



International Ecumenical Peace Convocation



-Reasoning Workshop-

‘The Codification of the Human Right to Peace’ University of West Indies Kingston /Jamaica

23 May 2011

Coordinator

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Rapporteur

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1. Introduction

The Decade to Overcome Violence (DOV, Churches Seeking Reconciliation and Peace 2001 – 2010) is an initiative of the World Council of Churches. It was decided by the 8th General Assembly in Harare, Zimbabwe in 1998 and runs parallel to the United Nations' Decade for the Promotion of a Culture of Peace and Non-Violence for the Children of the World. The DOV works with the data provided by the World Health Organization in its 2002 World Report on Health and Violence.

The DOV calls us to:

- Work together for peace, justice, and reconciliation at all levels - local, regional, and global. To embrace creative approaches to peace building which are consonant with the spirit of the gospel.
- Interact and collaborate with local communities, civil society actors, and people of other living faiths, so as to prevent violence and promote a culture of peace.
- Walk with people who are systematically oppressed by violence, and to act in solidarity with all struggling for justice, peace, and the integrity of creation.
- Repent for our complicity in violence, and to engage in theological reflection to overcome the spirit, logic, and practice of violence.

In order to move peace-building from the periphery to the centre of the life and witness of the church and to build stronger alliances and understanding among churches, networks, and movements which are working toward a culture of peace, the goals of the Decade to Overcome Violence are:

- Addressing holistically the wide varieties of violence, both direct and structural, in homes, communities, and in international arenas and learning from the local and regional analyses of violence and ways to overcome violence.
- Challenging the churches to overcome the spirit, logic, and practice of violence; to relinquish any theological justification of violence; and to affirm anew the spirituality of reconciliation and active nonviolence.
- Creating a new understanding of security in terms of cooperation and community, instead of in terms of domination and competition.
- Learning from the spirituality and resources for peace-building of other faiths to work with communities of other faiths in the pursuit of peace and to challenge the churches to reflect on the misuse of religious and ethnic identities in pluralistic societies.
- Challenging the growing militarization of our world, especially the proliferation of small arms and light weapons.

The International Ecumenical Peace Convocation (IEPC) took place on the Mona campus of the University of West Indies in Kingston, Jamaica from 17 through 25 May 2011. The Convocation approached this through the following themes: 1) Peace in the Community; 2) Peace with the Earth; 3) Peace in the Marketplace and 4) Peace among the Peoples.

2. Workshop

The reasoning workshop on the “Codification of the Human Right to Peace”, was an event which took place at the University of West Indies (Kingston, Jamaica) on 23 May 2011. It was organized by the World Council of Churches, the Decade to Overcome Violence, the International Observatory of the Human Right to Peace (IOHRP) and the Spanish Society for International Human Rights Law (SSIHRL), which provided both logistical and practical support.

The main objectives of the meeting were:

- To share the Santiago Declaration on the Human Right to Peace with the ecumenical movement and discuss on the different components of the human right to peace (disarmament, climate change, human security, development, peace education, freedom of religion and belief)
- To identify and explore how intercultural and inter-religious dialogue is a component of the human right to peace
- To examine the consideration of the right to peace at the UN Human Rights Council and its Advisory Committee.
- To discuss on ways that civil society organizations can play a role in the development and promotion of the human right to peace at the UN.

The workshop’s working language was English. It was held from 14:00 p.m. to 17,15 p.m, at the Faculty of Social Sciences (Room GLT2).

Under the sound moderation of Mrs. **Christina Papazoglou**, responsible for the Human Rights Desk of WCC, the guest speakers specially invited to analyse the codification of the human right to peace, were as follows:

- Mr. **David Fernandez Puyana** (Spain), Representative of the Spanish Society for International Human Rights Law and the International Observatory on the Human Right to Peace in Geneva. Topic: *“International codification of the human right to peace at the United Nations?”*
- Rev. **José Miguel Torres** (Nicaragua), Director of the Socio-religious section of "Martin Luther King", Institute UPOLI. Topic: *“The Latin America approach to the human right to peace”*
- Mrs **Florella Hazeley** (Sierra Leone), Program Coordinator, SLANSA (Sierra Leone Action Network and Small Arms): Topic: *“The impact of small arms in the enjoyment of the human right to peace”*
- **Dr. Nafisa Goga D’ Souza** (India), Executive Director, Laya, Visakhapatnam. Topic: *“The relationship between the climate change and the human right to peace”*
- **Dr. Audeh B.Quawas** (Jordanian), Consultant General Surgeon, WCC/CCIA Commissioner, Former MP. Topic: *“Freedom of religion and belief in the context of the human right to peace”*
- **Dr. Marian Gh. Simion** (United States of America), BTI Assistant Director , Lecturer at Boston College, Field Ed. Supervisor at Harvard Divinity School. Topic: *“Peace education as means to promote the human right to peace”*

