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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 statement* submitted by Brahma Kumaris World Spiritual University (BKWSU), Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), International Alliance of Women (IAW), International Association of Soldiers for Peace, New Humanity, Soroptimist International (SI), Women's Federation for World Peace International (WFWPI), Zonta International, non-governmental organizations in general consultative status; and African Women's Development and Communication Network (FEMNET), American Association of Jurists (AAJ), Anglican Consultative Council (ACC), Anti-Racism Information Service (ARIS), Asian Forum for Human Rights and Development (FORUM-ASIA), Association Point-Cœurs, Colombian Commission of Jurists (CCJ), Conscience and Peace Tax International (CPTI), Dominicans for Justice and Peace (Order of Preachers), Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, Federation of Western Thracian Turks in Europe, Femmes Africa Solidarité (FAS), Foundation for the Refugee Education Trust (RET), General Arab Women Federation (GAWF), Inter-African Committee on Traditional Practices, affecting the health of Women and Children (IAC), Interfaith International, International Association for Religious Freedom (IARF), International Association for the Defence of Religious Liberty, International Bridges to Justice Inc. (IBJ), International Federation of University of Women (IFUW), International Movement for Fraternal Union Among Races and Peoples (UEFER), Ius Primi Viri International Association (IPV), Lutheran World Federation (LWF), Nord Sud XXI, Pan Pacific and South East Asia Women's Association (PPSEAWA), Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), Permanent Assembly for Human Rights (APDH), Peter-Hesse Stiftung Foundation, Recontre Africaine pour la Defense des Droits de l'Homme (RADDHO), Temple of Understanding (TOU), Union of Arab Jurists, 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 Institute for Planetary Synthesis (IPS), International Peace Bureau, International Society for Human Rights, UNESCO Centre Basque Country (UNESCO Etxea), UNESCO Centre of Catalonia, World Association School as an Instrument of Peace, 3HO Foundation Inc (Healthy, Happy, Holy Organization, Inc.), International Educational Development Inc. (IED), non governmental organization 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 November 2007]

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

**The right to human security as a component of the human right to peace:
An approach to terrorism¹**

I

The Spanish Society for the Advancement of International Human Rights Law (SSIHRL), 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 Spanish civil society, including the organization of six expert seminars in different regions².

Following the adoption of the Luarca Declaration, the SSIHRL has continued the process of consultations with international civil society through the organization of conferences and expert seminars on the human right to peace in all regions of the world³. In February 2009 the SSIHRL will call for a World NGO Conference to take stock of inputs received from international civil society and to adopt the final text of the *Universal Declaration on the Human Right to Peace*. The new text will thus better represent the aspirations of civil society as a whole. The text would be further submitted to the UN human rights competent bodies urging them to initiate the formal codification of the human right to peace.

On 15 March 2007 the Luarca Declaration was first submitted to the fourth session of the Human Rights Council in an oral statement by UNESCO Etxea on behalf of the SSIHRL. It has been complemented by written statements submitted to the fourth session (A/HRC/4/NGO/85, of 8 March 2007), the fifth session (A/HRC/5/NGO/9, of 6 June 2007) and the sixth session of the HR Council (A/HRC/6/NGO/33 and A/HRC/6/NGO/34 of 5 September 2007). They were endorsed by a growing number of non-governmental organizations.

Moreover, several 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 with a view to building a common strategy for a world-wide campaign on the human right to peace. Thirdly, on 11 June 2007 both UNESCO Etxea and SSIHRL organised an additional parallel event

¹ Lassalle Institute and Tribal Link Foundation also share the view expressed in this statement

² 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)

³ 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), Geneva (28 June 2007), Strasbourg (2-5 July 2007), Feldkirch (Austria, 31 August 2007), Geneva (11, 12 and 21 September 2007), Luarca (28 September 2007), Madrid (23 October 2007) and Monterrey (1st November 2007)

focused on the relationship between peace and solidarity rights⁴. Fourthly, on 12 September 2007 a roundtable on the legal content of the human right to peace was organised by SSIHRL with collaboration of UNESCO Liaison Office in Geneva⁵. And fifthly, on 21 September 2007 the SSIHRL organised the commemoration of the International Day of Peace at the Council Chamber of the Palais de Nations⁶.

