

HUMAN RIGHTS COUNCIL

12th session (14 September – 2 October 2009)

Agenda Item 3

Disarmament and Peace

Joint written statement submitted by The International Alliance of Women (IAW), the Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), the International Association of Soldiers for Peace, Zonta International, International the Federation of Settlements and Neighbourhood Centres (IFS), the International Council Of Women (ICW-CIF), the International Women's Tribune Centre, the International Federation of Business and Professional Women (BPWI), the International Youth and Student Movement for the United Nations (ISMUN), Soroptimist International (SI), the Asian Legal Resource Centre (ALRC), CIVICUS: World Alliance for Citizen Participation, World Vision International (WVI), Buddha's Light International Association, the International Council on Social Welfare (ICSW), the World Young Women's Christian Association (World YWCA), non-governmental organizations with general consultative status

The Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (España), Interfaith International, Pax Romana (International the Catholic Movement for Intellectual and Cultural Affairs and the International Movement of Catholic Students), Temple of Understanding (TOU), the Women's International League for Peace and Freedom (WILPF), the Women's World Summit Foundation (WWSF), the International Society for Human Rights (ISHR), the International Federation of University Women (IFUW), Femmes Africa Solidarité (FAS), the Lutheran World Federation (LWF), the Worldwide Organization for Women (WOW), the Anglican Consultative Council (ACC), the Union of Arab Jurists, Rencontre Africaine pour la Defense des Droits de l'Homme (RADDHO), the Foundation for the Refugee Education Trust (RET), International Bridges to Justice (IBJ), the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (IAC), the American Association of Jurists (AAJ), the Lassalle-Institut, the UNESCO Centre of Catalonia, the Anti-Racism Information Service (ARIS), the Colombian Commission of Jurists (CCJ), the Pan Pacific and South East Asia Women's Association (PPSEAWA), the Ius Primi Viri International Association (IPV), the Permanent Assembly for Human Rights (APDH), the International Movement for Fraternal Union Among Races and Peoples (UFER), the International Federation of Women Lawyers (FIDA), the International Federation of Women in Legal Careers (FIFCJ), the Canadian Federation of University Women (CFUW), the International Association for Women's Mental Health (IAWMH), the European Union of Women (EUW), the African Services Committee, Inc., the International Federation of Family Associations of Missing Persons from Armed Conflict (IFFAMPAC), African Action on AIDS, the International Society for Traumatic Stress Studies (ISTSS), the Lama Gangchen World Peace Foundation (LGWPF), the Pax Christi International, International Catholic Peace Movement, the Tandem Project, the Al-Hakim Foundation, Canadian Voice of Women for Peace (VOW), the Organization for Defending Victims of Violence (ODVV), Solar Cookers International (SCI), the World Federation for Mental Health (WFMH), the

United States Federation for Middle East Peace, Network Women in Development Europe, the Nord -Sud XXI, General Arab Women Federation, the United Towns Agency for North-South Cooperation, the World Association for the School as an Instrument of Peace, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Latin American Committee for the Defense of Women's Rights (CLADEM), the African Women's Association (AWA), the United Nations Association of Spain (ANUE), Maryknoll Fathers and Brothers, Maryknoll Sisters of St. Dominic, the International Forum for Child Welfare, the BADIL Resource Center for Palestinian Residency and Refugee Rights, the African Commission on Health and Human Rights Promoters, the Arab Lawyers Union, the General Federation of Iraqi Women, the International Federation of Social Workers (IFSW), the International Association of Peace Messenger Cities (IAPMC), the Committee for Hispanic Children and Families, Peace Boat, Paix et Developpement dans la Region des Grands Lacs (AIPD), the Federation for Peace and Conciliation (FPC), the Cairo Institute for Human Rights Studies (CIHRS), the World for the World Organisation (WFWO), the Universal Esperanto Association, the National Council of German Women's Organisations, Associated Country Women of the World (ACWW), International Grail, the Council of American Overseas Research Centres, ICVolunteers (ICV), the International Association for the Defence of Religious Liberty (AIDLR), Zenab for Women in Development, The Grail, UNANIMA International, Fondation SURGIR, Association for Democratic Initiatives (ADI), Congregation of our Lady of Charity of the Good Shepherd, non-governmental organizations with special consultative status.

