

## **Tokyo Declaration on the human right to peace**

***Tokyo, 10 December 2011***

Noting that the **Japanese Committee for the Human Right to Peace** (JCHRP) gathered in Tokyo (Japan) on 10 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 (IOHHRP) 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 Campaign 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 special Symposiums on the human right to peace held in Nagoya (3 December 2011), Osaka (5 December 2011), Okinawa (7 December 2011) and Tokyo (10 December 2011) to further discuss issues relating to the human right to peace;

Taking into account the 1945 Charter of the United Nations which stated in its Preamble that "all peoples of the United Nations are determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind" and the 1948 Universal Declaration of Human Rights which also recognised in its Preamble the "inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world";

Recalling the 1984 Declaration on the Right of Peoples to Peace that recognised the will and the aspirations of all peoples to avert a world-wide nuclear catastrophe and the obligations of States to eliminate the threat of war, particularly nuclear war, in order to avoid another humanitarian calamity as occurred in Hiroshima and Nagasaki (Japan) because of atomic bombings;

Acknowledging the Constitution of Japan that stated 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 recognised the political principle of "pacifism with demilitarization" by which reaffirmed its engagement in the promotion, defence, implementation and elaboration of the right to live in peace in Japan and all around the world;

Recalling that the *Nagoya Declaration on the human right to peace*, adopted on 3 December 2011, concluded that the right to live in peace is a legal principle of domestic law as recognised by the Sapporo District Court (Fukushima Court) in the *Naganuma* case of 1976; the Nagoya District Court (Tajika Court) of 2007; the Nagoya High Court in 2008; and the Okayama District Court of 2009, by affirming that the Japanese people forever renounce war as a sovereign right of the nation, and that there are situations allowing to claim before a domestic court of law against a government's action incompatible with article 9 of the Constitution of Japan;

Noting that the Symposiums on the human right to peace held in Osaka on 5 December 2011 and Okinawa on 7 December 2011 concluded that excessive armament and military expenditure may have negative effects on sustainable development, because their spread and availability endanger stability and welfare and diminish social and economic confidence; that international community should devote part of resources obtained from disarmament and arms limitation agreements, to economic and social development with a view to meeting the Millennium Development Goals; that States should adopt effective and coordinated measures

in order to progressively phase out their foreign military bases and that the international community should extend the Nuclear Weapons Free Zones and create Zones of Peace in all regions of the world as a means to develop the Declaration and Program of Action on a Culture of Peace;

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;

Taking into account that in the twenty-first century peoples, individuals, groups and humankind have been witnessed breaches 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 fair 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;

Welcoming the work carried out by the SSIHRL since the adoption of the 2006 *Luarca Declaration on the Human Right to Peace* which has been shared and discussed by independent experts in twenty one meetings held in the five regions of the world in the context of its World Campaign in favor of the Human Right to Peace (2007-2011); 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 latter Declaration was reviewed by the International Drafting Committee (ten international experts from the five regions of the world), which approved on 2 June 2010 the *Barcelona Declaration on the Human Right to Peace*, which was subsequently submitted to discussion at the International Congress on the Human Right to Peace, held in Santiago (Spain) on 9-10 December 2010. The Congress adopted on 10 December 2010 the *Santiago Declaration on the Human Right to Peace* and the Statutes of the *International Observatory of the Human Right to Peace*.

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;

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, a first draft Declaration was submitted in August 2011 and a second draft Declaration will be submitted in February 2012 to the Advisory Committee;

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 to support the official codification process of the right to peace at the United Nations, in order to include the right of individuals and peoples to peace; to join the Group of Friend States with the codification process on the human right to peace; and to transmit the resolution to all institutions and International Organizations to which Spain is a State party;

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;

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.

Welcoming the *Opinion concerning the Declaration on the Right of Peoples to Peace* adopted by the Japan Federation of Bar Associations on 15 November 2011 and transmitted to the Ministry of Foreign Affairs on 2 December 2011, by which the 52 Bar Associations considered that a Declaration of the Right of Peoples and Individuals to peace should include the prohibition of discrimination on the ground of, inter alia, race, color, gender, language, religion, political or other opinion, nationality, ethnicity or social origin, birth or other status; that this Declaration should be consistent with the human rights standards universally recognized, and should not be interpreted to restrict the exercise of any human right recognized in time of public emergency; and that all States should develop the possibilities of judicial remedies in order to realize the right to peace.

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 deserves 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. Therefore, an integrated approach to human security should be focused on addressing the deepest causes of war, such as economic despair, social injustice and political oppression.

**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 four Declarations have benefited from inputs received from numerous regional expert meetings which provided different approaches to peace in according with the 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 principles 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 interpretation of the four Declarations.

**VII.** We recognise that the Constitution of Japan was a pioneer in the recognition of the right to live in peace and this Preamble principle was developed by article 9 of the Constitution which was gradually elaborated by national courts at the request of civil society movements.

**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 which should be commensurated with the *Santiago Declaration* as prepared 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's draft Declaration, to establish an open-ended working group on standard-setting to continue the ongoing codification process of a draft Declaration on the human right to peace.

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

**XII.** We agree to adopt the following additional measures:

1. To enact the "*Tokyo 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 transmit the *Tokyo 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 transmit the *Tokyo 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 them that the United Nations Organization actively support the official codification of the human right to peace.
5. To ensure that the *Tokyo 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](http://www.aedidh.org)

**Tokyo, 10 December 2011**