

SECOND DIALOGUE FORUM -2012
Organised jointly by CSO and Co-sponsored by NAM, OIC and AG

In preparation of the 20th Session of the Human Rights Council-UN

SECOND DIALOGUE FORUM-2012:

**“ REGIONAL CONTRIBUTIONS TO THE CODIFICATION
OF THE RIGHT TO PEACE”**

Geneva, 6 June 2012

Palais des Nations

11:15 - 13:15 h

Room XXI

Jointly organized by:

Spanish Society for International Human Rights Law (SSIHRL)

International Observatory of the Human Right to Peace (IOHRP)

Foundation for Dialogue among Civilizations (FDC)

World Council of Churches (WCC)

Nord-Sud XXI

Rencontre Africaine de Défense Pour les Droits de l'Homme (RADDHO)

Japanese Committee on the Human Right to Peace

International Association of Peace Messenger Cities

Co-sponsored:

Group of the Non-Aligned Movement (NAM)

Organisation of the Islamic Cooperation (OIC)

African Group (AG)

Concept paper

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1. Introduction: Organizers and objectives of the expert meeting.

The Human Rights Council (HRC) is an inter-governmental body reporting to the General Assembly and made up of 47 States responsible for strengthening the promotion and protection of human rights around the globe. The HR Council was established by the GA on 15 March 2006 with the additional purpose of contributing to the progressive development of international human rights law.

In September 2005 the second Summit of Heads of State and Government held in New York at the occasion of the General Assembly, recognized its Outcome document the existing relationship among international peace and security, social and economic development, and the respect for all human rights. This was reiterated in 2006 by the General Assembly when it established the current HR Council.

Additionally, paragraph 1 of the Preamble of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights stated as follows: “Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”.

At its 20th session (June 2012) the HR Council will be expected to take action on the (third) draft Declaration on the right to peace as submitted by the Advisory Committee¹. In addition, the HR Council will have before it a new joint written statement in which CSO led by the IOHRP/SSIHRL will request the HR Council to establish an **open-ended working group on standard-setting** composed of representatives of States with a wide participation of civil society, entrusted with drafting a Universal Declaration on the Human Right to Peace, taking into consideration both the AC (third) draft Declaration and the *Santiago Declaration*.

¹See in the report of the Human Rights Council Advisory Committee on the right of peoples to peace, A/HRC/20/31 16 April 2012

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The Second Dialogue Forum on the *Regional contributions to the Codification of the Right to Peace* to be held on 6 June 2012 at the Palais des Nations (Geneva), is jointly organized by the Spanish Society for International Human Rights Law (SSIHRL), the International Observatory of the Human Right to Peace (IOHRP), the Foundation for Dialogue among Civilizations (FDC), the World Council of Churches (WCC), Nord-Sud XXI, Rencontre Africaine de Défense Pour les Droits de l'Homme (RADDHO), the Japanese Committee on the Human Right to Peace² and the International Association of Peace Messenger Cities with the sponsorship of the the Group of the Non-Aligned Movement (NAM), the Organisation of the Islamic Cooperation (OIC) and the African Group (AG) in preparation of the 20th regular session of the HR COUNCIL.

The Forum is the second of a series of meetings on right to peace organised by CSO in coordination with regional groups. The first Forum - focused on the *Contributions of the Islamic World to the Right to Peace* - was co-organised by the Organisation of Islamic Cooperation (OIC), the Foundation for Dialogue among Civilizations (FDC), the Spanish Society for International Human Rights Law (SSIHRL) and the International Observatory of the Human Right to Peace (IOHRP) and took place in the Palais des Nations on 14 March 2012.

The main objectives of the Forum are the following:

- To share the *Santiago Declaration on the Human Right to Peace* with regional groups;
- To introduce the Statutes of the *International Observatory of the Human Right to Peace* and extend an invitation to African and Asian civil society organizations to join the General Assembly of the Observatory;
- To examine the ongoing codification process of the right to peace at the Human Rights Council and its Advisory Committee;
- To study action to be taken by the HR Council at its 20^o session, and in particular the establishment of an open-ended working group on standard-setting on the right to peace;
- To analyze the regional contributions to the right to peace provided by the regional groups, namely: Latin American and Caribbean Group, Organization of the Islamic Cooperation, African and Asian Groups;
- To examine the impact of the international peace movement in the promotion and strengthening of the human right to peace;

²The Japanese Committee on the Human Right to Peace is 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.

The Forum's working languages will be English, French and Spanish. Simultaneous interpretation shall be provided. The two-hour Forum shall include opening and closing remarks.

Program

The Forum will be moderated by Mr. **Ricardo Espinosa**, Chief, Non-governmental liaison Unit, United Nations Office at Geneva,

The guest speakers specially invited to analyse the regional contributions to the codification of the right to peace, are:

- H. E. Ambassador **Hisham Badr**, Permanent Representative of Egypt to the United Nations in Geneva and Coordinator of the Group of the Non-Aligned Movement (NAM) at the Human Rights Council (tbc);
- H.E. Ambassador **Rodolfo Reyes Rodríguez**, Permanent Representative of Cuba to the United Nations in Geneva and Coordinator of the Group of Latin America and Caribbean States (GRULAC) at the Human Rights Council;
- H.E. Ambassador **Slimane Chikh**, Permanent Observer of the Organization of the Islamic Cooperation (OIC) to the United Nations in Geneva;
- Prof. **Carlos Villán Durán**, President of the Spanish Society for International Human Rights Law.

In addition, representatives of the following CSO will brief the audience on the regional approaches to the progressive development of the right to peace:

- Ms. **Gala Maric**, Nord-Sud XXI
- Mr. **Yorio Shiokawa**, Japanese Committee on the Human Right to Peace
- Mr. **Biro Diawarago**, Rencontre Africaine de Défense Pour les Droits de l'Homme

2. The codification of human right to peace by civil society: *Santiago Declaration on the Human Right to Peace.*

The World Campaign on the Human Right to Peace successfully culminated the consultation process with international civil society organizing the *International Congress on the Human Right to Peace*, which took place in Santiago de Compostela (Spain) on 9 and 10 December 2010 in the context of the World Social Forum on Education for Peace. On 10 December 2010 two important resolutions were approved by consensus, namely:

Firstly, the *Santiago Declaration on the Human Right to Peace*³, which represents the aspirations of the international civil society aiming at the codification of the human right to peace. It was the end of a fruitful international legislative initiative started on 30 October 2006 when the *Luarca Declaration on the Human Right to Peace*⁴, which was drafted by a Committee of 15 independent experts, was adopted.

The SSIHRL has developed its four-year World Campaign on the Human Right to Peace organizing workshops and expert meetings on the human right to peace in all regions of the world, sharing the content of the Luarca Declaration, and receiving inputs from different cultural sensibilities. In the Europe the SSIHRL organized expert meetings on the human right to peace of experts from civil society in eight countries, namely: Austria, Bosnia and Herzegovina, Cyprus, France, Italy, Luxembourg, Spain and Switzerland.