The Institute for Planetary Synthesis (IPS), the International Peace Bureau (IPB), the UNESCO Centre for the Basque Country (UNESCO ETXEA), the 3HO Foundation (Healthy, Happy, Holy Organization), the Dzeno Association, the Country Women Association of Nigeria (COWAN), the International Movement against all Forms of Discrimination and Racism (IMADR), the Association Nigerienne des Scouts de l'Environnement (ANSEN), the International Peace Research Association (IPRA), the Asia Pacific Forum on Women, Law and Development (APWLD), the International Progress Organization (IPO), Gray Panthers, European Federation of Road Traffic Crash Victims (FEVR), non-governmental organizations on the Roster

Title:

Disarmament and Peace as Solidarity Rights

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Text:

The Spanish Society for International Human Rights Law (SSIHRL) welcomed on 30 October 2006 the adoption of the *Luarca Declaration on the Human Right to Peace*, which was drafted by a Committee of independent experts. It was the culmination of a process of extensive consultations within the Spanish civil society, with the support of the Catalanian Agency for Cooperation to Development.

Following the adoption of the Luarca Declaration, the SSIHRL has continued in all regions of the world the process of consultations with civil society through the organization of conferences and expert meetings on the human right to peace^[1]. In December 2010 the SSIHRL will call civil society for a World Peace Conference in Santiago de Compostela, Spain, to discuss inputs received from regional consultations with a view to adopt a final text of the *Universal Declaration on the Human Right to Peace* which will be submitted to the HR Council, urging its Member States to initiate the official codification of the human right to peace.

On 15 March 2007 the *Luarca Declaration on the Human Right to Peace* was presented to the fourth session of the Human Rights Council in an oral statement delivered by UNESCO Etxea on behalf of SSIHRL. Since then several parallel meetings have taken place at the *Palais des Nations* in Geneva during the subsequent sessions of the Human Rights Council^[2].

II

During the Peace Conferences held at the Hague (Netherlands, 1899-1907) the international community agreed to adopt the first formal treaties of the laws of war and war crimes in the emerging body of international law. These latter norms together with the law security system applied in the inter-war period^[3] had a main purpose not only to limit the use of force, but also to promote the rights of soldiers, disarmament, preventing war through collective security, settling disputes between countries through negotiation, diplomacy and improving global quality of life. Despite the efforts made by the international community to establish a peaceful system of disarmament, the onset of World War II showed that the League of Nations failed its primary purpose, namely, to avoid any future world war.

Although the United Nations Organization was created to save succeeding generations from the scourge of war, the current arsenal of arms of mass destruction has become a real threat to international peace and security, since the deployment of such weapons could potentially annihilate millions of people all over the world.

In accordance with Articles 11 and 26 of the UN Charter, the United Nations is pursued to enhance the general principle of cooperation in the maintenance of international peace and security through the disarmament and regulation of armaments. Nevertheless, Member States have always been more interested in controlling or restraining the use and development of certain arms^[4], rather than promoting an effective

disarmament at the highest level^[5]. It follows that the number of victims of the countless international and national armed conflicts have dramatically increased since the end of the Cold War. As indicated by the 2009 SIPRI Yearbook^[6], the **global military expenditure** in 2008 is estimated to have reached \$1464 billion, which represents an increase of 4 per cent in real terms compared to 2007, and of 45 per cent since 1999.

The continuing existence of nuclear weapons poses a threat to the world as their use would have catastrophic consequences for all life on Earth and humankind in general^[7]. The Human Rights Committee recognized that the “designing, testing, manufacture, possession and deployment of nuclear weapons are among the greatest threats to the **right to life** which confront mankind today”^[8]. As stated by the **advisory opinion of the International Court of Justice (ICJ) on the Legality of the Threat or Use of Nuclear Weapons** based on Article 6 of the *Nuclear Non-Proliferation Treaty*,^[9] Member States are obligated to conduct negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

The **First Committee of the General Assembly on Disarmament and International Security** highlighted that the use of illicit small arms and light weapons (SALW)^[10] constitutes a clear threat to peace consolidation. Besides, Mrs Barbara Frey - *Special Rapporteur on the issue of prevention of human rights violations committed with SALW*- indicated^[11] that this type of weapons has a devastating impact on the human rights standards, such as the right to life, liberty and the security of person. As added by the **meeting of experts on the traditional and new forms of mercenary**^[12], mercenary activities may also pose a threat to a broad range of human rights as a consequence of the close relationship prevailing between the new forms of mercenary activities and arms trafficking. The launching of strong public information campaigns on education and culture of peace are, inter alia, necessary to combat violence in all regions and globally^[13].

