

At the occasion of the 19th session of the UN Human Rights Council

HIGH LEVEL PANEL

CONTRIBUTION OF THE ISLAMIC WORLD TO THE RIGHT TO PEACE

14 March 2012

16:00 - 18:00, Room XXVII

Palais des Nations, Geneva

Background document

I. Introduction: organizers and objectives of the expert meeting. II. The codification by civil society: *Santiago Declaration on the Human Right to Peace*. III. The codification in the Human Rights Council. IV. The codification in the Advisory Committee. V. The Islamic contribution to the right to peace. VI. Publication.

I. Introduction: organizers and objectives of the expert meeting.

The Human Rights Council (HRC) is an inter-governmental body reporting to the General Assembly and made up of 47 States responsible for strengthening the promotion and protection of human rights around the globe. The HR Council was established by the GA on 15 March 2006 with the additional purpose of addressing situations of human rights violations and make recommendations on them.

The High Level Panel on the *Contribution of the Islamic World to the Right to Peace* to be held on 14 March 2012 at the Palais des Nations (Geneva), is jointly organized by the Organisation of Islamic Cooperation (OIC), the Foundation for Dialogue among Civilizations (FDC), the Spanish Society for International Human Rights Law (SSIHRL) and the International Observatory of the Human Right to Peace (IOHRP) at the occasion of the 19th regular session of the HR COUNCIL.

The main objectives of the Expert meeting are the following:

- To share the *Santiago Declaration on the Human Right to Peace* with the Islamic civil society representative/organizations and academics;
- To introduce the Statutes of the *International Observatory of the Human Right to Peace* and extend an invitation to Islamic civil society organizations to join the General Assembly of the Observatory;
- To examine the ongoing codification process of the right to peace at the Human Rights Council and its Advisory Committee;
- To study the role played by the global women's movement as a whole in the development and promotion of the human right to peace and to examine General Assembly resolutions 3519 of 1975 and 37/63 of 1982;
- To analyze the Islamic contribution to the right to peace in the context of the Organisation of Islamic Cooperation and the League of Arab States;
- To examine the impact of the Islamic peace movement in the promotion and strengthening of the human right to peace;

The High Level Panel's working languages are English and French. Simultaneous interpretation is provided in both languages. The two hours meeting of the program provides opening and closing remarks.

Program

Mr. José Luis Gómez del Prado, former Chairperson of the UN Working Group on the Use of Mercenaries, is the moderator of the meeting.

The guest speakers specially invited to analyse the Islamic contribution to the right to peace, are:

- H.E. Ambassador Slimane Chikh, Permanent Observer of the Organization of the Islamic Cooperation to the United Nations in Geneva
- H.E. Ambassador Fodé Seck, Permanent Representative of Senegal to the United Nations in Geneva
- H.E. Ambassador Moncef Baati, Permanent Representative of Tunisia to the United Nations in Geneva

- H.E. Ambassador Oğuz Demiralp, Permanent Representative of Turkey to the United Nations in Geneva
- Dr. Fawzia Al Ashmawi, Representative of the International Islamic Relief Organization and President of the Forum of European Women
- Prof. Carlos Villán Durán, President of the Spanish Society for International Human Rights Law

II. The codification by civil society: *Santiago Declaration on the Human Right to Peace*.

The World Campaign on the Human Right to Peace successfully culminated the consultation process with international civil society organizing the *International Congress on the Human Right to Peace*, which took place in Santiago de Compostela (Spain) on 9 and 10 December 2010 in the context of the World Social Forum on Education for Peace. On 10 December 2010 two important resolutions were approved by consensus, namely:

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 international legislative initiative started on 30 October 2006 when the *Luarca Declaration on the Human Right to Peace*², which was drafted by a Committee of 15 independent experts, was adopted.

The SSIHRL has developed its four-year World Campaign on the Human Right to Peace organizing workshops and expert meetings on the human right to peace in all regions of the world, sharing the content of the Luarca Declaration, and receiving inputs from different cultural sensibilities. In the Islamic world the SSIHRL organized expert meetings on the human right to peace of experts from civil society in two countries, namely: Republic of Senegal (Dakar, April 2008) and the Arab Republic of Egypt (Alexandria, December 2009).