The *Luarca Declaration* was reviewed in the light of the contributions received from various regional expert meetings on the human right to peace. A new drafting committee of independent experts approved on 24 February 2010 the *Bilbao Declaration on the Human Right to Peace*⁵. This latter Declaration was reviewed by the *International Drafting Committee* (ten experts from the five geographical groups), which approved on 2 June 2010 the *Barcelona Declaration on the Human Right to Peace*. Subsequently, the *Barcelona Declaration* was submitted to the *International Congress on the Human Right to Peace*, held in Santiago de Compostela (Spain) on 9-10 December 2010.

Secondly, the Statutes of the *International Observatory of the Human Right to Peace (IOHRP)*⁶, which is operative since 10 March 2011 provisionally as a part of the SSIHRL, benefiting from the wide experience accumulated throughout its five-year World Campaign on the human right to peace, which has received the support of some 2.000 CSO⁷, as well as of numerous public institutions and the 22 Member States of the Ibero American Summit.

3. The codification of the right of peoples to peace by the Human Rights Council.

By establishing in 2006 the Geneva-based HR Council as one of its subsidiary bodies, the General Assembly acknowledged that “peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and that development, peace and security and human rights are interlinked and mutually reinforcing”⁸.

On 17 March 2009 the HR Council adopted resolution 8/9 by which requested the UN High Commissioner for Human Rights to organize an expert workshop on the right of peoples to peace with the participation of ten experts from countries of the five regional groups. The workshop took place on 15-16 December 2009 in Geneva with the

³ See full text of the *Santiago Declaration* at www.aedidh.org

⁴ See full text of the *Luarca Declaration* at www.aedidh.org

⁵ The full text of the *Bilbao Declaration* can be consulted in several languages In <http://www.aedidh.org>

⁶ The Statutes of the Observatory are also available at www.aedidh.org

⁷ Civil Society Organizations

⁸ General Assembly resolution 60/251, adopted on 3 April 2006, § 6 of its preamble.

participation of ten experts. The workshop recommended that the HR Council establish an open-ended working group (representatives of States), with the task of initiating the official codification of the right to peace.

Furthermore, HR Council resolution 14/3, adopted on 17 June 2010, explicitly recognized "... the important work being carried out by civil society organizations for the promotion of the right of peoples to peace and the codification of that right"; and "supported the need to further promote the realization of the right of peoples to peace"; it therefore requested "the Advisory Committee, in consultation with Member States, civil society, academia and all relevant stakeholders, to prepare a draft declaration *on the right of peoples to peace*, and to report on the progress thereon to the HR Council at its seventeenth session".

Moreover, HR Council (resolution 17/16 of 17 June 2011) requested again the Advisory Committee to draft a Declaration on the right of peoples to peace and to report on progress thereon to the Council at its twentieth session (June 2012).

At its 20th session (June 2012) the HR Council will be expected to take action on the (third) draft Declaration on the right to peace submitted in document A/HRC/20/31 of 16 April 2012, Annex. CSO will submit a new joint written statement inviting again the HR Council to establish an open-ended working group on standard-setting to continue the codification process of the right to peace with the purpose of submitting to the General Assembly a draft *Universal Declaration on the Human Right to Peace*.

4. The codification of the right to peace by the Advisory Committee.

By recommendation 5/2 of 6 August 2010 the Advisory Committee established a drafting group of four members to prepare by January 2011 a first draft Declaration on the right of peoples to peace.

In addition, by recommendation 6/3 of 21 January 2011 the Advisory Committee took note of the progress report; increased to six the members of the drafting group⁹; and requested it to prepare a questionnaire to be distributed among all stakeholders. In the light of the comments received, it submitted in August 2011 a (first) draft Declaration to the AC¹⁰. The group focused on standards relating to international peace and security as core standards (elements of negative peace, absence of violence), and included standards in the areas of peace education, development, the environment, victims and vulnerable groups (elements of a positive peace¹¹).

According to paragraph 6 of the report "...the draft declaration refers to the right of peoples to peace, but subsequently uses the language of the "human right to peace", which was found to be more appropriate. General Assembly resolution 39/11, which was adopted more than 25 years ago (1984), has a strong focus on the collective dimension. In the draft

⁹ It was expanded to include Shigeki Sakamoto and Latif Hüseyinov.

¹⁰ Doc. A/HRC/AC/7/3 of 19 July 2011, 9 p.

¹¹ *Ibidem*, paragraph 5.

declaration, the rights of the individual have also been included. It identifies States and international organizations as the main duty-bearers, and individuals and peoples as rights-holders”.

The AC continued to work on the (second) draft declaration on the right to peace (A/HRC/AC/8/2, of 9 December 2011) at its eighth session (20-24 February 2012). On 24 February 2012 it adopted recommendation 8/4 of 24 February 2012 by which it *took note* of the progress report submitted by the drafting group (paragraph 1); it *welcomed* the submissions and comments received by various stakeholders and members of the Advisory Committee (paragraph 2); it also *welcomed* the initiatives of civil society actors to organize discussions on the draft declaration of the Advisory Committee; (paragraph 3); it *requested* the drafting group to finalize its work on the draft declaration on the right of peoples to peace in the light of the discussions held by the Advisory Committee at its eighth session, and to submit it to the HR Council at its twentieth session (paragraph 4).

Recommendation 8/4 also *requested* the drafting group to include in its revision, inter alia: (a) Reference to the link between the right to peace and all civil, political, economic, social and cultural rights in article 1; (b) Reference to the importance of citizen security and a preventive approach; (c) Strengthening of gender mainstreaming in article 8; (d) Reference to the right to truth in article. 11; (e) A more explicit wording on a monitoring mechanism in article 13 (paragraph 5).

Finally, recommendation 8/4 *expressed* the wish that a representative of the drafting group on the right of peoples to peace of the Advisory Committee be invited to participate in the discussions of the HR Council on the draft declaration; (paragraph 6); it also *expressed* the wish that the drafting group be kept informed of the follow-up to the work of the HR Council, and that it might be involved, in appropriate ways, in the on-going debate (paragraph 7); and it *requested* the Office of the UN High Commissioner for Human Rights to provide the drafting group with all the assistance necessary to enable it to accomplish its task (paragraph 8).

Therefore, the AC submitted to the HR Council its (third) draft Declaration on the right to peace in document A/HRC/20/31 of 16 April 2012, Annex. Paragraph 6 of the report stated that in the original mandate of the HR Council reference was made to “the right of peoples to peace”; the Advisory Committee proposed the term “right to peace”, which was found “to be more appropriate and includes both the individual and collective dimensions”. Also in accordance with the AC, “the draft declaration focuses on standards relating to international peace and security as core standards (elements of negative peace, absence of violence), and includes standards in the areas of peace education, development, the environment, and victims and vulnerable groups as elements of a positive peace” (paragraph 7 of the same report).

5. Regional contributions to the right to peace.

The right to peace has a solid foundation in the 1945 Charter of the United Nations, whose main purpose and aim is the maintenance of international peace and security¹². Since

¹² See Articles 1 and 55 of the UN Charter

then, 105 States have incorporated the universal value of peace into their national Constitutions and the right to peace as a governing principle of their domestic legal system¹³. Furthermore, several international instruments adopted by the General Assembly recognized the right of peoples to peace¹⁴. In particular, the 1984 Declaration on the Right of Peoples to Peace (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”.

