

Original Article

The Human Right to Peace with Specific Reference to the Conflict between Russia and Ukraine

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Manuscript ID:
BN-2026-030702

ISSN: 3065-7865

Volume 3

Issue 7

July 2026

Pp. 5-10

Submitted: 05 June 2026

Revised: 20 June 2026

Accepted: 10 July 2026

Published: 31 July 2026

DOI:
10.5281/zenodo.22142708

DOI link:
<https://doi.org/10.5281/zenodo.22142708>



Quick Response Code:



Website: <https://bnir.us>



Abstract

Peace is a condition characterized by the absence of human violence and conflicts. The presence of peace is often indicative of progress and success in a society. Peace is often regarded as the foundation of civilization, fostering stability and progress. Conversely, war is commonly seen as a force that brings about destruction and chaos. The progress of civilization and development is hindered in the absence of peace within a country. During times of war, a nation's energy and resources are fully utilized to defend itself. Hence, after decades of ongoing efforts dating back to the 1970s to establish peace as an essential human right, the "UN General Assembly adopted the Declaration on the Right to Peace in 2016". This very declaration acknowledges that global peace and domestic peace are considered human rights, which encompass specific as well as shared aspects. The Declaration is a component of broader UN efforts to promote peace and prevent armed conflicts. Its purpose is to cultivate an environment of peace and contribute to the sustainability of peace worldwide. This research examines the appreciation of the right to peace as a human right and the potential challenges that may arise during its implementation. It also includes in-depth discussions on the conflicts between Russia and Ukraine. (Turan, 2023)

Keywords: Peace, Human Rights, Conflict, United Nations, Russia & Ukraine

Introduction

From the beginning of this world, we are taking peace of others for our own interest, desire, and happiness. Peace is something that every individual being in this world wants and searches for. Without peace this world will be like a hell. Peace is such a lovable word that some people in this tiny world is thirsty for. The world hasn't seen any real peace yet and human beings haven't been allowed to have this right at all. The following points will give you a hint about peace as human right which is neglected at particular incidents. First, the period of colonization where great empires around the world were conquering the small and ungoverned nations. Notably, the people of these nations didn't have access to any kind of human rights. So, we ourselves lead peace go far away from us. In the same connection, people were frightening daily and nightly from the cruelty of emperors. People who disobeyed were taken into custody by the royals. All in all, people were slaves of the royals. After the era of colonization, this beautiful planet was hit by world wars. In the course of world war I and II, thousands and thousands of people were left peace-less, and this precious right of the human beings were once again taken away from them but still some countries proud to be the winners of world wars.

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How to cite this article:

Singh, M., & Neeraj. (2026). The Human Right to Peace with Specific Reference to the Conflict between Russia and Ukraine. *Bulletin of Nexus Journal*, 3(7), 5–10. <https://doi.org/10.5281/zenodo.22142708>

In reality, they are losers not winners they have lost precious human beings along with peace and harmony of the world. (Bilder, 1980). The world wars then gave way to the Cold War and guerilla warfare. The unending guerilla conflict has destroyed homes, families, and nations all around the world. Similar to this, citizens want peace wherever these battles are raging. Some individuals were born and died over the course of this continuing battle, never experiencing true peace. This world is experiencing a "black drought" of conflict and instability that is encroaching on the world's calm areas. Although peace is a human right, we have taken it away from others. Furthermore, we are to blame for the instability and conflict that exist on our planet. Others have lost their right to peace because of our own interests, our own power, and others. These conflicts result solely in human casualties rather than any gains. Crossing our fingers for harmony and security. A fascinating developmental history characterizes the human rights movement. It has gone through the conception, transition from soft law to hard law, and content expansion stages. We encounter a new stage of growth in this process, often referred to as the internationalization and universalization of human rights. And as of right now, we assert that not only have there been three phases of generational growth in human rights, but that the fourth generation of rights is now pleading with society for recognition. (Constitutional Basis of Right to Peace Regulation, 2018). The right to peace is a component of the solidarity rights, which also include the rights to progress, to the environment, to the shared legacy of humanity, and to free and open expression. Additionally, as researchers from developing countries come to terms with their role in studying and researching third-generation human rights, there has been a scarcity of literature on the substance and mechanisms of solidarity rights, which is certainly ripe for further investigation.