3. Presentations

Mr. **David Fernandez** explained that the codification of the human right to peace was a process that had been initiated by Spanish civil society with the support of the regional governments of Asturias, Catalonia and Basque country.

The whole process, he explained further, started in a Spanish city Guernika at 2005 with the meeting of experts of distinguished academic background. He recalled Guernika, which German fighter planes had bombarded and famous painter Pablo Picasso immortalized that event. Picture symbolizes horrors of Spanish Civil War and represents violence against civilians during that conflict. He added that academics who met in Guernika, built on the process on the right to peace, already initiated by UNESCO, and finally after six meetings in different cities of Spain, a group of Spanish academics and members of civil society gathered in Luarca, village in Asturias, and adopted the text of the Luarca Declaration on the Human Right to Peace on 30 October 2006.

He recalled that the human right to peace is deeply rooted in the UN Charter and the Universal Declaration of Human Rights, two instruments universally accepted. The human right to peace is deeply rooted as a main value of the UN Charter and all other international instruments of UN since 1940. The Luarca, Bilbao, Barcelona and Santiago Declaration on the Human Right to Peace takes in account the preamble, purposes and principles of the UN Charter. He noted that the Declarations also recalled the obligation to resolve disputes through peaceful means. One of the main aims of the UN Charter is to establish and to ensure peace and peace building, and as well to forbid the use of force, in order to gain peace and international stability. The four Declarations on the Human Right to Peace stress the need to establish a new economic order, which will eliminate the inequality, exclusion and poverty, which generate structural violence incompatible with peace.

He then observed that the four Declarations on the Human Right to Peace also referred to a number of international instruments other than the Charter of UN and the Universal Declaration of Human Rights, in particular the UN human rights instruments, such as the 1978 UN Declaration on the Preparation of Societies to Live in Peace and the 1984 UN Declaration on the Right of Peoples to Peace. Further, he explained, the four Declarations on the Human Right to Peace included already codified rights and gave a new perspective towards the achievement of peace, and reinforced the universality, indivisibility and interdependence of human rights.

Furthermore, he explained that the four Declarations on the Human Right to Peace also provide a number of new rights, not present in other instruments. These include: the right to disobedience and conscientious objection in the pursuit of peace (article 5); the right to resist and oppose cruelty (article 6); and the right to disarmament (article 11).

Then, he turned his attention to a group of basic rights, economic, social and cultural rights in the four Declarations on the Human Right to Peace such as: the right to food, drinking water and sanitation, health and housing (article 3(a)); the right to a safe and healthy environment and protection from violence (article 4). He

then explained in great details the observance and violations of these rights around the world.

He presented the study showing the link between poverty and civil war. As an illustration, he showed a list of countries that produce anti-personal mines, as well as studies showing countries' total military expenditure and contrasted this to the scarce and limited resources devoted to development aid. Mr. David Fernandez particularly stressed the issue of countries that produce anti-personal mines.

The four Declarations on the Human Right to Peace addresses the elimination of all forms of violence (armed, structural and cultural). Explaining armed violence; he mentioned 40 current armed conflicts. In relation to a consequence of violence, he examined the issue of refugees and internally displaced persons in the world. Violence, he emphasized, generates some 25 millions of refugees and 25 millions of internally displaced persons.

He then observed that structural violence generates poverty and hunger, which led to an increase in number of economic migrants. The rising invasion of economic migrants (around 200 millions of migrant workers), he noted, has led to strong reactions in a number of receiving countries that resulted in the creation of a "fortress" against migration in Europe, or in the case of the United States of America in the building of walls and barriers. He also mentioned that the results of clandestine migration unfortunately sometimes are fatal and that occurs with increasing frequency.

