



General Assembly

Distr.: General
7 September 2012

English and Spanish only

Human Rights Council

Twenty-first session

Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Joint written statement* submitted by the Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), the International Alliance of Women (IAW), the International Youth and Student Movement for the United Nations (ISMUN), non-governmental organizations in general consultative status, Associazione Comunita Papa Giovanni XXIII, Women's Union of Russia (WUR), Rencontre Africaine pour la Defense des Droits de l'Homme (RADDHO), International Association of Peace Messenger Cities (IAPMC), Universal Esperanto Association (UEA), the BADIL Resource Center for Palestinian Residency and Refugee Rights, the International Federation of Women Lawyers (FIDA), International Federation of Women in Legal Careers (FIFCJ), North-South XXI, Union of Arab Jurists (UAJ), International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), General Arab Women Federation (GWAF), Arab Lawyers Union (ALU), Peace Boat, International Women's Year Liaison Group, Japanese Worker's Committee for Human Rights, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale (OCAPROCE), Lama Gangchen World Peace Foundation (LGWPF), American Association of Jurists (AAJ), Worldwide Organization for Women (WOW), Comision Colombiana de Juristas (CCJ), the Pan Pacific South East Asia Women's Association International (PSEAWA), Center for Global

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Community and World Law, the Solar Cookers International (SCI), Tandem Project, International Movement against all Forms of Discrimination and Racism (IMADR), the Cairo Institute for Human Rights Studies (CIHR), non-governmental organizations in special consultative status, the Institute for Planetary Synthesis (IPS), the 3HO Foundation, Inc. (Healthy, Happy, Holy Organization), International Society for Human Rights (ISHR), Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), the International Peace Bureau (IPB) non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 August 2012]

The human right to peace, the international solidarity and the democratic and equitable international order**

I.

The HR Council has consistently approached the development of the human right to peace as an emerging right in the international human rights law from a three-fold perspective: as part of the emerging right to *international solidarity*; as part of the right of all *human beings* and all *peoples* to a *democratic and equitable international order*, as claimed for in Art. 28 UDHR; and as an essential element of the *right of peoples to peace*.¹

Since 2007 the HR Council has reaffirmed the fundamental value of solidarity in the 21st century's international relations. The international solidarity requires international cooperation, (unity) of interest and joint action in order to preserve not only the fabric and very survival of international society, but also to achieve the collective goals.² As the former independent expert on human rights and international solidarity -Mr. Mohammed Rudi Rizki- indicated, the right to peace should be qualified as a solidarity right.³

As a result, the HRC requested all States, United Nations agencies, other relevant international organizations and non-governmental organisations to mainstream "the right of peoples and individuals to international solidarity" in their activities⁴ and the independent expert on human rights and international solidarity to continue preparing "a draft declaration on the right of peoples and individuals to international solidarity".⁵ It also requested that the independent expert "further develops guidelines, standards, norms and principles with a view to promoting and protecting this right, by addressing, inter alia, existing and emerging obstacles to its realization".⁶

In his reports to the HR Council, Mr. Rizki stated from the outset that the right to peace shall be part of the future *declaration on the right of peoples and individuals to international solidarity*. He also concluded that the "international solidarity permeates the three pillars of the Charter of the United Nations: peace and security; development; and human rights. Development and human rights are the most secure basis for peace".⁷

The independent expert also reiterated that "there is an unequivocal value of solidarity and a related value system that can inform ... the progressive development of ...an evolving right of peoples and individuals to international solidarity".⁸ To his opinion, the international solidarity is "a precondition to human dignity, the basis of all human rights, and a human-centered approach to development".⁹

In its resolutions 9/2, 12/9 and 15/13, the Human Rights Council requested the Advisory Committee to prepare inputs to contribute to the elaboration by the independent expert on

¹ VILLÁN DURÁN, Carlos: "The Human Right to Peace: A Legislative Initiative from the Spanish Civil Society", Spanish Yearbook of International Law, vol. XV, 2009, p. 154.