Since arms in general and nuclear weapons in particular are mainly used as symbols for power, wealth and sovereignty, States might more easily dismantle them when there could exist a fundamental **re-consideration of the security strategies**^[14]. The decision to move decisively toward disarmament, would ignite a revolutionary change in international relations as this symbolism would be progressively substituted by the concept of human security^[15]. Besides, taking into account that the mutual distrust is the greatest cause of militarism in the world, the emerging recognition of the human rights to peace and disarmament as solidarity rights, could contribute not only to reduce reciprocal suspicion among nations, but also to strengthen trust between them.

The right to general and complete disarmament is one of the legal contents of the right to peace as understood as the right of every human being to live in peace^[16]. The possession, deployment and threat of use of weapons affect the life of individuals by impeding them the full realization of their personality and dignity^[17]. Thus, the right to disarmament is a component of the right to peace, as well as, an autonomous

right included in the list of the solidarity/third generation rights[\[18\]](#).

As stated by Mr. Rudi Muhammad Rizki, Independent expert on **human rights and international solidarity**, international cooperation is needed to fulfil not only partial, but also international interests such as the preservation of the order and very survival of international society[\[19\]](#). Since the purpose of the United Nations is to become the centre for harmonizing actions of all nations to achieve their common end of maintaining international peace and security[\[20\]](#), the international community should foster a general and complete disarmament as a means to achieve a just, lasting and constructive peace in the world.

The final outcome of the **International Conference on the Relationship between disarmament and development**[\[21\]](#) concluded that true and lasting peace and security in this interdependent world demand rapid progress in both disarmament and development, since they are the most urgent challenges facing the world today and the pillars on which should be built enduring international peace and security. As consequence of the growing interdependence and interrelationship among nations and global issues, multilateralism provide the international framework within which the relationship between disarmament, development and security should be shaped[\[22\]](#). It follows that the human rights to peace, disarmament and development as solidarity rights, require the union of interests or purposes among all countries of the world, social cohesion and international cooperation to give them effect[\[23\]](#).

As the General Assembly underlines, **excessive armament and military spending** may have negative effects on development, because their spread and availability endanger stability and welfare and diminish social and economic confidence. Although disarmament does not necessarily lead to development, there is no doubt that disarmament may help to create more stable international, national and local situations favourable to development[\[24\]](#). Thus, international community should devote part of resources from the implementation of disarmament and arms limitation agreements, to economic and social development with a view to meeting the Millennium Development Goals (MDG)[\[25\]](#).

Article 11 of the **Luarca Declaration on the Human Right to Peace** addresses the right to disarmament as follows:

Individuals and peoples have the right:

c) To the allocation of the resources freed by disarmament to the economic, social and cultural development of peoples and the fair redistribution of such resources, responding especially to the needs of the poorest countries and to vulnerable groups, in such a way as to put an end to inequality, social exclusion and poverty.

Paragraph 9 of the 2005 World Summit Outcome[\[26\]](#) recognizes the linkage between peace,

development and human rights:

“We acknowledge 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. We recognize that development, peace and security and human rights are interlinked and mutually reinforcing”.

The **First Committee of the General Assembly on Disarmament and International Security**^[27] recognized that the international community should pay due attention the agreements on disarmament and arms limitations adopted at the **UN Conference on Environment and Development**. The observance of environmental norms as a new solidarity right, is fundamental at the time of preparing and implementing disarmament and arms control programmes. In particular, the dumping of radioactive wastes is a clear threat to the environment and human security.

Although gender and disarmament relationship are not immediately apparent, gender mainstreaming represents a different approach to the traditionally complex and politically sensitive fields of security, disarmament, non-proliferation and arms control^[28]. The **Beijing Declaration and Platform for Action** stated that full participation of women in decision-making, conflict prevention and resolution and any other peace initiative, are essential to the realization of lasting peace^[29]. Besides, the **Security Council resolution 1325** on women, peace and security, recognized gender mainstreaming as a major global strategy for the promotion of gender equality by indicating that “all those involved in the planning for disarmament, demobilization and reintegration should consider the different needs of female and male ex-combatants”.

RECOMMENDATIONS

We therefore urge the **Human Rights Council** to further promote the human rights to peace and disarmament as a means to foster the right to life, liberty and security of those person victims of uncontrolled use of weapons, violence and armed conflict; to enhance the social justice, equity and gender equality; and to encourage solidarity, **peace** and friendly relations among all nations, races, ethnicities or religions.