Human Right of Peace

The human right to peace recognizes peace as an essential condition for the enjoyment of other human rights. It emphasizes the collective responsibility of states and the international community to prevent conflict, violence, and insecurity. The recognition of peace as a human right reflects the broader development of solidarity or third-generation human rights. It also highlights the importance of international cooperation in promoting peaceful coexistence and protecting human dignity.

Collective Right to Peace

Whenever anyone says about the right to peace, we imply that we have already included this right into our collection of HR (Human Rights). On the 12th of November in 1984, the UN made proclamation about the "right of people to peace in their Declaration on the Right of People to Peace:

The General Assembly Recognizing that the maintenance of a peaceful life for peoples is the sacred duty of each state.

1. Solemnly proclaims that the people of our planet have a sacred right to peace.
2. Solemnly declared that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each state.

The language's failure to distinguish between the bearer and the recipient of the pledge to protect the right of all people of our planet to peace gave rise to more pressing legal issues. The former claims that each state has a basic responsibility and holy duty. A collective right, equivalent to the right of individuals to self-determination", is the subject or bearer of the right, according to the Declaration. But closer examination shows that it is really two collective rights: the right of people, the right of all of humanity, and the collective right of all people on the planet. It was meant to be a right that could be claimed by everyone, not just one individual, as seen by the use of the plural and allusions to the world. (Uttarakhand Government, 2023)

Third Generation Human Rights

The right to peace is a 3rd generation human right and acknowledged as representing a fresh idea in the global affairs of human society. Its achievement requires coordinated efforts from all community members throughout the world. It serves more than just a merely theoretical purpose; it also advances international relations in a necessary way. It often attempts to describe the preferred path of HR development in international law by synthesizing new human ambitions. The third generation of HR, or peace, is historically the next stage in the fundamental ideas guiding that field of HR research. The subjective, objective, and implementational aspects of a new HR system pose fundamental challenges to qualifying under the established definition of HR. This raises the basic issue of whether HR is referenced by and accepted in terms of the "right to peace. It goes without saying that the preservation of values, which is the subject of solidarity rights, may be effectively promoted outside the conventionally defined system of HR; yet, there are good reasons to associate the solidarity right with HR." In terms of legally enforceable standards, the rights of the third

generation have not yet been acknowledged as being established. (Langille & Roche, 2004) In contrast, the right to peace illustrates the fundamental necessities of social existence, and as a result, its political content is much diminished. Both communal and individual rights are seen as belonging to this right. It is unclear whether collective rights may be considered human rights. In Kantian terminology, it is possible to claim that all national creatures, including collectives, are entitled to a priori rights in addition to individuals. The communal claims often end up becoming society's counterclaims against individual rights and may consequently have an adverse effect on such rights. The so-called solidarity rights of the third generation are more closely tied to the integration of efforts and shared dependency within the group, or solidarity, than to the traditional inventory of positive and negative freedoms. Persons, local persons, local and regional collectivities, as well as the global human society, are the subjects of solidarity rights. An idea with so many levels is a reaction to synthesis rights. Therefore, the complexity of execution determines a varied subjective formula. Third-generation HR's goal incorporates values with an international flair. Peace, economic growth, and environmental conservation cannot all be achieved by isolated national or even regional solutions. Their sheer nature dictates the need for extensive and intense global collaboration motivated by a strong feeling of global solidarity. However, it assumes that governments will limit their portion of freedom for the sake of all humanity while maintaining their right to sovereignty. The idea of a fair and equitable international order implies a compromise between equality and freedom rather than unrestricted state sovereignty. The third generation of HR has accepted the safeguarding of these principles, perhaps as a response to the inadequacy of governmental initiatives. The strategy is more successful than the conventional techniques since it has been developed with regard to humanitarian law and the right to peace, as HR is acknowledged as one of the components of a battle for the fulfillment of universal ideals.

U.N. Outline of right of Peace

Peace is the most significant and common human ideals. During World War II, terrible atrocities and brutal devastation were done. It was understood that there was an urgent need for peace, and that after peace had been established, HR could only be safeguarded and promoted by a worldwide organization. The UN Charter emphasized its desire to defend future peers from the fear of such conflict and to reaffirm trust in basic human rights

in this respect. To achieve these goals, it was necessary to demonstrate tolerance, coexist peacefully as good neighbors, and pool resources to uphold global peace and security. (Shestack, 1984).