² A/HRC/4/8, par. 12.

³ E/CN.4/2006/96, par. 16; and A/HRC/4/8, of 7 February 2007, par. 13.

⁴ Resolution 6/3, par. 5.

⁵ Ibidem, para. 7.

⁶ Resolution 9/2, par. 7; and resolution 12/9, par. 8.

⁷ A/HRC/15/32, of 5 July 2010, par. 61.

⁸ Ibidem, par. 40.

⁹ Ibidem, paragraph 58.

human rights and international solidarity of a draft declaration on the rights of peoples and individuals to international solidarity. As stated by the draft final paper on human rights and international solidarity prepared by Chen Shiqiu on behalf of the AC drafting group on human rights and international solidarity, "international solidarity is not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it is a broader concept and principle that includesthe right of peoples to peace...".¹⁰

In accordance with the current independent expert on human rights and international solidarity (Ms. Virginia Dandan), the draft paper prepared by the drafting group will guide the draft declaration on international solidarity and it should be delivered to the Human Rights Council by 2014.¹¹ In addition, participants in the expert workshop on human rights and international solidarity held in Geneva on 7 and 8 June 2012 agreed that "a right to international solidarity could strengthen space for participation and increase the accountability of national and international stakeholders by creating duties and obligations, including to respect cultural diversity and the right to peace".¹²

II.

In 2008 the HR Council initiated the development of the content of Art. 28 UDHR interpreting the aspirations of all peoples for an international order based on the principles enshrined in the Charter of the United Nations.

As stated by the HR Council resolution 18/6, a democratic and equitable international order requires, inter alia, the realization of the following: (a) The right of all peoples to self-determination....; (b) The right of peoples and nations to permanent sovereignty over their natural wealth and resources; (c) The right of every human person and all peoples to development; (d) The right of all peoples to peace; ... (e) The shared responsibility of the nations of the world for managing worldwide economic and social development, as well as threats to international peace and security, that should be exercised multilaterally".¹³

In addition, it reaffirmed that 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 the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries".¹⁴ It also stressed the need "...to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generations".¹⁵

As stated by the Independent Expert on the promotion of a democratic and equitable international order (Mr. Alfred de Zayas), "a new paradigm of rights could be envisioned: enabling rights (peace, food, homeland, development), immanent rights (equality, due process) and end rights (identity, the right to achieve one's potential)".¹⁶ He also recalled civil society initiatives that have born fruit, for example the World Campaign on the Human Right to Peace conducted by the Spanish Society for the International Human Rights Law,

¹⁰ A/HRC/AC/9/4, of 2 July 2012, par. 9.

¹¹ A/HRC/21/44, of 10 August 2012, par. 8.

¹² A/HRC/21/44/Add.1, of 11 July 2012, par. 17.

¹³ Res. 18/6, of 29 September 2011, par.6.

¹⁴ Ibidem, par. 10.

¹⁵ Ibidem, par. 11.

¹⁶ Preliminary report of the Independent Expert on the promotion of a democratic and equitable international order, A/HRC/21/45, of 31 July 2012, par. 63.

which concluded on 10 December 2010 with the adoption of the *Santiago Declaration on the Human Right to Peace* in Santiago de Compostela, Spain in the context of the World Social Forum on Education for Peace.¹⁷

Finally, the Independent Expert reported that, pursuant to HR Council resolution 17/16 and Advisory Committee recommendation 8/4, the Advisory Committee submitted to the Council its draft declaration on the right to peace (A/HRC/20/31). At its twentieth session, the HR Council adopted resolution 20/15 establishing an open-ended working group to continue the codification process on the basis of the AC draft declaration, taking duly into account all preparatory work.¹⁸

III.

We invite the independent experts on human rights and international solidarity and on the promotion of a democratic and equitable international order to progressively elaborate the right to peace in their respective mandates along with the current codification process carried out by the HR Council, including the new Open-Ended Working Group on the right to peace.