He said that the four Declarations on the Human Right to Peace emphasize the need to establish a new economic order based on the general disarmament of all States, and a fair distribution of the resources. The main preoccupation, he noted, is to make a distribution of resources freed by disarmament to cover the need of the poorest countries and most vulnerable groups. Then, he displayed data on the total amount of resources that could be freed in such a route was to be adopted. He also emphasized the facts concerning ten arms' world dealers, mainly in United States of America, and some in Europe (Italy, United Kingdom and France).

Before explaining the structure of the Santiago Declaration on the Human Right to Peace, Mr. David Fernandez, stated that it addresses individuals, groups and peoples, because peace is as much an individual as it is a collective right, and the Declaration contains, in the first part a number of rights and obligations (from article 1 to 15) and in the second, implementation and final provisions (article 17 and 18). He further explained that obligations and duties established by the Santiago Declaration on the Human Right to Peace (article 16) exist for States, international organizations, civil society, peoples, men and women, corporations and other elements of society and, in general, for the whole community, which goes beyond what is presented in most of existing international documents of human rights.

He continued by going through the articles of the Santiago Declaration on the Human Right to Peace, especially emphasizing articles 10, 16, 17 and 18. Article 10 is very important to the Caribbean countries and it refers to the right to effective remedy, which means that: everyone has the right to protect him or her against infringements; everyone has the imprescriptible and unrenounceable right to obtain justice, including the investigation, establishment of the facts, identification and punishment of those responsible; the victims and the members of their families have the right to know the truth and finally, every victim of infringements of human

rights has the right to restoration of his or her rights and to obtain redress in accordance with International law, including the right to compensation and redress or symbolic reparation, as well as guarantees that the infringement will not be repeated.

Continuing, Mr. David Fernandez, explained the importance of article 16 “Obligation and realization of the Human Right to Peace” and highlighted that it is necessary to involve all segments of society, States, international organizations, multinational cooperation’s, the whole international community. He stated that the fundamental responsibility to maintain peace lies with the States and also the United Nations as a center organization to fulfill the purpose and principles proclaimed in the United Nations Charter. The function of States, he added, is to protect human rights, to respond to disasters, to undertake measures to build and consolidate peace. In explaining this article, he especially emphasized the significance of the UN Security Council, which is a key body for establishing peace, but had a number of functional deficiencies such as the lack of transparency and the absence of involvement of civil society. The Security Council in order to be a powerful and fully functional body, has to be revised, especially as regards the right to veto and a more equal redistribution of its representatives he added.

Finally, he addressed the remaining articles (articles 17 and 18), which refer to the implementation of the Declaration, which is different from other declarations and similar instruments. One of the aims of the Santiago Declaration on the Human Right to Peace is to set a Working Group on the Human Right to Peace, consisting of 10 experts to ensure the observance and awareness of the human right to peace and gather relevant information. The members of the Working Group will be chosen at a session of the UN General Assembly, and the criteria of moral standing, equitable geographical distribution and gender representation would be taken into account. The main function of the Working Group is to promote observance and implementation of the Declaration. It will have the following powers: to promote worldwide observance and awareness of the human right to peace; to gather, assemble and respond effectively to relevant information from States, organizations and other relevant sources; to request , when deemed necessary, Member States and the UN to adopt appropriate measures for the realization of the human right to peace; to draw upon its own initiative or at the request of the General Assembly, the Security Council or the Human Right Council, reports; to present an annual report on its activities to the Security Council or the Human Right Council; to prepare for the attention of the General Assembly, a proposal for an international convention; to submit to the Prosecutor of the International Criminal Court or other competent international tribunals information about situations in which it appears that crimes have been committed; to approve by absolute majority the working methods for the functioning of the group.

Moreover, Mr. David Fernandez referred to the world campaign on the human right to peace and its promotion, principally by the SSIHRL, through a series of meetings held in five regions all over the world, in order to receive feedback and inputs on the Luarca Declaration on the Human Right to Peace and to ensure support for the codification process in UN. Through those meetings very valuable information and input from the experts have been gathered to promote the Declaration.

