

SYMPOSIUMS ON THE HUMAN RIGHT TO PEACE: THE JAPANESE CONTRIBUTION

From 2 to 10 December 2011

Nagoya, Osaka, Okinawa and Tokyo

Summary

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1. Introduction.

1.1. The Santiago Declaration and the International Observatory of the Human Right to Peace.

On 9 and 10 December 2010, the Spanish Society for the International Human Rights Law (SSIHRL), the World Council of Churches and the Institute for Peace Studies organised the International Congress on the Human Right to Peace in Santiago de Compostela (Spain) in the context of the World Social Forum on Education for Peace. Many civil society organizations representatives actively participated, in particular the Japan Lawyers International Solidarity Association (JALISA), Peace Boat and Article 9 Campaign to Abolish War. It approved on 10 December 2010 by consensus two important documents:

Firstly, the *Santiago Declaration on the Human Right to Peace*¹, 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 private codification process initiated on 30 October 2006 with the *Luarca Declaration on the Human Right to Peace*², which was drafted by a Committee of 15 independent experts.

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*³.

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

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

3 The full text of the *Bilbao Declaration* is accessible in several languages at <http://www.aedidh.org>

The *Bilbao Declaration* was also reviewed by the Drafting Committee (ten experts from the five geographical groups), which approved on 2 June 2010 the *Barcelona Declaration on the Human Right to Peace*⁴. 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, the Santiago Congress approved the Statutes of the ***International Observatory on the Human Right to Peace***⁵, 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 enjoy its own structure.

The Observatory will network with local civil society organizations (CSO) interested in the promotion and defense of the human right to peace. The CSO that are part of the World Alliance on the Human Right to Peace will be especially invited to formalize their incorporation to the Observatory.

The main purpose of the Observatory would be the promotion and implementation of the *Santiago Declaration* to monitor the codification process within the UN, ensuring that the General Assembly would adopt a Universal Declaration taking into account the *Santiago Declaration* and its preparatory work.

Furthermore, the Observatory will prepare field reports; develop reliable indicators to measure the States and other international actors' compliance with the human right to peace in accordance with the normative content of the *Santiago Declaration*; and publish reports on situations of serious, massive and systematic violations of the human right to peace.

The Observatory is expected to assist States and international Organizations to focus on the development of the three pillars on which the Charter of the United Nations is based, namely: the system of collective security which prohibits the threat or use of force, and promote the peaceful settlement of disputes in accordance with international law; the economic and social development of peoples; and respect of human rights and fundamental freedoms for all without discrimination. Under these three pillars the human right to peace will be built.

1.2. **The international codification process of the right to peace within the United Nations**

1.2.1. **The UN Human Rights Council.**

By establishing in 2006 the Geneva-based Human Rights Council (hereafter: 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

4 The full text of the *Barcelona Declaration* is accessible in several languages at <http://www.aedidh.org>

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

security and human rights are interlinked and mutually reinforcing”⁶.

Therefore, the mandate of the HR Council comprised the promotion and protection of all human rights for all people, including the right to development and the right to peace, thus contributing to strengthening the three UN foundational pillars. Given its current composition —of 47 Member States, 26 are African and Asian States— it has a large majority to respond to the demands of the Southern States with regard to human rights. Unlike the Security Council, no State at the HR Council has the right to veto any decision and the resolutions may be adopted by majority.

Since 2007 the SSIHRL is working closely with the HR Council following a four-point strategy aiming at increasing awareness on human right to peace among Member States and other international actors⁷. They are the following:

Firstly, in March 2007 the SSIHRL submitted to the fourth session of the HR Council⁸ the *Luarca Declaration on the Human Right to Peace*, adopted on 30 October 2006. It also informed the HR Council on the launching of its World Campaign in favor of the codification of the human right to peace (fourth session⁹). Moreover, the SSIHRL drafted 16 joint written statements and delivered 15 additional oral statements to the plenary of the HR Council, having obtained the support of 1795 civil society organizations (hereafter: CSO) in 2011. Such statements were submitted to the subsequent sessions of the HR Council.

The joint CSO written statements addressed the following issues: peace and development as rights of solidarity (sixth session¹⁰); right to human security and the phenomenon of terrorism, as well as the harmful effects of certain antiterrorist policies to human rights (sixth session¹¹); peace and the fight against inequalities on the grounds of gender¹²; peace and the eradication of the extreme poverty (seventh session¹³); right to education on and in peace and other human rights (eighth session¹⁴); relationship between human right to peace and

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

7 See Carlos Villan Duran, “The human right to peace in the work of the Human Rights Council”, in Carlos Villan Duran and Carmelo Faleh Perez (editors), *Regional Contributions for a Universal Declaration on the Human Right to Peace*, cit. pp. 267-293.

