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PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

Joint Written statement¹ submitted by the International Alliance of Women (IAW), Brahma Kumaris World Spiritual University (BKWSU), Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), International Association for Religious Freedom (IARF), Soroptimist International (SI), Women's Federation for World Peace International (WFWPI), international organizations in general consultative status; African Women's Development and Communication Network (FEMNET), Al-Hakim Foundation, American Association of Jurists (AAJ), Anglican Consultative Council (ACC), Asian Forum for Human Rights and Development (Forum-Asia), Conscience and Peace Tax International (CPTI), Dominicans for Justice and Peace (Order of Preachers), Equality Now, Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, Femmes Africa Solidarité (FAS), Foundation for the Refugee Education Trust (RET), Gaia Mater (The Mother Earth), General Arab Women Federation (GAWF), Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (IAC),

¹ This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Interfaith International, International Association for the Defence of Religious Liberty, International Bridges to Justice Inc. (IBJ), International Federation of University Women, Lutheran World Federation, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), Rencontre Africaine pour la Defense des Droits de l'Homme (RADDHO), Temple of Understanding (TOU), UNESCO Centre Basque Country (UNESCO Etxea), Union of Arab Jurists, Wittenberg Center for Alternative Resources, Women's International League for Peace and Freedom (WILPF), Women's World Summit Foundation (WWSF), World Organization Against Torture, Worldwide Organization for Women (WOW), non-governmental organizations in special consultative status; and the Indian Council of South America (CISA), Institute for Planetary Synthesis (IPS), International Association of Gerontology and Geriatrics, International Peace Bureau, International Society for Human Rights (ISHR), Planetary Association for Clean Energy Inc. (PACE), World Association for the School as an Instrument of Peace, 3HO Foundation Inc. (Healty, Happy, Holy Organization), 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.

[30 August 2007]

Peace as a solidarity right. A legal approach²

*The Spanish Society for the Advancement of International Human Rights Law (SSIHRL)*³, with the support of the Catalanian Agency for Cooperation to Development, adopted on 30 October 2006 the “Luarca Declaration on the Human Right to Peace” as the culmination of a process of extensive consultations with the Spanish civil society through the organization of six expert seminars in different regions⁴.

Since then, the SSIHRL with the support of the Catalanian Agency is leading a process of consultations with the international civil society through the organization of conferences and expert seminars in all regions of the world. The purpose of this world-wide campaign is to share the Luarca draft declaration with the international civil society and to take into account the input of different cultures in relation to the human right to peace⁵.

This process of consultations will continue until 2009 in all regions of the world. Expert seminars are scheduled to take place in Bangkok (October 2007), Congo-Brazzaville, Dakar and Ghana (November 2007); Montreal and Chicago (December 2007). In 2008 additional expert seminars will be organized in Peru, Argentina and Brazil; South Korea and India; Sarajevo, Morocco and Tunisia.

In February 2009 the SSIHRL will call for a NGO World Conference in Geneva to take stock of all inputs received from the international civil society and to adopt the final text of the draft *universal declaration on the human right to peace*. It would then represent the aspirations of the civil society as a whole. This draft would be further submitted to the UN human rights competent bodies in order to initiate the official codification of the human right to peace.

In addition, the Luarca Declaration was officially introduced by UNESCO Etxea in an oral statement on 15 March 2007 to the plenary of the Fourth Session of the UN Human Rights Council. It was complemented by two written statements both submitted to the Fourth Session of the HR Council (A/HRC/4/NGO/85, of 8 March 2007) and to the

² The following NGOs without consultative status with ECOSOC have also endorsed the statement:

Harmony International (Ottawa, Canada), Idas & Vueltas, Asociación de familiares y amigos de migrantes (Montevideo, Uruguay), Millenium Solidarity (Geneva, Switzerland), PASPA-Côte d'Ivoire (Partenariat Stratégique pour la Paix en Afrique à Abidjan, Côte d'Ivoire), WIN Development (Women International Network for Development à Abidjan, Côte d'Ivoire), WECaN (Worldwide Entrepreneurship Campaigners' Network à Abidjan, Côte d'Ivoire), Africa Internally Displaced Persons Voice, All African Conference of Churches, Ethiopian Human Rights and Civic Education Promotion Association, Gandhi Institute for Non-violence, University of Rochester, Institute of Learning – Gandhi University, Life and Peace Institute, Presença da América Latina, Observatorio Control Interamericano de los Derechos de los y de las Migrantes.