The *Luarca Declaration* was reviewed in the light of the contributions received from various regional expert meetings on the human right to peace. A new drafting committee of independent experts approved on 24 February 2010 the *Bilbao Declaration on the Human Right to Peace*³. This latter Declaration was 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*. Subsequently, the *Barcelona Declaration* was submitted to the *International Congress on the Human Right to Peace*, held in Santiago de Compostela (Spain) on 9-10 December 2010.

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* can be consulted in several languages In <http://www.aedidh.org>

Secondly, the Statutes of the *International Observatory of the Human Right to Peace (IOHRP)*⁴, which is operative since 10 March 2011 as a part of the SSIHRL, benefiting from the wide experience accumulated throughout its five-year World Campaign on the human right to peace, which has received the support of some 2.000 CSO⁵, as well as of numerous public institutions and the 22 Member States of the Ibero American Summit.

III. The codification in the Human Rights Council.

By establishing in 2006 the Geneva-based 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 security and human rights are interlinked and mutually reinforcing”⁶.

On 17 March 2009 the HR Council adopted resolution 8/9 by which requested the UN High Commissioner for Human Rights to organize an expert workshop on the right of peoples to peace with the participation of ten experts from countries of the five regional groups. The workshop took place on 15-16 December 2009 in Geneva with the participation of ten experts. The workshop recommended that the HR Council establish an open-ended working group (representatives of States), with the task of initiating the official codification of the human right to peace.

HR Council resolution 14/3, adopted on 17 June 2010, 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”.

Moreover, 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).

At its 20th session (June 2012) the HR Council will be expected to take action on the (second) draft Declaration on the right to peace to be submitted by the Advisory Committee. In addition, the HR Council will have before it a new joint written statement in which CSO led by the SSIHRL/ IOHRP will request the HR Council to establish an open-ended working group on standard-setting composed of representatives of States with a wide participation of

⁴ The Statutes of the Observatory are also available at www.aedidh.org

⁵ Civil Society Organizations

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

civil society, entrusted with drafting a Universal Declaration on the Human Right to Peace, taking into consideration both the AC (second) draft Declaration and the *Santiago Declaration*.

IV. The codification in the Advisory Committee.

By recommendation 5/2 of 6 August 2010 the Advisory Committee established a drafting group of four members to prepare by January 2011 a first draft Declaration on the right of peoples to peace.

In addition, by recommendation 6/3 of 21 January 2011 the Advisory Committee took note of the progress report; increased to six the members of the drafting group⁷; and requested it to prepare a questionnaire to be distributed among all stakeholders. In the light of the comments received, it submitted in August 2011 a (first) draft Declaration to the AC⁸. 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 (elements of a positive peace⁹).

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”.

The AC continued to work on the (second) draft declaration on the right to peace (A/HRC/AC/8/2, of 9 December 2011) at its eighth session (20-24 February 2012). Thereafter, a finalized draft Declaration will be submitted the HR Council at its twentieth session (June 2012).

On 24 February 2012, the AC adopted recommendation 8/4 by which *took note* of the progress report submitted by the drafting group to the Advisory Committee at its seventh session (A/HRC/AC/8/2) (paragraph 1); it *welcomed* the submissions and comments received during its eighth session by various stakeholders and members of the Advisory Committee (paragraph 2); it also *welcomed* the initiatives of civil society actors to organize discussions on the draft declaration of the Advisory Committee; (paragraph 3); it *requested* the drafting group to finalize its work on the draft declaration on the right of peoples to peace in the light of the discussions held by the Advisory Committee at its eighth session, and to submit it to the Human Rights Council at its twentieth session (paragraph 4); it also *requested* the drafting group to include in its revision, inter alia: (a) Reference to the link between the right to peace and all

⁷ It was expanded to include Shigeki Sakamoto and Latif Hüseyinov.