5.1. Latin American and Caribbean States.

Along the years, the Latin American and Caribbean States have signed numerous agreements characterized by the wish to live in peace and encourage, through the mutual comprehension and the respect for the sovereignty of each State, the mutual dialogue, the renunciation to war, the respect of human rights and the strengthening of diplomatic relationships.

At the **Inter-American Conference for the Maintenance of Peace**, held in Buenos Aires in 1936, the Governments of the American Republics agreed to create immediately a process of peaceful collaboration during a war, or in the case of a virtual war between American States. Furthermore, the Governments declared inadmissible the intervention of any of them, direct or indirectly in the internal or external affairs of any other State.

On the other hand, the **Inter-American Conference on problems of War and Peace**, held in Chapultepec (Mexico) in March 1945, was the basis for the reorganisation of the system. During the **Inter-American Conference for the Maintenance of Continental Peace and Security** held in Rio de Janeiro (Brazil) in 1947, the **Inter-American Treaty of Reciprocal Assistance (TIAR)** or Rio Treaty was signed on 2 September 1947. In accordance with this treaty, the High Contracting Parties condemn categorically the war and undertake not to resort the threat or the use of force in their international relations, in any manner inconsistent with the provisions of the Charter of the United Nations or this Treaty (Article 1).

¹³ **African States:** Algeria, Angola, Benin, Burkina Faso, Centre African Republic, Cameroon, Chad, Congo, Democratic Republic of Congo, Cote d'Ivoire, Equatorial Guinea, Egypt, Eritrea, Ethiopia, Ghana, Guinea, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Mozambique, Namibia, Nepal, Niger, Rwanda, South-Africa, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda

Asian and Pacific States: Bahrain, Bangladesh, Bhutan, Burma, China, Djibouti, Timor Leste, India, Indonesia, Iran, Japan, Kuwait, Laos, Malaysia, Marshall Island, Micronesia, North Korea, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Saudi Arabia, South Korea, Sri Lanka, Vietnam, Yemen

Eastern European States: Albania, Bosnia-Herzegovina, Estonian Rep., Hungary, Kazakhstan, Kirghizstan, Macedonia, Moldova, Romania, Slovakia, Slovenia, Turkey, Turkmenistan, Uzbekistan

Latin American and Caribbean States: Argentina, Brasil, Belize, Colombia, Cuba, El Salvador, Guatemala, Haïti, Honduras, Nicaragua, Paraguay, Perú, Suriname and Saint Lucia

Western European and other States: Andorra, Finland, Germany, Greece, Ireland, Italy, Malta, Norway, Portugal, Spain, Switzerland

¹⁴ 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)

The **Pan American Conference** held in Bogota (Colombia) in 1948 established the **Organization of American States**. During the Conference various regional instruments of international law were adopted to promote, develop and strengthen peace and security in the Continent. Among them stand out the adoption of the **Charter of the OAS** (in substitution of the Pan American Union), the **American Treaty on Pacific Settlement**, and the **American Declaration of the Rights and Duties of Man**.

The OAS Charter stressed that the essential purposes of the Organisation are the following:: the strengthening of continental peace and security (art. 2); the enforcement of principles of justice and social security as basis for a durable peace and the implementation of an education system directed toward justice, freedom and peace (art. 3).

In 1968, the **Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean States** (known as Tlatelolco Treaty) was signed in Mexico. This Treaty establishes the denuclearization of the territory of Latin America and the Caribbean States. Moreover, it includes the **Additional Protocol to the American Convention on Human Rights in the Field of Economic, Social and Cultural Rights** (Protocol of San Salvador), which was adopted on 17 November 1988.

According to its article 13 -right to education-, States Parties to this Protocol agree that education should be directed toward the full development of the human personality and human dignity and should strengthen respect for human rights, ideological pluralism, fundamental freedoms, justice and peace. Furthermore, it emphasizes that education ought to enable everyone to participate effectively in a democratic and pluralistic society and achieve a decent existence and should foster understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups and promote activities for the maintenance of peace".

More recently, on 29 October 2011, the **XXI Ibero American Summit** held in Asunción (Paraguay) adopted the resolution on the right to peace by which twenty-two Member States agreed to support the codification of the right to peace as initiated at the HR Council, paving the way to its progressive development. It also recognized the important contribution of civil society organizations to promote the right to peace; and requested that the resolution be transmitted to the Secretary-General and the UN High Commissioner for Human Rights, urging the United Nations to actively contribute to the progressive development of the right to peace in the context of the purposes and principles set up in the Charter of the United Nations¹⁵.

Finally, on 2 and 3 December 2011, thirty-three Member States of America Latin and the Caribbean States met in Caracas (Venezuela) to establish the **Community of Latin American and Caribbean States (CELAC)**. According to the signed Agreement, CELAC will be the highest expression of the wish for unity in diversity of the thirty-three States Parties, having as objective the strengthening of the political, social and cultural links among States Parties, based on a mutual program of welfare, peace and security for their peoples and regional communities.

¹⁵See the full text of the Summit resolution on the right to peace at <http://segib.org/cumbres/xxi-asuncion-paraguay>.

5.2. Islamic World.

A society based on peace, solidarity and tolerance among peoples is what Islam advocates. The peace concept and the idea of living in peace with one's surroundings permeate the whole religion of Islam. The human beings' relationship to the universe may not be based on conflicts or longing for conquests. It has to be founded on the notion of peace and the feeling of communion. Peace has an important role in the relationship to other people. The most important principles in the justice concept are equality and brotherliness.

In accordance with the **Charter of the Arab League**, signed on 22 March 1945 in Cairo (Egypt), the main goal of the League is to "draw closer the relations between member States and co-ordinate collaboration among them, to safeguard their independence and sovereignty, and to consider in a general way the affairs and interests of the Arab countries". The Arab League currently has 22 member States (including Syria, whose participation was suspended in November 2011).

The Charter of the Arab League recalls in its article 4 that the League will cooperate with the international bodies to be established in the future in order to guarantee security and peace and regulate economic and social relations.

On 25 September 1969, the **Organisation of Islamic Cooperation (OIC)** (formerly Organization of the Islamic Conference) was established upon a decision of the historical summit which took place in Rabat. This Organisation is the second largest inter-governmental Organization after the United Nations with a membership of 57 States spread over four Continents. The Organization is the collective voice of the Muslim world and aims to safeguard and protect the interests of the Muslim world in the spirit of promoting international peace and harmony among various people of the world.

