UDC 342.7

Olena ROMTSIV
Lviv Polytechnic National University,
Associate Professor of the Department
of Theory of Law and Constitutionalism
Educational and Scientific Institute of Law,
Psychology and Innovative Education,
Candidate of Law, Associate Professor
olena.i.romtsiv@lpnu.ua
ORCID: 0000-0002-3776-7120

Maryna ANDRIICHUK
Lviv Polytechnic National University,
obtaining a second (master's) level of higher education
Institute of Law, Psychology and Innovative Education
maryna.andriichuk.mpvpr.2024@lpnu.ua
ORCID: 0009-0001-3815-3163

MAIN PROBLEMS OF LEGAL REGULATION AND MECHANISMS FOR IMPLEMENTING THE RIGHT TO PEACE

http://doi.org/10.23939/law2025.46.262

The article is devoted to the analysis of the constitutional and legal foundations of the right to peace, consideration of the practice of its application, and also to the identification of problems in legal regulation and implementation mechanisms.

The article notes that the right to peace should include the following components: the right to advocate peace; peaceful coexistence and peaceful cooperation; prohibition of the threat and use of force; the right to development, which is an exclusive condition for peace; the right to human rights education; mechanisms for maintaining peace and security; remedies for violations of the right to peace; and the right to resist colonial foreign occupation and dictatorship.

Despite the fact that the right to peace is enshrined in international standards, its implementation is constantly subject to negative impact. International acts are usually declarative and do not have effective mechanisms to enforce their provisions by signatories. Of course, this is primarily due to the peculiarity of the subject composition of international law, as its main participants are states. They cannot be subject to the same methods of coercion as individuals or legal entities.

Another, and currently the most obvious problem, is the imperfection of international institutions such as the United Nations (UN). Despite its broad powers, the UN faces difficulties in taking collective action due to political differences between member states. For example, the veto of permanent members of the Security Council often paralyses decision-making in crisis situations, making it difficult to respond to conflicts and ensure peace.

Main problems of legal regulation and mechanisms for implementing the right to peace

The main problems hindering the realization of the right to peace include: insufficient effectiveness of international law; focus of the political will of individual States on creating a threat to world security through their own domestic national interests; weakness of the role of international organizations in maintaining world order; impossibility of applying to the State violating international law such sanctions which would ensure respect for rights in the future; failure of States to comply with the decisions of international courts aimed at restoring violated rights.

Keywords: right to peace, United Nations, international legal acts, international organisations, world security.

Statement of the problem. Awareness of the importance of consolidating the fundamental and inalienable rights belonging to every person arose acutely in the mid-twentieth century after the end of the Second World War. The creation of the United Nations was intended to consolidate the international community around a single goal – to maintain and strengthen peace and international security, and to develop cooperation between the states of the world.

In 1948, the UN General Assembly adopted the Universal Declaration of Human Rights, which was a historic step in establishing global standards for the protection of fundamental rights and freedoms. For the first time, the international community defined that human rights are universal and indivisible, meaning that they belong to everyone and cannot be arbitrarily taken away, including the right to peace. However, shortcomings in international legislation relating to the organisation and activities of international human rights organisations make it difficult to implement this right in practice. Studying and resolving these problems is an important step towards creating an effective human rights system capable of meeting all the challenges of modern society.

The purpose of the article is to identify the main problems of ensuring the right to peace based on the analysis of international legal acts, and to propose recommendations for improving the mechanism for exercising this right.

State of the art of the issue. The issue of implementation of the right to peace has been studied by many national scholars, including D. Belov, O. Boginich, K. Kliuyev, Y. Kliuyeva, V. Kozyupa, A. Motsa, V. Motsa, N. Onishchenko, E. Renev, Y. Solovyova, I. Sukhan, A. Filippov, etc. However, a comprehensive approach to solving the problems of practical implementation of the right to peace, taking into account current challenges, has not been sufficiently explored, which necessitates further scientific research.

