

NAGOYA DECLARATION ON THE HUMAN RIGHT TO PEACE

Nagoya, 3 December 2011

Noting that the **Japanese Committee for the Human Right to Peace** (JCHRP) gathered in Nagoya (Japan) on 3 December 2011 with the support of the Spanish Society for International Human Rights Law (SSIHRL) and the International Observatory of the Human Right to Peace (IOHRP) and the sponsorship of the Japan Lawyers International Solidarity Association, Japan Workers Committee for Human Rights, Japan Democratic Lawyer's Association, 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 Campaigning for Peace Education Japan, Peace boat and Global Article 9 Campaign to discuss the topic of "the Japanese contribution to the codification process of the human right to peace at the United Nations", have decided to convene in December 2011 special Symposiums on the human right to peace to be held in Nagoya, Okinawa, Osaka and Tokyo to further discuss issues relating to the human right to peace;

Acknowledging the JCHRP's mandate to promote understanding between peoples; to enable the promotion of solidarity between them; to spread the spirit of peace, tolerance and mutual respect; to combat war, hunger and natural disasters in the service of mankind in dignity and respect, to make our governments understand that nuclear disarmament is of primary necessity, as also human rights, liberty and the free circulation of individuals;

Taking into account that in the twenty-first century peoples, individuals, groups and humankind have been witnesses of acts of breach of peace, wars and ethnic conflicts in many regions of the world and that the promotion of a culture of peace, the world-wide redistribution of resources and the achievement of social justice must contribute to the establishment of more just global economic relations which will facilitate the fulfilment of the purposes of this Declaration, by eliminating the inequalities, exclusion and poverty, because they generate structural violence which is incompatible with peace at both national and international levels;

Concerned about the constant and progressive degradation of the environment and about the need and obligation to ensure to 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 free of nuclear plants;

Concerned over the manufacture of weapons, the arms race, the excessive expenditure and uncontrolled traffic of all kinds of arms, jeopardising international peace and security; over the failure of States to observe the obligations laid down in the relevant treaties in the field of disarmament, and, in particular, the Treaty on the Non Proliferation of Nuclear Weapons; which constitutes an obstacle to the realisation of the right to development;

Acknowledging the Constitution of Japan that states in its Preamble that "...all peoples of the world have the right to live in peace, free from fear and want"; that Article 9 is in favour of a complete pacifism, namely, the renunciation of war, the non-possession of war power, and the denial of belligerent rights and recognises the political principle of "pacifism with demilitarization" by which reaffirms its engagement in the promotion, defence, implementation and elaboration of the right to live in peace in Japan and all around the world;

Acknowledging that the right to live in peace is not only an expression of a political ideal, but also a legal principle of domestic law as recognised by the Sapporo District Court in the *Naganuma* case in 1976; the Nagoya High Court in the *SDF Iraq Deployment Injunction*

Lawsuit in 2008; and the Okayama District Court in the *SDF Iraq Deployment Injunction Lawsuit* in 2009, by affirming that the right to live in peace is a compound right which can be expressed as a freedom, social or a political right, depending on circumstances, and there are situations where its character as a concrete right permits its claim before a domestic court of law and its implementation through legal enforcement measures;

Recalling Nagoya district court's decision (2007, Tajika decision) that "the right to live in peace is a fundamental right which underlies all other basic human rights and by virtue of which we can enjoy those rights" and the right to life and freedom is a specific right by virtue of which life and freedom of an individual shall not be violated by a government's action in violation of Article 9 of the Constitution of Japan,

Paying tribute to all Japanese peace movements that have marked over the history of humankind, which have recently contributed to the justiciability of the right to live in peace and have permitted that this right has moved from "the right not to be involved in wars", which has a passive and defensive nature, to "the right not to take part in war", which prohibits the Japanese Government to engage in wars abroad;

Recognizing the conceptual progress made, as well as the development of international instruments and institutions upon requirement of the international civil society in its wish to move towards the necessary codification of the human right to peace at the international level;

Recognizing the pioneering role of the Spanish Society for International Human Rights Law (SSIHRL) crystallized in the *Luarca Declaration on the Human Right to Peace*, adopted on 30 October 2006 by an independent expert drafting Committee;

Welcoming the work carried out by the SSIHRL since the adoption of the *Luarca Declaration* in the context of its World Campaign for the Human Right to Peace (2007-2010) supported by 1795 CSO around the world, through which the *Luarca Declaration* has been shared and discussed by independent experts in twenty meetings held in the five regions of the world;

Welcoming the regional and international contributions to the *Luarca Declaration* in the regional Declarations on the Human Right to Peace adopted by experts of civil society in La Plata, Argentina (November 2008), Yaoundé, Cameroon (February 2009), Bangkok, Thailand (April 2009), Johannesburg, South Africa (April 2009), Sarajevo, Bosnia and Herzegovina (October 2009), Alexandria, Egypt (December 2009) and Havana, Cuba (January 2010);

Recognizing the *Bilbao Declaration on the Human Right to Peace*, adopted on 24 February 2010 by a technical expert drafting Committee, in which inputs received from the different cultural sensitivities of all regions of the world was incorporated;