The Preamble of the Charter of OIC recognizes that the Member States will promote inter-State relations based on justice, mutual respect and good neighbourliness to ensure global peace, security and harmony. Moreover, article 2.5 indicates that "all Member States undertake to contribute to the maintenance of international peace and security and to refrain from interfering in each other's internal affairs as enshrined in the present Charter, the Charter of the United Nations, international law and international humanitarian law". Finally, article 27 regulates the system of peaceful settlement of disputes by which the Member States undertake to settle their disputes through good offices, negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

In September 1969 the OIC Member States affirmed that they should unite their efforts for the preservation of world peace and security. After that, the Kings, Heads of State and Government and the Representatives of the Islamic countries and Organisations proclaimed in the second Islamic summit conference held in Lahore (Islamic Republic of Pakistan) on 22-24 February 1974 that "their endeavours in promoting world peace based on freedom and social justice will be imbued with the spirit of amicability and cooperation

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with other Faith, in accordance with the tenets of Islam" (art. 2.3). They also undertook "...to resolve their differences through peaceful means in a fraternal spirit and, wherever possible to utilize the mediatory influence or good office of fraternal Muslim State or States for such resolution" (art. 2.4).

On 28 January 1981 the third Islamic summit conference held in Mecca Al Mukarramah (Saudi Arabia) adopted the **Mecca Declaration** by which Member States of OIC reaffirmed that the belief of all Muslims in the eternal principles of liberty, justice, human dignity, fraternity, tolerance and compassion and their constant struggle against injustice and aggression reinforces their determination to establish just peace, and harmony among peoples, to ensure respect for human rights, and to work for the strengthening of international organizations based on humanitarian principles and peaceful co-existence among nations.

On 11 December 1991 the sixth Islamic summit conference adopted the **Dakar Declaration** by which the African Member States of the Organization of the Islamic Conference undertake to "contribute in an effective and positive manner to the consecration in these different countries of the genuine principles of Islam, raising the banner of the true religion and spreading its noble precepts in the service of closer cooperation, greater solidarity among peoples and consolidation of the foundations of peace and security in the world".

On 15 December 1994 the seventh Islamic summit conference adopted the **Casablanca Declaration** by which Member States of OIC considered in paragraph 2 that any threat to the security of any member State is a threat to world peace and security, which requires action within the framework of our Organization, of the United Nations and the other regional and international organizations, aimed at eliminating such threats in order to safeguard peace and stability of all member States in accordance with international legality. In addition, it recalled that there exist an obligation to "...develop and consolidate bilateral and multilateral relations, and to abide rigorously by the principles of non-interference in internal affairs and of settling conflicts among member States through peaceful means, while stressing the need to settle regional disputes and conflicts in accordance with the principles of the UN Charter, the resolutions of international legality and the principles of justice and equity".

On 22 April 1998 the League of Arab States adopted the **Arab Convention For The Suppression Of Terrorism** by which Arab nations rejected in its Preamble "...all forms of violence and terrorism and advocates the protection of human rights, with which precepts the principles of international law conform, based as they are on cooperation among peoples in the promotion of peace".

On 13 November 2000 the ninth Islamic summit conference adopted the **Doha Declaration** in the session on Peace and Development by which the Kings, Emirs and Heads of State and Government Members of the OIC considered that the initiative of Dialogue among Civilizations constituted a new paradigm and universal vision to build an equitable international order, founded on inclusion, participation, mutual understanding,

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and tolerance among peoples and nations; reaffirmed their resolve to actively contribute to the maintenance of international peace and security based on justice as a high priority of the Organization in the principles and objectives of its Charter, and underlined the imperative of global adherence to the purposes and principles of the Charter of the United Nations and the rules of international law, in particular the principles of sovereign equality, non-intervention and the right of peoples under foreign occupation or alien domination to self-determination by all without any discrimination or double standards.

It also launched an appeal to all the world leaders to combine their efforts within the United Nations and within regional organizations with a view to eliminating all causes of tension that beset our world including such scourges as poverty, ignorance, social exclusion, diseases like AIDS, and illegal migration, piracy, illicit trafficking in drugs and arms. In addition, it condemned all forms and manifestations of terrorism whatever its source as reflected in the unanimous adoption of the Agreement of the Organization of the Islamic Conference on Combating Terrorism; it warned of the serious threats posed by nuclear arsenals and other weapons of mass destruction to international peace and security, particularly in the Middle East region; and it requested to achieve peace and cooperation -which are two objectives of the OIC- to spur them all to make every effort to bring reconciliation among mankind by deepening common values among peoples and strengthening the bonds of interdependence among them within the framework of fruitful and constructive cooperation which allows for respect of religious and cultural specificities.

On 22 May 2004 the **Arab Charter on Human Rights** was adopted by the Council of the League of Arab States. It affirmed the principles contained in the UN Charter, the Universal Declaration on Human Rights, the International Covenants on Human Rights and the Cairo Declaration on Human Rights in Islam. It has been in force since 15 March 2008. Its Preamble acknowledged the close interrelationship between human rights and world peace and the right of Arab world to a life of dignity based on freedom, justice and peace. In addition, as indicated by article 35, "citizens have a right to live in an intellectual and cultural environment in which Arab nationalism is a source of pride, in which human rights are sanctified and in which racial, religious and other forms of discrimination are rejected and international cooperation and the cause of world peace are supported".

On 7-8 December 2005 the OIC Secretary General presented the report **New Vision for the Muslim World: Solidarity in Action** to the third Extraordinary Session of the Islamic Summit Conference held in Makkah Al-Mukarramah (Arabia Saudi). In accordance with the report, the scholars underline the importance of the peaceful resolution of conflicts in the Muslim world. In this regard, they stressed the key role that the General Secretariat of the OIC could play in view of the absence of any effective institution to manage conflicts in Muslim countries. While urging Muslim countries to actively cooperate among themselves in conflict prevention, conflict resolution and post conflict peace-building, the scholars appealed to them to effectively participate in the UN to create a collective security system. They further proposed to set up the Islamic Court of Justice and the strengthening of regional and sub-regional consultation groups to prevent conflicts in the Muslim world. The need for the Secretary General to use his good offices in conflict management process, using the focal point of the Troika was also underscored by the scholars. Finally, the scholars recommended a central role for the OIC in conducting dialogue among

civilizations. They further proposed setting up a core group from OIC Member States to initiate the dialogue. The Conference stressed that dialogue among civilizations based on mutual respect, understanding and equality among people is a prerequisite for establishing a world marked by tolerance, cooperation, peace and confidence among nations.

On 14 March 2008 the Eleventh Islamic Summit Conference adopted the **Dakar Declaration** by which Member States of OIC underscored the need to evolve a new and balanced consensus in the area of disarmament, arms control, non-proliferation, and related security matters as a means to promoting international and regional peace and security (art. 88); reaffirmed the importance of establishing a nuclear weapons-free zone in the Middle East as soon as possible for the sake of preserving peace and security in the region. The Conference reaffirmed its support to the Arab initiative submitted to the Security Council in 2003 in this regard (art. 89); it emphasized that terrorism continues to pose a threat to international peace, security and stability; it does not have any justification and should be condemned unreservedly. It also reaffirmed that full, universal, non-discriminatory, and effective implementation of Chemical Weapons Convention would contribute to enhancing international peace and security; it reaffirmed the resolve of Member States to contribute actively towards a world order based on peace, justice, and equality, stressing the inherent right of Member States to self-defence, in accordance with Article 51 of the UN Charter (art. 99).