Summary of the main provisions. The emergence and consolidation of various categories of rights occurred gradually, and therefore, in the scientific literature, they were systematised into the theory of 'three generations of human rights'. First, the first generation was formed – the generation of natural human rights; then the second – the generation of guarantees in certain areas of human life. In the course of development and enrichment of the first and second generations, the third generation emerged – the generation of collective rights (of national minorities, foreign citizens, women, children, and disabled persons). The level of modern development of science and society indicates the dominance of the trend of distinguishing the rights of the 'fourth generation' of human rights [1, p. 58].

The inclusion of the right to peace in the existing classification system has been the subject of debate among scholars for quite some time. Currently, most scholarly works refer to this right as a 'collective' right, one that belongs to the whole society, a 'third generation' right. In addition to the right to peace, they also include the right to development, the right to a safe environment, the right to participate in the use of common cultural heritage, the right to humanitarian assistance, the right to information [2, p. 285].

The allocation of such a group of rights is associated with the intensification of national liberation movements in developing countries, the crisis of the possibility of ensuring rights and the growth of global problems of the post-war world of the twentieth century.

According to I. Ivankiv, the process of recognising the human right to peace has never been easy and is still far from complete, and there is no unanimity in approaches to the subject of this right. The regulation of this right in international law has a long history. Recognition of peace as a conditio sine qua non for the realisation of human rights has led to the need to recognise peace as a human right, at least in legal theory. Many soft law documents recognise peace as a necessary condition for the realisation of the right to life [3; 4; 5].

The Dictionary of the Ukrainian Language defines the concept of 'peace' in several ways, namely: absence of disagreement, enmity, quarrels; absence of armed struggle between two or more peoples, states; the opposite of war; agreement of the parties at war with each other to cease hostilities; peace treaty [6].

According to E. Kliuyeva and Y. Solovyova, the right to peace should include the following components: the right to advocate peace; peaceful coexistence and peaceful cooperation; prohibition of the threat and use of force; the right to development, which is an exclusive condition for peace; the right to human rights education; mechanisms for maintaining peace and security; remedies for violations of the right to peace; the right to resist colonial foreign occupation and dictatorship [7].

As for the features of the right to peace, the following can be distinguished:

1) the right has emerged from the circle of logical theories and philosophical theses that represent ideas and perceptions of peace as a legal category, a necessary guarantee and a goal that should be respected by defining it as internationally organised law;

2) it is protected by international law, as it is included in the list of rights enshrined in international treaties, and has separate mechanisms and measures applied to violators;

3) it is collective international law, as it concerns not only individuals, but also peoples and nations;.

4) it should be considered as an additional international law, which is manifested in the need to respect other fundamental natural human rights in order to be able to realise the right to peace [8].

The international community has enshrined certain issues of ensuring peace in a number of UN acts, in particular, in the Declaration on the Use of Scientific and Technological Progress in the Interest of Peace and for the Benefit of Mankind (UNGA Resolution 3384 of 10 November 1975), the Declaration on the Education of Peoples in the Spirit of Peace (UNGA Resolution 33/73 of 15 December 1978), the Declaration on the Right of Peoples to Peace (UNGA Resolution 39/11 of 12 November 1984), etc. [9, p. 294].

The General Assembly reaffirmed the fundamental belief that life without war is a basic international prerequisite for the material well-being, development and progress of countries, and the full realisation of human rights and fundamental freedoms proclaimed by the UN. The Assembly emphasised that ensuring the right of peoples to peace requires that the policies of states be oriented towards eliminating the threat of war, especially nuclear war, renouncing the use of force in interstate relations and settling international disputes by peaceful means in accordance with the UN Charter [10].

It is worth noting that in December 2016, the UN General Assembly adopted the Declaration on the Right to Peace, which invites all stakeholders to be guided in their activities by attaching great importance to the practice of tolerance, dialogue, cooperation and solidarity among all peoples and nations of the world as the main means of promoting peace.

