Chapter 10

Operationalizing the Right to Development for Sustaining Peace and Sustainable Development

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Learning Objectives:

- To understand the international peace and security architecture of the United Nations
- To analyze the key recent international developments aimed at improving collective responses to breaches of and threats to the peace
- To understand the evolving concept of "sustaining peace" and its links with sustainable development and human rights
- To examine the peace and security related goals and targets in the 2030 Agenda for Sustainable Development
- To understand how operationalizing the RtD can better inform the implementation of the Sustainable Development Goals relevant to peace and security

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Introduction

The United Nations (UN) was established in 1945 on the ashes of WWII. The unprecedented devastation and loss of lives witnessed during the War, not least because of the Holocaust and the use of atomic bombs, led to the founding of the UN with a clear determination by the international community to "save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind"[1]. One of the primary "purposes" of the UN is "to maintain international peace and security"[2]. To fulfill this objective, an exhaustive peace and security architecture has been established under the UN Charter.

At the same time, there was from the outset, a realization that peace and security cannot be realized in a vacuum, but rather, needs an enabling environment. This enabling environment can only be established if the goals and means of ensuring peace and security work in conjunction with those for the realization of human rights and the advancement of development. The principle that peace and security, human rights, and development – the three pillars of the United Nations – are interlinked and mutually reinforcing, underpins the basic structure of the UN Charter. Thus, while the Preamble refers to saving succeeding generations from the scourge of war, it simultaneously captures the resolve "to reaffirm faith in fundamental human rights"[3] and "to promote social progress and better standards of life in larger freedom"[4]. This is further reinforced by Article 1 of the UN Charter, which in addition to peace, recognizes achievement of "international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction […]"[5], as one of the other "purposes" of the UN.

Empirical evidence, studies, and lessons learnt from different parts of the world over the last 72 years have amply demonstrated that there needs to be a holistic approach to addressing peace and security, human rights, and development, if they all are to be sustainable.[6] This realization is the fundamental basis for the inclusion of peace and security in the 2030 Agenda. SDG 16, in particular, firmly places promotion of "peaceful and inclusive societies for sustainable development" within the umbrella of such a holistic approach.[7] It is in this context that the implementation of the 2030 Agenda, in general, can benefit from operationalizing the Right to

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[1] United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, Preamble, Paragraph 1.
[2] Ibid, Article 1(1).
[3] Ibid, Preamble, Paragraph 2.
[4] Ibid, Paragraph 4.
[5] Ibid, Article 1(3).
[6] United Nations, *The Challenge of Sustaining Peace*, Report of the Advisory Group of Experts for the 2015 Review of the United Nations Peacebuilding Architecture, 29 June 2015, available at http://www.un.org/en/peacebuilding/pdf/150630%20Report%20of%20the%20AGE%20on%20the%2020 15%20Peacebuilding%20Review%20FINAL.pdf (accessed on 31 July 2017)
[7] A/RES/70/1, SDG 16.

Development (RtD) as articulated in the UN Declaration on the Right to Development, 1986 (DRTD)[8], because the latter provides the normative basis for an integrated approach to sustainable development, human rights, and peace and security. This Chapter focuses on how operationalizing the RtD can inform a successful implementation of the SDGs, especially in the context of peace and security.

The structure of the Chapter is as follows. Following this introduction, the second part of the Chapter will provide an overview of the global peace and security architecture under the UN Charter and identify key international developments in the implementation of this structure. The third section will locate peace and security within the 2030 Agenda, including the relevant SDGs. The fourth section will then identify the key provisions of the DRTD relevant to peace and security and explain how operationalizing the RtD can better inform the implementation of the related SDGs and targets, before closing the Chapter with a brief conclusion.

The Global Peace and Security Architecture under the UN Charter

a. The Prohibition of the Threat or Use of Force in International Relations

The UN Charter marked a paradigm shift in the international legal norms related to the use of force in international relations. The Preamble of the Charter helps contextualize this shift by capturing the determination of the "peoples of the United Nations" to "practice tolerance and live together in peace with one another as good neighbours", to "unite our strength to maintain international peace and security", and to "ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest".[9] Article 1 of the Charter builds on this Preambular commitment by States and lays down the institutional objectives of the UN, amongst others, as follows:

> "The Purposes of the United Nations are:
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> 1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
> 2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;"[10]

To achieve these objectives, Article 2 of the Charter maps out the core "principles" of the UN, each of which form the building blocks of its peace and security architecture. Paragraph 1 states

[8] A/RES/41/128.
[9] United Nations, *Charter of the United Nations*, Preamble, Paragraphs 5-7.
[10] Ibid, Article 1(1) and (2).

that "The Organization is based on the principle of the sovereign equality of all its Members"[11]. This provision, therefore, rejects the use of any mechanisms, whether through use of military or financial power, whereby the sovereignty of another country may be undermined. Paragraph 2 stresses that "All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter"[12]. This principle of "good faith" is at the heart of the UN's peace and security architecture, because, its violation is generally the first cause of threats to international peace and security. Paragraph 3 establishes an obligation on all States to "settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered"[13]. In other words, whenever international disputes arise, States are under an obligation to take positive measures to resolve them through peaceful means.

This positive obligation is then complemented by Paragraph 4 which casts a negative obligation that "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations"[14]. Article 2(4) is one of the principal pillars of the UN's peace and security architecture. Firstly, it applies to all UN Members. Secondly, the prohibition is not only on the use of force, but also with regard to the threat to use force. Thirdly, the threat or the use of force is prohibited under this Article if it is against any of the following: a) the territorial integrity of any State b) political independence of any State, c) in any other manner inconsistent with the Purposes of the UN.[15] It is generally accepted in international law that the prohibition articulated in Article 2(4) does not apply to the use of force by States under two circumstances viz. self-defense and collective security.

b. Threat or Use of Force as Part of Collective Security

The principle of collective security basically means that all States are obliged to work collectively within the framework established by the UN Charter for maintenance of international peace and security. Paragraphs 5 to 7 of Article 2 encapsulate this notion. Article 2(5) stipulates that "All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action"[16]. Article 2(6) further stipulates that "The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security"[17]. Article 2(7) then establishes certain limitations on the ability of the UN to

[11] Ibid, Article 2(1).
[12] Ibid, Article 2(2).
[13] Ibid, Article 2(3).
[14] Ibid, Article 2(4).
[15] See Ibid, Article 1 for the Purposes of the UN.
[16] Ibid, Article 2(5).
[17] Ibid, Article 2(6).

intervene in internal matters of States and further establishes exceptions to these limitations. It states that:

> "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII".[18]

In other words, the only circumstances when the UN can intervene in matters which are essentially within the domestic jurisdiction of any State or can force States to submit such internal matters to settlement under the Charter, are if they are occasioned because of enforcement measures under Chapter VII of the Charter. This Chapter, as shall be elaborated below, culls out the circumstances when coercive action can be taken by the UN as an organization against the will of a State concerned in order to enforce international peace and security.