The Ten-Year Programme of Action titled **To Meet the Challenges Facing the Muslim Ummah In The 21st Century** adopted in 2008 by the OIC Member States strengthened the role of the OIC in conflict prevention, confidence-building, peace-keeping, conflict resolution and post-conflict rehabilitation in OIC Member States as well as in conflict situations involving Muslim communities (art. 10.1) and enhanced cooperation among the OIC Member States and between the OIC and international and regional organizations in order to protect the rights and interests of the Member States in conflict prevention, conflict resolution, and post-conflict peace-building (art. 10.2).

5.3. Europe.

In Europe, traumatized and bankrupt due to the effects of the Second World War, politicians and intellectuals contributed to affirm that a similar tragedy shall not be repeated and that in the future the construction of peace should be the essential aim of the European States (Winston Churchill, University of Zurich, 19 September 1946).

The valuable legal-political precedent of the UN Charter inspired the **Statute of the Council of Europe** adopted in The Hague Congress held on 7 May 1948.

On 4 November 1950, the Council of Europe adopted the **European Convention on Human Rights**. In particular, paragraph 4 of its Preamble established a solid link among peace, justice and respect of human rights.

On 18 April 1951, Germany, Belgium, France, Italy, Luxembourg and The Netherlands signed in Paris the **Treaty establishing the European Coal and Steel**

Community in order to create interdependence in coal and steel so that one country could no longer mobilise its armed forces without others knowing. As indicated by its Preamble, the signatories considered that the world peace can be safeguarded only by creative efforts commensurate with the dangers that threaten it; they affirmed that the contribution which an organised and vital Europe can make to civilisation is indispensable for the maintenance of peaceful relations; they recognised that Europe can be built only through practical achievements which will first of all create real solidarity and through the establishment of common bases for economic development; and they reaffirmed their commitment to help, by expanding their basic production, to raise the standard of living and further the works of peace.

On 25 March 1957, Belgium, France, Italy, Luxembourg and The Netherlands signed in Rome the **Treaty establishing the European Atomic Energy Community** by which affirmed in its Preamble that nuclear energy constitutes the essential resource for ensuring the expansion and invigoration of production and for effecting progress in peaceful achievement and committed to associate other countries with them in their work and of co-operating with international organisations concerned with the peaceful development of atomic energy. In accordance with article 2 the Community shall "establish with other countries and with international organisations any contacts likely to promote progress in the peaceful uses of nuclear energy".

Also on 25 March 1957, Belgium, Germany, France, Italy, Luxembourg and The Netherlands signed in Rome the **Treaty establishing the European Economic Community** by which they resolved in its Preamble to strengthen the safeguards of peace and liberty by establishing this combination of resources, and called upon the other peoples of Europe who share their ideal to join in their efforts. In addition, article 224 states that member States shall consult one another for the purpose of enacting in common the necessary provisions to prevent the functioning of the Common Market from being affected by measures which a Member State may be called upon to take in case of serious internal disturbances affecting public order, in case of war or of serious international tension constituting a threat of war or in order to carry out undertakings into which it has entered for the purpose of maintaining peace and international security.

On 25 September 1989, the **Parliamentary Assembly of the Council of Europe** adopted recommendation 1112 (1989) by which it stressed that the future cooperation between East and West must be based on "consolidation of peace, trustworthiness, security and freedoms in Europe"¹⁶.

On 28 April 1995, at the occasion of the 50th anniversary of the end of the Second World War, the **Parliamentary Assembly of the Council of Europe** reaffirmed its engagement in the defence of human rights recognizing that the peoples of Europe must choose the way of peace, as the founders of the European Council did before, throughout dialogue, debate, respect of human rights and cooperation of citizens of the European Continent.¹⁷ Relationship between peace and human rights was reaffirmed when the PA

¹⁶Recommendation 1112 (1989) on the cooperation East-West in the proximities of the 20th century (general politics of the European Council), adopted on 25 September 1989

¹⁷Written declaration n° 238 on the 50th Anniversary of the 8 May 1945, Doc. 7302,

“urges future generations to live in peace, in a spirit of respect of human rights and fundamental freedoms”¹⁸. Furthermore, PA resolution 614 (1974) stated that “security and peace can only last if they are based on the universal respect of sovereign equality, the political independence and territorial integrity of each State, and the right of its peoples to forge their own fate and the prohibition of the menace of an exterior intervention”¹⁹.

On 2 October 1997, Member States signed in Amsterdam **the Treaty of Amsterdam amending the Treaty of the European Union, the Treaties establishing the European Communities and certain related acts** to reform the EU institutions in preparation for the arrival of future member countries and to reach a more transparent decision-making process (increased use of the co-decision voting procedure). In accordance with its Preamble, Member States resolved to implement a common foreign and security policy including the progressive framing of a common defence policy, which might lead to a common defence in accordance with the provisions of Article J.7, thereby reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world. Moreover, article J.1 states that the Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy, among them, to preserve peace and strengthen international security, in accordance with the principles of the Charter of the United Nations, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders.

On 11 October 1997, Heads of State and Government of forty Member States of the Council of Europe adopted the **Final Declaration of the Strasbourg Summit** by which pledged to promote understanding and cooperation among citizens of North and South throughout mutual respect and solidarity of the peoples of both shores²⁰. In accordance with the Parliamentary Assembly, the North-South dialogue must focus on strengthening the relationship between peace and migration, environmental protection, promotion of democracy, human rights and rule of law²¹.

On 7 December 2000, the European Parliament, the Council of Ministers and the European Commission solemnly proclaimed the **Charter of Fundamental Rights of the European Union**. In accordance with its Preamble, the peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values.

On 18 December 2007, Member States signed the **Treaty of Lisbon amending the Treaty of the European Union and the Treaty establishing the European Community** by which it gave more power to the European Parliament, it changed the voting procedures in the Council, it recognized the citizens' initiative and it established a permanent President

¹⁸ Motion submitted by Mr. Beix and others for a recommendation on the memory of the two World Wars, 1403-3/2/93-5-E, Doc. 6760, on 3 February 1993

¹⁹ Recommendation 614 (1970) on the relations East-West, adopted on 24 September 1970

²⁰ Final Declaration of the Strasbourg Summit

²¹ See “The Centre North-South of the Council of Europe and its contribution to development and cooperation in the 21st Century”, Committee on Economic and Development Affairs, Rapporteur: Mr. Frey (Switzerland), Doc. 9879, 16 July 2003, p. 26

of the European Council, a new High Representative for Foreign Affairs and a new EU diplomatic service. In accordance with article 3, the Union's aim is to promote peace, its values and the well-being of its peoples and to contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the UN Charter.

On 14 September 2011, the **Parliament of Spain** adopted a resolution in support of the human right to peace. It urged the Government to support the official codification process of the right to peace at the United Nations, in order to include the right of individuals and peoples to peace; to join the Group of Friend States with the codification process on the human right to peace; and to transmit the resolution to all institutions and International Organizations to which Spain is a State party. The resolution also paid tribute to the SSIHRL World Campaign on the human right to peace.

