

THE SPREAD OF A CULTURE OF PEACE IS THE PATH TO PEACEKEEPING THROUGH LEGAL TEXTS: ENHANCING THE ROLE OF EDUCATION

Forat Salih

Ms., Peoples' Friendship University of Russia, Russia, Email: 1042208029@rudn.university,
Gmail: forat4385@gmail.com

Abstract

Spreading a culture of peace in societies goes through the definition of peaceful means and methods for settling disputes. This can be done at the internal level by reforming the justice agencies and building citizens' confidence in them, and organizing and restoring traditional ways of resolving disputes and conflicts through reconciliation and dialogue and Education in order to spread a culture of peace and tolerance in contemporary societies which has become an urgent necessity. Today, education is required to aim at resisting the influence of factors that lead to fear and exclusion of others, and at helping young people to develop their capacities for independence of opinion and critical and moral thinking. Policies and programs should contribute educational curricula and other educational materials in promoting understanding, solidarity and tolerance among individuals and combating violence and extremism. The emergence of democratic culture at the global level is hoped to achieve this goal. In our opinion, the culture of peace is one of the pillars of the culture of democracy. Democratic behaviour is peaceful behaviour. It renounces violence whatever it is, except for legitimate self-defence, which is a natural right, and uses discussion, dialogue and persuasion as a means of dealing. Education aims to develop concepts of education for peace, a better human future, international cooperation and solidarity on the basis of justice, equality, interaction and mutual respect among all nations and peoples. UNESCO stresses that if the goal of education is to raise the level of educational attainment, the most important thing is to link education with life skills in order to prevent violence and build peace. The author addresses the situation at the level of national law, international law and other cultural data related to peace.

Keywords: culture; peace; violence; legal texts; maintaining educational curriculum

1. INTRODUCTION

Since his existence on earth, man has dealt with force and violence as an instinctive means to ensure his survival. In ancient societies, the language of weapons was the most effective way to resolve disputes over water points and pasture areas and to protect different interests. Since it is natural, in a decentralized society, that every being, according to instinct, uses all his powers to protect or restore and preserve his rights. Suffering from the scourge of wars and invasions and all aspects of occupation, colonialism and enslavement is what marked the lives of peoples. Each era was distinguished by its justifications for the use of violence and force, and the arguments were mostly political, with the rulers keen to entice the subjects. In recent times, and especially since the beginning of this century, man has begun to discover that he is the biggest loser every time he fought in the midst of war and participated in its end. With the growth of the concepts of the international community, the rights of nations, and human rights, other concepts began to recede regarding victory in wars, defeat, and issues of spoils and the like. The United Nations is concerned

with the role that education can play in promoting global citizenship. Therefore, it was necessary to Proclaim the International Day of Peace in September 1981. On this day, the United Nations calls on all combatants around the world to lay down their arms and provide a real opportunity for peace and to commemorate this day by educating and raising public awareness of issues related to peace. It is not enough to teach children to read, write and calculate, but education must spread respect towards others and towards the world and help people build more just societies that will be more inclusive and peace, and this type of education is the core of the Education First initiative launched by nations worldwide, which calls on governments to put education at the top of their agenda. It is noted that there are fifty-seven million children who are still deprived of education, and millions more are in need of a better education, as the Pakistani student Malala said Yousafzai, who was subjected to an assassination attempt by the Taliban for her struggle for the right to education before the United Nations, one teacher, one book, one pen can change the world. The international community initially tended to try to alleviate the scourge of wars and avoid the pain suffered by humans as a result of the use of force. The Hague organizations succeeded after the International Conference of 1864, and the role played by the International Red Cross in the humane treatment of war victims, and then improved the conditions of prisoners Alleviating the suffering of the wounded, determining the situation of civilians and those not participating in the war effort, and on the other hand regulating and limiting means of warfare based on the principles of international humanitarian law. The second front that was opened is the ambition for peace and attempts to preserve it through legal texts. Firstly, in response to global political development, the matter has tended to consider that peace complements basic human rights. Secondly, societies are now moving to talk about a culture of peace because it is a guarantee of the realistic effectiveness of the texts which it guarantees.