⁸ Doc. A/HRC/AC/7/3 of 19 July 2011, 9 p.

⁹ *Ibidem*, paragraph 5.

civil, political, economic, social and cultural rights in article 1; (b) Reference to the importance of citizen security and a preventive approach; (c) Strengthening of gender mainstreaming in article 8; (d) Reference to the right to truth in article. 11; (e) More explicit wording on a monitoring mechanism in article 13 (paragraph 5); it *expressed* the wish that a representative of the drafting group on the right of peoples to peace of the Advisory Committee be invited to participate in the discussions of the Human Rights Council on the draft declaration; (paragraph 6); it also *expressed* the wish that the drafting group be kept informed of the follow-up to the work of the Human Rights Council, and that it might be involved, in appropriate ways, in the ongoing debate (paragraph 7); 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 8).

V. The Islamic contribution to the right to peace

A society based on peace, solidarity and tolerance between people is what Islam advocates. The peace concept and the idea of living in peace with one's surroundings permeate the whole religion of Islam. The human beings' relationship to the universe may not be based on conflicts or longing for conquests. It has to be founded on the notion of peace and the feeling of communion. Peace has an important role in the relationship to other people. The most important principles in the justice concept are equality and brotherliness.

In accordance with the **Charter of the Arab League**, signed on 22 March 1945 in Cairo (Egypt), the main goal of the League is to "draw closer the relations between member States and co-ordinate collaboration between them, to safeguard their independence and sovereignty, and to consider in a general way the affairs and interests of the Arab countries". The Arab League currently has 22 members (including Syria, whose participation was suspended in November 2011).

The Charter of the Arab League recalls in its article 4 that the League will co-operate with the international bodies to be established in the future in order to guarantee security and peace and regulate economic and social relations.

On 25 September 1969, the **Organisation of Islamic Cooperation** (OIC) (formerly Organization of the Islamic Conference) was established upon a decision of the historical summit which took place in Rabat. This Organisation is the second largest inter-governmental Organization after the United Nations with a membership of 57 States spread over four Continents. The Organization is the collective voice of the Muslim world and aims to safeguard and protect the interests of the Muslim world in the spirit of promoting international peace and harmony among various people of the world.

The Preamble of the Charter of OIC recognizes that the Member States will promote inter-State relations based on justice, mutual respect and good neighbourliness to ensure global peace, security and harmony. Moreover, article 2.5 indicates that "all Member States undertake

to contribute to the maintenance of international peace and security and to refrain from interfering in each other's internal affairs as enshrined in the present Charter, the Charter of the United Nations, international law and international humanitarian law". Finally, article 27 regulates the system of peaceful settlement of disputes by which the Member States undertake to settle their disputes through good offices, negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

In September 1969 the OIC Member States affirmed that they should unite their efforts for the preservation of world peace and security. After that, the Kings, Heads of State and Government and the Representatives of the Islamic countries and Organisations proclaimed in the second Islamic summit conference held in Lahore (Islamic Republic of Pakistan) on 22-24 February 1974 that "their endeavours in promoting world peace based on freedom and social justice will be imbued with the spirit of amicability and cooperation with other Faith, in accordance with the tenets of Islam" (art. 2.3). They also undertook "...to resolve their differences through peaceful means in a fraternal spirit and, wherever possible to utilize the mediatory influence or good office of fraternal Muslim State or States for such resolution" (art. 2.4).

On 28 January 1981 the third Islamic summit conference held in Mecca Al Mukarramah (Saudi Arabia) adopted the **Mecca Declaration** by which Member States of OIC reaffirmed that the belief of all Muslims in the eternal principles of liberty, justice, human dignity, fraternity, tolerance and compassion and their constant struggle against injustice and aggression reinforces their determination to establish just peace, and harmony among peoples, to ensure respect for human rights, and to work for the strengthening of international organizations based on humanitarian principles and peaceful co-existence among nations.