8 Oral statement delivered on 15 March 2007.

9 Doc. A/HRC/4/NGO/85, of 8 March 2007.

10 Docs. A/HRC/6/NGO/33. and A/HRC/6/NGO/34, of 5 September 2007.

11 Doc. A/HRC/6/NGO/62, of 6 December 2007.

12 This statement was submitted to the ECOSOC Commission on the Status of Women at the occasion of the follow-up to the Fourth World Conference on Women. Doc. E/CN.6/2008/NGO/26, of 18 December 2007.

13 Doc. A/HRC/7/NGO/84, of 25 February 2008.

14 Doc. A/HRC/8/NGO/33, of 28 May 2008.

rights of indigenous peoples (ninth session¹⁵); human right to peace against racism, racial discrimination, xenophobia and other related forms of contemporary intolerance (tenth session¹⁶); peace and migrations (eleventh session¹⁷); disarmament and human right to peace (twelfth session¹⁸); codification of the human right to peace (thirteenth session¹⁹); the working group for the codification of the human right to peace (fourteenth session²⁰); the human right to peace as a component of the draft declaration on the right of peoples and individuals to international solidarity (fifteenth session²¹); the human right to peace and freedom of religion or belief (sixteenth session²²); joint reply of 1795 NGO, CSO and cities to the Advisory Committee questionnaire on elements for a draft Declaration on the right to peace²³; and the human right to peace as part of the right to international solidarity: Amendments to the draft declaration submitted by the Advisory Committee Drafting Group²⁴.

In parallel, the SSIHRL delivered 15 oral statements to the different sessions of the HR Council on similar issues as raised in the joint written statements. The aim of all these statements was to keep informed Member States and other international actors about civil society developments in the field of the human right to peace²⁵.

The drafting and negotiation process with CSO partners of joint written statements was facilitated by the increased trust recognized to the SSIHRL throughout the world, which today amounts to 1795 CSO. Likewise, it can be concluded that the CSO demands on the human right to peace became a useful and effective tool to channel the CSO hopes for peace and human rights from all regions of the world joining in a common endeavor²⁶.

15 Doc. A/HRC/9/NGO/47, of 1st September 2008.

16 Doc. A/HRC/10/NGO/113, of 13 March 2009.

17 Doc. A/HRC/11/NGO/29, of 10 June 2009.

18 Doc. A/HRC/12/NGO/3, of 8 September 2009.

19 Doc. A/HRC/13/NGO/89, of 25 February 2010.

20 Doc. A/HRC/14/NGO/47, of 3 June 2010.

21 Doc. A/HRC/15/NGO/70, of 8 September 2010.

22 Doc. A/HRC/16/NGO/14, of 22 February 2011.

23 Doc. A/HRC/17/NGO/57, of 27 May 2011.

24 Doc. A/HRC/18/NGO/76, of 12 September 2011.

25 See Carlos Villan Duran, “The human right to peace in the work of the Human Rights Council”, in Carlos Villan Duran and Carmelo Faleh Perez (editors), *Regional Contributions for a Universal Declaration on the Human Right to Peace*, cit., pp. 267-293.

26 See in general David Cortright, *Peace: A History of Movements and Ideas*, Cambridge, University Press: 2009, 376 p., *passim*.

Secondly, the SSIHRL and associated CSO organised at the *Palais des Nations* parallel expert meetings to the sessions of the HR Council, where specific issues regarding the content and scope of the human right to peace were discussed.²⁷

Thirdly, in November 2007 the SSIHRL encouraged the establishment of the *Group of Friend States* with the codification process of the human right to peace in the framework of the HR Council. Its purpose was to raise awareness among States regarding the need to codify a draft declaration on this issue. Seven States —Bolivia, Costa Rica, Djibouti, Ecuador, Malaysia, Senegal and Spain— already belong to the Group. Many other States sympathy with the project and are accompanying it. The SSIHRL works to persuade all States to reach a greater level of commitment, so that the States' political trend shall be commensurate with the importance of the international civil society's demands in this field²⁸.

And fourthly, the SSIHRL and associated CSO organized the observance of the International Day of Peace (on 21 September each year) at the UN in Geneva. In 2008 and 2009 the SSIHRL solemnly called on all international actors,²⁹ as well as all people of good will to become part of the *World Alliance for the Human Right to Peace*, thus showing their wish to urge the start of the official codification of the human right to peace.