II

Traditionally the States and their interests have occupied the centre stage in international relations. Consistent with this approach, security has been considered in terms of security from external attacks. Threats to national/State security included inter-State conflicts and warfare; the proliferation of traditional and nuclear weapons, rebellion, revolution, trade disputes and terrorism⁷.

However, the right to human security makes the individual the primary focus of attention, removing States from the main focus. The concept of human security has as main concern the global security and the chronic threats to human life. As the former Secretary-General stated, this concept is linked to the twin values of *freedom from fear* and *freedom from want*⁸. The first category of freedom refers to threats from conflicts and the protection of non-combatants during war, such as terrorism, nuclear, chemical and biological threats. The second category of freedom finds its challenges in global conditions, such as economic insecurities, the availability and affordability of essential health care, the elimination of illiteracy and denial of education and the reformation of the schools to promote tolerance⁹.

The question regarding which type of human security or category of freedom should be endorsed rekindles past debate regarding which human rights come first, political and civil rights or economic, social and cultural rights. As from the 1993 *Vienna Declaration and Program of Action* this debate is over, since all human rights, including the right to development, deserve equal footing by the international community. In addition, the progressive recognition of solidarity rights, in particular the *human right to peace*, is effectively reconciling both sets of rights and helps to build the concept of human security, which would reconcile humanitarianism and development concerns on the one hand, and

⁴ 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

⁵ Panellists included members of the International Federation of University Women, Geneva School of Diplomacy, the Chair-person of the WG on Mercenaries, the Independent Expert on Human Rights and International Solidarity and the former Chair-person of the HR Council

⁶ Statements were made by representatives of the following NGOs and IO: Brahma Kumaris University, Geneva School of Diplomacy, Amnesty International (Geneva Section), UNIDIR, UNICEF and UNESCO

⁷ Schittecatte, C., "Toward a more inclusive global governance and enhanced human security", p. 130-132 in McLean, S., Black, D.R and Shaw T.M, A DECADE OF HUMAN SECURITY: GLOBAL GOVERNANCE AND NEW MULTILATERALISM (GLOBAL SECURITY IN A CHANGING WORLD), Aldershot, England ; Burlington, Vt. : Ashgate, 2006

⁸ "In Larger Freedom: Towards Development, Security and Human Rights for All". Doc. A/59/2005 of 21 March 2005, paragraph 25-126

⁹ Final Report of the Commission on Human Security, *Human Security Now*, Communications Development incorporated in Washington DC with direction by its UK partner Grundy & Northedge, New York, 2003, p. 94-124

international security on the other¹⁰.

There should be no contradiction between people security and State security. Nevertheless, the response of many countries to the atrocities of September 11th 2001 have lead to prioritise alarmingly the concept of national or State security over the human security. The level of militarization and the transgression of the UN Charter's principle on prohibition, or threat of the use of force has exponentially increased in the world and, as it happened during and after the Cold War, this has seriously affected human security¹¹.

A human rights commentator has noted that the correct approach to human security entails the ability to protect people as well as to safeguard States¹². It follows that human security is a "wider concept of security, which deals also with threats that stem from failures in development, environmental degradation, excessive population growth and movement, and lack of progress towards democracy"¹³. Human security also includes discrimination based on gender inequality and inequity¹⁴.

Taking into account that human right to peace is a cornerstone of the further elaboration of the human security framework and that this concept is inseparable from conditions of peace¹⁵, it could safely be concluded that the broader meaning of peace deals with the generic causes of conflict¹⁶. As some human right expert highlighted, "real peace is much more than stability, order or absence of war: peace is transformative, about individual and societal progress and fulfilment; and peace within and between societies is as much about justice as any thing else"¹⁷. Thus, an integrated approach to human security would be related to the deepest causes of war, such as economic despair, social injustice and political oppression¹⁸.