On 11 December 1991 the sixth Islamic summit conference adopted the **Dakar Declaration** by which the African Member States of the Organization of the Islamic Conference undertake to "contribute in an effective and positive manner to the consecration in these different countries of the genuine principles of Islam, raising the banner of the true religion and spreading its noble precepts in the service of closer cooperation, greater solidarity among peoples and consolidation of the foundations of peace and security in the world".

On 15 December 1994 the seventh Islamic summit conference adopted the **Casablanca Declaration** by which Member States of OIC considered in paragraph 2 that any threat to the security of any member State is a threat to world peace and security, which requires action within the framework of our Organization, of the United Nations and the other regional and international organizations, aimed at eliminating such threats in order to safeguard peace and stability of all member States in accordance with international legality. In addition, it recalled that there exist an obligation to "...develop and consolidate bilateral and multilateral relations, and to abide rigorously by the principles of non-interference in internal affairs and of settling conflicts among member States through peaceful means, while stressing the need to settle regional disputes and conflicts in accordance with the principles of the UN Charter, the

resolutions of international legality and the principles of justice and equity".

On 22 April 1998 the League of Arab States adopted the **Arab Convention For The Suppression Of Terrorism** by which Arab nations rejected in its Preamble "...all forms of violence and terrorism and advocates the protection of human rights, with which precepts the principles of international law conform, based as they are on cooperation among peoples in the promotion of peace".

On 13 November 2000 the ninth Islamic summit conference adopted the **Doha Declaration** in the session of Peace and Development by which the Kings, Emirs and Heads of State and Government Members of the OIC considered that the initiative of Dialogue among Civilizations constituted a new paradigm and universal vision to build an equitable international order, founded on inclusion, participation, mutual understanding, and tolerance among peoples and nations; reaffirmed their resolve to actively contribute to the maintenance of international peace and security based on justice as a high priority of the Organization in the principles and objectives of its Charter, and underlined the imperative of global adherence to the purposes and principles of the Charter of the United Nations and the rules of international law, in particular the principles of sovereign equality, non-intervention and the right of peoples under foreign occupation or alien domination to self-determination by all without any discrimination or double standards.

It also launched an appeal to all the world leaders to combine their efforts within the United Nations and within regional organizations with a view to eliminating all causes of tension that beset our world including such scourges as poverty, ignorance, social exclusion, diseases like AIDS, and illegal migration, piracy, illicit trafficking in drugs and arms. In addition, it condemned all forms and manifestations of terrorism whatever its source as reflected in the unanimous adoption of the Agreement of the Organization of the Islamic Conference on Combating Terrorism; it warned of the serious threats posed by nuclear arsenals and other weapons of mass destruction to international peace and security, particularly in the Middle East region; and it requested to achieve peace and cooperation -which are two objectives of the OIC- to spur them all to make every effort to bring reconciliation among mankind by deepening common values among peoples and strengthening the bonds of interdependence among them within the framework of fruitful and constructive cooperation which allows for respect of religious and cultural specificities.

On 22 May 2004 the **Arab Charter on Human Rights** was adopted by the Council of the League of Arab States. It affirmed the principles contained in the UN Charter, the Universal Declaration on Human Rights, the International Covenants on Human Rights and the Cairo Declaration on Human Rights in Islam. It has been in force since 15 March 2008. Its Preamble acknowledged the close interrelationship between human rights and world peace and the right of Arab world to a life of dignity based on freedom, justice and peace. In addition, as indicated by article 35, "citizens have a right to live in an intellectual and cultural environment in which Arab nationalism is a source of pride, in which human rights are sanctified and in

which racial, religious and other forms of discrimination are rejected and international cooperation and the cause of world peace are supported".