As stated, 1795 CSO world-wide have already joined the SSIHRL and are the constituencies of this Alliance.³⁰ In addition, the Spanish Parliament, regional parliaments, local authorities and national human rights institutions expressed support to the human right to peace; and experts world-wide signed the Luarca, Bilbao, Barcelona and Santiago (Spain) Declarations, as well as the regional Declarations adopted in La Plata, Yaoundé, Bangkok, Johannesburg, Alexandria, Sarajevo, Buenos Aires, Havana, Caracas, Lanzarote, etc.

On 21 September 2011 two international singers (Juanes and Bosé) on behalf of the Foundation Peace Without Borders presented in Geneva a video providing support from well-known artists, musicians, actresses and sport-men to the human right to peace and inviting people to adhere to the SSIHRL World Alliance³¹.

27 In addition to the Geneva-based parallel expert meetings, at the UN Headquarters in New York the SSIHRL and the World Council of Churches organized similar meetings in 2009, 2010 and 2011. A full list of all expert meetings parallel to the HR Council and other relevant UN bodies can be found in doc. A/HRC/14/NGO/47, cit., footnote 30. Meeting reports may be found on-line at www.aedidh.org

28 See Carlos Villan Duran, "The human right to peace: A legislative initiative from the Spanish civil society", *Spanish Yearbook of International Law*, 2011 (forthcoming).

29 I.e.: States; International Organisation; local, national and international civil society organisations; regional and national human rights institutions; national, regional and international parliaments; members of the Judiciary; universities and research institutes; media; and experts on education, science and culture.

30 Both individuals and institutions may become members of the World Alliance for the Human Right to Peace by filling in a simple on-line form at www.aedidh.org

31 The participants to the video were: Miguel Bosé (singer of Spain), Juanes (singer of Colombia), Ricky Martin (singer of Puerto Rico), Alejandro Sanz (singer of Spain), Eva Longoria (actress of the United States), Paulina Rubio (actress and singer of Mexico), Daniel Martin (singer of Spain), Juan Luis Guerra

1.2.2. The UN Advisory Committee

Further to HR Council resolution 14/3 the AC (recommendation 5/2 of 6 August 2010) established a drafting group on a draft declaration on the right of peoples to peace. It was composed of four members³² who submitted the first progress report to the AC in January 2011³³; It recognized the important contribution of civil society to the international codification of the right to peace within the United Nations, paying tribute particularly to the World Campaign on the human right to peace carried out by the SSIHRL with the support of more than 800 NGO³⁴ -in 2010-.

In addition, the report proposed more than 40 possible standards for inclusion in the draft declaration on the right to peace. It also referred to specific rationale leading to including them and relevant legal standards³⁵. The ultimate aim of the drafting group was 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 peace³⁶.

Moreover, the report suggested conceiving peace as both the absence of organised violence, the effective protection of human rights, gender equality and social justice, economic well being and free expression of different cultural values, without discrimination³⁷. Consequently, the drafting group proposed nine guiding dimensions which should be included in the future draft declaration on the right of peoples to peace, namely: peace as a right of all peoples; disarmament; human security and respect of our environment; resistance to oppression; conscientious objection; private military and security forces; education; development; the rights of victims and vulnerable groups; the obligations of States; and the monitoring and implementation of the right of peoples to peace³⁸.

The report also identified the legal basis for each of the proposed dimensions and made proposals of standards providing a frame to the right of peoples to peace³⁹. It reaffirmed that the right to peace has its legal basis in the Charter of the United Nations, the international human rights law and numerous resolutions approved by the General Assembly, the Human Rights Commission and the Human Rights Council⁴⁰.

Additionally, it recognised that the right to peace has a double dimension -individual and collective-, and that the duty-holders of the right are both peoples and individuals⁴¹.

(singer of Dominican Republic), Rafael Nadal (tennis player of Spain) and Amaia Montero Saldías (singer of Spain). It can be watched at www.pazsinfronteras.org

In the first week the video gathered the signatures of more than 10.000 people.

32The drafting group was composed of Chinsung Chung, Miguel d'Escoto Brockmann, Wolfgang Stefan Heinz (Rapporteur) and Mona Zulficar (Chairperson).

33 A/HRC/AC/6/CRP.3, of 22 December 2010.

34 *Ibidem*, paragraph 14.

35 *Ibidem*, paragraph 72.

36 *Ibidem id.*, paragraph 74.

37 *Ibidem id.* paragraph 21.

38 *Ibidem id.* paragraph 22.

39 *Ibidem id.* sections IV to XV.

40 *Ibidem id.* paragraphs 5-12 and 23-27.