Another important stage was in 2009 when the Catalanian and Asturian Parliaments adopted by consensus the Luarca Declaration on the Human Right to Peace. Through that process a net of 12 NGOs in Catalonia has been established for the promotion of the Luarca Declaration on the Human Right to Peace in order to achieve the human right to peace. He mentioned the important role of the World Alliance on the Human Right to Peace, which addresses all States, Universities and Academic Institutions, Human Rights Institutions, NGOs, Governments (national, regional and local), civil society, international organizations, Parliaments (internationals, nationals and regional). All international actors are invited to join the World Alliance on the Human Right to Peace and battle for peace, because peace should be codified as the human right to peace by the United Nations.

He explained that the Spanish Society for the International Human Rights Law, with the support of the World Council of Churches and the Institute for Peace Studies organized the International Congress on the Human Right to Peace, which took place in Santiago de Compostela (Spain) in the context of the World Social Forum on Education for Peace. It approved on 10 December 2010 by consensus two important documents:

Firstly, the Santiago Declaration on the Human Right to Peace, which represents the aspirations of the international civil society aiming at the codification of the human right to peace. This was the culmination of a fruitful private codification process initiated on 30 October 2006 with the Luarca Declaration on the Human Right to Peace, which was drafted by a Committee of 15 independent experts.

He added that during the World Campaign on the Human Right to Peace (2007-2010), the SSIHRL organized workshops and expert meetings on the human right to peace in all regions of the world, receiving inputs from different cultural sensibilities. The Luarca Declaration was reviewed by a technical drafting Committee of 14 independent experts, which approved on 24 February 2010 the Bilbao Declaration on the Human Right to Peace.

The Bilbao Declaration was also 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. This text was submitted to debate at the Santiago Congress, which finally approved on 10 December 2010 the Santiago Declaration, which was presented to the Advisory Committee at its sixth session (January 2011).

Secondly, he indicated that the Santiago Congress approved the Statutes of the International Observatory on the Human Right to Peace, which will be operative on 10 March 2011 as a part of the SSIHRL, benefiting from the wide experience received throughout the four-year World Campaign on the human right to peace, which has received the support of more than 800 civil society organizations world-wide, as well as numerous public institutions. To preserve its own autonomy, the Observatory will have its own structure.

Finally, he stressed that the Human Rights Council has been working since 2008 on the promotion of the right of peoples to peace. On 17 June 2010 it adopted resolution 14/3 which 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". In that regard it 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 Council at its seventeenth session".

He also recalled, that pursuant to its recommendation 5/2 of 6 August 2010, the Advisory Committee established a drafting group with the mandate "...to submit a draft progress report on the draft declaration on the right of peoples to peace to the sixth session of the Advisory Committee (AC)".

The AC revised the progress report to be submitted to the HR Council (A/HRC/17/39 of 28 March 2011) and proposed more than 40 possible standards for inclusion in the draft declaration on the right to peace. It also referred to specific rationale for their inclusion and relevant legal standards (paragraph 72). In the light of discussions to be held by the HR Council and of responses from all stakeholders, the drafting group will work at its upcoming meetings on a draft declaration that will be submitted in January 2012 to the Advisory Committee. The ultimate aim of the drafting group is to produce a document helping to promote freedom, peace and security and which will be valuable in the promotion of the human rights agenda and the right to peace (paragraph 74).

Rev. **José Miguel Torres** started his presentation by showing his gratitude to the World Council of Churches, for inviting him to participate at the First International Ecumenical Peace Convocation. He added that since his earliest youth he had been witness of the WCC's commitment to the ideals and aspirations of humanity. He is part of a generation in Nicaragua, who made his first political steps, as an expression of their faith, against the military dictatorship of the Somoza dynasty. The Universal Federation of Student Christian Movements was the space in which groups of young people grew up in ecumenism to merge in the liberation and struggle of people.

Then, he turned his attention to the fact that he comes from a continent, Latin America, which has been witness to the most bloody slaughter and devastating war occurred in history since the First and Second World War in Europe. They have suffered the most diverse forms of violence that has had as a consequence the death of more than a million of innocent people. Generations of dynastic dictatorships took the power in the first half of the twentieth century and did not hesitate to implement the most brutal repressive policies, eliminating the slightest vestige of opposition and civic action. The stroners ?, Batiste, Somoza, González Videla, Juan Vicente Gómez, Trujillo, Papa Doc, and others were even inspired by what is known in literature as magical realism, which always exceeded reality and fantasy.