In order to achieve this goal, the Declaration states that the present generation must ensure that now and in the future, mankind learns to live together in peace with the highest aspiration to save future generations from the scourge of war [11; 12; 13].

The right to peace, as a fundamental human right, requires the use of effective instruments for its implementation at the global and national levels. However, the existing mechanisms of influence are still not considered sufficient to ensure stability and security in the face of current challenges.

Despite the fact that the right to peace is enshrined in international standards, its implementation is constantly being negatively affected. International acts are usually declarative and do not have effective mechanisms to enforce their provisions by signatories. Of course, this is primarily due to the peculiarity of the subject composition of international law, as its main participants are states. They cannot be subject to the same methods of coercion as individuals or legal entities. The international community may respond to

such threats to peace and security by imposing economic sanctions, restricting imports/exports of raw materials, or providing military assistance to one of the parties. However, such restrictions can exacerbate humanitarian crises by preventing access to resources for ordinary citizens, while failing to achieve the goals of the right to peace.

Another, and currently the most obvious problem, is the imperfection of international institutions such as the United Nations (UN). Despite its broad powers, the UN faces difficulties in taking collective action due to political differences between member states. For example, the veto of the permanent members of the Security Council often paralyses decision-making in crisis situations, making it difficult to respond to conflicts and ensure peace. One of the main purposes of the UN, as set out in Article 1 of the UN Charter, is the maintenance of international peace and security, which should be ensured through peaceful measures, in accordance with the principles of justice and international law, to settle or resolve international conflicts or situations that may lead to a breach of the peace. Instead, since the founding of the UN until now, military operations, terrorism, internal conflicts and ethnic disputes have been ongoing in various regions of the world, creating serious obstacles to peace.

In order to implement the right to peace and monitor its observance, the United Nations carries out so-called 'peacekeeping activities', in which representatives of Member States take part. In particular, on 18 February 1965, the General Assembly adopted Resolution 2006 (XIX), which established the Special Committee on Peacekeeping Operations and approved the name 'UN peacekeeping operations'. Since the first peacekeeping operation, which was to monitor the implementation of the armistice agreement between the State of Israel and neighbouring Arab states, the United Nations has deployed more than 70 operations to date [7].

Having analysed these missions, it should be noted that unarmed or lightly armed missions with limited mandates have little or no effect on peacekeeping. Instead, multidimensional or enforcement missions are much more effective for the peacekeeping process. This is especially true when the conflict is still ongoing – a limited mission mandate not only does not contribute to the peacekeeping process, but can even increase the level of aggression, for example, against civilians. Georgia's experience shows that even if a mission has a mandate from reputable international organisations (UN and OSCE) but no military component and no ability to defend itself, it still becomes vulnerable and dependent on the parties to the conflict [14, p. 128; 15].

As for the activities of this organisation within the framework of the Russian-Ukrainian war, the UN Security Council could not actually adopt resolutions, in particular on the issue of Crimea in Ukraine (2014), because the Russian Federation, using its veto power as a permanent member of this body, actually blocked the UN Security Council's decision to resolve the Ukrainian crisis. Any attempts to facilitate the settlement of the military conflict on the territory of Ukraine were prevented by Russia.

Politicians and scholars alike have repeatedly raised the issue of the need to transform the UN and its bodies to better ensure the organisation's main goals, including ensuring peace in the world.

In the context of reforming the UN Security Council, the following aspects of transformation seem to be the most important: the membership, as well as the working methods of the Security Council, namely the veto. Yale University Professor Paul Kennedy also confirms the relevance of the above-mentioned reform, calling the UN in its current form an anachronism, as the UN Charter reflects the realities at the time of its adoption in 1945. The British scholar assesses the prospect of expanding the UN Security Council as a quite reasonable transformation.