On 29 October 2011, the **XXI Ibero American Summit** held in Asunción (Paraguay) adopted a resolution **on the right to peace** by which the twenty-two Member States agreed to support the codification of the right to peace as initiated at the HR Council. In addition, it is significant that three European countries -Andorra, Portugal and Spain-expressed their support to the right to peace, thus paving the way for a constructive cooperation between Latin America and Europe in the field of right to peace. Therefore it should have a positive impact on the ongoing codification process carried out by the Human Rights Council and its Advisory Committee.

5.4. Africa.

In traditional African societies peace is not an abstract poetic concept, but rather a down-to-earth and practical concept. Peace is conceived not only in relation to conflict and war, but also in relation to order, harmony and equilibrium. It is also a moral value since good conduct is required of human beings if the order, harmony and equilibrium are to be maintained.

On 25 May 1963, the African Union adopted the **Charter of the Organisation of the African Union** in Addis Ababa (Ethiopia) by which Member States, in pursuit of the purposes stated in Article II solemnly affirm and declare their adherence to the principle of the peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration (art. 3.4) and pledge to settle all disputes among themselves by peaceful means and, to this end decide to establish a Commission of Mediation, Conciliation and Arbitration (art. 19).

On 5 July 1976, the African Union adopted the **Cultural Charter for Africa** in Port Louis, (Mauritius) by which the African governments should have to adopt national laws and inter-African regulations governing the protection of cultural property in times of peace and in the event of war (art. 27).

On 3 July 1977, the African Union signed the **Convention for the Elimination of Mercenaries from Africa** in Libreville (Gabon) by which any person, natural or juridical who commits the crime of mercenarism as defined in paragraph 1 of this article commits an offence considered as a crime against peace and security in Africa and shall be punished as such (art. 3.1).

On 27 June 1981, the African Union adopted the **African Charter on Human and Peoples' Rights** in Banjul by which all peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organization of African Unity shall govern relations between States (art. 23.1).

On 30 January 1991, the African Union adopted the **Bamako Convention on the Ban of the Import into Africa and the Control of Trans-boundary Movement and Management of Hazardous Wastes within Africa** in Bamako (Mali,) by which in case of dispute between Parties as to the interpretation or application of, or compliance with, this Convention or any Protocol thereto, the Parties shall seek a settlement of the dispute through negotiations or any other peaceful means of their own choice (art. 20.1 "Settlement of disputes").

On 3 June 1991, the African Union adopted the **Treaty Establishing the African Economic Community** in Abuja (Nigeria) by which the High Contracting Parties, in pursuit of the objectives stated in Article 4 of this Treaty, solemnly affirm and declare their adherence to the principles of the peaceful settlement of disputes among Member States, active cooperation between neighboring countries and promotion of a peaceful environment as a pre-requisite for economic development (art. 3.f).

On 4 July 1995, the African Union adopted the **African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty)** adopted in Addis Ababa (Ethiopia) by which it recalled in its Preamble that the African nuclear-weapon-free zone will constitute an important step towards strengthening the non-proliferation regime, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament and enhancing regional and international peace and security; it reaffirmed the importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the need for the implementation of all its provisions and was determined to promote regional cooperation for the development and practical application of nuclear energy for peaceful purposes in the interest of sustainable social and economic development of the Africa continent. In addition, article 8.1 on "Peaceful nuclear activities" states that nothing in this Treaty shall be interpreted as to prevent the use of nuclear sciences and for peaceful purposes. And article 9 on "verification of Peaceful Uses" indicates that each Party undertakes to conduct all activities for the peaceful use of nuclear energy under strict nonproliferation measures to provide assurance of exclusively peaceful uses.

On 10 June 1998, the African Union adopted the **Protocol to the African Charter on Human And Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights** in Ouagadougou (Burkina Faso) by which Member States considered in its Preamble that the Charter of the AU recognizes that freedom, equality, justice, peace

and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples.

On 2 March 2001, the African Union adopted the Protocol to the **Treaty Establishing the African Economic Community Relating to the Pan-African Parliament** in Sirte (Libya) by which the objectives of the Pan-African Parliament shall be to promote peace, security and stability (art. 3.5).

On 11 July 2001, the African Union adopted the **Convention of the African Energy Commission** in Lusaka (Zambia) by which the Member States solemnly affirm and declare their adherence to the principles of the peaceful settlement of disputes.

On 10 July 2002, the African Union adopted the **Protocol Relating to the Establishment of the Peace and Security Council of the African Union** in Durban (South Africa) by which it acknowledged in the Preamble the contribution of African Regional Mechanisms for Conflict Prevention, Management and Resolution in the maintenance and promotion of peace, security and stability in the Continent and the need to develop formal coordination and cooperation arrangements among these Regional Mechanisms and the African Union; it stressed concern about the impact of the illicit proliferation, circulation and trafficking of small arms and light weapons in threatening peace and security in Africa and undermining efforts to improve the living standards of African peoples: and it re-called in this respect the Declaration on the Common African Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, adopted by the AU Ministerial Conference held in Bamako, Mali, from 30 November to 1st December 2000, as well as all subsequent AU decisions on this issue: it stated that the development of strong democratic institutions and culture, observance of human rights and the rule of law, as well as the implementation of post-conflict recovery programs and sustainable development policies, are essential for the promotion of collective security, durable peace and stability, as well as for the prevention of conflicts; and pledged their commitment to address the scourge of conflicts on the Continent and to ensure that Africa, through the African Union, plays a central role in bringing about peace, security and stability on the Continent.

In accordance with article 3, the objectives for which the Peace and Security Council is established shall be as follows: Promote peace, security and stability in Africa, in order to guarantee the protection and preservation of life and property, the well-being of the African people and their environment, as well as the creation of conditions conducive to sustainable development; anticipate and prevent conflicts (in circumstances where conflicts have occurred, the Peace and Security Council shall have the responsibility to undertake peace-making and peace-building functions for the resolution of these conflicts); promote and implement peace-building and post-conflict reconstruction activities to consolidate peace and prevent the resurgence of violence; co-ordinate and harmonize continental efforts in the prevention and combating of international terrorism in all its aspects; develop a common defense policy for the Union, in accordance with article 4(d) of the Constitutive Act; promote and encourage democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, as part of efforts for preventing conflicts.

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In addition, article 4 stated that the Peace and Security Council shall be guided by the principles enshrined in the Constitutive Act, the Charter of the United Nations and the Universal Declaration of Human Rights. It shall, in particular, be guided by the following principles: peaceful settlement of disputes and conflicts; early responses to contain crisis situations so as to prevent them from developing into full-blown conflicts; respect for the rule of law, fundamental human rights and freedoms, the sanctity of human life and international humanitarian law; the interdependence between socio-economic development and the security of peoples and States; respect for the sovereignty and territorial integrity of Member States; non interference by any Member State into the internal affairs of another; sovereign equality and interdependence of Member States; inalienable right to independent existence; respect of borders inherited on achievement of independence; the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity in accordance with Article 4(h) of the Constitutive Act; the right of Member States to request intervention from the Union in order to restore peace and security, in accordance with Article 4 (j) of the Constitutive Act.