In addition, he indicated that these dictatorships have arisen in the context of the Cold War and under the doctrine of national security, which generated regular wars against their own national communities. The number of victims have been very high, namely: 270.000 in Guatemala, 65.000 in El Salvador, 100.000 in Nicaragua, 30 000 in Argentina and 200.000 in Colombia as of today. Latin America has not only been a continent that has suffered the ravages of all forms of violence, structural and direct, but that it has been and is the bearer of important references for peacebuilding policies.

He then recalled that in the context of the Cold War, Latin America countries signed the Treaty of Tlatelolco, which prohibits the transit of nuclear weapons and the deposit of any type of nuclear waste in Latin America. This achievement led to the Mexican Ambassador Garcia Robles to win the Peace Nobel Prize as a recognition of his effort, and as a political determination of the continent to ward off the nuclear risk.

Furthermore, he stated that General Omar Torrijos Herrera promoted over several years the widest possible consensus in Latin America to regain sovereign rights over the Panama Canal. It provided an example to the world of unity in the defense of sovereign rights of a country. The political will of the Nobel Peace Prize and former President of the United States, Jimmy Carter, helped to enforce those rights and principles enshrined in the UN Charter.

Although Central America experienced a long conflict that escalated to a destructive war record, he recalled, the value of truth, history and justice in the case of Nicaragua. The experience of Peace and Reconciliation Commissions have been remarkable in the midst of war, performing tasks of defending human rights, mediation and reconciliation commissions, which were composed of evangelical pastors, catholic delegates and regional leaders. These commissions made an effort in the field of building and developing peace and reconciliation taking into account the effects of the war. The work of disarmament and demobilization carried out by the Special Disarmament Brigade or peacekeeping force, made up of former combatants of all sides, was also mentioned.

He pointed out that the elements that characterize the current state of the world are the following:

- The crisis of the United Nations system as a body guarantor of peace and international security and a space to harmonize the highest interests, values and collective aspirations of the peoples and states. Its power structure is outdated and undemocratic.
- The profound crisis of values that are the basis of our civilization and major religions, which has led to a radical uneven consumption of global goods and services.
- The weakening of nation-states against the large corporations of global capital, oriented to a process of appropriation of major policy decisions in favour of their interests.
- Twenty years after the end of the Cold War, the chances of a nuclear attack or catastrophe international are rising, not falling. There has been a fundamental change in the risks. The predictability and relative stability of a two-sided nuclear standoff has been lost.
- The manipulation of religion for purposes of confrontation between nations is an element that make up a bleak picture of the current state of the world.

According to the speaker, the documents of the UN Human Rights Council and its Advisory Committee, distributed among participants, are a fundamental contribution of global civil society to the codification of the Human Right to Peace. This reveals once again that the process of reforming the United Nations should exist in all instances and that the role of civil society is fundamental in order to restore the spirit and letter of the UN Charter. The challenges at different levels, that the world is facing today, can not be

resolved only by governments, association of states or international organizations without taking into consideration the full participation of the civil society organizations.

Commentaries by David Fernandez:

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. 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 reform of the schools to promote tolerance.

There should be no contradiction between peoples' security and State security. Nevertheless, the response of many countries to the atrocities of September 11th 2001 have led to the alarming prioritisation of the concept of national or State security over human security.

A human rights commentator has noted that the correct approach to human security entails the ability to protect people as well as to safeguard States. 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". Human security also includes discrimination based on gender inequality and inequity.

Among the key structural causes of instability and conflict are poverty, inequality and lack of economic opportunity. Although diplomacy might be useful in short-term efforts for the maintenance of peace, long-term solutions require economic development and greater social justice. 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.

The Santiago Declaration on the Human Right to Peace states in article 3 that "individuals have the right to human security, including freedom from fear and from want, both being elements of positive peace."

The next speaker, Mrs **Florella Hazeley** (Sierra Leone), stated that the Sierra Leone Action Network on Small Arms (SLANSA) started on the 16th October 2001 after the launching of Freetown into the peace to the city Global network. It is a national coalition of religious institutions and civil society organizations and networks, cooperating in advocacy on small arms and light weapons control. This coalition shares the growing concern that the easy availability of Small and Light Weapon (SALW) fuels and escalates conflicts and has a devastating impact on human and state security. It is directed towards human safety and security on the basis of the West African Moratorium on Small arms and light Weapons (now the ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and other Related Materials) and the United Nations Programme of Action on SALW in all its aspects.