Under Chapter VII of the UN Charter, the principal role for maintenance of international peace and security collectively on behalf of all UN Members is conferred upon the Security Council.[19] This role ascribed to the Security Council in ensuring collective security is indeed a defining feature of the UN's peace and security architecture. This is articulated in Article 24 of the Charter which stipulates that "In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf"[20]. In other words, when States became members of the UN, either at its foundation or later, they not only conferred the primary responsibility for maintenance of international peace and security on the Security Council, but also crystalized the notion of collective security by explicitly agreeing that the Security Council shall act on their behalf when it carries out its duties.

Other provisions of the UN Charter ensure that the decisions of the Security Council are binding on Members. Thus, Article 25 stipulates that "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter"[21]. Article 48 further lays down that "The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine"[22], and that "Such decisions shall be carried out by the Members of the United Nations directly and through

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[18] Ibid, Article 2(7).
[19] For the structure of the Security Council comprising five permanent Members (P5) viz. United States of America, United Kingdom, France, Russia, and China, and ten non-permanent members elected for a term of two years, see: Ibid, Article 23.
[20] Ibid, Article 24.
[21] Ibid, Article 25.
[22] Ibid, Article 48(1).

their action in the appropriate international agencies of which they are members"[23]. Article 49 finally seals the binding nature of these decisions by stating that "The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council"[24].

It is worthwhile to also point out that the UN Charter places obligations undertaken by States under its provisions at a hierarchically superior level as compared to obligations undertaken by them under any other international agreement. Thus, Article 103 explicitly states that "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail"[25]. This obviously means that the obligation on States to abide by the decisions of the Security Council, which is required to act on their behalf in the maintenance and restoration of international peace and security, prevails over any other obligations undertaken by States, thereby cementing the primacy attributed to the Security Council in the peace and security architecture of the UN.

Before dilating upon the coercive powers of the Security Council under Chapter VII, it is pertinent to also note that these enforcement abilities are complimented by the provisions of Chapters VI and VIII, which relate to the role of the Security Council in promoting pacific settlement of disputes, and its relationship with regional arrangements respectively. These three Chapters will be briefly outlined sequentially in the paragraphs that follow.

Chapter VI, at the outset, recognizes the rule that "The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice"[26]. If this fails, they are required to refer the dispute to the Security Council.[27] The Security Council may also on its own "when it deems necessary, call upon the parties to settle their dispute by such means"[28]. At any stage of the dispute, the Security Council is further empowered to "recommend appropriate procedures or methods of adjustment".[29] Finally, Article 34 also confers upon the Security Council the power to "investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security"[30]. From the above schema, it is evident that Chapter VI is aimed at pacific settlement of disputes

[23] Ibid, Article 48(2).
[24] Ibid, Article 49.
[25] Ibid, Article 103.
[26] Ibid, Article 33(1).
[27] Ibid, Article 37(1).
[28] Ibid, Article 33(2).
[29] Ibid, Article 36(1).
[30] Ibid, Article 34.

through the ability of the Security Council to make recommendations, and not its power to use coercive means against the will of the States concerned.

The coercive mechanisms of the Security Council are triggered under Chapter VII of the Charter entitled "Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression"[31]. Article 39 stipulates that "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security"[32]. In other words, the primary authority even to determine whether a circumstance exists which might be a threat to the peace or a breach thereof, or might amount to an act of aggression, vests in the Security Council. Following such determination, the Security Council is empowered to make recommendations, or in case it needs to impose binding measures to maintain or restore international peace and security, to then decide what such measures shall be. The scheme of Chapter VII requires that such measures undertaken by the Security Council shall be in accordance with Articles 41 and 42.

Article 41 relates to measures which do not employ the use of armed force, whereas Article 42 relates to the enforcement of peace through the use of armed force. Thus, Article 41 states that:

> "The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations".[33]

Should the Security Council consider that the aforesaid measures provided for in Article 41 either "would be inadequate" or "have proved to be inadequate", then "it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security" under Article 42.[34] Such action "may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations"[35]. As noted earlier, these decisions of the Security Council are binding on all Members of the UN, who have "in order to contribute to the maintenance of international peace and security", undertaken "to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security"[36].

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[31] Ibid, Chapter VII.
[32] Ibid, Article 39.
[33] Ibid, Article 41.
[34] Ibid, Article 42.
[35] Ibidem.
[36] Ibid, Article 43(1).

Chapter VIII of the Charter encourages the use of regional arrangements by the Security Council and Member States in resolving disputes. In case of disputes involving threats to peace between countries that belong to a regional organization, every effort must be first made to reach pacific settlement of disputes at such regional organization, before the Security Council is resorted to.[37] Article 53 also stipulates that "The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority"[38]. However, in order to retain the exclusive authority of the Security Council in undertaking enforcement actions to maintain or restore peace as stipulated under Chapter VII, Article 53 further notes as follows: "But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council".[39]

c. Use of Force in Self-Defense

The right of a State to use force in self-defense is considered one of the most fundamental rights inherent in international law. This constitutes the second circumstance when use of force by a State may be considered legal. This right is expressly covered in Article 51 of the Charter which reads:

> "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security".[40]

The scope and interpretation of this provision and the right to self-defense inherent in all States has been elaborately discussed by the International Court of Justice.[41] Among other things, it has pointed out that the right to self-defense, having been recognized by Article 51 as "inherent" in all States, reflects that it is also part of customary international law.[42] The ICJ has also pointed out that "whether the response to the attack is lawful depends on observance of the criteria of the necessity and the proportionality of the measures taken in self-defence"[43].

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[37] Ibid, Article 52(2)
[38] Ibid, Article 53 (1).
[39] Ibidem.
[40] Ibid, Article 51.
[41] International Court of Justice, *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Merits, Judgement,* I.C.J. Reports 1986, p.14; see also: International Court of Justice, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda),* I.C.J. Reports 2005, p.168.
[42] Ibid, Paragraph 176.
[43] Ibid, Paragraph 194.

