



Shaping the Contours of Peace Building: Implications of Culture and Identity for International Law

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There is a growing awareness these days that ending of hostilities requires constructive peace building activities apart from the measures to terminate conflicts. This awareness is at least visible in two areas namely consolidation of the concept of positive peace and in the United Nations Peace Treaties. However the challenge is that the conceptualization of peace making is not adequately framed in the law relating to armed conflicts. Given the existence of a framework for *jus in bello* and *jus ad bellum*, the need to have a similar framework for situations of *jus post bellum* becomes imperative. Till date *Jus Post Bellum* is considered as a moral paradigm that lacks a regulatory framework which illustrates its principles derived from various fields of law and legal practice. It is agreed among law specialists that it is crucial today to set the concept in its legal context and constitute laws that regulate State conduct after wars. It is also important to provide for parameters to evaluate whether objectives of such a framework have been implemented fairly and in accordance with law and most importantly focus on the consideration of establishing fair and just peace in order to avoid chaotic results. For this to take shape, it is important to consider aspects of culture and identity affecting human security. Of relevance is the observation by Michael Walzer. He suggests *jus post bellum* criteria should include self-determination, non-discrimination, popular legitimacy, civil rights and the idea of common good. A thorough examination of these criteria or principles may not be necessary here but suffice to say they constitute enough grounds and basis for the study of constituent elements of numerous peace treaties. It is recognized that international law will contribute to building a transnational culture based on rule of law with respect for identities, needless to say culture and identity have significant role in post conflict peace building. Therefore, it is pertinent to analyze the extent to which international law is effective in shaping State behavior based on identities.

In view of the above, approaches to peace building need further exploration to assess and inform content of *Jus Post Bellum*. Apart from an assessment of the normative and institutional framework for peace building in international law, this paper would provide an overview of human security and human rights under international law and address the current debates pertaining to culture, identity and international law. The formulation of a set of criteria to identify when the *post bellum* phase begins is the primary step in the consideration of the legal framework to regulate post conflict. This



is of crucial importance given that the actors in the conflict must know when certain obligations become operative. It is germane to also examine certain related and important concepts like the peace settlements, peace treaties, peacemaking and peace keeping and the notion of duty to protect-whose duty, when it arises and when it ends. All these issues are interrelated and deserve to be studied for defining the scope and content of the work.

The basic premise here is: What is the scope of functional interdependence, as seen through the legal lens, between culture, identity and peace building? How legal frameworks aid identity in peace building activities? Is there sufficient emphasis on identity in peace treaties?

Based on the interdisciplinary insights at the Kyoto conference, this discussion would be a timely review. As a sampler, one can quote this: The 2005 World Summit emphasized 'the need for a coordinated, coherent and integrated approach to post-conflict peace building and reconciliation with a view to achieving sustainable peace'. It is envisaged that this paper would add to mapping of legal approaches to peace building, and contribute further to work of the UN Peace Building Commission. (*)