Congratulating the SSIHRL for the organisation of the International Drafting Committee of ten independent experts from the five regions of the world who approved on 2 June 2010 the *Barcelona Declaration on the Human Right to Peace*, by which it acknowledged the international authority of both the *Luarca* and *Bilbao* Declarations;

Acknowledging resolution 406/VIII of the Parliament of Catalonia adopted by the Committee on Cooperation and Solidarity on 26 February 2009; the Declaration adopted by the regional Parliament of the Principality of Asturias on 9 October 2009; the Agreement by the Executive Commission of the Asturian Federation of City Councils on 10 July 2009; the Agreement by the Cabildo de Gran Canaria of 26 March 2010; the Declarations adopted by the City Councils of of Telde and St. Lucia on April and May 2010; the Lanzarote Declaration on the Human Right to Peace on 29 October 2010; the Declaration by the Basque municipalities gathered in Berriz on 12 November 2010 and the Declaration on the Human Right to Peace by the City Council of Gijón on 21 December 2010, by which they adhered to the *Luarca Declaration* and decided to request the State authorities to support the official codification of the human right to peace at the international level;

Welcoming the Declaration by the Ombudsmen Assembly of Argentina of 11 August

2010, by which it joined the World Alliance for the Human Right to Peace; urged other similar Associations of the Continent to show their solidarity and commitment to this valuable and necessary initiative carried out by the international civil society; and requested the Government of Argentina to join the Group of Friends States supporting the international codification process of the human right to peace;

Welcoming also the Caracas Declaration on the Human Right to Peace of 18 November 2010, in which many Venezuelan universities and civil society organizations congratulate the SSIHRL and its associated CSO for leading the World Campaign on the right to Peace; urges the government of Venezuela to declare its territory as an International Zone of Peace and invites the government to support the codification process on the human right to peace initiated in the United Nations;

Welcoming also the Morphou Declaration on the Human Right to Peace, adopted on 7 October 2010 by the Assembly of the International Association of Peace Messenger Cities gathered in Limassol (Cyprus), by which expressed its full support to the Luarca, Bilbao and Barcelona Declarations on the Human Right to Peace; called upon all international stakeholders to adhere to the Global Alliance on the human right to peace, and invited all member cities to send their representatives to the International Congress on the Human Right to Peace, held in Santiago de Compostela on 9 and 10 December 2010;

Welcoming the awareness campaign on the human right to peace carried out by the SSIHRL and its associated CSO since 2007 before the Human Rights Council and other relevant United Nations bodies; recognizing in particular the importance of the twenty one joint written and oral statements on the content and scope of the human right to peace endorsed by 1795 civil society organisations, NGOs and cities worldwide, which are now part of the official documents of the UN Human Rights Council and its Advisory Committee;

Congratulating the SSIHRL for hosting the constitution in Geneva (November 2007) of the Group of Friend States with the codification process of the human right to peace;

Congratulating the SSIHRL for having launched on 19 September 2008, at the occasion of the official commemoration of the International Day of Peace at the United Nations, a solemn call to all international actors to join the **World Alliance for the Human Right to Peace**;

Welcoming that the Office of High Commissioner for Human Rights has convened the workshop on the right of peoples to peace held on 15-16 December 2009 in Geneva; and the workshop's recommendation that the Human Rights Council should establish an open-ended working group with the task of initiating the official codification of the *human right to peace*;

Welcoming the Human Rights Council resolution 14/3, adopted on 17 June 2010, 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"; 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";

Welcoming the Advisory Committee recommendation 5/2, adopted on 6 August 2010, by which it established the drafting group of four members to prepare by January 2011 a first draft Declaration on *the right of peoples to peace*;

Welcoming also the Advisory Committee recommendation 6/3, adopted on 21 January 2011, by which it took note of the progress report; increased to six the members of the drafting group; and requested it to prepare a questionnaire to be distributed among all stakeholders. In the light of the comments to be received, it will submit in August 2011 and February 2012 a draft Declaration to the Advisory Committee. The first progress report was

then submitted to the HR Council at its 17th session (June 2011);

Noting that the Advisory Committee had before it at its 7th session (August 2011) the progress report on the right of peoples to peace prepared by its drafting group, which included a first draft Declaration on the right of peoples to peace. 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;

Welcoming the progress report prepared by the drafting group, which also recognized the important contribution of civil society in the codification process of the human right to peace within United Nations and paid tribute to the global campaign on the human right to peace led by the SSIHRL with the support of 1795 CSO;

Welcoming the SSIHRL and associated CSO for submitting the *Barcelona Declaration* to the International Congress on the Human Right to Peace, held on 9-10 December 2010 in Santiago de Compostela (Spain), at the World Social Forum on Education for Peace ("Forum 2010"); and the adoption on 10 December 2010 of the *Santiago Declaration on the Human Right to Peace* and the Statutes of the *International Observatory of Human Right to Peace*, which is closely working within the SSIHRL to ensure the promotion and implementation of the *Santiago Declaration*;