Among the key structural causes of instability and conflict are poverty, inequality and lack of economic opportunity. Although diplomacy might be useful in the short-term effort to maintain peace, long-term solutions require economic development and greater social justice¹⁹. As the *Declaration and Programme of Action on Culture of Peace* indicates, the anti-poverty strategies, the assurance of equity in development and the pursuit of food security are elements of peacebuilding.

Worlds leaders reaffirmed in 2005 "their compromise to work towards a security consensus based on the recognition that many threats are interlinked, that development,

¹⁰ Upadhyaya, P., "Human security, humanitarian intervention and third world concerns", *Denv. J. Int'l L. & Pol'Y*, Vol. 33:1, 2004, p. 77

¹¹ Rioux, J. F., *La sécurité humaine : une nouvelle conception des relations internationales*. Paris, Harmattan, 2001, p. 137

¹² Heinbecker, P., *Human Security 2*, (1999), p. 56

¹³ Stockholm Initiative on Global Security and Governance in Gore, AI, *Earth in the Balance: Ecology and the human spirit*, p. 408, Boston, USA, Houghton Mifflin Company, 1992

¹⁴ "Constructing a new country for women", p. 357-366, in K. Ahooja Pathel, *DEVELOPMENT HAS A WOMEN'S FACE: INSIGHTS FROM WITHIN UN*, APH Publishing Corporation, New Delhi, 2006

¹⁵ Hayden, P.: "Constraining war: human security and the human right to peace", *Human Rights Review*, 6(1) Oct./Dec. 2004, p. 46

¹⁶ Linarelli, J.: "Peace-building", 24 *Denv. J. Int'l & Pol'Y*, 253, 253-83 (1996)

¹⁷ Cornish, P., *Terrorism, Insecurity and Underdevelopment*, J. Conflict, Security & Dev. 30, 147-52 (2001)

¹⁸ Report of the Secretary-General: *An agenda for peace. Preventive diplomacy, peacemaking and peace-keeping*. Doc. A/47/277 - S/24111 of 17 June 1992, paragraphs 43-44

¹⁹ MCFarlane, H. and Foong Khong, Y., *Human security and the UN: A critical history*. Bloomington, Ind. : Indiana University Press, 2006, p. 151

peace, security and human rights are mutually reinforcing, that no State can best protect itself by acting entirely alone and that all States need an effective and efficient collective security system pursuant to the purposes and principles of the Charter”²⁰. Besides, as the advisory opinion of the International Court of Justice on the *legality of threat or use of nuclear-weapons* case indicates, the general obligation of States to negotiate in good faith and to achieve the desired results has currently acquired a customary character or obligation *erga omnes*.

As Article 3 of the 2006 Luarca Declaration on the Human Right to Peace states, “everyone has the right to human security, which shall include inter alia:

a) The right to have the material instruments, means and resources which enable him fully to enjoy a life worthy of human dignity and, to that end, the right to have essential food and drinking water, primary health care, basic clothing and housing and a basic education;

b) The right to enjoy fair conditions of employment and trade union participation, and the right to the protection of the social services, on equal terms for persons having the same occupation or providing the same service”.

We therefore urge the United Nations to create a new partnership based on justice and equity, human security, respect of all human rights by all, and the rule of law. We also urge all Member States of the United Nations to take meaningful steps to recognize the positive impact of human security in relation to the human right to peace and to acknowledge the gender approach. In this connection, we welcome the General Assembly call to the High Commissioner for Human Rights to carry out a constructive dialogue and consultations with Member States, the specialized agencies, intergovernmental organizations and non-governmental organizations, on how the international community could better promote an international environment leading to the full realization of the right of people to peace²¹.

²⁰ Resolution 60/1 of the UN General Assembly, *2005 Outcome World Summit*, 24 October 2005, paragraph 72

²¹ 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, paragraph 8