

Consultation on
The Human Right to Peace
with civil society: activists, academics and lawyers



Church Center for the United Nations

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Summary

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1. Introduction

The Church Centre for the United Nations, located across from the United Nations headquarters in NYC, was dedicated in 1962 by Church leaders aiming to support the Universal Declaration on Human Rights. Owned by the Women's Division of the Methodist Church, it houses tenants such as Church Women United, the American Baptists, the Presbyterians, the World Council of Churches, the Methodist Division of World Peace, and the United Church of Christ. Also housed at the Church Centre is the Office of the Anglican Observer and many other civil society organizations that work with the UN which are not religious, such as Amnesty International, Hague Appeal for Peace, GNWP, Global Policy Forum.

2. Consultation

The Consultation with civil society organizations on the "The Human Right to Peace" took place at the Church Centre on 22 March 2011 from 1 pm to 3 pm. It was conducted in English and co-organized by the Hague Appeal for Peace, the International Observatory of Human Right to Peace, the Spanish Society for the International Human Rights Law (SSHIRL), the World Council of Churches, the Centre for Constitutional Rights, the International Civil Society Action Network/Global Network of Women Peace-builders, the Peace Action International Committee, the International Association of Peace Messenger Cities (IAPMC), the Global Kids, the Mennonite Central Committee UN Office, the International Association of Lawyers Against Nuclear Arms (IALANA), the International Peace Bureau, the Peace Boat-US, the NGO Committee on Disarmament, Peace and Security, the Centre for Civil and Human Rights of Notre Dame Law School, and the US Federation for Middle East Peace. They also provided support in organizing the event.

The main objectives of the Consultation were:

1. To share the Santiago Declaration on the Human Right to Peace with civil society, international organisations and academics.

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2. To introduce the Statutes of the International Observatory of the Human Right to Peace (IOHRP) to the civil society organizations and invite them to join the new CSO organization.
3. To examine the consideration of the right to peace at the UN Human Rights Council and its Advisory Committee, and in particular the HRC resolution 14/3 of 17 June 2010 and the Committee's recommendations 5/2 of 6 August 2010, and 6/3 of 21 January 2011.
4. To decide on the role to be played by the civil society organizations in the development and promotion of the human right to peace at the UN headquarters and the United States.

Ambassador Anwarul K. Chowdhury, Chairperson of the International Drafting Committee of the Barcelona Declaration on the Human Right to Peace (June 2010) and Vice-Chairperson of the Santiago Congress on the Human Right to Peace (December 2010) chaired the Consultation which commenced with the substantive presentations by Prof. Carlos Villan Duran, President of the SSIHRL on “The Human Right to Peace: A CSO-based legislative initiative to achieve a UN Universal Declaration”, and Ms. Cora Weiss, President of the Hague Appeal for Peace on “The role of CSO in the promotion and protection of the human right to peace”

3. Opening session

Ambassador Anwarul K. Chowdhury opened the meeting by welcoming more than 100 people attending the event and introducing the panel members. He provided a roadmap for the meeting describing that the speakers would provide an initial presentation which would be followed by an interactive dialogue. He stressed the importance of gaining support from the wide range of civil society groups—academics, activists, lawyers, human rights and religious organizations. This would strengthen the movement for the human right to peace. By working with more than 900 supporting CSOs who have already become part of the campaign, it was now time to expand the campaign further.

Ambassador Chowdhury explained that there is also a Consultation being held in parallel in Geneva on the human right to peace as the Human Rights Council is located there. Additionally, by working in both NYC and Geneva, this would help to advance the campaign and to increase the number of endorsers.

Given current events, Ambassador Anwarul K. Chowdhury echoed what many in the room were thinking, that there is no time better than the present to discuss the issue of the human right to peace. He emphasized that those of us present understand that violence and war would not bring us peace and that we must eliminate war. Given the multiple devastating events in Japan, brings to the fore the necessity to re-evaluate nuclear policy, he added.

4. Presentations

Prof. **Carlos Villan Duran** began by reiterating the need for the culture of violence to be replaced by a culture of peace. He drew upon the example of the Japanese Constitution to show that practical implementation of a human right to peace is possible. He explained that the Constitutions of most countries include peace as a key element. As we know, the foundational UN documents—UN Charter, Universal Declaration on Human Rights—also include peace as a key element. He further reminded us that the three pillars of the UN and international law include: peace, human rights and development.

Mr. Villan regretted that Western countries exceeded the international law and the authorisation provided by the UN Security Council resolution 1973 (establishment of a no-fly zone in Libya) when they attacked civilian targets particularly in Tripoli and Benghazi. This was serious violations of international human rights law and international humanitarian law and therefore of the human right to peace.