41 *Ibidem id.* Annex III.

Besides, it noted that the establishment, maintenance and strengthening of the right to peace requires the application and respect of all human rights for all, namely: civil, political, economic, social, cultural, the right to development and the right of peoples to self-determination⁴².

Finally, it recognised that the contribution of women to the cause of peace is fundamental for a full and complete development of a country and the welfare of the world⁴³. Therefore, States, international organizations, in particular the United Nations, and civil society should empower women so that they can contribute to building, consolidating and maintaining peace after conflicts and can participate at all levels of decision-making on peace and security issues⁴⁴. To reach this aim, the gender perspective should be incorporated in a comprehensive peace education⁴⁵. Furthermore, national laws and policies that are discriminatory against women should be revised, and legislation addressing domestic violence, the trafficking of women and girls and gender-based violence should be adopted⁴⁶.

The AC also had before it the joint written statement submitted by more than 500 CSO that had been prepared by the SSIHRL/IOHRP. The AC was informed on the adoption of civil society Declarations of Barcelona (2 June 2011) and Santiago on the Human Right to Peace, as well as the Statutes of the International Observatory of the Human Right to Peace (10 December 2011). In addition, CSO made substantive comments to the progress report in line with the *Santiago Declaration*⁴⁷.

By recommendation 6/3 of 21 January 2011 the AC took note of the progress report; increased to six the members of the drafting group⁴⁸; 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 AC. The first progress report was then submitted to the HR Council at its 17th session⁴⁹ (June 2011).

In April 2011 the questionnaire was distributed to all stakeholders inviting them to provide comments to the revised progress report on the right of peoples to peace. On 13 April 2011 the IOHRP and the SSIHRL made public a table showing a comparative analysis of the 1984 GA Declaration on the Right of Peoples to Peace with the AC drafting group's revised progress report and the 2010 *Santiago Declaration*⁵⁰.

Based on this study both Organizations coordinated the reply to the questionnaire by international civil society. On 2 May 2011 they submitted to the Advisory Committee the joint reply on behalf of 1795 CSO, NGO and cities world-wide. The reply provided further

42 Ibidem id., paragraph 27.e.

43 Ibidem id., paragraph 9.

44 Ibidem id., paragraph 67.c.

45 Ibidem id., paragraph 57.a.

46 Ibidem id., paragraph 57.f.3.

47 Doc. A/HRC/AC/6/NGO/2 of 17 January 2011, 7 p.

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

49 Paragraph 3 of recommendation 6/3.

50 See IOHRP and SSIHRL, *Comparative Analysis of the 1984 GA Declaration on the Right to Peace, the Advisory Committee drafting group's progress report and the Santiago Declaration on the Human Right to Peace*, Geneva, 13 April 2011, 30 p. Available at www.aedidh.org

elements and standards that civil society would like to see included in the AC draft Declaration⁵¹.

Therefore the AC had before it at its 7th session (August 2011) the progress report on the right of peoples to peace⁵² prepared by its drafting group, which included a first **draft Declaration on the right of peoples to peace**. 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 as elements of a positive peace⁵³.

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 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".

With regard to monitoring, the drafting group argued that the HR Council had created such special mechanisms as the Forum on Minority Issues and the Expert Mechanism on the Rights of Indigenous Peoples. In the final article of the draft declaration, a proposal was made that the HR Council set up a mechanism to continue the discussion on and monitoring of the human rights to peace⁵⁴.

On 19 July 2011 a second comparative analysis of previous texts, the first draft declaration prepared by the AC drafting group and the *Santiago Declaration*, was made public by IOHRP/SSIHRL to illustrate shortcomings of the drafting group's text⁵⁵. It therefore proposed new standards to be included in the future GA Declaration on the human right to peace. The analysis also provided the legal background in support of the proposed standards.

In preparation of the 7th session of the AC the SSIHRL/IOHRP and the World Council of Churches organized in Geneva on 7 August 2011 a Consultation of members of the AC with experts of civil society on the human right to peace. The draft Declaration on the right of peoples to peace prepared by the drafting group and amendments submitted by civil society were widely discussed⁵⁶.

51 IOHRP/SSIHRL, *Joint reply of 1795 CSO to the questionnaire on possible elements for a draft declaration on the right of peoples to peace*, Geneva, 2 May 2011, 85 p. Available at www.aedidh.org. See a summary of the CSO joint reply at doc. A/HRC/17/NGO/57 of 27 May 2011.

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

53 *Ibidem*, paragraph 5.

54 *Ibidem*, paragraph 7.