Moreover, article 6 established that the Peace and Security Council shall perform functions in the following areas: promotion of peace, security and stability in Africa; early warning and preventive diplomacy; peace-making, including the use of good offices, mediation, conciliation and enquiry; peace support operations and intervention, pursuant to article 4 (h) and (j) of the Constitutive Act; peace-building and post-conflict reconstruction; f. humanitarian action and disaster management; any other function as may be decided by the Assembly.

Finally, in conjunction with the Chairperson of the Commission, the Peace and Security Council will have the following objectives: To prevent disputes and conflicts, as well as policies that may lead to genocide and crimes against humanity; undertake peace-making and peace-building functions to resolve conflicts where they have occurred; authorize the mounting and deployment of peace support missions; lay down general guidelines for the conduct of such missions, including the mandate thereof, and undertake periodic reviews of these guidelines; recommend to the Assembly, pursuant to Article 4(h) of the Constitutive Act, intervention on behalf of the Union in a Member State in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, as defined in relevant international conventions and instruments; approve the modalities for intervention by the Union in a Member State, following a decision by the Assembly, pursuant to article 4(j) of the Constitutive Act; g) Institute sanctions whenever an unconstitutional change of Government takes place in a Member State, as provided for in the Lomé Declaration; implement the common defense policy of the Union; ensure the implementation of the AU Convention on the Prevention and Combating of Terrorism and other relevant international, continental and regional conventions and instruments and harmonize and coordinate efforts at regional and continental levels to combat international terrorism; promote close harmonization, co-ordination and co-operation between Regional Mechanisms and the Union in the promotion and maintenance of peace, security and stability in Africa; promote and develop a strong “partnership for peace and security” between the Union and the United Nations and its agencies, as well as with other relevant International Organizations; develop policies and action required to ensure that any external

initiative in the field of peace and security in the Continent takes place within the framework of the Union's objectives and priorities; follow-up, within the framework of its conflict prevention responsibilities, progress towards the promotion of democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law by Member States; promote and encourage the implementation of AU, UN and other relevant international conventions and treaties on arms control and disarmament; examine and take such appropriate action within its mandate in situations where the national independence and sovereignty of a Member State is threatened by acts of aggression, including by mercenaries; support and facilitate humanitarian action in situations of armed conflicts or major natural disasters; submit, through its Chairperson, regular reports to the Assembly on its activities and the state of peace and security in Africa; and decide on any other issue having implications for the maintenance of peace, security and stability on the Continent and exercise powers that may be delegated to it by the Assembly, in accordance with Article 9 (2) of the Constitutive Act.

On 11 July 2003, the African Union adopted in Maputo (Mozambique) the **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa** by which it recognised in its article 10 the right to peace. In accordance with the provision 11.1 women shall have the right to participate in the promotion and maintenance of peace, and to live in a peaceful environment. In addition, article 11.2 stated that State Parties shall take all appropriate measures to involve women in programs of education for peace and a culture of peace; in the structures for conflict prevention, management and resolution at local, national, regional, continental and international levels; in the local, national, sub-regional, regional, continental and international decision making structures to ensure physical, psychological, social and legal protection of refugee, returnee and displaced women; in all levels of the structures established for the management of camps and asylum areas. Moreover, article 11.3 stated that States Parties shall additionally reduce military expenditure significantly in favor of spending on social development, while guaranteeing the effective participation of women in the distribution of these resources.

On 11 July 2003, the African Union adopted in Maputo (Mozambique) the **Protocol on Amendments to the Constitutive Act of the African Union** by which it recognized in article 4.h the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: War crimes, genocide and crimes against humanity, as well as a serious threat to legitimate order to restore peace and stability to the Member States of the Union upon the recommendation of the Peace and Security Council. In addition, article 9.1 ("Peace and Security Council") stated that there is hereby established a Peace and Security Council of the Union, which shall be the standing decision-making organ for the prevention, management and resolution of conflicts.

On 11 July 2003, the African Union adopted in Maputo (Mozambique) the **African Union Convention on Preventing and Combating Corruption** which recalled in its Preamble that the Constitutive Act of the African Union recognized that freedom, equality, justice, peace and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples.

On 8 July 2004, the African Union adopted in Addis Ababa (Ethiopia) the **Protocol to the AU Convention on the Prevention and Combating of Terrorism** by which it restated in the Preamble the conviction that terrorism constitutes a serious violation of human rights and a threat to peace, security, development, and democracy. Moreover, article 4 ("Mechanism for implementation") stated that the Peace and Security Council shall be responsible for harmonizing and coordinating Continental efforts in the prevention and combating of terrorism.

On 31 January 2005, the African Union adopted in Abuja (Nigeria) the **Non-Aggression and Common Defense Pact** whose objectives (art. 2) are the following: To promote cooperation among the Member States in the areas of non-aggression and common defence; to promote peaceful co-existence in Africa; to prevent conflicts of inter-State or intra-State nature, and to ensure that disputes are solved by peaceful means. In addition, article 3 stated that States Parties undertake, pursuant to the provisions of the Constitutive Act, to solve any differences by peaceful means, in order to avoid endangering peace and security; to refrain from the use of force or threat to use force in their relations with each other and in any manner whatsoever incompatible with the UN Charter. Consequently, no consideration whatsoever, be it political, economic, military, religious or racial shall justify aggression. Moreover, article 9 ("Implementation Mechanisms") stressed that the Peace and Security Council shall be responsible for the implementation of this Pact, under the authority of the Assembly. In this regard, the Peace and Security Council may be assisted by any organ of the Union, pending the setting up of mechanisms and institutions for common defense and security. Additionally, article 12 states that States Parties undertake to establish and operationalize the African Peace Academy to serve as a framework for the promotion of peace and stability in Africa, and as a Centre of excellence for research and development of an African peace doctrine. Finally, article 15 stated that States Parties involved in any dispute shall first seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, or resort to regional and continental mechanisms or arrangements, or other peaceful means.

5.5. Asia

On 2 April 1993, a large number of Asian countries²² signed the **Final Declaration of the regional meeting for Asia in preparation of the World Conference on Human Rights** in Bangkok by which it emphasized the principles of respect for national sovereignty and territorial integrity as well as non-interference in the internal affairs of States, and the non-use of human rights as an instrument of political pressure.

The **Charter of the Association of Southeast Asian Nations (ASEAN)** was signed by Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, The Philippines, Singapore, Thailand and Viet Nam. It was adopted at the 13th ASEAN Summit in November 2007. The task force then held 13 meetings during

²²Bahrain, Bangladesh, Bhutan, Brunei Darussalam, China, Cyprus, Democratic People's Republic of Korea, Fiji, India, Indonesia, Iran (Islamic Republic of), Iraq, Japan, Kiribati, Kuwait, Lao People's Democratic Republic, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Oman, Pakistan, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Sri Lanka, Syrian Arab Republic, Thailand, United Arab Emirates, Viet Nam.