He then discussed how war seems to be ruled by the world market of armaments. Violence exists beyond the use of force and armaments (1.5 trillion dollars expended in 2009 in the world in armaments) to include structural violence fuelled by the economic and social inequalities prevailing in the world and producing more than 1.000 millions of hungry people and 1.5 billion people in situation of extreme poverty. In addition, there is the cultural violence seen in gender-base violence, bullying of youngsters in school settings, mobbing at work and different forms of violence at home in our families and communities. He emphasized the need for 'us' to unlearn war and violence and to learn peace.

Prof. Villan discussed the SSIHRL's work on the human right to peace campaign these past five years. Good news which he reported was the adoption and articulation of the first legal text concerning the human right to peace approved on 10 December 2010 in the Santiago Congress (Spain). He thanked Amb Chowdhury and Ms. Cora Weiss for their support and participation to the Santiago Congress, but also acknowledged that the

Santiago Declaration is not the end point but a beginning. The Santiago Declaration is now being shared with civil society to spread its awareness and to increase its supporters.

The accompanying document, the Statutes of the International Observatory of the Human Right to Peace, entered into force on 10 March 2011. The Observatory is the civil society tool for the implementation and promotion of the human right to peace, as stated by the Santiago Declaration. It will also monitor the official codification process of the human right to peace within the UN.

The Observatory organs include the establishment of the General Assembly, the Executive Committee and its Bureau, as well as the permanent International Secretariat. Membership to the General Assembly is now open to all CSO and applications should be forward to the SSIHRL following the provisions of the Statutes of the Observatory.

The UN Human Rights Council has officially initiated the codification of the human right to peace. This is the second important achievement. Mr. Villan explained in that it shows how civil society has the power to influence the UN and that is the start of the official UN process of codification aiming to the adoption of a Universal Declaration on the Human Right to Peace by the UN GA.

The Human Rights Council back on 17 June 2010 (res. 14/3) acknowledged the contribution of civil society on the development of the human right to peace and its codification. Therefore it entrusted to its Advisory Committee (18 experts) to draft a declaration on the right of peoples to peace. The AC drafting group has already produced its first progress report on the draft declaration and further acknowledged the Santiago Declaration. Progress on the codification process will be achieved by both the Advisory Committee and the HR Council in the next months, particularly in Geneva.

Ms. **Cora Weiss** remarked how there are many Constitutions that are currently being written and amended. The human right to peace provides food for this important task and profound impact. She discussed provisions of the Santiago Declaration and stated how it provides an opening for 'us' to have discussion with various groups—women's groups, environmental groups, anti nuclear groups, human rights groups. The Declaration has the power to bring 'us' together and supports all social conditions.

The Santiago Declaration, according to Ms. Weiss, is far reaching, fit for all, restores human dignity and prohibits the glorification of war. It should not be tagged as a human right or a peace declaration, but, rather a declaration for the democratic survival of society.

The Santiago Declaration is comprehensive in that it includes destruction to the Earth. Ms. Weiss described how the use of weapons that harm our Earth are prohibited including those that are categorized as radioactive weapons. She then challenged us to include in this prohibition the use of radioactive energy.

She reminded participants that states should pay special attention to gender mainstreaming in the field of peace-building, as mandated in the Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women in 1995 and the Security Council resolutions 1325 (2000), 1820 (2008), 1888 and 1889 (2009). She added that women's participation at all levels of decision-making on peace, disarmament and security issues is vital to ensure gender justice in all situations of armed conflicts.

Ms. Weiss then offered practical suggestions concerning the Santiago Declaration. She recommended that it be published in a pocket size version in the same manner as the UN Charter, the Universal Declaration on Human Rights and the US Constitution. She also recommended that a one or two page flyer condensing the Declaration be developed. These would serve as useful tools.

Ambassador Chowdhury also recommended that a pocket size version of the Santiago Declaration be published and showed the pocket sized edition of UN Programme of Action on Culture of Peace.

5. Dialogue

Ambassador Chowdhury facilitated the dialogue portion of the event, calling upon those who participated by sharing comments and asking questions.

Ms. **Anita L. Wenden** (International Peace Research Association) brought up the negative human impact on the Earth and the massive amount of Earth violence. She talked about the Earth Charter and her hope was that the Santiago Declaration recognized these issues.

Ms. **Elizabeth** voiced her concern about the emphasis on human rights versus abuses to the environment.

Mr. **John H. Kim** (Fellowship of Reconciliation) talked about the danger of going to war under the new doctrine of the responsibility to protect (R2P).

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Mr. **Peter Weiss** (Centre for Constitutional Rights) reinforced the importance of accountability under the Santiago Declaration and cautioned that it should not be limited solely to the ICC but that the principle of universal jurisdiction should be invoked.

Ms. **Monica Willard Shot** (URI) asked whether the Santiago Declaration's goal was to amend the Universal Declaration on Human Rights and also stated that the Santiago Declaration was quite long in relation to the Universal Declaration on Human Rights.