³ Society established in Asturias (Spain) in 2004, composed of 80 Spanish IHRL specialists aiming at promoting the values of IHRL and furthering its development.

⁴ The regional expert seminars took place in Oviedo (27-28 July 2006), Las Palmas de Gran Canaria (17-18 August 2006), Bilbao (15-16 September 2006), Madrid (21-22 September 2006), Barcelona (28-29 September 2006) and Seville (13-14 October 2006)

⁵ Conferences and expert seminars have already taken place in Geneva (NGO World Conference on Reform of International Institutions, November 2006); Mexico (December 2006); Bogota, Barcelona and Addis Ababa (March 2007); Caracas and Santo Domingo (April 2007); Morelia (Mexico, 12 May 2007), Bogota (12 May 2007), Oviedo and Santa Fe (New Mexico, USA, 16-17 May 2007); Washington (14 June 2007), Nairobi (15 June 2007) and Geneva (28 June).

Fifth Session of the HR Council (A/HRC/5/NGO/9, of 6 June 2007). They were adhered to by an increasing number of non-governmental organizations.

Moreover, three parallel meetings were organized at the *Palais de Nations* in Geneva during the sessions of the HR Council. Firstly, on 15 March 2007, both the SSIHRL and the International Society of Human Rights (Frankfurt) called for an open *Information Meeting on the Luarca Declaration*. Secondly, on 16 March 2007 the SSIHRL organised a *technical meeting* with NGO and human rights experts for the main purpose of building a common strategy for the world-wide campaign on the human right to peace through expert consultations with the international civil society. Finally, on 11 June 2007 both UNESCO Etxea and SSIHRL organised an additional parallel event focused on the relationship between peace and solidarity rights⁶.

The right to peace has its solid foundation in the 1945 Charter of the United Nations, whose main purpose and aim is the maintenance of international peace and security⁷. Since then, 105 States have incorporated this right into their national Constitutions the right to peace as a governing principle of their domestic legal system. Furthermore, several international instruments adopted by the UN General Assembly recognize the peoples' right to peace⁸. In particular, resolution 39/11 solemnly proclaimed that "the peoples of our planet have a sacred right to peace"; and declared that "the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each State". The collective right of peoples to peace and security was also proclaimed by Article 23.1 of the African Charter on Human and Peoples' Rights (1981).

Although international law and politics acknowledge the prevailing interrelationship between human rights and peace, the recognition of *the right to peace* as an autonomous *human right* has not yet been achieved by the UN General Assembly. Nevertheless, as the independent expert on human rights and international solidarity -Mr. Mohammed Rudi Rizki- indicates, the right to peace should be qualified as a right of solidarity⁹.

The international solidarity requires international cooperation, union 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 goals¹⁰. All means used to achieve this global purpose are shared by the right to peace, because the "cooperation for the maintenance of international peace and security is an absolute necessity for the implementation of this right"¹¹.

Once the right to peace is established as a new human right, it would provide a solid basis to the culture of peace. Its recognition would also give fresh impetus to the struggle against violence and attitudes based on force, imposition and gender

⁶ Panellists were representatives of the World Organization Against Torture, the International Society of Human Rights, UNESCO Etxea and the Office of the UN High Commissioner for Human Rights

⁷ See Articles 1 and 55 of the UN Charter

⁸ Namely, the Declaration on the Preparation of Societies for Life in Peace (res. 33/73 of 15 December 1978), the Declaration on the Right of Peoples to Peace (res. 39/11 of 11 November 1985) and the Declaration on a Culture of Peace (res. 53/243 of 13 September 1999)

⁹ E/CN.4/2006/96, par. 16; A/HRC/4/8, of 7 February 2007, par. 13

¹⁰ A/HRC/4/8, par. 12

¹¹ Bolintineau, A., "Recognition of the right to peace of men and peoples as an institution of international contemporary law", *Revue roumaine d'études internationales*, 20(2) mars/avril 1986 : 98-99

discrimination. Finally, it will match with an ethical notion designed to proclaim the universal principles developed under international human rights law¹².