2. KEEPING PEACE THROUGH LEGAL TEXTS

Peace in international law is the state of non-war and abstention from the use of force among nations. In order to achieve a permanent and continuous state of peace, in addition to trying to eliminate the causes of war, the international community has begun to enact legal texts aspiring to prevent resorting to war through the League of Nations system and its subsequent texts after the First World War, then Replaced by the Charter of the United Nations after the Second World War. League system in the protection of peace and security in the world. Politicians consider the League of Nations system and after that the Paris Contract of 1928 as a turning point in the field of maintaining security and protecting peace in the world. The process of organizing to confront war, in and of itself, is a novelty. For the first time, some nations are trying to avoid future wars, and an international organization is set up for that purpose. The failure of this system does not detract from its importance as a first initiative that has its value in intellectual development to establish a legal system to maintain security and coordinate efforts to live in a state of peace. The League's deed only partially forbids war, and the "Waldoks" conclude the possibility of resorting to war under that system in the following three cases:

- In the event of the failure of the other disputing States or their declaration of their unwillingness to implement an arbitral award, an international court ruling, or a decision of the Council of the League unanimously.
- If the League Council fails to reach a unanimous decision.
- The state of claiming national jurisdiction.

These cases formed serious gaps in the League of Nations system that allowed some regimes to pursue aggressive and expansionist policies that resulted in the Second World War. Talking about this period would not be complete without referring to the Paris Contract of 1928. The contract consists of two paragraphs as follows:

- The parties, in the name of their peoples, denounce the resort to war as a means of national policy in their relations.
- The Parties agree that all disputes among themselves, whatever their nature or origin, shall be resolved by peaceful means.

This contract is of special importance for several reasons, including: Its content is more extensive than the League's system in the area of prohibiting war. The contract forbids all forms of war whenever it is an instrument of national policy. Encouraging countries to try to resolve their differences through peaceful means in order to avoid war. However, signing the contract outside the League system made it not disappear with the demise of this organization. Rather, it remained open for other countries to sign and accede, and it is in effect until now, as the number of its parties reached 65 countries at the beginning of the seventies.

3. MAINTAINING PEACE AND SECURITY THROUGH THE PROVISIONS OF THE UNITED NATIONS CHARTER

“The main objective and purpose of the Charter of the United Nations is to maintain international peace and security...” See the first paragraph of Article 1 of the Charter. The charter did not skimp on listing the principles aimed at achieving this main objective. In particular, the fourth paragraph of Article 2, which states that “all members of the Commission shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any other country or in any other manner inconsistent with the purposes of the United Nations.” It is noted that the charter, in the field of prohibiting violence in international relations, avoided the use of the expression “resort to war,” due to the shortcomings associated with its interpretation. The term “use of force” contained in the charter is more comprehensive, as it covers all cases of the use of force directed against the political independence and territorial integrity of another state, and all acts of aggression, threats to use force and prejudice to state sovereignty. The most likely opinion is that the expression “...or in any other way inconsistent with the principles of the United Nations” at the end of the above-mentioned paragraph indicates the prohibition of economic and political pressures as well. These pressures may have more impact on the sovereignty and political independence of the state. See Article 33 of the Charter. This comprehensive and complete prohibition of all forms of violence and coercion between states is only valid if it is compensated by means that allow for a peaceful resolution of international disputes and conflicts. In this regard, the third paragraph of Article 2 states that “all members of the Commission shall settle their international disputes by peaceful means in a manner that does not endanger international peace, security and justice.” The intended peaceful means here are negotiation, investigation, mediation, conciliation, arbitration, judicial settlement or peaceful solution through regional organizations or any other peaceful means agreed upon by the parties.¹

In addition to all this, a system of collective peace and security was built through the institutions and branches of the United Nations Organization. It may eventually reach the repressive use of force by the Security Council against any state under Chapter VII of the Charter 12 and there are other exceptions to the principle of prohibition of violence related to legitimate defence contained in Article 51. It should be noted that this system despite its integrity. It has been subjected to different tremors and given different interpretations of some of its texts. Especially those related to the maintenance of peace and security. We have seen the inaction of the Security Council, which was shackled by the "right of veto" in the period of the East-West conflict. While its heart overflowed and its decisions continued in the last decade of this century, in light of the unipolar and dominance of the United States of America and the laying of the pillars of globalization. The issue of peace is now developing in other directions.