It should be understood that the expansion of the Security Council membership will not affect the effectiveness of its work – the permanent members will continue to exercise their veto power. Therefore, when assessing the UN Security Council and deciding on its reform, the main criterion should be the effectiveness of working methods rather than the quantitative approach. In 2015, during the 70th session of the UNGA, the then President of France Francois Hollande announced the voluntary refusal of this European country to use the veto in cases of mass crimes, calling on other permanent members to do so as well [16, p. 59; 17].

The activities of the UN seem ineffective, and the international organisation itself needs fundamental changes in approaches to governance, decision-making and response to international conflicts in line with the challenges faced in the current state of affairs. Multipolarity, the rise of regional centres of power, globalisation and the growth of transnational problems have significantly changed world politics compared to the post-war world of the mid-twentieth century.

The problems of realisation of the right to peace also include the actual impossibility of bringing the violating state to international legal responsibility for failure to comply with the terms of international treaties to which it has consented. The UN has the International Court of Justice, which, in accordance with its Statute, has jurisdiction over cases submitted to it by the parties or issues specifically provided for in the Statute and other international treaties. The mechanism of enforcement of the judgments of the International Court of Justice according to paragraph 2 of Article 94 of the UN Charter is reduced to the possibility of appealing to the UN Security Council, which, in turn, if it deems it necessary, may provide recommendations or decide to take measures to enforce the judgment [10; 18].

An example of the insufficient effectiveness of this institution is, in particular, the Judgment of the UN Court of Justice in the case of 'Application of the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russia)', which was announced on 31 January 2024. The court found that the Russian Federation had violated both conventions by its actions and omissions. The court partially recognised the violations alleged by Ukraine in the statement of claim, without any obligation to recover compensation from the Russian Federation. With regard to the violation of the International Convention for the Suppression of the Financing of Terrorism, the UN Court upheld the accusations in only one of the five articles of Ukraine's claim, recognising Russia's inaction in failing to systematically investigate alleged terrorist financing crimes [19].

A violation was also recognised regarding the deprivation of children in the occupied Crimea of the opportunity to study in the Ukrainian language, since the way the Russian Federation has implemented education in Crimea after 2014, it does not actually comply with its obligations under Article 2, paragraph 1 (a) and Article 5 (e) (v) of the UN Convention on the Elimination of All Forms of Racial Discrimination. The practical implementation of this decision seems impossible, in particular due to the presence of the Russian Federation as a permanent member of the UN Security Council. Ukraine cannot seek enforcement of the decision, as any resolution will be blocked by the veto and will not enter into force.

The unwillingness of the international community to take measures to monitor peaceful settlements may lead to the emergence of larger conflicts that could destabilise not only neighbouring countries but also spread to entire regions. Only a handful of modern conflicts can be considered truly 'local'. They often give rise to a whole range of problems such as illicit trafficking in weapons, drugs or people; terrorism; refugee flows; and environmental damage. The consequences of these phenomena are felt far beyond the immediate conflict zone.

Conclusions. Thus, despite the existence of an impressive list of international treaties relating to the right to peace, its implementation has been and remains a problematic issue. And the existing mechanisms cannot fully ensure the collective right to peace.

The main problems that hinder the realisation of the right to peace include: insufficient effectiveness of international law; the political will of individual states to create a threat to world security through their own domestic national interests; the weak role of international organisations in maintaining world order; the impossibility of applying sanctions to a state that violates international law that would ensure respect for rights in the future; failure of states to comply with international court decisions aimed at restoring violated rights.

The adoption of international treaties, the imposition of sanctions on a state or terrorist organisation, and peacekeeping operations seem to be only partially effective and can help resolve a conflict, preventing it from escalating to the scale of a world war. Effective realisation of the right to peace requires improvement of international mechanisms, development of new forms of cooperation and integration of socio-economic strategies that will contribute to achieving genuine peace.