55 See IOHRP/SSIHRL, *Comparative Analysis of the 1984 GA Declaration on the Right of Peoples to Peace, the Advisory Committee drafting group's progress report, the AC drafting group's draft Declaration on the right of peoples to peace, and the Santiago Declaration on the Human Right to Peace*, Geneva, 19 July 2011, 29 p. Available on line at www.aedidh.org

56 See *Report on the Consultation of members of the Advisory Committee with civil society experts on the human right to peace*, Geneva, 7 August 2011, 25 p. Report prepared by Ms. Mona Zulficar, Chairperson-rapporteur. Available on line at www.aedidh.org

At its 7th session (8-12 August 2011), the Advisory Committee also had before it the joint written statement submitted by SSIHRL/IOHRP on behalf of 778 CSO proposing numerous amendments to the draft Declaration⁵⁷ to complete it. They suggested inter alia the following additions: Firstly, to review the preamble of the draft Declaration in accordance with the preamble of the *Santiago Declaration*, since the latter refers to relevant international instruments which are the legal foundations of the codification of the human right to peace. Secondly, it should spell out in more detail States and other international actors' obligations in the realization of the human right to peace, as stated in Article 13 of the *Santiago Declaration*). And, thirdly, it should include a Working Group on the Human Right to Peace to be appointed by the General Assembly (Article 14 of the *Santiago Declaration*) to monitor both the promotion and protection of that right. The Working Group's functions, as described for in Article 15 of the *Santiago Declaration*, reproduce the best practices of the HR Council's special procedures.

On 8 August 2011 a general debate on the draft Declaration took place at the plenary of the AC⁵⁸. The participation of civil society was particularly relevant. Three representatives of IOHRP/SSIHRL highlighted the amendments to the draft Declaration, as submitted in the CSO joint written statement.

On 12 August 2011, the AC adopted recommendation 7/3 entitled "Drafting Group on the promotion of the right of peoples to peace", by which it took note of the second progress report submitted by the drafting group⁵⁹ (paragraph 1); it welcomed "the responses received to the questionnaire sent out in April 2011, and the discussions and statements made during its seventh session" (paragraph 2); it also welcomed "initiatives by civil society to organize discussions on progress reports of the Advisory Committee with Member States and academic experts" (paragraph 3); it encouraged "the various stakeholders to contribute to the work under way" (paragraph 4); it requested "the drafting group to submit to the eighth session of the Committee a draft declaration on the right of peoples to peace revised in the light of comments received and discussions held at the seventh session of the Advisory Committee" (paragraph 5); and it requested "the Office of the United Nations High Commissioner for Human Rights to provide the drafting group with all the assistance necessary to enable it to accomplish its task" (paragraph 6).

To sum up, the AC will continue to work on the draft Declaration. As stated, a second and final discussion is to be held by the AC at its eighth session (February 2012). Thereafter, a finalized draft Declaration will be submitted to the HR Council at its twentieth session (June 2012).

2. The Japanese jurisprudence on the enforcement of the human right to peace

Article 9 of the Japanese Constitution is a clause in the National Constitution of Japan that prohibits an act of war by the state. The Constitution came into effect on May 3, 1947, immediately following World War II. In its text, the state formally renounces war as a sovereign right and bans settlement of international disputes through the use of force. The

⁵⁷ A/HRC/AC/7/NGO/3 of 3 August 2011 and Corr.1 of 5 August 2011.

⁵⁸ See David Fernandez Puyana, *The Right of Peoples to Peace. Analytical report of the 7th session of the Advisory Committee*, Geneva, 13 August 2011, 51 p. Available at www.aedidh.org

⁵⁹ A/HRC/AC/7/3 of 19 July 2011, cit.

article also states that, to accomplish these aims, armed forces with war potential will not be maintained, although Japan maintains de facto armed forces, referred to as the Japan Self-Defense Forces. In addition, the Preamble of the Constitution indicates: "We, Japanese people, recognize that all peoples of the world have the right to live in peace, free from fear and want."

On 17 April 2008, Nagoya High Court concluded in the case the SDF Iraq Deployment Injunction Lawsuit that the right to live in peace is a concrete right by indicating that "the right to live in peace can be called a compound right that can be expressed as a freedom right, a social right, or a political right, depending on the circumstances, and there are situations where its character as a concrete right can be affirmed, meaning its protection and relief can be requested through invoking legal enforcement measures in a court of law". The Nagoya High Court's recognition of the right to live in peace was also the first since Naganuma case (1973).