One may also notice that Article 51 speaks not only about individual but also collective self-defense. Unlike the Charter of the League of Nations, in the UN Charter, an armed attack against one member is not considered to be an armed attack against all other members. As such, the right to collective self-defense as envisaged under Article 51 of the UN Charter, must be borne in either bilateral, regional or plurilateral agreements (such as the North Atlantic Treaty Organization)[44], or requested specifically by the attacked State.[45]

d. UN Peace Operations:

The aforesaid sub-sections outline the peace and security architecture of the UN as envisaged in 1945 when the Charter was adopted. However, since then, the nature of conflicts has changed dramatically and so has their intensity. Resultantly, the UN itself has had to adapt its architecture from time to time in order to respond appropriately to the new challenges. An early example of this was the emergence of "traditional peacekeeping operations" in response, typically, to interstate conflicts, despite the mechanisms not being envisaged explicitly under the UN Charter.[46] These operations deployed, always with the consent of the parties to the conflict, and under the mandate of the Security Council, were principally aimed at observing, monitoring, and reporting on military activities, supervising a ceasefire, and serving as a buffer between the parties to a conflict.[47] These tasks assigned by the Security Council to traditional peacekeeping operations were essentially military and their objectives were to maintain cease-fires and stabilize situations on the ground so that efforts could be made at the political level to resolve the conflict by peaceful means.[48] In other words, these operations were deployed as an interim measure to help "manage" a conflict and thus create conditions whereby negotiations on a lasting settlement could proceed.[49] The end of the Cold War, however, witnessed a dramatic rise in intrastate conflicts, or civil wars, resulting in the need for the UN to adapt its peacekeeping operations accordingly. This led to the emergence of "multidimensional" or "robust" peacekeeping operations. These multidimensional peacekeeping operations are not restricted to military tasks only, but typically employ a mix of military, police and civilian capabilities to support the implementation of a peace agreement.[50] Unlike traditional versions, the multidimensional peacekeeping operations play a direct role in political resolution. Their core functions include creation of a secure and stable environment while strengthening the State's ability to provide security, with full respect for the rule of law and human rights; facilitating the political process by promoting dialogue and reconciliation; supporting the establishment of legitimate and effective institutions of governance; and providing a framework for ensuring that

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[44] *The North Atlantic Treaty*, Washington D.C., 4 April 1949, Article 5.
[45] International Court of Justice, *Armed Activities on the Territory of the Congo,* Paragraph 128.
[46] The first such peacekeeping operation established was the United Nations Truce Supervision Organization (UNTSO), created as a military observer mission in response to the 1948 Arab–Israeli War.
[47] See: Peace Operations Training Institute, *Principles and Guidelines for UN Peacekeeping Operations,* (Williamsburg: POTI, 2010), p.25.
[48] Ibid, p.28.
[49] Ibidem.
[50] Ibidem.

all UN and other international actors pursue their activities at the country-level in a coherent and coordinated manner.[51] These operations are often mandated by the Security Council to play a catalytic role in the critical peacebuilding activities such as Disarmament, Demobilization and Reintegration (DDR) of combatants; mine action; Security Sector Reform (SSR) and other rule of law-related activities; protection and promotion of human rights; electoral assistance; and support to the restoration and extension of State authority.[52]

Peacekeeping operations are, however, not the only type of "peace operations" which the UN undertakes. The latter broader term – peace operations – is typically understood to refer to five peace and security activities:[53]

1. *Conflict Prevention (or Preventive Diplomacy):* including structural and diplomatic measures to prevent disputes from developing into violent conflict;
2. *Peacemaking:* the use of diplomatic measures to bring hostile parties to a negotiated agreement;
3. *Peacekeeping:* with the consent of the parties to the conflict, the use of military, police and civilian personnel to lay the foundations of sustainable peace;
4. *Peace Enforcement:* the use of military and other measures to enforce the will of the UN Security Council;
5. *Peacebuilding:* a range of measures aimed at reducing the risk of lapsing or relapsing into conflict.

There has been a tendency to delineate these five types of peace operations into related but separate spheres of activity, thereby leading to some fragmentation within the UN's peace and security architecture. In particular, the notion of peacebuilding has been associated only with post-conflict scenarios since its first official use at the highest levels of the UN.[54] For instance, the three New York-based entities viz. the Peacebuilding Commission, the Peacebuilding Fund, and the Peacebuilding Support Office created pursuant to the 2005 World Summit Outcome Document,[55] were mandated only with respect to post-conflict situations and not those undergoing conflicts or under the threat of conflicts.[56] These were intended "to fill a 'gaping hole' in the Organization's institutional and structural capacity to support countries in transition from violent conflict to sustainable peace".[57] This notion that peacebuilding is relevant only in post-conflict settings has

[51] Ibid, p.30.
[52] Ibid, p.33.
[53] United Nations, *What is Peacekeeping: Peace and Security*, available at http://www.un.org/en/peacekeeping/operations/peace.shtml (accessed on 31 July 2017); See also: Ibid, p.26.
[54] United Nations, *An Agenda for Peace: Preventive diplomacy, peacemaking and peace-keeping*, A/47/277-S/24111, 17 June 1992.
[55] A/RES/60/1
[56] United Nations, *The Challenge of Sustaining Peace*, Paragraph 3.
[57] Ibidem.

increasingly come under scrutiny. Indeed, there has been a growing realization that the lines between all the five activities within peace operations are becoming blurred. A notable cause of this is that after declining for much of the late 1990s and early 2000s, there has been a significant rise in the number of major civil wars around the world, more intractable than ever before due to factors such as growth in violent extremism, links to illicit markets and organized crime, and the proliferation of small arms and light weapons.[58] The rise of Daesh also changed the nature of conflicts from interstate or intrastate to what can only be called "mixed conflicts". As a result, the pace at which the nature of conflicts has changed has far surpassed the ability of the UN to respond in a timely and effective manner.

e. Disarmament

Because of the deeply military and economic nature of disarmament, its precise place and importance in the UN's peace and security architecture has always remained in-flux and heavily political. However, there is no doubt that the UN Charter recognized the importance of disarmament for the maintenance of international peace and security. Thus, Article 11(1) states that "The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or both"[59]. Article 26 further states that "In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Art. 47, plans to be submitted to the Members of the UN for the establishment of a system for the regulation of armaments".[60] However, the envisaged Military Staff Committee has never come into force and the establishment of a system for regulation of armaments has generally happened outside the Security Council.