4. PEACE AS A HUMAN RIGHT

In the past, war was fought on the battlefield between the regular armed forces. In light of that, various texts and principles for regulating combat operations and the means of the warring parties developed in that. The astonishing development in the means of war and weapons, whether in terms of destructive power, or techniques for managing operations, was thought to aim at saving civilians and avoiding injury to individuals not participating in the war effort, but in both the Gulf War and Kosovo it turned out to be the opposite. Civilians paid the most expensive. The great development in the capabilities of the media, which is presenting the war directly on television and radio waves, changed the world public opinion of the war and its consequences. Where the demand for peace has become a right of individuals and not only an obligation among states, and the rules of peacekeeping have a peremptory nature, and finally the result is the arrangement of personal responsibility on individuals in the event of a violation of these rules.

Public international law addresses its audience, foremost of which are states. Neither the obligation nor the right is directly directed to the individual, but rather needs to pass through the legislative and executive capabilities of the state. This classic idea is constantly changing. It is clear that the individual derives his rights directly from international law in the field of human rights. This feature prompted a part of jurisprudence to consider peace from the third generation of human rights. In fact, among the basic human rights, the right to life and liberty. Considering that a state of war or any form of violence threatens these rights, only a state of peace can guarantee the best realization of these basic rights. Peace is, in fact, a necessity to improve all the rights contained in the two human rights conventions of 1966. Whether they are social, economic and cultural rights, or civil and political rights.

The right of peoples to self-determination as a collective right has gradually turned, after the completion of the decolonization process, to a collective and individual internal right represented in the right to live under a

¹ See in particular Articles 39, 41 and 42 of the Charter.

pluralistic democratic system. The right to peace, as a universal right related to the survival of peoples, occupied its place as getting human rights in democratic countries. Although the political decision to resort to violence and weapons, due to its nature, does not always pass through all the organs expressing the opinion of the people. The practice in various countries tends to convince the masses of the necessity of the matter and its political feasibility. On the other hand, it is assumed that democratic countries do not resort to armed conflict except in the case of legitimate defence. But the powerful countries tried to search for the legitimacy of the war decision in the fact that it confronts and resists acts that are illegal in their view. These actions often threaten democratic regimes. And it is the predominant claim in the last era.² In any case, peace is a prerequisite for the enjoyment of the rights guaranteed by the Universal Declaration of Human Rights in Articles 3 and 28, as well as Articles 6 and 20 of the 1966 Civil and Political Rights Convention. It is related to the right to security and the right to life (SENSE, Salvatore. - p.198.) and this is sufficient to be certain. That the right to peace is a human right.

5. PEACEKEEPING RULES ARE PEREMPTORY IN NATURE

Article 53 of the Convention on the Law of Treaties of 1969 states that in the application of this treaty, the peremptory nature of some rules of international law makes them a higher rank, and leads to the nullification of all agreements that contradict or contravene them, concluded by states and whose provisions do not have the same nature.³ In order to clarify these rules in international law, it is customary to give various examples related to crimes against humanity defined by customary international law, such as the prohibition of piracy. And the extermination of the human race, and racism, and the rules for the protection of human rights, and it is noted that all the examples and cases mention the provisions prohibiting the use of force and the threat thereof and acts of aggression as being at the forefront of jus cogens. Accordingly, the provisions for maintaining peace and security are among these rules. The command and peremptory characteristic of the texts and rules of the protection of peace gives them more weight, and that is what prompted the classification of aggression and disrespect for them among international crimes and the arrangement of personal responsibility for that.