On 7-8 December 2005 the OIC Secretary General presented the report **New Vision for the Muslim World: Solidarity in Action** to the third Extraordinary Session of the Islamic Summit Conference held in Makkah Al-Mukarramah (Arabia Saudi). In accordance with the report, the scholars underline the importance of the peaceful resolution of conflicts in the Muslim world. In this regard, they stressed the key role that the General Secretariat of the OIC could play in view of the absence of any effective institution to manage conflicts in Muslim countries. While urging Muslim countries to actively cooperate among themselves in conflict prevention, conflict resolution and post conflict peace-building, the scholars appealed to them to effectively participate in the UN to create a collective security system. They further proposed to set up the Islamic Court of Justice and the strengthening of regional and sub-regional consultation groups to prevent conflicts in the Muslim world. The need for the Secretary General to use his good offices in conflict management process, using the focal point of the Troika was also underscored by the scholars. Finally, the scholars recommended a central role for the OIC in conducting dialogue among civilizations. They further proposed setting up a core group from OIC Member States to initiate the dialogue. The Conference stressed that dialogue among civilizations based on mutual respect, understanding and equality among people is a prerequisite for establishing a world marked by tolerance, cooperation, peace and confidence among nations.

On 14 March 2008 the eleventh Islamic summit conference adopted the **Dakar Declaration** by which Member States of OIC underscored the need to evolve a new and balanced consensus in the area of disarmament, arms control, non-proliferation, and related security matters as a means to promoting international and regional peace and security (art. 88); reaffirmed the importance of establishing a nuclear weapons-free zone in the Middle East as soon as possible for the sake of preserving peace and security in the region. The Conference reaffirmed its support to the Arab initiative submitted to the Security Council in 2003 in this regard (art. 89); it emphasized that terrorism continues to pose a threat to international peace, security and stability; it does not have any justification and should be condemned unreservedly. It also reaffirmed that full, universal, non-discriminatory, and effective implementation of Chemical Weapons Convention would contribute to enhancing international peace and security; it reaffirmed the resolve of Member States to contribute actively towards a world order based on peace, justice, and equality, stressing the inherent right of Member States to self-defence, in accordance with Article 51 of the UN Charter (art. 99).

The Ten-Year Programme of Action titled **To Meet the Challenges Facing the Muslim Ummah In The 21st Century** adopted in 2008 by the OIC Member States strengthened the role of the OIC in conflict prevention, confidence-building, peace-keeping, conflict resolution and post-conflict rehabilitation in OIC Member States as well as in conflict situations involving Muslim communities (art. 10.1) and enhanced cooperation among the OIC Member States and between the OIC and international and regional organizations in order to

protect the rights and interests of the Member States in conflict prevention, conflict resolution, and post-conflict peace-building (art. 10.2).

VI. Publication

In light of the progressive development of the right to peace carried out by the United Nations competent bodies with the support of civil society, SSIHRL/IOHRP will prepare a bilingual publication entitled **The International Observatory of the Human Right to Peace** of some 750 pages and 1000 copies. The book will be distributed to international actors at the forthcoming 20th session of the HR Council, to be held in Geneva in June 2012. Among the guests specially invited to participate in the publication will be H. E. Seyed Mohammad Khatami, President of the Foundation for Dialogue among Civilizations and Member of the United Nations Alliance of Civilizations High Level Group.

In accordance with the index of the book, the content of the publication will be the following: institutional presentations; comments to the *Santiago Declaration* and to the Statutes of the IOHRP; report of the International Congress on Human Right to Peace held in Santiago de Compostela on 9-10 December 2010; collection of the 2011 joint written statements of civil society before the Human Rights Council and its Advisory Committee, as prepared by SSIHRL/ IOHRP; and analytical reports of the expert meetings on the human right to peace organised in 2011-12. The Annexes shall include the *Santiago Declaration*; the Statutes of the IOHRP; the Tokyo and San José de Costa Rica Declarations on the Human Right to Peace; and the resolutions on the right to peace adopted by the XXI Ibero American Summit and the Parliament of Spain.

The new book will be the third of a consolidated collection of publications documenting both the private and official codification process of the human right to peace. Previous publications were *The Luarca Declaration on the Human Right to Peace* (2007) and *Regional Contributions to a Universal Declaration on the Human Right to Peace* (2010), both edited under the care of the SSIHRL. They show that the current codification process was initiated by the international civil society and is now carried out successfully by the United Nations competent bodies assisted by civil society organizations articulated through the International Observatory of the Human Right to Peace and led by SSIHRL.