Charter provisions

The preservation of world peace and security is the first and most crucial of the UN's four stated goals. This objective is stated in Art- 1(1) of the United Nations Charter (Hereinafter UNC), and it additionally highlights the need for united effort in order to avoid and eliminate dangers to the harmony and to modify or resolve any international conflicts or situations that could end in an infringement of the harmony through peaceful means and in keeping with the tenets of justice and the rule of law. The Charter states in Article 1(2) that the purpose of appropriate activities is to contribute to the maintenance of international peace. The wording pertaining to peaceful resolution also varies from that of later corresponding pieces in that it emphasizes a resolution in line with justice and universal law more so than do the requirements of Art. 2(3). According to Article 2(3) of the U.N. Charter, "all Members shall settle their International Dispute by peaceful means in such a manner as to not endanger International Peace and Security and Justice." The verb "shall" have been used. Therefore, only peaceful tactics must be used by all states to resolve their differences. Regarding the need to resolve conflicts whose continuation would jeopardize world peace; diverse opinions have been offered. Some people hold the opinion that the organization only cares about the more severe disagreements and that its members are not required to try to resolve less significant disagreements. It is argued that the need to seek a peaceful resolution is not met unless the parties are willing to accept a reasonable settlement since the demand that justice not be jeopardized provides a foundation for this. "The organization shall ensure that states which are not members of the United Nations act in accordance with these principles to the extent that such action may be necessary for the maintenance of international peace and security," declares Art. 2(6). In order to preserve international peace and security, Art. 2(6) also requires non-members to behave in conformity with UN chapter principles. Every country is required by law to uphold world peace, according to a combined interpretation of Art. 2(3) and 2(6). Additionally, every person has the right to assert their right to peace against their sovereign. Therefore, the inherent and universal right to peace is a fundamental component of human rights.

Declaration on the Right to Peace in 2016

The concept of peace outlined in the Declaration is predicated on 'socioeconomic development,' respect for human dignity along with all human rights, as well as participatory procedures and discussion, or democratic rule, as a route to conflict resolution through enhancing 'mutual respect and collaboration' amongst stakeholders involved. (Turan, 2023)

Indian Legal System

Naz Foundation vs Government of NCT and others, the court observed that "The Constitutional safeguard of human dignity expects us to recognize the worth and value of all people as an individual member of our society." All Indian people will enjoy a peaceful, honorable existence free from disturbing influences. Union Territory of Delhi v. Francis Coralie, the court made the following observations: "The basic necessities of life adequate nutrition, clothing, and a roof over one's head, as well as access to facilities for reading, writing, and expressing oneself in a variety of ways, as well as the freedom to move around and interact freely with other people are all included in the right to life. This right must also include the ability to perform the acts and activities that make up human dignity." (Naz Foundation, 2009) (Francis Coralie Mullin, 1981)

Challenges to the Right to Peace

1. Geopolitical aggressiveness and intransigence:

The duration of wars increases when regional and global powers provide assistance to proxies fighting in other countries' hostilities. Wars such as those seen in Yemen and Syria are good examples of this.

2. The practice of rebranding wars as counterterrorism battles:

This tendency leads to the elimination of the factors and actors that stoke the flames of conflict, as well as a reduction in the space that is necessary to foster peace. This has occurred in a number of different countries, including Egypt, Turkey, and others, including well-known cases such as Syria. The suppression of political dissent and dissidents by the government under the pretense of counterterrorism leads to a rise in violent conflict rather than a reduction in its likelihood. Although they have been justified as efforts to fight terrorism, safeguard civilians, or replace renegade governments, interventions by the military and changes in regimes have often failed to produce long-lasting stability or destroy fundamentalist groups. In spite of the fact that this has resulted in a profound lack of faith in interventionism, there are enormous risks involved in giving up on the idea of

supporting constructive, nonviolent change in the face of tyranny.

3. Concerns about forced migration:

As desperate people flee conflict zones, the repercussions of forced migration are felt most sharply in neighboring countries, which are making the most of the situation despite the difficulties it presents. In the meantime, western countries are working quickly to reach an accord that will strengthen borders and the armed forces in transit nations. This is being done in an effort to defend their borders and prevent the problem from spreading further. However, this policy of train, equip, and ignore, much like the Khartoum Process implemented by the EU, does not address the fundamental issues that are at the heart of the problem.