Mr. **Richard Thomas Jordan** (International Association of Caring Communities) inquired about whether the Santiago Declaration would include a violation of the Olympic Truce as a violation of the human right to peace. He also questioned the ability for civil society to enjoy 'meaningful participation' at UN Security Council debates. His last point related to the funding source of a proposed UN GA working group on the human right to peace.

Mr. **Peter Weiss** (Centre for Constitutional Rights) requested discussion on the provision relating to 'populations in situation of vulnerability.'

In response, Prof. **Carlos Villan Duran** stated that the Santiago Declaration is not a proposal to amend the Universal Declaration on Human Rights. It would serve as a complement to it bringing it up to date for the 21st Century.

The issue of the UNSC and enlargement of its membership and change in its methods of work to permit the participation of CSO representatives is not new. The UNSC is not responding to democratization of the UN requested by a large majority of States in the General Assembly. To do so the UN Charter needs to be reformed, but reform would require the agreement of the five permanent members of the SC. This agreement has not yet been reached, since the permanent five prefer keeping the current status quo. Real UN democratization will provide the SC with political legitimacy and leadership within the UN and will enable it to perform the responsibilities entrusted to it by the UN Charter. Regarding funding of the future UN WG on right to peace, it should be provided by the UN regular budget, at the request of the GA when it would adopt the Universal Declaration on the Human Right to Peace.

The Santiago Declaration includes the right to environment and to a sustainable development as part of the human right to peace, so that fully supports protecting the Earth. Prof. Villan agreed that in the interest of time, he did not mention the right to environment, but he agreed that it deserves great attention.

Ms. **Devatma** (3HO Foundation) provided the insight that the human right to peace expands upon what it means to be human for all humanity.

Ms. **Mary Catherine Stovick** (Anglican Community/Physicians for Social Responsibility) commented on the preparatory process for Rio +20 and that the Santiago Declaration is a tool to bring those involved in the environment, social arena and economic arena together.

Ms. **Mavick Cabrera-Balleza** (Global Network of Women Peace-builders) discussed the African Charter Protocol relating to women and children and how it reinforces the principles of a human right to peace. She asked about applying it to the recent murders of women in the Cote d'Ivoire.

Ms. **Marilyn Paul Lewis** (Pax Christi Intl) indicated that she did not agree with war but asked the question "what happens if there is another Rwanda? Another Libya?"

Ms. **Betty A. Reardon** (Int'l Institutes of Peace Education) reminded us of the massive military-industrial-media complex and how shifting to a culture of peace requires alternative security systems. She asked how are 'we' taking steps for education about this issue?

Ms. **Maria Butler** (WILPF) inquired about whether a toolkit had been devised which would help advocacy efforts for the human right to peace.

Ms. **Denise Scotto** (FIFCJ/FIDA) mentioned that we are all aware of the human rights and environmental abuses by the corporate and private sector but that there are some companies particularly those 'green companies' that we may want to engage in. She stated that the corporate and private sectors were important to include in the campaign and to creatively find ways to build partnerships with them. Ms. Scotto proposed a follow up Consultation to be held in NY during October 2011 as part of the events relating to the UN GA Third Committee when human rights are on the agenda.

An audience member asked Prof. Villan Duran if he could share his dream and his future vision for the human right to peace.

Prof. Carlos Villan Duran stated that it was a collective dream to bring about a legally recognized and binding human right to peace. Starting with the Universal Declaration on the Human Right to Peace, it will pave the way forward for an international treaty on the human right to peace asserted by a monitoring mechanism (the Committee

on the Human Right to Peace), and ultimately a Human Rights World Tribunal to adjudicate any violation of human rights, including the human right to peace.

The drafting of a declaration on the right to peace is being actively considered within the UN competent bodies, as was requested originally by civil society. At the same time, the Santiago Declaration, as drafted by civil society, is empowering peoples and more than 900 CSOs world-wide to ask for the respect of their right to peace, as members of the World Alliance for the Human Right to Peace and future members of the General Assembly of the International Observatory of the Human Right to Peace.

6. Conclusions

Ambassador Anwarul K. Chowdhury reassured the participants that the established sequence for process within the UN is being followed with regard to the human right to peace. He stressed that the human right to peace is both an individual as well as a collective right; it is a solidarity right in the same way the right to development is; and it needs to be recognized as an autonomous right on its own standing, not as a synthesis right as it is inherent in all other rights.

7. Recommendations

As the Chairperson, Ambassador Anwarul K. Chowdhury rounded up the discussion by proposing that the civil society organizations in New York could organize awareness generating activities and disseminate information on the human right to peace including a shorter and easily understandable, simple language version of the Santiago Declaration. He further suggested that similar events could be organized in future in New York during various UN meetings.