Less than a year later, the Okayama District Court followed the Nagoya High Court in recognising the right to live in peace, and provided more detail about the right's substance. Although both cases were ultimately dismissed for lack of standing, their recognition of the right to live in peace is a significant development in Article 9 litigation. As recognised by the Nagoya and Okayama courts, the right to live in peace can function as a means to enforce Article 9.

3. Organizers and objectives of the symposiums

The *Symposiums on the human right to peace: the Japanese contribution* to be held from 2 to 10 December 2011 will be organized by the Japanese Committee for the Human Right to Peace in coordination of the SSIHRL/IOHRP and the sponsorship of many Japanese civil society organisations, mainly, *inter alia*: 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 Campaign for Peace Education Japan, Peace boat and Global Article 9 Campaign

The Japanese Committee for the Human Right to Peace has been established at the occasion of the *Symposiums on the human right to peace: the Japanese contribution*. It is composed of the following co-representatives and secretary general:

Co-representatives

- Mr. **Kozo KAIFU**, Attorney at law, Former secretary general of Japanese Democratic Lawyers Association
- Mr. **Osamu NIKURA**, Professor of Criminal Law at the Aoyama-gakuin University, Secretary general of International Association of Democratic Lawyers (IADL)
- Mr. **Akira MAEDA**, Professor of International Criminal Law of the Tokyo Zokei

University

Secretary general

- **Mr. Jun SASAMOTO**, Secretary general of Japan Lawyers International Solidarity Association (JALISA)

The main objectives of the Symposiums will be:

- To share the *Santiago Declaration on the Human Right to Peace* with the Japanese civil society representative/organizations and academics;
- To introduce also the Statutes of the *International Observatory of the Human Right to Peace* and extend invitation to the Japanese civil society organizations and lawyers to join this new organization;
- To examine the on-going deliberations on codification of the human right to peace at the Human Rights Council and its Advisory Committee;
- To study the role played by global women's movement as a whole in the development and promotion of the human right to peace and to examine the General Assembly resolutions 3519 of 1975 and 37/63 of 1982 as well as the Security Council resolution 1325 (2000) on women and peace & security;
- To analyze the Japanese jurisprudence of the right to live in peace in the context of the justiciability and enforcement of the human right to peace;
- To study the impact of nuclear weapons in the full enjoyment of the human right to peace and its connection with the concept of human security, disarmament and the right to development;
- To examine the impact of the Japanese peace movement in the promotion and strengthen of the human right to peace;
- To publish in both Japanese and English the conclusions of the *Symposiums on the human right to peace: the Japanese contribution*
- Adoption of the Nagoya Declaration on the human right to peace by representatives of the Japanese civil society. It will focus on the development in the jurisprudence of the right to live in peace and diverse forms of the right to peace and the right to live in peace.

The symposium's working languages will be Japanese and Spanish (or English). *Symposiums on the human right to peace: the Japanese contribution* will be composed of four working sessions in Nagoya, Osaka, Okinawa and Tokyo. Each session will last three hours (afternoon and/or evening). The program will also include an opening and a closing session.

Each working session, the opening and closing sessions will have their respective chairpersons. A limited number of commentators will complete the essential content of the working session.

In addition, participants will have the opportunity to take part at the discussions at the end of each session.

4. Program of the Symposiums

2 December 2011

Press Conference on the human right to peace at the Tokai law office in Nagoya with correspondent of Chunichi Shimbun

Participants:

- Mr. **Jun Sasamoto**, Secretary general of JALISA
- Prof. **Carlos Villan Duran**, President of the SSIHRL

Time: 17:30

3 December 2011

Title of the first Symposium: "The justiciability and enforcement of the human right to peace: An analysis of the Japanese jurisprudence"

Location: Nagoya International Center, City of Nagoya

Time: 13.15-17.00

Opening Session

- Co-chairperson: Mr. **Yorio Shiokawa**, representative of JALISA in Geneva

Commentators

- Mr. **Jun Sasamoto**, Secretary General of JALISA: "Introduction to the human right to peace" (15min)
- Prof. **Noriki Moto**, Professor of Constitutional Law of the Nagoya University: "The right to live in peace in the Japanese constitution" (30min)

- **Mr. Hajime Kawaguchi**, Attorney at Law and Secretary General of the lawyers network of the Nagoya case: “Analysis of the decision SDF Iraq Deployment Injunction Lawsuit of the Nagoya High Court and its influence in the enforcement of the right to live in peace ” (20min)
- Prof. **Carlos Villan Duran**, President of the SSIHRL: "The codification of the human right to peace and civil society" (80 minutes). Presentation in power point.
- Mr. **David Fernandez Puyana**, representative of the SSIHRL/IOHRP in Geneva: "Comparative analysis of the Japanese, Colombian and Costa Rican domestic jurisprudence on the right to peace" (10 minutes)