2007. Some of the proposals include the removal of non-interference policy that is central to the regional group since its establishment in the 1960s, and to set up a human rights body.

In accordance with article 1 of the Charter, the purposes of ASEAN are the following: to maintain and enhance peace, security and stability and further strengthen peace-oriented values in the region; to enhance regional resilience by promoting greater political, security, economic and socio-cultural cooperation; to preserve Southeast Asia as a Nuclear Weapon-Free Zone and free of all other weapons of mass destruction and to ensure that the peoples and Member States of ASEAN live in peace with the world at large in a just, democratic and harmonious environment. Moreover, article 2 states that the ASEAN and its Member States shall act in accordance with the following principles: respect for the independence, sovereignty, equality, territorial integrity and national identity of all ASEAN Member States; shared commitment and collective responsibility in enhancing regional peace, security and prosperity; renunciation of aggression and of the threat or use of force or other actions in any manner inconsistent with international law; reliance on peaceful settlement of disputes; non-interference in the internal affairs of ASEAN Member States and respect for the right of every Member State to lead its national existence free from external interference, subversion and coercion.

On 30 March 1998, civil society organisations adopted the **Asian Human Rights Charter** by which it acknowledged in article 4.1 that all persons have the right to live in peace so that they can fully develop all their capacities, physical, intellectual, moral and spiritual, without being the target of any kind of violence. The peoples of Asia have suffered great hardships and tragedies due to wars and civil conflicts which have caused many deaths, mutilation of bodies, external or internal displacement of persons, break up of families, and in general the denial of any prospects of a civilized or peaceful existence. Both the state and civil society have in many countries become heavily militarized in which all scores are settled by force and citizens have no protection against the intimidation and terror of state or private armies. Moreover, the Charter stated in its article 4.3 that the right to live in peace requires that political, economic or social activities of the States, the corporate sector and the civil society should respect the security of all peoples, especially of vulnerable groups. People must be ensured security in relation to the natural environment they live in, the political, economic and social conditions which permit them to satisfy their needs and aspirations without recourse to oppression, exploitation, violence, and without detracting from all that is of value in their society. Finally, the Charter stated in its article 4.5 that the international community of States has been deeply implicated in wars and civil conflicts in Asia. Foreign States have used Asian groups as surrogates to wage wars and have armed groups and governments engaged in internal conflicts. They have made huge profits out of the sale of armaments. The enormous expenditures on arms have diverted public revenues from programs for the development of the countries or the well-being of the peoples. Military bases and other establishments (often of foreign powers) have threatened the social and physical security of the people who live in their vicinity.

In October 2009, several Asian countries adopted the **Terms of Reference of the ASEAN Intergovernmental Commission on Human Rights (AICHR)**. Pursuant to

article 1.2, one of the purposes of the AICHR is to uphold the right of the peoples of ASEAN to live in peace, dignity and prosperity.

6. Commitment of the regional groups at the United Nations to promote international peace and security, including the right to peace.

6.1. The Non-Aligned Movement

The Non-Aligned Movement (NAM) is a group of States founded in Belgrade in 1961. As of 2011, the movement has 120 Member States and 17 Observers. NAM is the second largest platform after the UN General Assembly providing a regular meeting ground for the Heads of State or Government of Member States. It is a forum where they consult each other to reach consensus on vital global issues concerning those and other States.

The NAM is unified by its commitment to world peace and security. At its seventh summit held in New Delhi in March 1983, the Movement described itself as "history's biggest peace movement". The fundamental principles guiding NAM are global peace and disarmament, national independence and preservation of sovereignty, economic equality among nations, political and cultural identity, and search for multilateralism, the principles of equitable access to information technology and sound globalization.

In addition, on 16 September 2006 the NAM Heads of State and Government meeting at the 14th Summit Conference in Havana (Cuba), adopted the **Declaration on the purposes and principles and the role of the Non-Aligned Movement in the present international juncture**, by which it confirmed in article 9 paragraph E that one of the main purposes of the NAM is the "respect for and promotion of all human rights and fundamental freedoms for all, including the effective implementation of the right of peoples to peace and development".

6.2. The Organisation of the Islamic Cooperation

The Organisation of Islamic Cooperation (OIC) is an international organisation composed of 57 Member States. The Organisation attempts to be the collective voice of the Muslim world (*Ummah*), while it should safeguard the interests and ensure the progress and well-being of Muslims. The OIC has a permanent delegation before the United Nations, and is the second largest international organisation outside the United Nations.

At the Human Rights Council's 19th Session, the 1st Dialogue Forum in 2012 was organized jointly by Organization of Islamic Cooperation-Geneva Office, the Foundation for Dialogue among Civilizations (FDC), the Spanish Society for International Human Rights Law (SSIHRL), and the International Observatory of the Human Right to Peace (IOHRP). The 1st Dialogue Forum titled "***Contribution of the Islamic World to the Right to Peace***" was held on 14 March 2012 at the Palais des Nations in Geneva. A wide range of experts, academicians and practitioners actively participated. The Forum aimed at promoting better understanding of the concept of "right to peace", while exploring possible

ways and means of more and active commitment of the Islamic world with the right to peace codification process at the United Nations.

6.3. African Group

The African Group has 54 Member States (28% of all UN members), and is thus the third largest regional group by number of Member States. It is the only regional group that has a territory that coincides with the traditional Continent of which its name originates. The African Group has 3 seats on the Security Council, all non-permanent. The Group also has 14 seats on the UN Economic and Social Council and 13 seats on the UN Human Rights Council. In the rotation of the post of the President of the UN General Assembly, the Group is eligible for having its nationals elected to this post in years ending with 4 and 9.

As stated above, on 27 June 1981, the African Union adopted the **African Charter on Human and Peoples' Rights** in Banjul. Article 23 proclaimed that all peoples shall have the right to national and international peace and security. Therefore, the codification process of the right to peace carried out by the HR Council and its Advisory Committee is part of the core objectives of the African Group.

6.4. The Latin American and Caribbean Group

The Latin American and Caribbean Group (GRULAC for short) has 33 Member States (17% of all UN membership). Its territory is almost exactly that of South and Central America and the Caribbean. The differences arise from the presence of dependent territories of European countries and United States of America. GRULAC has two non-permanent seats on the Security Council. The Group also has 10 seats on the UN Economic and Social Council and 8 seats on the HR Council. In the rotation of the post of the President of the United Nations General Assembly, the Group is eligible for having its nationals elected to this post in years ending with 3 and 8.

On 29 October 2011, the **XXI Ibero American Summit** held in Asunción (Paraguay) adopted the **resolution on the right to peace** by which the twenty-two Member States agreed to support the codification of the right to peace as initiated at the HR Council, paving the way to its progressive development. It also recognized the important contribution of civil society organizations to promote the right to peace. Finally, it requested that the resolution be transmitted to the Secretary-General and the High Commissioner for Human Rights, urging the United Nations to actively contribute to the progressive development of the right to peace in the context of the purposes and principles set up in the Charter of the United Nations.