4. Challenging humanitarianism:

There is no getting around the fact that assisting other people is a challenging endeavor. Despite having limited resources, the United Nations and other organizations are making significant efforts to provide assistance to victims of violent crime. Nevertheless, they are not yet skilled at preserving humanitarian values, supporting crisis prevention, or allowing people touched by humanitarian catastrophes to take the lead in situations when they need to make decisions. If members of the UNSC continue to choose to attack hospitals or target relief convoys, whether directly or via friends that they help, it is quite doubtful that anything will change. (Broussard et al., 2019)

Russia & Ukraine: A Human right crisis

War between Russia and Ukraine has been devastating to human life ever since Russia launched a full-scale invasion of the nation in 2022, resulting in the deaths of tens of thousands of people, the destruction of hundreds of thousands of buildings and other infrastructure, and the disappearance or capture of countless more. There is a large number of violations of international humanitarian law perpetrated by Russian forces, such as the excessive and random bombardment and bombardment of civilian areas, which led to the collapse of whole neighborhoods and the loss of countless houses, hospitals, and schools. Some of these actions may constitute war crimes, and they ought to be investigated as such. In the lands they occupied, Russian or Russian-affiliated soldiers committed what seem to be war crimes, such as as assault, executions without trial, assaults on women, compelled disappearances, as well as the looting of cultural artifacts. Those who tried to flee conflict zones had horrifying ordeals and many obstacles, while Russian military forcibly relocated

a large number of Ukrainians to Russia or Russian-occupied portions of Ukraine, subjecting them to severe security inspections. The Russian military committed war crimes by repeatedly targeting electricity and other critical infrastructure in Ukraine with the apparent intent of terrorizing civilians and making life in the country unbearable. (Amnesty International, n.d.)

According to Amnesty International, Russia's invasion of Ukraine is an unlawful act of war in breach of international law and a flagrant violation of the UNC. This atrocity, like all the others that have distinguished their onslaught on Ukraine so far, demands accountability on their part. The organization emphasized the gravity of the situation in Ukraine and urged States Parties to preserve and protect the UNC, which forbids the use of force to impose a state's geographical or national sovereignty. It went on to say that the only times those principles may be broken would be in cases of self-defence or when using force with the approval of the UN Security Council, neither of which were applicable here. According to Amnesty International, all nations must follow international treaties that mandate peaceful dispute resolution that does not compromise global justice, security, or cooperation. (Human Rights Watch, 2022). Russia's war on Ukraine is horrific, devastating, and characterized by a single word: aggression. By invading the country's interior, Russia is endangering the lives and security of its citizens and working to topple the democratically elected government. Russia's explanations don't add up to acceptable behavior.

Conclusion

When people stop fighting and killing one other, that's called peace. Harmony is a hallmark of a developed and prosperous community. A stable and prosperous society may build on a foundation of peace. On the other hand, war is often seen as a source of carnage and anarchy. Culture and development stall when there is no internal peace in a nation. When in conflict, all of a country's resources must be used for defense. This proclamation itself recognizes that domestic as well as international peace are human rights that have both unique and universal elements. The UN's attempts to promote peace and avert violent conflicts include the Declaration. The goal is to create a peaceful atmosphere that helps peace last throughout the globe. In contemporary society, where, strangely, a culture of violence predominates to the detriment of a culture of peace, they complete the grim picture of a widespread violation of the human right to peace. The window of opportunity to explain the growing human right

to peace's legal foundation and how it interacts with other pertinent rights, particularly the rights to life, development, and the environment, has passed. CSOs have faith that States will uphold the strong international human rights norms that form the basis of the right to peace. The codification of the human right to peace must be completed as soon as feasible by the States since it is routinely and persistently violated

Acknowledgement

The authors would like to express their sincere gratitude to all those who provided valuable support and encouragement in completing this research on "The Human Right to Peace with Specific Reference to the Conflict between Russia and Ukraine." The authors are thankful to their institution, Maharishi Markandeshwar (Deemed to be University), Mullana, Ambala, Haryana, for providing the academic environment and necessary support for conducting this study.

Financial support and sponsorship

Nil.

Conflicts of interest

The authors declare that there are no conflicts of interest regarding the publication of this paper.

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