СПИСОК ВИКОРИСТАНИХ ДЖЕРЕЛ

1. Шебаніц Д. М. (2015). Сучасна проблематика теорії "поколінь прав людини" в умовах європейської міждержавної інтеграції. *Науковий вісник Ужгородського національного університету. Серія "Право"*. Вип. 31, т. 1. С. 57–61.

2. Моца А., Моца В. (2022). Права людини в умовах воєнного стану. *Наукові перспективи (Naukovì perspektivi)*, 4 (22). С. 280–291.

3. Богініч О. Л. (2023). Право на мир у парадигмі колективного та індивідуального суб'єктів: дуалізм підходів. *Альманах права*. Вип. 14. С. 195–200.

4. Іванків І. Б. (2020). Права людства. Монографія. Київ : Ваіте, 158 с.

5. Іванків І. Б. (2017). Право людства на мир як умова дотримання прав людини. *Наукові записки НаУКМА. Юридичні науки*, вип. 200. С. 27–31.

6. Визначення поняття "мир" у Словнику української мови. URL: https://sum.in.ua/s/myr

7. Клюєва Є. М., Соловйова Ю. О. (2023). Мир як право: особливості визначення та забезпечення. *DICTUM FACTUM*. Вип. 1 (13). С. 204–210.

8. Белов Д. М., Сухан І. С. (2023). Право на мир: сучасні підходи до право розуміння. Аналітично-порівняльне правознавство, серія "Право". Ужгород. Вип. 5. С. 681–691.

9. Оніщенко Н. (2023). Право людини на мир: завдання національної правової системи. *Наукові інновації та передові технології*, 11 (25). С. 287–296.

10. Статут Організації Об'єднаних Націй 1945 р. URL: https://unic.un.org/aroundworld/unics/common/documents/publications/uncharter/UN%20Charter_Ukrainian.pdf

11. Декларація про право народів на мир від 12 листопада 1984 р. URL: https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-peoples-peace

12. Декларація про право на мир від 19 грудня 2016 р. URL: https://documents.un.org/doc/undoc/gen/n16/454/62/pdf/n1645462.pdf

13. Tuba Turan. The 2016 UN General Assembly Declaration on the Right to Peace: A Step towards Sustainable Positive Peace within Societies?, *Human Rights Law Review*, 2023. Vol. 23, Is. 2.

14. Клюєв К. Г. (2016). Міжнародні миротворчі операції як політичний інструмент врегулювання військово-політичних конфліктів. *Молодий вчений*, Вип.10. С. 127–131.

15. Козюпа В. (2023). Проведення миротворчих операцій: виклики сучасної миротворчої діяльності. *Консенсус*, Вип. 1. С. 163–177.

16. Грачевська Т., Гірман А. (2023). Проблеми та перспективи реформування ООН: позиція України. *Геополітика України: історія і сучасність*. Вип. 1 (30). С. 56–66.

17. Реньов Є. В. (2023). Реформування Ради Безпеки ООН: проблеми та перспективи. *Юридичний науковий електронний журнал*. Вип.1. С. 538–541.

18. Філіппов А. В. (2023). Правові проблеми та перспективи реформування ООН на прикладі ЄС. *Dictum Factum*. Вип. 2 (14). С.182–190.

19. Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation). Press Release No. 2024/8 31 January 2024. URL: https://www.icj-cij.org/sites/default/files/case-related/166/166-20240131-pre-01-00-en.pdf?__cf_chl_rt_tk=_VCbFwMpSAY2wCAEnyJt0_2XlPL3VJrU30ycdG2TGUc-1711015557-0.0.1.1-1791

REFERENCES

1. Shebanits, D. M. (2015). ***Suchasna problematyka teorii "pokolin prav liudyny" v umovakh yevropeiskoi mizhderzhavnoi intehratsii.*** Naukovyi visnyk Uzhhorodskoho natsionalnoho universytetu. Vyp. 31. T. 1. P. 57–61. [In Ukrainian].