Screening of the video “Peace is a human right”

Appeal to join the World Alliance for the Human Right to Peace

Discussion

Adoption of the Nagoya Declaration on the Human Right to Peace (20 minutes)

Introduction by Ms. **Fuki Maruyama** (Graduate student of the Nagoya University) and Prof. **Koji Aikyo** (Professor of Constitutional law of the Nagoya University)

Closing session :Mr. **Yorio Shiokawa**, representative of JALISA in Geneva (10 minutes)

- Co-chairperson: Mr. **Tomotarou Ishikawa**, President of Tokai branch of JALISA

4 December 2011

Visit to Kyoto (old capital of Japan) and the Kyoto Museum for World Peace.

The Museum is part of Ritsumeikan University in Kita-ku, Kyoto, Japan. The standing exhibits of Ritsumeikan University's Kyoto Museum for World Peace are currently designed to emphasize the importance of peace primarily by covering the problems of war and the arms race and accurately portraying the suffering they bring about. However, through its special exhibits, the Museum is also striving to extend its view to the problem of structural violence in an effort to contribute to the development of true peace.

5 December 2011

Visit to the Osaka Bar Association, time: 16,00

Title of the second Symposium: “The human right to peace in the world”

Location: Labour Public Building, City of Osaka

Time: 18.30-21.00

Opening session

- Chairperson: Mr. **Shun Tanaka**, Attorney in Law, secretary of Kansai branch of JALISA

Commentators

- Mr. **Jun Sasamoto**, Secretary General of JALISA: "Legal framework of the human right to peace" (10min)
- Prof. **Carlos Villan Duran**, President of the SSIHRL: "The codification of the human right to peace and civil society" (50 minutes). Presentation in power point.
- **Prof. Kinhide Mushakoji**, Director of the Centre for Asia-Pacific Partnership at the Osaka University of Economics and Law, Vice-President of the International Movement Against All Forms of Discrimination and Racism (IMADR), President of the Asia-Pacific Human Rights Information Centre (Hu-Rights Osaka), President of the Osaka International Peace Centre (Peace Osaka) and member of the International Drafting Committee of the *Barcelona Declaration on the Human Right to Peace* (3 June 2010): "The role of minorities in the promotion of the human right to peace" (15 minutes)
- Mr. **David Fernandez Puyana**, Representative of the SSIHRL/IOHRP in Geneva: "The implementation of the human right to peace in accordance with the *Santiago Declaration*" (10 minutes) including

Screening of the video "Peace is a human right" (2 minutes)

Appeal to join the World Alliance for the Human Right to Peace

Discussion

Closing session

- **Chairperson:** Mr. **Shoji Umeda**, Attorney in Law, President of Kansai branch of JALISA

6 December 2011

Press conference in the hotel by Okinawa Times and Ryukyu Shimpo in the evening

Participants:

- Mr. **Jun Sasamoto**, Secretary general of JALISA
- Prof. **Carlos Villan Duran**, President of the SSIHRL

7 December 2011

Visit to the Okinawa Prefectural Peace Memorial Museum

In late March 1945, a fierce battle that has rarely been seen in history took place on these islands. The "Typhoon of Steel" that lasted for ninety days disfigured mountains, destroyed much of the cultural legacy, and claimed the precious lives of upward of 200,000 people. The Battle of Okinawa was the only ground fighting fought on Japanese soil and was also the largest-scale campaign of the Asia-Pacific War. Even countless Okinawa civilians were fully mobilized. Under the most desperate and unimaginable circumstances, Okinawa people directly experienced the absurdity of war and atrocities it inevitably brings about. This war experience is at the very core of what is popularly called the "Okinawa Heart," a resilient yet strong attitude to life that Okinawa people developed as they struggled against the pressures of many years of US military control.

Weapons in general, and nuclear weapons in particular, are symbols that foster disrespect for the human right to peace. States should be encouraged to dismantle foreign military bases and to develop alternative security strategies that do not rely upon the use or threat of the use of force. Although all States have a sovereign right to host military bases, Member States have a primary obligation to maintain peace and security and to take effective collective measures for the prevention and removal of threats to the peace. Foreign military bases are a manifestation of weapons and violence and their proliferation runs counter to the spirit and letter of the UN Charter. The existence of foreign military bases promotes a culture of violence and war instead of a culture of peace and friendly relations among nations.