This *enabling* right could be found in the *UNESCO Colloquium on the new human rights: the rights of solidarity*¹³ (Mexico City 12-15 August 1980). Besides, the *Report of the Seminar on the Relations that exist between Human Rights, Peace and Development* concluded that the latter concepts are interrelated and interdependent and that the fostering of one promotes the enhancement of the others¹⁴. Thus, taking into account this important background, many NGO and human rights experts currently consider that the right to peace should be finally codified in connection with the rights of solidarity (such as the right to development or the right to healthy and sustainable environment).

Qualified human rights commentators¹⁵ stated that the promotion of peace needs to be understood not only in the passive sense of the absence of war, but also in the positive sense of creation of conditions of equity, gender equality and social justice. Indeed, depriving people of their economic, social and cultural rights generates social injustice, marginalization and unrestrained exploitation¹⁶. It follows that there exists a correlation between socio-economic inequalities and violence¹⁷. Thus, the realization of the right to development is vital to reduce any kind of internal or external violence within society.

We therefore urge the international community to reincorporate into the international agenda the item of the right to peace, which has disappeared since the end of the Cold War. The United Nations should renovate its Charter engagement in favour of solidarity, human rights, international cooperation, disarmament and peace as a whole. In this context, the *Universal Declaration on the Human Right to Peace* should become the key element to achieve a just, lasting and constructive peace in the world.

Since Article 1 of the UN Charter proclaims the purpose of developing solidarity rights¹⁸, and since UNESCO has recognized that the right to peace as a general principle of international law¹⁹, we could conclude that the international community urgently needs to start the official codification of the human right to peace. This process could be facilitated if the High Commissioner for Human Rights is asked by the HR Council to carry out a constructive dialogue and consultations with Member States, the specialized agencies, intergovernmental organizations and non-governmental organizations on how

¹² UNESCO, Report by the Director-General on the Human Right to Peace, General Conference Twenty-Ninth Session, Paris, 1997, 29 C/59, 29 October 1997; UNESCO, Report by the Director-General on the Results of the International Consultation of Governmental Experts on the Human Right to Peace, hundred and fourth session, Paris, 1998, Executive Board, 154 EX/40, 17 April 1998

¹³ UNESCO, Colloquium on the New Human Rights, Matias Romero Institute of Diplomatic Studies of the Secretariat for the External Affairs of Mexico, SS-80/CONF.806/4, 1980

¹⁴ ST/HR/SER.A/10, New York, 1980

¹⁵ Alston, P. and Eide, A., "Peace, Human Rights and Development: their interrelationship", *Bulletin of Peace Proposals*, - 11(4) 1980, p. 315-318

¹⁶ Report of the Secretary-General on question of the realization in all countries of economic, social and cultural rights, E/HRC/4/62, 13 February 2007, par. 30-31

¹⁷ Thomas E. McCarthy, *Attacking the root causes of torture: Poverty, inequality and violence. An interdisciplinary study*. World Organization Against Torture, Geneva, 2006

¹⁸ Rudi Muhammad Rizki: (Second) *Report on human rights and international solidarity*, *cit.*, pars.43-44.

¹⁹ Consulta Internacional de expertos representantes de 117 Estados sobre el Derecho Humano a la Paz celebrada en París, marzo de 1998.

the international community could better promote an international environment leading to the full realization of the human right to peace²⁰.

²⁰ UNGA, *Promotion of peace as a vital requirement for the full enjoyment of all human rights by all*, A/Res/60/163, 2 March 2006, p. 8