6. ARRANGING PERSONAL RESPONSIBILITY FOR THE BREACH OF PEACE

Crimes against peace are among the acts that have been criminalized at the international level, and the perpetrator is guilty at the international and internal levels, and diplomatic protection cannot be invoked. Nor immunity on the grounds that the perpetrator of this type of crime was in the service of his state and his task was limited to the implementation of the orders of the public authority in the state. Personal responsibility for crimes against peace is the highest degree of development that international law has reached in the field of peacekeeping and security. The responsibility of the aggressor state does not negate the responsibility of individuals for crimes against peace. Double responsibility applies here. These crimes were among the charges included in the Nuremberg and Tokyo trials after World War II. The Statute of the International Criminal Court, which was adopted in Rome in 1998, included the crime of aggression, which may correspond to crimes against peace. (Articles 6, 7 and 8 of the 1998 Rome Treaty) includes the Statute of the International Criminal Court. The statute of the new court defined three of the four crimes under the jurisdiction of this court but the problem of defining aggression and therefore crimes against peace remains unresolved.

This is as long as the issue of competence to define aggression has not been resolved within the framework of the United Nations organs. The Security Council has the right to define aggression in accordance with Article 39 of the Charter, while the General Assembly, which has general competences, defined aggression in 1974 under Proclamation No. 331424. The position of the International Court of Justice in the case of US military activities in Nicaragua did not solve the problem. The Court considered that the 1974 definition of aggression is an indication of the content of customary international law. It includes what was called indirect armed attacks at that time by an "armed group" or irregular forces.⁴ In addition to this, the violation of the national jurisdiction of the state or the use of force against it in contravention of the principles of the United Nations. Accordingly, the definition of crimes against peace is linked to the solution of this problem.

7. BUILDING A CULTURE OF PEACE ENSURES THE REALISTIC EFFECTIVENESS OF THE TEXTS THAT GOVERN IT

The stage of transition from sterile legal texts. The political interests of the great powers often succeeded in stopping the wheels of putting them into force, imposed by the social need for peace firstly. This is

² (HERMEL, Guy- culture et démocratie - UNESCO, 1993.-p.223).

³ (The Effectiveness of International Treaties. - p. 228).

⁴ (1986 decision of the court. - p. 108.)

distinguished by the revival of religious and ideological data that encourage peace secondly. A culture of peace requires the exclusion of violence and force outside the legal framework at the national level as well thirdly. These methods make efforts to achieve peace effective and realistic. Social need for peace: The consensus is reached at the level of democratic political thought that peace is a social necessity that guarantees the establishment of balanced relations among members of the same society, and normalizes interactions between different societies, especially since everyone enjoys a state of peace. During nearly a century of organizing and developing legal texts to eliminate wars, prohibit the use of force in relations between nations, and avoid the calamities they are exposed to, satisfactory results have not been obtained.

Despite the United Nations system's foresight to achieve peace and security in the long term through economic and social development to bring the standard of living closer among different peoples, and thus avoid the causes of tension and resort to violence, the international community has begun to realize that peace in itself is one of the conditions for achieving Economic and social development. Peace at the international level is all linked to peace at the national level. One of the elements of elevation to the latter is the guarantee of basic human rights and democracy. One of the writers says that the dictatorial regime can make war according to its whims, while the rulers in democracies lack this terrifying privilege.⁵

8. STRENGTHENING THE ROLE OF EDUCATIONAL INSTITUTIONS IN SPREADING THE CULTURE OF PEACE

This strategy has a great impact, as it is directed to the largest segment of society, which is the segment of the educated and the seekers of knowledge. Therefore, it is necessary to establish basic building blocks according to which these institutions work, which I will refer to briefly. First, the openness of educational institutions to civil society. Second, developing teachers and supervisors of educational institutions. Third, reviewing and developing the function of religious education institutions. Together with Reviewing religious books presented to students to ensure that they are free from errors and any texts that raise sectarian tensions. Fourth, reviewing and developing general education courses and study plans. Fifth, Protecting learners from the impact of educational programs directed towards hate speech and exaggeration. Sixth, Develop educational curricula aimed at development based on the values of coexistence, peace and dialogue.