2. Motsa, A., Motsa, V. (2022). Prava liudyny v umovakh voiennoho stanu. Naukovi perspektyvy. No. 4 (22). P. 280–291. [In Ukrainian].

3. Bohinich, O. L. (2023). ***Pravo na myr u paradyhmi kolektyvnoho ta indyvidualnoho subiektiv: dualizm pidkhodiv.*** Almanakh prava. Vyp. 14. P. 195–200. [In Ukrainian].

4. Ivankiv, I. B. (2020). ***Prava liudstva. Monohrafiia***. Kyiv : Vaite. 158 p. [In Ukrainian].

5. Ivankiv, I. B. (2017). ***Pravo liudstva na myr yak umova dotrymannia prav liudyny.*** Naukovi zapysky NaUKMA. Yurydychni nauky. Vyp. 200. P. 27–31. [In Ukrainian].

6. ***Slovnyk ukrainskoi movy***. Retrieved from: https://sum.in.ua/s/myr (Accessed: 27.02.2025). [In Ukrainian].

7. Kliuieva, Ye. M., Soloviova, Yu. O. (2023). ***Myr yak pravo: osoblyvosti vyznachennia ta zabezpechennia.*** DICTUM FACTUM. Vyp. 1 (13). P. 204–210. [In Ukrainian].

8. Belov, D. M., Sukhan, I. S. (2023). ***Pravo na myr: suchasni pidkhody do pravo rozuminnia***. Analitychno-porivnialne pravoznavstvo. Seriia "Pravo". Vyp. 5. P. 681–691. [In Ukrainian].

9. Onishchenko, N. (2023). ***Pravo liudyny na myr: zavdannia natsionalnoi pravovoi systemy***. Naukovi innovatsii ta peredovi tekhnolohii. No. 11 (25). P. 287–296. [In Ukrainian].

10. ***Statut Orhanizatsii Obiednanykh Natsii 1945 r.*** Retrieved from: https://unic.un.org/aroundworld/unics/common/documents/publications/uncharter/UN%20Charter_Ukrainian.pdf (Accessed: 27.02.2025). [In Ukrainian].

11. ***Deklaratsiia pro pravo narodiv na myr vid 12 lystopada 1984 r.*** Retrieved from: https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-peoples-peace (Accessed: 27.02.2025). [In Ukrainian].

12. ***Deklaratsiia pro pravo na myr vid 19 hrudnia 2016 r.*** Retrieved from: https://documents.un.org/doc/undoc/gen/n16/454/62/pdf/n1645462.pdf (Accessed: 27.02.2025). [In Ukrainian].

13. Tuba Turan. ***The 2016 UN General Assembly Declaration on the Right to Peace: A Step towards Sustainable Positive Peace within Societies?***, Human Rights Law Review. 2023. Vol. 23, is. 2. [In English].

14. Kliuiev, K. H. (2016). ***Mizhnarodni myrotvorchi operatsii yak politychnyi instrument vrehuliuvannia viiskovo-politychnykh konfliktiv.*** Molodyi vchenyi. Vyp. 10. P. 127–131. [In Ukrainian].

15. Koziupa, V. (2023). ***Provedennia myrotvorchykh operatsii: vyklyky suchasnoi myrotvorchoi diialnosti. Konsensus.*** Vyp. 1. P. 163–177. [In Ukrainian].

16. Hrachevska, T., Hirman, A. (2023). ***Problemy ta perspektyvy reformuvannia OON: pozytsiia Ukrainy.*** Heopolityka Ukrainy: istoriia i suchasnist. Vyp. 1 (30). P. 56–66. [In Ukrainian].

17. Renov, Ye. V. (2023) ***Reformuvannia Rady Bezpeky OON: problemy ta perspektyvy.*** Yurydychnyi naukovyi elektronnyi zhurnal. Vyp. 1. P. 538–541. [In Ukrainian].