Noting that the *Santiago Declaration on the Human Right to Peace* was submitted by the SSIHRL and associated CSO to the Human Rights Council and its Advisory Committee in 2011, urging Member States and experts to continue the official codification of the human right to peace, as initiated on 17 June 2010 with the adoption of HR Council resolution 14/3;

Noting that the 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);

Welcoming the resolution in support of the human right to peace as adopted by the Parliament of Spain on 14 September 2011, by which it urged the Government of Spain 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; join the Group of Friend States with the codification process on the human right to peace; and transmit this resolution to all institutions and International Organizations to which Spain is a State party;

Congratulating the SSIHRL and the Foundation Peace without Borders for having launched on 21 September 2011 a campaign to collect signatures in support of the World Alliance for the Human Right to Peace and its international codification process, the results of which will be presented to the Human Rights Council and the General Assembly of the United Nations;

Welcoming the resolution on the right to peace adopted on 29 October 2011 by the XXI Ibero American Summit held in Asunción (Paraguay), by which the twenty-two Member States agreed to support the codification of the right to peace, as initiated at the UN Human Rights Council, paving the way to its progressive development; they 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 of the United Nations and the UN High Commissioner for Human Rights, urging the United Nations Organization to actively contribute to the progressive development of the right to peace in the context of the purposes and principles of the Charter of the United Nations.

As a result of our discussions we adopt the following **Declaration**:

I. The human right to peace should be considered by the international community as an integral part of human rights and fundamental freedoms of all women and men. The human right to peace has a holistic approach, as well as an individual and collective dimension.

II. The respect and guarantee of the full enjoyment of the human right to peace is a fundamental prerequisite for the exercise of other human rights, namely: civil, cultural economic, political and social rights, as well as the right to development.

III. The human right to peace shall be implemented without any distinction or discrimination for reasons of race, descent, national, ethnic or social origin, colour, gender, sexual orientation, age, language, religion or belief, political or other opinion, economic situation or heritage, diverse physical or mental functionality, civil status, birth or any other condition.

IV. The rights to human security and to disarmament are essential components of the human right to peace, in the context of the *Luarca, Bilbao, Barcelona and Santiago* Declarations on the Human Right to Peace. In particular, 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.

V. We fully support the *Luarca, Bilbao, Barcelona and Santiago* Declarations on the Human Right to Peace, adopted by independent expert Committees.

VI. We recognise that the Declarations have been enriched by inputs from numerous regional expert meetings aiming at taking into account cultural sensitivities of all regions of the world. The future Universal Declaration on the Human Right to Peace, to be adopted by the UN General Assembly, should strengthen the concept of unrestricted universality, interdependence, indivisibility and inalienability of all human rights recognized by universal human rights instruments. Furthermore, gender perspective and human rights of women are indispensable to the hermeneutic task of the four Declarations.

VII. We recognise that the Constitution of Japan was a pioneer in the recognition of peace as a human right and this principle has been gradually elaborated through Japanese civil society movements and lawsuits. The Nagoya High Court judgment on the suspension of sending Self Defence troops abroad was one outstanding achievement in this process.

VIII. We also urge the Human Rights Council and its Advisory Committee to take note of the efforts made by international civil society, and to take duly into consideration the *Santiago Declaration on the Human Right to Peace*, adopted on 10 December 2010, in the context of the ongoing official codification process of the right to peace which has been initiated in 2010 by the Human Rights Council resolution 14/3 and confirmed in 2011 by the HR Council resolution 17/16.

IX. In particular, we request the Advisory Committee at its eighth session (February 2012) to adopt a draft Declaration on the human right to peace to be commensurate with the *Santiago Declaration* as provided by international civil society.

X. In addition, we request the Human Rights Council at its twentieth session (June 2012), upon receipt of the Advisory Committee draft Declaration, to establish an open-ended working group on standard-setting to deal with the ongoing codification of a draft Declaration on the human right to peace.

XI. Moreover, we request the General Assembly of the United Nations, upon request by the Human Rights Council, to finally adopt the *Universal Declaration of the Human Right to Peace*.

XII. We agree to adopt the following additional measures:

1. To enact the "Nagoya Declaration on the Human Right to Peace".
2. To invite any person, institution or international actors who may agree with its contents, to adhere to it.

3. To submit the *Nagoya Declaration* to the Government and the Diet of Japan, urging them to join the ongoing codification process of the human right to peace within the United Nations.
4. To submit the *Nagoya Declaration* to the President of the General Assembly, the President of the Human Rights Council, the President of the Advisory Committee, the Secretary-General of the United Nations and the UN High Commissioner for Human Rights, requesting that the United Nations Organization actively support the official codification of the human right to peace.
5. To ensure that the *Nagoya Declaration* be disseminated to the allied Cities, civil society organizations, media, professionals and academics, inviting them to implement in their communities values inherent to the human right to peace.
6. To appeal all international actors and people of goodwill to join the **World Alliance on the Human Right to Peace**, as launched by the SSIHRL at www.aedidh.org

Nagoya, 3 December 2011