

<sup>26</sup> See A/52/647 of 15 December 1997.