According to her, the effective action against SALW requires a range of short, medium and long term initiatives and strategies. It needs a two-pronged approach with multiple efforts and a wide variety of anchors from all sectors of the community. This network provides effective implementation of initiatives and cohesiveness of small arms actions within its national framework. Furthermore, she indicated that consolidating democracy in post conflict Sierra Leone comes with a number of challenges, which include but are not limited to, poverty, unemployment, small arms proliferation, and human rights abuse. These challenges, which in themselves might trigger conflicts, have the attendant feature of contributing to gross indiscipline, high crime rates and armed banditry. She recognized the need for an integrated approach in the realization of human security targets by mainstreaming the concepts of human rights and good governance, as critical components to the achievement of a more inclusive human security.

She continued by citing the objectives of her organization:

- To ensure that all small arms instruments, such are the ECOWAS Convention, are the basis of the arms control mechanism of government
- To ensure the popularization and domestication of the ECOWAS Convention in Sierra Leone
- To educate MPs and SLANSA members about ECOWAS Convention in a bid to build their capacity to respond effectively to small arms related problems in post-conflict Sierra Leone.
- To tackle the phenomenon of the culture of violence in post-conflict Sierra Leone and promote a culture of peace especially during election periods.
- To build the capacity of SLANSA in effectively complementing the role and responsibility of government in creating and maintaining a peaceful environment.

She continued her presentation by focusing on the situation of children in conflict situations. They usually have little choice but to experience, at minimum, the same horrors as their parents—as casualties or even combatants. And children have always been particularly exposed. When food supplies run short, it is children who will be hardest hit, since their growing bodies need steady supplies of essential nutrients. When water supplies are contaminated, it is children who will be least resilient to related diseases. And the trauma of exposure to violence and brutal death will emotionally affect generations of young people for the rest of their lives.

Commentaries by David Fernandez:

In accordance with Articles 11 and 26 of the UN Charter, the Organization should pursue to enhance the disarmament and regulation of armaments. Nevertheless, Member States have always been more interested in controlling or restraining the use and development of certain arms, rather than promoting an effective disarmament at the highest level. As a consequence, the number of victims of the countless international and, in particular, internal armed conflicts has dramatically increased since the end of the Cold War. As stated by the 2009 SIPRI Yearbook, the global military expenditure in 2008 is estimated to have reached \$1464 billion, which represents an increase of 4 per cent in real terms compared to 2007, and of 45 per cent since 1999.

In addition, the First Committee of the General Assembly on Disarmament and International Security highlighted that the use of illicit small arms and light weapons (SALW) constitutes a clear threat to peace consolidation. Besides, Mrs Barbara Frey - Special Rapporteur on the issue of prevention of human rights violations committed with SALW- indicated that “this type of weapons has a devastating impact on human rights standards, such as the right to life, liberty and security of persons”, but especially for women. As stated by the meeting of experts on the traditional and new forms of mercenarism, mercenary activities may also pose a threat to a broad range of human rights as a consequence of the close relationship between the new forms of mercenary activities and arms trafficking. The launching of strong public information campaigns on education and culture of peace are, inter alia, necessary to combat violence in all regions and globally.

The Santiago Declaration on the Human Right to Peace states in article 7.2 that “All peoples and individuals have the right to have the resources freed by disarmament allocated to the economic, social and cultural development of peoples and to the fair redistribution of natural wealth, responding especially to the needs of the poorest countries and of the groups in situations of vulnerability, aiming to put an end to inequalities, social exclusion and extreme poverty.”.

Dr. Nafisa Goga D’ Souza (India) pointed out that experts should address climate change from a human rights perspective. Climate Change violates the human right to live with dignity of eco-system communities due to that marginalised people are dependent on eco-system for their survival. The human rights violations as consequence of climate impacts are the following: threat of life from increasing disasters; physical displacement of the most vulnerable; food insecurity as staple crops will be affected and degradation of resources; acute water shortages (4AR-per cap availability of water will decline between 2001-2050); health vulnerability due to nutritional deficiency, water stress resulting in diarrhea, spread of malaria, extreme events related mortality and gender inequity.