The ICJ has pertinently held that "in International Law there are no rules, other than such rules that may be accepted by the State concerned, by treaty or otherwise, whereby the level of armaments of a sovereign State can be limited, and this principle is valid for all States without exception"[61]. As such, in the absence of general systems for regulation of armaments of universal application established by the Security Council, the process has mostly happened through specific treaties. These include actions at two different levels of disarmament viz. "General and Complete

[58] Ibid, Paragraph 11.
[59] United Nations, *Charter of the United Nations,* Article 11(1).
[60] Ibid, Article 26. Art. 47(1) of the UN Charter establishes "a Military Staff Committee to advise and assist the Security Council on all questions relating to the SC's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament".
[61] International Court of Justice, *Military and Paramilitary Activities in and against Nicaragua,* Paragraph 269.

Disarmament (GCD)"[62] and specific disarmament. The latter, in turn, has involved two broad arms viz. Weapons of Mass Destruction (WMDs)[63], and Conventional Armaments, including through Arms Trade regulation[64]. It is also worthwhile to note that efforts at disarmament in general have focused more on regulation of specific weapons rather than GCD, and even among specific weapons, they have focused more on WMDs. This is not restricted to treaties, but also to Security Council Resolutions. For instance, the landmark SC Res.1540 (2004) stipulates that "All States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery"[65] and requires all States to adopt and enforce appropriate laws to this effect as well as other effective measures to prevent the proliferation of these weapons and their means of delivery to non-State actors, in particular for terrorist purposes.[66]

The two recent developments in global efforts at disarmament at the treaty level have been the coming into force of the Arms Trade Treaty on 24 December, 2014,[67] and the adoption of the UN Treaty on the Prohibition of Nuclear Weapons on 7 July, 2017.[68]

From a theoretical and empirical point of view, there is no doubt that disarmament is closely related to human rights, human security, and sustainable development. Indeed, "to achieve human security will require much more than disarming, but without significant efforts to disarm, efforts to build human security will almost certainly be incomplete"[69]. Diverse interests of States at all levels, however, is closely linked to lack of collective political will, which is a key factor preventing disarmament, and resultantly, the global efforts at maintaining international peace and security.

f. Recent developments in the UN's Peace and Security Architecture

There have been several important developments in the past few years with respect to how the UN and its Member States can respond to fast evolving threats to international peace and security.

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[62] See *Treaty on the Non-Proliferation of Nuclear Weapons*, UN Treaty Series No. 729, Article VI. This provision articulates the notion of GCD: "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control".

[63] WMD's include nuclear weapons, bacteriological (biological) weapons, chemical weapons, missiles etc.

[64] Conventional weapons include cluster munitions, land and other mines, small arms and light weapons, ammunitions, improvised explosive devices, armoured combat vehicles such as personnel carriers and tanks, combat helicopters and aircrafts, warships and submarines.

[65] S/RES/1540 (2004), Paragraph 1.

[66] Ibid, Paragraph 2.

[67] United Nations, *Arms Trade Treaty,* adopted on 2 April 2013, entered into force on 24 December 2014.

[68] United Nations, *Treaty on the Prohibition of Nuclear Weapons,* adopted on 7 July 2017, not yet in force.

[69] Melissa Gills, *Disarmament: A Basic Guide* (New York: United Nations, 2012), p.6.

While it is not possible to outline all of them in this Chapter, the most important ones based on their contemporaneity are mentioned below:

1. The Responsibility to Protect Doctrine (R2P):

The genocides and massive war crimes committed during the conflicts in Rwanda and Srebrenica, and the lack of intervention by the international community on the ground that these were purely domestic affairs protected by the notion of sovereignty, led Kofi Annan to pose the following question in his Millennium Report of 2000:

"If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity?"[70]

A search for an answer to this question led to the development of the Responsibility to Protect doctrine, which was officially acknowledged by States in the 2005 World Summit Outcome. Paragraph 138 thereof stated that "Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means"[71]. As such, this paragraph noted the well-established international law principle that each State has responsibility for prevention of gross crimes internally. Paragraph 139 then proceeded to stipulate that:

> "The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity".[72]

The R2P doctrine, therefore, turned the idea of sovereignty on its head, from a privilege to a responsibility. If a country was unable or unwilling to fulfill this responsibility, then the international community had the responsibility to step in and protect human beings from the four gross crimes aforementioned. The UN Secretaries-General have thereafter developed the doctrine further in their annual reports. In particular, the "three pillar approach" identifies the pillars on

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[70] United Nations General Assembly, *We the Peoples: the Role of the United Nations in the 21st Century,* Report of the Secretary-General, A/54/2000, 27 March 2000, Paragraph 217.
[71] A/RES/60/1, Paragraph 138.
[72] Ibid, Paragraph 139.

which the doctrine of R2P stands. The first pillar is that States have the primary responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.[73] By the second, the international community must provide assistance to States in building capacity to protect their populations from these gross violations to assisting those which are under stress before crises and conflicts break out. Under the third pillar, the international community has a responsibility to take timely and decisive action to prevent and halt these violations when a State is manifestly failing to protect its people.[74]

The R2P doctrine is an example of how new principles have evolved in order to ensure that the UN's peace and security architecture is responsive to new challenges, provided, of course, there exists collective political will at the Security Council in case of peace enforcement and other bodies in case of non-coercive means.

2. Report of the Secretary General's High-level Independent Panel on Peace Operations on Uniting our Strengths for Peace: politics, partnership and people[75]:

Since 2015, the peace and security architecture of the UN has been evolving quite rapidly, and most importantly, this has overlapped with the emergence of the 2030 Agenda and the SDGs, also in 2015. The landmark report submitted on 17 June 2015 by the High-level Independent Panel on Peace Operations comprises a comprehensive study of how the UN should respond more effectively to "peace operations" in the changing global scenarios. Calling for a paradigm shift in how the UN conducts peace operations, it identifies four essential shifts viz. politics must drive the design and implementation of peace operations; the full spectrum of UN peace operations must be used more flexibly; a stronger, more inclusive peace and security partnership is needed for the future; and the UN Secretariat must become more field-focused and UN peace operations must be more people-centered. To achieve these, the report also calls for new approaches:[76]

- Conflict prevention and mediation must be brought back to the fore
- Protection of civilians is a core obligation of the UN, but expectations and capability must converge
- Clarity is needed on the use of force and in the role of UN peace operations and others in managing armed conflict, *and*
- Political vigilance is needed to sustain peace