About 75% of US military bases in Japan are concentrated in the Okinawa prefecture. According to recent studies, residents around the bases have suffered from noise by the US military aircrafts and rapes by US military personnel.

Title of the third symposium: "The establishment of a Peace Zone in the Okinawa Prefecture without foreign military bases: War Never Again".

Location: Yashio-sou in Naha City, City of Naha (capital of the Okinawa Prefecture)

Time: 18.30-21.00

Exchange of ideas between members of the SSIHRL and the Okinawa Association on Peace and Human Rights.

Screening of the video “Peace is a human right” (2 minutes)

Appeal to join the World Alliance for the Human Right to Peace

Opening session

- Chairperson: Mr. **Yutaka Katoh**, Attorney in Law, secretary general of Association of human rights in Okinawa

Commentators

- Mr. **Jun Sasamoto**, Secretary General of JALISA: "Legal framework of the human right to peace" (15min)
- Prof. **Carlos Villan Duran**, President of the SSIHRL: "The codification of the human right to peace and civil society" (50 minutes). Presentation in power point.
- Ms. **Reina Masuyama** (Painter for peace): "The role of art in the prohibition of nuclear plants and nuclear weapons" (10 minutes)
- Member of the Association for support victims of US military crimes: "Analysis of the US-Japan Status Forces Agreement" (10 minutes)
- Mr. **David Fernandez Puyana**, Representative of the SSIHRL/IOHRP in Geneva: “Right to development and right to disarmament in the *Santiago Declaration on the Human Right to Peace*” (10 minutes)

Screening of the video “Peace is a human right” (2 minutes)

Appeal to join the World Alliance for the Human Right to Peace

Closing session: Representative of the Human Rights Association in Okinawa

Chairperson: Mr. **Yutaka Katoh**, Attorney in Law, secretary general of Association of human rights in Okinawa

8 December 2011

Institutional visit of the SSIHRL to the President of the Japan Federal Bar Association (16:00 – 16:30) in Tokyo

9 December 2011

Institutional visit of the SSIHRL to the Ministry of Foreign Affairs of Japan and PM of the Japanese Parliament (Diet) in Tokyo

Press conference on the international codification of the human right to peace at the United Nations in the evening at the headquarters of the Japan Federal Bar Association (17:00)

Participants:

- Prof. **Carlos Villan Duran**, President of the SSIHRL
- Prof. **Osamu Niikura**, President of JALISA, secretary general of IADL

10 December 2011

Commemoration of the International Day of Human Rights

Title of the fourth Symposium: "The Universal Declaration on Human Rights and the Japanese commitment to peace"

Location: Liberty Tower 1114 of Meiji University

Time: 13:30- 17:00

Opening session

- Chairperson: Mr. **Jun Sasamoto**, Secretary General of JALISA
- Prof. **Akira Maeda**, co-representative of the Japanese Committee for the Human Right to Peace and Professor of International Criminal Law at the Tokyo Zokei University, Director of JDLA

Commentators

- Prof. **Carlos Villan Duran**, President of the SSIHRL: "The codification of the human right to peace and civil society" (60 minutes). Presentation in power point.
- Prof. **Yasunobu Satoh**, Vice-Chair, Graduate Program on Human Security, University of Tokyo: "The right to human security as part of the human right to peace" (20 minutes)

Brief oral statements by civil society organizations in support of the human right to peace (5 minutes each)

- Prof. **Toshihiro Yamuuch**, Professor of Constitutional Law of the Ryukoku University
- Mrs. **Kay Fusano**, President of the Japanese Association of University Women
- Mrs **Mihoko Ejiri**, President of the Young Women's Christian Association
- Mr **Akira Kawasaki**, member of Executive Committee of Peace Boat and Director of the Global Article 9 Campaign to Abolish War
- Mr **Koji Torikai**, Attorney in Law, member of the Association of victims' remedies of the Fukushima nuclear plant disaster
- Mr. **Hideo Fujita**, President of Association for building peaceful culture

Presentation of the video "peace is a human right" and appeal to join the World Alliance for the Human Right to Peace by Mr. **David Fernandez Puyana**, representative of the SSIHRL/IOHRP in Geneva (10 minutes)

Discussion under the coordination of Dr. **Hiroko Tateishi**, Professor of International Human Rights Law at the Tokyo University, and Dr. **Masahiko Shimizu**, Professor of Constitutional Law at the Wako University.

Closing session

- Prof. **Osamu Niikura**, co-representative of the Japanese Committee for the Human Right to Peace and Professor of Criminal Law at the Aoyama-gakuin University
- Chairperson: Mr. **Jun Sasamoto**, Secretary General of JALISA