According to the speaker, the victims of climate change are as a follows: 1) the communities most vulnerable groups to climate change impacts. Nearly half the world – three billion people- live on less that 2\$ a day; 2) the low carbon users who have not been responsible for climate change suffer the consequence of climate change. Historically they have contributed to the conservation and saved the world from a possible catastrophe.

Finally, she indicated that in order to protect human dignity of climate victims international community should enforce some fundamental human rights, mainly: the right to resettlement for internal displaced person; the right to compensation, reparation, adaptation and development rights; the right to ecological space for living with dignity and the need to revise Kyoto mechanisms for violations to sustainable development rights.

Commentaries by David Fernandez:

The environment is a crucial aspect of the right to peace. An area of particular relevance is climate change.

In accordance with the progress report of the Human Rights Council Advisory Committee on the right of peoples to peace (A/HRC/17/39 of 28 March 2011) submitted to the Human Rights Council at its seventeenth session (June 2011), the environment is a

crucial aspect of the right to peace. The report proposes the protection of environment as a legal standard to be included in the future declaration on the right to peace.

Paragraph 12 of the Santiago Declaration on the Human Right to Peace shows its concern about the constant and progressive degradation of the environment and about the need and obligation to ensure for present and future generations a life in peace and in harmony with nature, ensuring their right to human security and the right to live in a safe and healthy environment.

Climate change has a negative impact on a variety of human rights, ranging from the right to life, food, water, health, housing and shelter through to the right to self-determination of peoples and rights relating to livelihood and culture, migration and resettlement and personal security in cases of conflict. Furthermore, the historical contribution to and the share of the burden caused by climate change are distributed highly unevenly. Adaptation and mitigation policies and long-term protection, however, may also have adverse effects.

In 2008, the Human Rights Council, in its resolution 7/23, requested OHCHR to undertake a study on human rights and climate change. The study was presented in 2009 and deals with, inter alia, the impact of climate change-induced displacement and conflict. It also analyses the consequences of climate change on relevant obligations under international human rights law. According to the Special Rapporteur on the right to food, land degradation has prompted, together with other factors, fights over resources in the conflict in the Darfur region of Sudan and in other conflicts in Africa. The nongovernmental organization Alert International has identified 46 countries with a high risk of armed conflict due to climate change and 56 States threatened by political instability.

Dr. Audeh B. Quawas (Jordanian) stated that religious discrimination entails a differentiated treatment of a group of people or individuals because of their religious beliefs and related actions. He also mentioned that when talking about 'religious discrimination' it is necessary to take into account the ambiguities of the term 'religious persecution'. There have been many controversial cases where people have been executed for beliefs perceived to be heretic. There are also cases where adherents of different religions (or denominations) are treated unequally before the law, but this is sometimes difficult to assess. According to the speaker, when the true intention of laws, regulations or acts of authority is to 'encourage' or 'push' people to abandon their religious beliefs, then such instruments constitute a form of 'religious persecution'. Also laws which carry disproportionately light punishments for the adherents of a predominant religion when they commit offences against followers of a minority religious group, could be conceived as a form of religious discrimination and in some cases even a form of religious persecution.

He then indicated that the largest Christian community of the Middle East is found in Egypt, which has ten to twelve million Copts. As a result of continuous persecution in Middle East, the Christians are forced to act like any oppressed minority which tries to survive.

Finally, he stressed that there are peace roundtables that bring Christian and Muslim leaders together for a mutual understanding of the common challenges and to learn

to know each other. This refers to the Christian-Muslim Relations in the Political, Economic, Cultural, Social, and Religious Sphere. These activities, conferences and publications help the churches to be faithful to the gospel by preaching and acting even in the field of development. After all keeping and restoring interfaith peace is one of the major challenges of the churches in Africa.

Commentaries by David Fernandez:

The phenomenon of intolerance in matter of conviction or belief constitutes a danger for the peace in the world. As several Special Rapporteurs have concluded, it has been a disturbing feature in many regions of the world and has caused the loss of many lives by bringing about many wars and repression throughout human history. Discrimination and violence in the name of religion or belief is at the heart of many conflicts that are based on religious issues, often intertwined with particular ethnic, national, political or historical backgrounds. The HR Council recognised that “the disregard for and infringement of human rights and fundamental freedoms, in particular the right to freedom of thought, conscience, religion or belief, continue to bring, directly or indirectly, wars and great suffering to humankind” (resolution 4/10).