Finally, the report highlights that the aforesaid approaches must be underpinned by important changes to the design and delivery of better peace operations, and as will be pointed out later in

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[73] United Nations General Assembly, *Implementing the Responsibility to Protect,* Report of the Secretary-General, A/63/677, 12 January 2009.
[74] Ibidem.
[75] United Nations General Assembly and the United Nations Security Council, *Identical Letters dated 17 June 2015 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council,* A/70/95 – S/2015/446, 17 June 2015.
[76] Ibidem.

the Chapter, several of these are precisely what the RtD requires. In sum, the report identifies the following changes which must be made:[77]

- Setting clear direction and forging common purpose
- Improving the speed, capability and performance of uniformed personnel
- Strengthening global and regional partnerships
- Putting policy into practice
- Engaging with host countries and local communities
- Addressing abuse and enhancing accountability
- Improving support systems to enable more responsive and accountable peace operations
- Supporting innovation and important resourcing requirements
- Improving headquarters leadership, management and reform

3. Report of the Secretary-General's Advisory Group of Experts on the 2015 Review of the United Nations Peacebuilding Architecture:[78]

This report submitted on 29 June 2015 by the UNSG's Advisory Group of Experts on the 2015 Review of the UN Peacebuilding Architecture is possibly the most important and impactful study in the evolution of the UN's official conceptualization of "peace" itself, since it formally introduces the notion of "sustaining peace" or "sustainable peace" (the two terms being used almost interchangeably), thereby setting the stage for the new "Sustaining Peace" agenda of the UN as adopted by the UNGA and the Security Council in 2016 (discussed below). In the spirit of the UN's evolution, this report also challenges the traditional use of the term "peacebuilding" to refer only to post-conflict reconstruction, and urges the UN to change its usage so that the term includes the entire range of activities beginning with conflict prevention.

4. Transforming Our World: the 2030 Agenda for Sustainable Development:[79]

Although this will be discussed in more detail below, it is pertinent to highlight at this juncture that in the chronology of landmark developments informing the UN's peace and security architecture, the adoption of the 2030 Agenda on 25 September 2015 marks an important milestone.

5. Preventing Conflict, Transforming Justice, Securing the Peace: A UN Global Study on the Implementation of the UNSC Res. 1325:[80]

This report of 12 October, 2015, is a comprehensive review of Security Council Res. 1325 of 2000 and other subsequent resolutions of the Security Council on the Women, Peace and Security

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[77] Ibidem.
[78] United Nations, *The Challenge of Sustaining Peace.*
[79] A/RES/70/1.
[80] United Nations, *Preventing Conflict, Transforming Justice, Securing the Peace: A UN Global Study on the Implementation of the UNSC Res. 1325* (New York: UN Women, 2015).

agenda. This report reiterates the importance of gender mainstreaming in peace operations, including participation of women in the entire range of peace operations beginning with conflict prevention and peacemaking, their empowerment in post-conflict reconstruction, as well as protection of women from the disproportionate war crimes committed against them. The report further identifies the gaps that still exist and the challenges which need to be overcome.

6. UN Security Council Resolution 2282(2016) and UNGA Resolution 70/262 – the Sustaining Peace Resolutions

Following up on all the above, on 27 April 2016, in an uncommon bicameral move, the Security Council and the UNGA agreed to a new approach to peace, through the adoption of the "sustaining peace resolutions". Both recognized that:

> "'sustaining peace', as drawn from the Advisory Group of Experts report, should be broadly understood as a goal and a process to build a common vision of a society, ensuring that the needs of all segments of the population are taken into account, which encompasses activities aimed at preventing the outbreak, escalation, continuation and recurrence of conflict, addressing root causes, assisting parties to conflict to end hostilities, ensuring national reconciliation, and moving towards recovery, reconstruction and development"[81],

and emphasized that "sustaining peace is a shared task and responsibility that needs to be fulfilled by the Government and all other national stakeholders, and should flow through all three pillars of the United Nations engagement at all stages of conflict, and in all its dimensions, and needs sustained international attention and assistance".[82] Importantly, both resolutions also recognized that "development, peace and security, and human rights are interlinked and mutually reinforcing".[83] These landmark resolutions also accept the suggestion of the Advisory Board and expand the notion of peacebuilding to cover the entire range of activities necessary for sustaining peace, including conflict prevention.

7. The Vision of the Secretary General on Prevention:[84]

The current UN Secretary General, Mr. Antonio Guterres, has prioritized a focus on "prevention" as being the most important tool for peace, human rights and sustainable development, in the vision articulated after he assumed office in 2017. Importantly, the vision document which was circulated, notes that "while the universal and comprehensive agenda for sustainable development and sustaining peace pledged to 'leave no one behind', the goals of peaceful coexistence and development are at risk in many countries".[85] The simultaneous usage of "sustainable

[81] S/RES/2282 (2016) and A/RES/70/262, Preamble, Paragraph 8.
[82] Ibidem.
[83] Ibid, Preamble, Paragraph 4.
[84] United Nations Secretary-General, *The Vision of the Secretary-General on Prevention*, available at https://www.un.int/sites/www.un.int/files/Permanent%20Missions/delegate/attachment_the_vision_of_the_sg_on_prevention.pdf (accessed on 31 July 2017).
[85] Ibid, p.1.

development" and "sustaining peace" signifies the recognition of the latter's importance at the highest levels of global policy making and implementation.

8. High-Level Dialogue on "Building Sustainable Peace for All: Synergies between the 2030 Agenda for Sustainable Development and Sustaining Peace", 24–25 January, 2017:[86]

It is not surprising that the parallel evolution of the agendas for sustaining peace and for sustainable development has led to enhanced discussions on their linkages and how synergies between the two agendas can be harmonized to build "sustainable peace for all". It is evident that such debates and discussions will only grow in the near future, and it is here that the RtD adds significant value, especially since it brings human rights, sustainable development, and sustainable peace, all under one normative framework.