18. Filippov, A. V. (2023). ***Pravovi problemy ta perspektyvy reformuvannia OON na prykladi YeS.*** Dictum Factum. Vyp. 2 (14). P. 182–190. [In Ukrainian].

19. ***Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination*** (Ukraine v. Russian Federation). Press Release No. 2024/8 31 January 2024. Retrieved from: https://www.icj-cij.org/sites/default/files/case-related/166/166-20240131-pre-01-00-en.pdf?__cf_chl_rt_tk=_VCbFwMpSAY2wCA EnyJt0_2XlPL3VJrU30ycdG2TGUc-1711015557-0.0.1.1-1791(Accessed: 27.02.2025). [In Ukrainian].

Дата надходження статті: 12.02.2025 р.

Олена РОМЦІВ
Національний університет “Львівська політехніка”,
доцент кафедри теорії права
та конституціоналізму
Навчально-наукового інституту права,
психології та інноваційної освіти,
кандидат юридичних наук, доцент
olena.i.romtsiv@lpnu.ua
ORCID: 0000-0002-3776-7120

Марина АНДРІЙЧУК
Національний університет “Львівська політехніка”,
студентка першого (магістерського) рівня вищої освіти
спеціальності 081 “Право”
Навчально-наукового інституту права,
психології та інноваційної освіти
maryna.andriichuk.mpvpr.2024@lpnu.ua
ORCID: 0009-0001-3815-3163

ОСНОВНІ ПРОБЛЕМИ ПРАВОВОГО РЕГУЛЮВАННЯ ТА МЕХАНІЗМІВ РЕАЛІЗАЦІЇ ПРАВА НА МИР

Стаття присвячена аналізу конституційно-правових засад права на мир, розгляду практики його застосування, а також виявленню проблем у правовому регулюванні й механізмах реалізації.

У статті зазначається, що право на мир має містити такі складові частини: право виступати за мир; мирне співіснування та мирне співробітництво; заборону на загрозу і застосування сили; право на розвиток, що є виключною умовою миру; право на навчання

правам людини; механізми підтримки миру та безпеки; засоби правового захисту щодо порушення права на мир; право протистояти колоніальній іноземній окупації та диктаторському режиму.

Незважаючи на нормативне закріплення у міжнародних стандартах права на мир, його реалізація постійно зазнає негативного впливу. Міжнародні акти зазвичай є декларативними та не мають ефективних механізмів примусу до виконання положень підписантами. Звичайно, це пов'язано насамперед з особливістю суб'єктного складу міжнародного права, адже основними його учасниками є держави. До них не можна застосовувати такі самі методи примусу, як до фізичних чи юридичних осіб.

Ще однією, наразі найбільш очевидною проблемою є недосконалість міжнародних інституцій, таких як Організація Об'єднаних Націй (ООН). Попри широкі повноваження, ООН стикається з труднощами в здійсненні колективних дій через політичні розбіжності між державами-членами. Так, вето постійних членів Ради Безпеки часто паралізує прийняття рішень у кризових ситуаціях, що ускладнює реагування на конфлікти та забезпечення миру.

До основних проблем, що заважають реалізації права на мир, треба зарахувати: недостатню ефективність міжнародного права; спрямованість політичної волі окремих держав на створення загрози світовій безпеці через власні внутрішньонаціональні інтереси; слабкість ролі міжнародних організацій у підтриманні світового правопорядку; неможливість застосування до держави-порушника міжнародного права таких санкцій, що зможуть забезпечити дотримання прав у майбутньому; невиконання державами рішень міжнародних судів, які спрямовані на відновлення порушених прав, та притягнення до відповідальності суб'єктів, винних у порушенні права на мир.

Ключові слова: право на мир, Організація Об'єднаних Націй, міжнародно-правові акти, міжнародні організації, світова безпека.