Mr. A. Amor, former Special Rapporteur on freedom of religion or belief, considered that religious extremism violates the right of individuals and peoples to peace and prejudice human rights as a whole. He accordingly recommended that the General Assembly adopt appropriate instruments to combat “hatred, intolerance and acts violence, including those motivated by religious extremism” and to encourage understanding, tolerance and respect in matter of freedom of religion or belief within the framework of the purposes of the Charter and the General Assembly resolution 39/11 of 12 December 1984 (Declaration on the Right of Peoples to Peace).

Since freedom of religion or belief is protected as a fundamental right under international law, the inter-religious and intra-religious dialogue is vital for the prevention of conflicts. Although the interreligious dialogue alone does not solve underlying problems, it may be a first step in the right direction to look at a common strategy to reduce tensions and promote tolerance. Several Special Rapporteurs recommended that the HR Council invite Member States to promote and practise dialogue among cultures, civilizations and religions as a more profound way of combating racism and religious intolerance.

Education is an essential tool to create a genuine human rights culture in society. Schools can be a suitable place to learn about peace, understanding and tolerance among individuals, groups and nations to develop respect for pluralism. School education should contribute to the elimination of negative stereotypes that frequently poisons the relationship between different communities and have particularly detrimental effects on minorities. Appropriate resources should also be available to develop non-formal educational programs as a partnership between governments and CSO.

The Santiago Declaration on the Human Right to Peace states in article 1.3 that “all individuals and peoples subjected to aggression, genocide, racism, racial discrimination, xenophobia and other related forms of intolerance, as well as apartheid, colonialism and neo-colonialism, deserve special attention as victims of violations of the human right to peace”

The next speaker, **Dr. Marian Gh. Simion**, indicated that the nature of religious scholarship is case oriented, as it was triggered by specific events in global politics. Religion began challenging not only secular governance, but also started redefining the borders of authority over the common good between Church and State. He added that the literature can be broadly categorized as following five thematic trends, such as: fundamentalism (anti-secularist campaigns in 1990-95), religious nationalism (Sri Lanka and Yugoslavia in 1996-2000), terrorism (september 11, 2001), electoral politics (2004 US elections) and social justice (emerging challenges such as social justice, climate change, resources control and demographics in 2011 onward).

Commentaries by David Fernandez:

The right to education constitutes an essential component of contemporary human rights law. Although the right to education is generally considered to be a cultural right, it is also related to civil, political, economic and social rights. Education is a precondition and the key to the enjoyment of all human rights. Taking into account that the right to education cannot be viewed in isolation, it can be concluded that the fulfilment of the right to education would allow the enjoyment of, *inter alia*, the right to freedom of opinion and expression and the right to participation of all human beings in a more just society.

As stressed in several international human rights instruments, education should be directed not only to the full development of the human personality and the respect of human rights and fundamental freedoms, but also to the promotion of mutual understanding and respect, gender equality, friendship among all nations, racial or religious groups and the maintenance of peace.

The right to education requires enforceable individual entitlements *to* education, safeguards for human rights *in* education and instrumentalization of education to the enjoyment of all human rights *through* education. As stated by UNESCO, “the inclusion of human rights in education is a key element of a quality education”. Thus, richly endowed education systems may be faulted for their failure to halt intergenerational transmission of racism or xenophobia. It follows that a successful human rights education system should be able to eliminate any and all types of inequality, exclusion or discrimination based on prejudices, bias and discriminations transmitted from generation to generation.

Inequality is a cross-cutting variable that affects all social strata. Women constitute a main group affected by this inequality as shown by the increasing number of women victims of violence. Other groups seriously affected are children, indigenous people, disabled persons, the elderly, minorities, displaced or people infected or suffering from AIDS. Patriarchy and all other practices based on the idea of inferiority and/or superiority among human beings are not structures of autonomous oppression but an undifferentiated set of oppressive factors deriving from race, gender, ethnic origin, economic and social background. As stated by the current Special Rapporteur on the Right to Education, gender inequality and other forms of social, religious, ethnic and racial discrimination impede social mobility and impact negatively on the full realization of all human rights, including development, peace and security.

The Santiago Declaration on the Human Right to Peace states in article 2.1. that “education and socialization for peace is a condition sine qua non for unlearning war and building identities disentangled from violence”.