Peace and Security in the 2030 Agenda for Sustainable Development

The 2030 Agenda marked several improvements over the MDGs framework, one of the most important being, that "it also seeks to strengthen universal peace in larger freedom". As pointed out in Chapter 3, the edifice of the 2030 Agenda is constructed on an integrated foundation of 5 Ps: people, planet, prosperity, peace and partnership.[87] The embedding of "peace" within the foundations of the 2030 Agenda itself marked a major evolution in the policy formulations of the concept of sustainable development. Thus, the Preambular paragraph titled "Peace" aptly states that "We are determined to foster peaceful, just and inclusive societies which are free from fear and violence. There can be no sustainable development without peace and no peace without sustainable development".[88] The Agenda also acknowledges that "Global health threats, more frequent and intense natural disasters, spiralling conflict, violent extremism, terrorism and related humanitarian crises and forced displacement of people threaten to reverse much of the development progress made in recent decades".[89]

The most comprehensive articulation of the linkages between sustainable development, peace and security, and human rights is in Paragraph 35, a verbatim reproduction of which is helpful:

> "Sustainable development cannot be realized without peace and security; and peace and security will be at risk without sustainable development. The new Agenda recognizes the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights (including the right to development), on effective rule of law and good governance at all levels and on transparent, effective and accountable

[86] United Nations, *High-Level Dialogue on "Building Sustainable Peace for All: Synergies between the 2030 Agenda for Sustainable Development and Sustaining Peace" 24-25 January 2017: Summary of Key Messages and Observations*, available at http://www.un.org/pga/71/wp-content/uploads/sites/40/2015/08/Summary-of-the-High-level-Dialogue-on-Building-Sustainable-Peace-for-All.pdf (accessed on 31 July 2017).
[87] A/RES/70/1, Preamble.
[88] Ibidem.
[89] Ibid, Paragraph 14.

> institutions. Factors which give rise to violence, insecurity and injustice, such as inequality, corruption, poor governance and illicit financial and arms flows, are addressed in the Agenda. We must redouble our efforts to resolve or prevent conflict and to support post-conflict countries, including through ensuring that women have a role in peace-building and state-building. We call for further effective measures and actions to be taken, in conformity with international law, to remove the obstacles to the full realization of the right of self-determination of peoples living under colonial and foreign occupation, which continue to adversely affect their economic and social development as well as their environment."[90]

It is clear that not only direct violence, but also structural factors that lead to violence such as violations of human rights can result in undermining sustainable development. Similarly, lack of sustainable development itself can feed into the structural factors which lead to conflicts in the first place. Furthermore, the entire range of activities for sustaining peace, from conflict prevention to post-conflict reconstruction, are inherently tied to the process of achieving sustainable development. Importantly, the 2030 Agenda also recognizes "the major challenge to the achievement of durable peace and sustainable development in countries in conflict and post-conflict situations"[91]. Although the phrase used is "durable peace", the idea that "sustaining peace" and sustainable development are intertwined is well acknowledged.

With respect to the SDGs that aim to translate the aforesaid commitments into achievable goals and targets, peace and security is most directly covered under SDG 16, which is entitled "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels"[92]. SDG 16 contains the following targets, each of which is directly related to fostering peace and security:

16.1 Significantly reduce all forms of violence and related death rates everywhere
16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children
16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all
16.4 By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime

SDG 16 also contains the following targets which are structurally (and in some instances, directly as well, the line between them being blurred) related to fostering peace and security:

16.5 Substantially reduce corruption and bribery in all their forms
16.6 Develop effective, accountable and transparent institutions at all levels
16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels

[90] Ibid, Paragraph 35.
[91] Ibid, Paragraph 42.
[92] Ibid, SDG 16.

16.8 Broaden and strengthen the participation of developing countries in the institutions of global governance
16.9 By 2030, provide legal identity for all, including birth registration
16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements

Additionally, SDG 16 contains the following two "means of implementation" targets:

16.a Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime
16.b Promote and enforce non-discriminatory laws and policies for sustainable development

Apart from SDG 16, at least two other direct references to peace and security are found in the other goals and targets. Thus, SDG 5 entitled "Achieve gender equality and empower all women and girls" contains the target to "Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation"[93]. Additionally, the SDGs also place importance on education for developing a culture of peace and non-violence. Thus SDG 4 entitled "Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all" contains the following target:

> "By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development".[94]

As with all other SDGs, the implementation of SDG 16 is dependent on SDG 17 which aims at strengthening the means of implementation of the 2030 Agenda and revitalizing the global partnership for sustainable development.

Operationalizing the RtD for Sustaining Peace and Sustainable Development

As has been pointed out in previous Chapters, the 2030 Agenda can only be successful if it is implemented within a normative framework which situates sustainable development not as a charity or privilege, but as a right of all human beings and a duty of all States. The DRTD provides this necessary normative framework since it encompasses human rights, development, as well as peace and security within the meaning of the RtD. The linkages between human rights and sustainable development under the DRTD have already been elaborated in Chapter 3. With respect

[93] Ibid, Target 5.2.
[94] Ibid, Target 4.7.

to peace, the Preamble of the DRTD begins with an acknowledgement "that international peace and security are essential elements for the realization of the RtD".[95] Article 5 carries this forward in substantive terms as follows:

> "States shall take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and refusal to recognize the fundamental rights of peoples to self-determination."[96]

There is thus a clear emphasis on the fact that the massive and flagrant violations of human rights resulting from these factors must be eliminated by States as a matter of their duty to ensure the RtD. In other words, fostering peace and security by eliminating these factors which cause gross violations of human rights, as a binding obligation on States, essentially means promoting the RtD. This is further fortified by the first part of Article 7 which stipulates that "All States should promote the establishment, maintenance and strengthening of international peace and security"[97]. The terms "establishment", "maintenance" and "strengthening" clearly imply the entire range of activities that go into sustaining peace, from conflict prevention to post-conflict reconstruction.

A juxtaposition of Articles 5 and 7 of the DRTD, Paragraph 35 and SDG 16 of the 2030 Agenda, and the UN's peace and security architecture as it evolved over time, reveals the dynamic inter-play between the theoretical and operational elements of the three pillars of the UN. If the sustaining peace and sustainable development agendas, combined with the UN's peace and security architecture, already acknowledge these linkages, how then does the RtD add value to the implementation of the peace and security related goals and targets of the 2030 Agenda?