In particular, the independent experts should endeavour in their respective mandates, inter alia:

- Consider the human rights to peace, solidarity and the promotion of a democratic and equitable international order as means to foster the right to self determination of peoples and all human rights, including the right to development;
- Recognize the relationship among human rights to peace, solidarity and the promotion of a democratic and equitable international order, and rights to life, integrity, liberty and security of the person and the refugee rights; *physical and mental health and well-being*; the need to protect victims from uncontrolled weapons of mass destruction, genocide, crimes against humanity and war crimes and ensure redress for their suffering; the need to examine the possibility of disarming all weapons; the right to emigrate and not emigrate; the right to know the truth, justice and reparation from human rights violations; the need to protect the rights of the most vulnerable, in particular, women and children; the exercise of civil, political, economic, social, cultural and linguistic rights to enhance social justice, equity and gender equality, and the elimination of extreme poverty, since it will make possible solidarity, peace and friendly relations among all nations, races, ethnicities or religions;
- Stress that the human right to peace promote solidarity and education for peace and human rights, and the construction of democratic, equitable, egalitarian and multicultural societies, as well as the dialogue and peaceful coexistence among cultures, civilizations and religions;
- Identify appropriate measures to implement the human rights to peace, solidarity and the promotion of a democratic and equitable international order as contained in the UN Charter, the UDHR and the international and regional human rights instruments;
- Take into account the contributions from the civil society and UN human rights bodies as contained in both the *Santiago Declaration on the Human Right to Peace* and the Advisory Committee's draft Declaration on the Right to Peace;

¹⁷ Ibidem, par. 31.

¹⁸ Ibidem, par. 10.

- Pay particular attention to gender mainstreaming in the field of peace-building, solidarity and democratic and equitable order as requested by the Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women of 1995, and ensure women's participation at all levels of decision-making on peace, disarmament and security issues, as mandated in Security Council resolutions 1325 (2000), 1820 (2008), 1888 and 1889 (2009), as well as the need to perform a gender analysis and ensure gender justice in all situations of armed conflict. And;
- Finally, we invite both independent experts to actively participate in the codification process of the human right to peace, in particular providing expert opinion to the new open-ended working group in charge of drafting the future UN Declaration of the Right to Peace.

Notes

** NGOs without consultative status, also share the views expressed in this statement: Geneva international Centre for Justice (GICJ), BRussels Tribunal, Arab Lawyers Association (UK), General Federation of iraqi Women (GFIW), Iraqi Commission for Human rights (Iraq-CHR), Japanese Committee on the Human Right to Peace (composed by the Japan Lawyers, International Solidarity Association, Japan Workers Committee for Human Rights, Japan's, Association of Democratic Lawyers, International Women's Year Liaison Group, Japan Young, Women's Christian Association, Pan-Pacific and South-East Asia Women's Association of Japan, Japan Federation of Women's Organization, Japanese Society for Developing the Culture of Peace, Global Campaign for Peace Education Japan, Peace Boat and Global Article 9 Campaign), International Women's Year Liaison Group network (The Japan Young Women's Christian Association, Women's International League for Peace and Freedom, Japan Section, The Pan-Pacific and South-East Asia Women's Association of Japan, The League of Women Voters of Japan, Japanese Association of University Women, National Women's Committee of the UN NGOs, Japan Women's Council I, Japan Medical Women's Association, Japan Women's Bar Association, The Society of Japanese Women Scientists, Business and Professional Women's Club of Japan, The All Japan Network for Equalization of the Gender Education, Japan Federation of Women's Organization, Department of Human Rights and Equality, Japanese Trade Union Confederation, Japanese Nursing Association), Consortium of women's NGO Associations of Russia (160 russian NGO, please see <http://www.wcons.org.ru/ru/database.php?letter=U>), International Association of Peace Messenger Cities (101 cities, please, see in <http://www.iapmc.org/>), International Peace Bureau (20 international and 270 national NGOs, please see <http://ipb.org/i/index.html>), US Coalition on the Human Right to Peace.