The Global Campaign for Education for Peace has two goals, the first is to build public awareness and political support for the introduction of peace education in all fields of education, and the second is to train all teachers to teach for peace, and this trend towards integrating a culture of peace in educational institutions is an international and local demand at the same time. Education aims to develop the concepts of education for peace, a better human future, and international cooperation and solidarity on the basis of justice, equality, interaction and mutual respect among all nations and peoples. UNESCO stresses that if the goal of education is to increase the level of educational attainment, the most important thing is to link education with life skills in order to prevent violence and build peace, and this includes three areas. The second is the field of attitudes and attitudes. Here the teacher stands at the students' attitudes, attitudes and perceptions about the concepts of peace and violence, how to manage crises, encourage them to dialogue and support democratic solutions that enshrine the principle of justice and equality. The third area is the field of conflict management skills, crisis analysis and communication skills. The emergence of democratic culture at the global level is hoped to achieve this goal. In our opinion, the culture of peace is one of the pillars of the culture of democracy. Democratic behaviour is peaceful behaviour. It renounces violence whatever it is, except for legitimate self-defence, which is a natural right, and uses discussion, dialogue and persuasion as a means of dealing.

9. CONCLUSION

Cultivating a culture of peace through education is important because education supports the values of truth, equality, understanding and peaceful coexistence. Therefore, education is one of the most important means to overcome the evil of ignorance and hatred. Through education, full awareness and knowledge of other cultures is achieved, and learning how to respect and appreciate cultural and religious differences. It allows convergence in another way rather than settling differences. At a time when the United Nations calls for world peace, the world is still witnessing great changes and has become an urgent need to achieve peace as a result of the exacerbation of wars and conflicts, the emergence of weapons more deadly to humanity, attempts to impose control by force of arms, and the emergence of a number of international dangers that transcend in their repercussions, manifestations and dimensions the borders of countries that threw With their shadow on the future of international peace and security such as international terrorism, exacerbation of

⁵ (HERMEL, Guy. - *ibid.* - p. 224.)

ethnic conflicts, poverty, drug smuggling, environmental pollution, in addition to the slowdown in economic growth, the world has lost the meaning of peace in front of these situations.

Finally spreading a culture of peace in societies goes through the definition of peaceful means and methods for settling disputes. This can be done at the internal level by reforming the justice agencies and building citizens' confidence in them, and organizing and restoring traditional ways of resolving disputes and conflicts through reconciliation and dialogue and others. The solutions here lighten the burden on the official bodies and on the other hand are more efficient, and they are easy to implement because they are conciliatory. And what strengthens the effectiveness of these peaceful means is that most of them are based on religious teachings. Thus, we conclude that the development of a culture of peace, brotherhood, and accord is the practice of a religious ritual. The culture of peace calls for the exclusion of violence at the national level through political texts and practice. All of the above-mentioned legal texts concerning relations among nations, which are bound by the provisions of the Charter of the United Nations on the basis of membership in this world organization, or on the basis of customary international law for non-member states. That is because the consensus is based on jurisprudence and jurisprudence that all the principles related to maintaining peace and security in the world are from international customary law. The obligation of states to implement the provisions of the Charter relates to their relations, and it is not related, in principle, to security and other problems that may occur within the state, based on the text of Article 2, paragraph 7 of the Charter of the United Nations, which states that "Nothing in this Charter is (The United Nations) may interfere in matters which are within the internal jurisdiction of a State. There is nothing in it that requires Members to submit such questions to be resolved by virtue of this Charter, provided that this principle does not prejudice the application of the measures of repression contained in Chapter VII. This paragraph guarantees that it will not interfere with the national jurisdiction of any country under any justification. This is in order to preserve national sovereignty and to respect the principle of equality among states. To conclude reforming societies is a task entrusted to us as individuals. We work in all areas affecting society, based on human or legal responsibility, without the concerted efforts of individuals and the state. It is not possible to create a society free of violence, chaos and crime. Last but not least, spreading awareness and concepts of these legal texts ensures the success of their implementation at the national and international levels, taking into account not ignoring the right of peoples to understand the true interest of the enactment of those laws as well as the political interest on which they depend.

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