The answer lies in the fact that the RtD goes much beyond merely "linking" or finding "synergies" between the sustaining peace, sustainable development, and human rights pillars, to converging and integrating them into one. Indeed, the sustaining peace and the sustainable development agendas also acknowledge that "development, peace and security, and human rights are interlinked and mutually reinforcing", but they continue to treat these as distinct agendas in need of synergies. The best example of this is the summary of key messages and observations resulting from the High-Level Dialogue on "Building Sustainable Peace for All: Synergies between the 2030 Agenda for Sustainable Development and Sustaining Peace" held in January 2017.[98] As the name suggests, the attempt is to find synergies between two related but distinct agendas - Sustaining Peace and

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[95] A/RES/41/128, Preamble, Paragraph 11.
[96] Ibid, Article 5.
[97] Ibid, Article 7.
[98] United Nations, *High-Level Dialogue on "Building Sustainable Peace for All: Synergies between the 2030 Agenda for Sustainable Development and Sustaining Peace".*

Sustainable Development. Following this rubric, "the main conclusions from the High-Level Dialogue were as follows:

- Sustaining Peace and the Sustainable Development Agenda are strongly linked and mutually reinforcing, to the extent that neither can be achieved without the other.
- Sustaining peace and sustainable development processes must be driven by national and inclusive ownership that recognizes the needs and contributions of all segments of society, including women and youth.
- To sustain peace effectively and establish an enabling environment for sustainable development, preeminent attention must be accorded to conflict prevention, to addressing the root causes of conflict, to ensuring the rule of law and strong and accountable institutions, to the effective management and equitable distribution of resources, as well as to the protection of human rights. This also demands enhanced collaboration and partnerships, uniting the efforts of all stakeholders at the national, regional and international levels, including a reformed UN delivery system, impervious to 'silos' and able to operate as one".[99]

What the RtD offers to the aforesaid discussion, is convergence of sustainable development, sustaining peace, and human rights objectives into one normative framework. It treats these three not merely as linked yet separate, but as one and the same, integrated concept. From an operational perspective, the RtD can help overcome the "fragmentation" in the responses of different actors to addressing concerns related to peace and security, human rights, and sustainable development. For instance, both within States and in intergovernmental organizations, mandates of different organs and entities focusing on peace and security, or on human rights, or on different elements of sustainable development, tend to be specialized in their own autonomous zones. Each hold "pieces of the peacebuilding puzzle" from their own vantage points leading to fragmentation of responses to situations.[100] The bodies responsible for peace and security may not equally prioritize sustainable development goals or the full breadth of human rights, despite there being significant interrelationships. In case of conflicts, the SG's Advisory Group of Experts has aptly concluded that "this problem has long been recognized, but periodic attempts to address it have been frustrated" at the UN level, and that resultantly, "the human and financial costs of lapse and relapse into conflict have become intolerable and call for urgent resolution".[101] The RtD converges all three pillars of the UN under a single normative framework and addresses the problem of fragmentation. It requires consideration of all related elements in framing appropriate responses, lest promotion of one undermines the other.

In the aforesaid context, the RtD can particularly inform the efforts of the Security Council in maintenance of international peace and security. The evolution of the peace and security

[99] Ibid, p.1.
[100] United Nations, *The Challenge of Sustaining Peace,* p.7.
[101] Ibidem.

architecture of the UN makes it evident that in fulfilling its primary responsibility, the Security Council must invariably take human rights and sustainable development into consideration, without which peace and security cannot be maintained. Conversely, the Security Council will most likely fail in its duty to maintain international peace and security if actions it authorizes undermine human rights or sustainable development. The same will likely also be the result if not taking prompt and effective action leads to violations of human rights and adverse impacts on sustainable development. There is already adequate legal basis for the proposition that the Security Council is expected to not undermine human rights through its resolutions,[102] and the same is, by extension, also true for sustainable development. It is self-defeating if in strengthening one pillar of the UN (peace and security), the Security Council – a principal organ of the UN – undermines the other two pillars of the organization (human rights and sustainable development). In fulfilling its mandate, the Security Council can, therefore, benefit from adopting the holistic normative framework provided by the RtD.

The policy implications of operationalizing the RtD, of course, are also that the peace and security related goals and targets in the SDGs must be fulfilled by States, not only as a matter of moral obligation, but as a duty. As has been explained in Chapter 3, this includes not only obligations of States internally to fulfill these peace and security related targets vis-à-vis their own citizens or persons within their jurisdiction or effective control. It also includes external obligations on States to, firstly, not impede the realization of peace and security related targets by other States, and secondly, to help facilitate the realization of these targets by those States. The external dimension of the duty on States enshrined under the DRTD includes individual action by States (such as obligation not to foster violence in another State through any means) as well as joint action through international organizations such as while voting on Security Council Resolutions or considering the impacts of loan conditionalities on the societies of recipient countries while voting at the World Bank (WB) or the International Monetary Fund (IMF).

As pointed out in Chapter 3, the RtD also requires international cooperation and partnerships to be treated as a matter of duty and not just a matter of charity. In the context of the peace and security related goals and targets of the SDGs, the importance of international cooperation stems from two directions. Firstly, the "means of implementation" targets within SDG 16 envisage international cooperation. Target 16.a requires strengthening "relevant national institutions, *including through international cooperation* (emphasis supplied), for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime"[103]. The RtD requires

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[102] See: European Court of Human Rights, *Al-Jedda v. The United Kingdom*, Judgment on Merits and Just Satisfaction on Application No. 27021/08, Grand Chamber, 07 July 2011, paragraph 102; See also: International Law Commission, *Fragmentation of International Law: Difficulties Arising from Diversification and Expansion of International Law*, Report of the Study Group of the International Law Commission, A/CN.4/L.682, 13 April 2006, paragraph 331, suggesting that decisions taken by the Security Council which are *ultra vires* the UN Charter do not give rise to any obligations.

[103] A/RES/70/1, Target 16.a.

that the international cooperation envisaged here is not treated as a charity or generosity, but as a duty on all countries. Target 16.b aims to "promote and enforce non-discriminatory laws and policies for sustainable development"[104]. The RtD requires non-discriminatory laws and policies not only at the domestic level, but also at international level. In other words, it requires that international laws and policies, whether under the UN, WB, IMF, World Trade Organization, or other organizations, which might impede sustainable development of States in a discriminatory manner ought to be amended appropriately, and that new international laws and policies which promote sustainable development for all without discrimination must be adopted. As noted earlier, lack of sustainable development creates the enabling environment for conflicts.

Secondly, the "means of implementation" targets under SDG 17, which are indispensable for the realization of all other SDGs, including SDG 16, also envisage international cooperation and partnerships. As explained in Chapter 3, these can be successful only if the Rtd is operationalized. It is worthwhile pointing out that the "sustaining peace" reports and resolutions place significant importance on partnerships as well in order to achieve the same.[105] However, such partnerships will be either *ad hoc* or won't happen at all, if they not premised on the duty of international cooperation envisaged both by the UN Charter and the DRTD. Moreover, the relationship between targets under SDG 16 and SDG 17 are not just that the former are impossible without the latter; it is also that without the latter, the targets under SDG 16 will in fact worsen from any given threshold. For instance, if debt-relief of countries under Target 17.4[106] is not accomplished, the likelihood of social unrest and violence in those countries rises exponentially.[107]

The DRTD places special importance on disarmament in the context of peace and security. In particular, the Preamble reaffirms that "there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries"[108]. In the same vein, Article 7 stipulates as follows:

> "All States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that

[104] Ibid, Target 16.b.
[105] See: S/RES/2282 (2016) and A/RES/70/262; United Nations, *The Challenge of Sustaining Peace*.
[106] A/RES/70/1, Target 17.4: "Assist developing countries in attaining long-term debt sustainability through coordinated policies aimed at fostering debt financing, debt relief and debt restructuring, as appropriate, and address the external debt of highly indebted poor countries to reduce debt distress".
[107] For instance, see: Fabrizio Carmignani, "Debt and Peace in Post-Conflict Countries", in Li Junsheng, Chen Bo, and Hou Na (eds.), *Cooperation for a Peaceful and Sustainable World Part 2* (Bingley, United Kingdom: Emerald Group Publishing Limited, 2013), pp.131-156.
[108] A/RES/41/128, Preamble, Paragraph 12.

> the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries."[109]

As has been noted earlier, disarmament plays a key, albeit politically loaded, role in the peace and security architecture of the UN, despite there being clear normative and empirical links between armament and conflicts. As such, Article 7 provides the normative basis for States to promote disarmament as an essential requirement for sustainable development and sustaining peace. Efforts by States to do their utmost to achieve general and specific disarmament, and in weapons of mass destruction and conventional armaments, is not merely a moral responsibility, but a duty. Indeed, the RtD provides the normative basis and the reason why States must ratify and implement the various treaties related to disarmament in both letter and spirit, including the landmark Arms Trade Treaty. More specifically, Article 7 of the DRTD also provides the normative basis for implementation of Target 16.4 which requires by 2030, [to] significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.

The last portion of Article 7 of the DRTD which focuses on ensuring "that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries"[110], is also significant in the context of the SDGs. The world military expenditure is estimated to have been $1676 billion in 2015, representing 2.3% of global gross domestic product or $228 per person.[111] Total global expenditure in 2015 was about 1.0 per cent higher in real terms than in 2014.[112] It is estimated that achieving the entire SDG 4 on education would cost well under 10% of annual global military spending, and realizing SDGs 1 and 2 on eliminating extreme poverty and hunger would cost just over 10%.[113] A little less than half the world's annual military spending would be sufficient to meet the majority of those SDGs for which additional economic resources are a central requirement.[114] It is evident that operationalization of the RtD will provide the enabling environment for all SDGs to be realized by focusing on the generation of resources from disarmament, as well as generating resources, more broadly.

The RtD also shares a focus on "participation" with several targets of SDG 16. Participation is inherent in targets that require ensuring equal access to justice for all (16.3), developing effective, accountable and transparent institutions at all levels (16.6), ensuring responsive, inclusive, participatory and representative decision-making at all levels (16.7), providing legal identity for

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[109] Ibid, Article 7.
[110] Ibidem.
[111] Stockholm International Peace Research Institute, *SIPRI Yearbook 2016: Armaments, Disarmament and International Security: Summary*, p.17, available at https://www.sipri.org/sites/default/files/YB16-Summary-ENG.pdf (accessed on 31 July 2017).
[112] Ibidem.
[113] Ibid, p.18.
[114] Ibidem.

all, including birth registration (16.9), and ensuring public access to information (16.10). It is noteworthy that the "sustaining peace" reports and resolutions also place significant value on participation of local communities in peace operations.[115]

Significantly, free, active and meaningful participation of "the entire population and of all individuals" in "development and in the fair distribution of benefits resulting therefrom" is a core feature of the RtD.[116] Article 1(1) of the DRTD states that "the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized"[117]. Article 2(1) further states that "the human person is the central subject of development and should be the active participant and beneficiary of the right to development"[118]. Article 8(2) also stipulates that "States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights"[119]. All these Articles provide the normative basis as to why States need to treat the targets in SDG 16 which require participation not just as an aspiration but as a duty on States, if sustaining peace is to be achieved alongside sustainable development.

Similarly, at the level of States, Target 16.8 aims at broadening and strengthening the participation of developing countries in the institutions of global governance. This falls squarely within the normative framework of Article 4 of the DRTD, which stipulates that "States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development"[120], and that "Sustained action is required to promote more rapid development of developing countries. As a complement to the efforts of developing countries, effective international co-operation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development"[121].

Finally, as explained by Piovesan and Fachin in Chapter 7, the DRTD also provides a normative basis for ensuring gender empowerment for sustainable development and sustaining peace. The RtD also requires ensuring that no human right is undermined in the process of development, and thus in fulfilling the SDGs, including SDG 16 and its targets. Operationalizing the RtD in peace operations or in other efforts for sustaining peace can ensure that steps taken by States to combat violence do not undermine human rights standards, principles, and norms, as enshrined in international human rights and humanitarian law instruments.

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[115] See: S/RES/2282 (2016) and A/RES/70/262; United Nations, *The Challenge of Sustaining Peace*.
[116] A/RES/41/128, Preamble, paragraph 2; and Article 2(3).
[117] Ibid, Article 1(1).
[118] Ibid, Article 2(1).
[119] Ibid, Article 8(2).
[120] Ibid, Article 4(1).
[121] Ibid, Article 4(2).

Conclusion

This Chapter provided a broad overview of the UN's peace and security architecture and its evolution over time, mostly in response to the changing nature of conflicts. In this context, this Chapter then introduced the "sustaining peace" concept and its intrinsic relation with the 2030 Agenda for Sustainable Development. The importance of human rights as the third essential element in this mix was also discussed. Based on these theoretical connections, this Chapter explored how the peace and security related goals and targets in the 2030 Agenda are essential for achieving sustainable development. A detailed analysis was finally made on the value-added of the RtD in the implementation of these goals and targets, especially SDG 16. Building on this analysis, it can be concluded that the RtD provides the necessary normative basis and the enabling environment for realizing the peace and security related goals and targets in the SDGs, without which their fulfillment will remain only aspirational and unachievable.