The **Human Rights Committee** should update its **General Comment 14** (1984) on **Article 6** of ICCPR, in order to address current challenges of nuclear weapons affecting right to life.

The **Human Rights Council** should remind Member States to be aware of the close relationship between efforts **to promote solidarity rights**, and the construction of democratic, interactive and egalitarian **multiculturalism**, as well as the promotion of **dialogue among cultures**, civilizations and religions, as a means to achieve **the human right to peace** and to discourage the armament career.

Member States should take necessary measures aiming at the realization of the **solidarity rights** as contained in the UN Charter, the Universal Declaration on Human Rights, the International Covenants on

Human Rights, the United Nations Millennium Declaration, the 2005 World Summit Outcome, the Programme of Action of the Cairo International Conference on Population and Development, the Istanbul Declaration on Human Settlements, the Copenhagen Declaration of the World Summit for Social Development, and the United Nations Educational, Scientific and Cultural Organization (UNESCO) Universal Convention on Cultural Diversity.

The Human Rights Council should further request its **Working Group on the Right to Development** to analyse the issue of **development, peace and disarmament**, and to adopt general recommendations on the methodology for developing poverty-reduction strategies.

Member States should further recognize the need to **enhance gender mainstreaming** in the field of peace-building as requested by the Beijing Declaration and Platform of Action from the Fourth World Conference on Women of 1995; and to promote **women participation** at all levels of decision-making on **peace, disarmament and security** issues, as provided for in Security Council Resolution 1325

Finally, we invite all international actors to fully participate at *the Workshop on the right of peoples to peace*, to be organized by the High Commissioner before February 2010, pursuant to Council resolution 11/4, adopted on 17 June 2009.

[1] Conferences and expert meetings have already taken place in the following places: Bilbao and Geneva (November 2006); Mexico (December 2006); Bogotá, Barcelona and Addis Ababa (March 2007); Caracas and Santo Domingo (April 2007); Morelia, Mexico (12 May 2007), Bogotá (12 May 2007), Oviedo and Santa Fe (New Mexico, USA, 16-17 May 2007); Washington (14 June 2007), Nairobi (15 June 2007), Geneva (28 June 2007); Feldkirch (Austria, 31 August 2007); Geneva (11, 12 and 21 September 2007), Luarca (28 September 2007); Madrid (23 October 2007); Monterrey, Mexico (1st November 2007), Mexico DF, Geneva, Las Palmas de Gran Canaria, Zaragoza and Navía, Asturias (December 2007); on the occasion of the UN Commission on the Status of Women, New York (February 2008); Geneva (March 2008); Parliament of Catalonia, Barcelona, Geneva, Dakar, Madrid and Valencia (April 2008); Rome and Gwangju, Republic of Korea (May 2008); Geneva and Bilbao (June 2008); Cartagena, Spain, and Geneva (July 2008); Paris, Geneva and Montevideo (September 2008); Oviedo, Turin, New York and Basque Parliament, Vitoria (October 2008); La Plata and Buenos Aires, Argentina, and Bosco Marengo, Italy (November 2008); Luxembourg, Geneva and Barcelona (December 2008); Geneva and Barcelona (January 2009); Yaoundé, Cameroon (February 2009); Figaredo, Asturias, Geneva and New York (March 2009), Johannesburg, Seville, Madrid, Santiago de Compostela and Bangkok (April 2009), Trevi, Italy, Mexico and Seville (May 2009), Geneva (June 2009), City of Mexico and Morelia (July 2009), Donostia-San Sebastian (August 2009). For more information on these meetings, please see <http://www.aedidh.org>

[2] On 15 March 2007 both the SSIHRL and the International Society of Human Rights (Frankfurt) convened an open *Information Meeting on the Luarca Declaration*; on 16 March 2007, the SSIHRL organized a *Technical Meeting* with NGO and human rights experts with a view to building a common strategy for a world-wide campaign on the human right to peace; on 11 June 2007, both UNESCO Etxea and SSIHR organized an additional parallel meeting on the relationship between peace and solidarity rights; on 12 September 2007, the SSIHRL in collaboration with the UNESCO Liaison Office in Geneva organised a Roundtable on the legal content of the human right to peace; on 21 September 2007, the SSIHRL organised the commemoration of the International Day of Peace in the Council Chamber of the Palais de Nations; on 7 March 2008, the SSIHRL, the International Society of Human Rights (Frankfurt) and UNESCO Etxea organised a Roundtable on the relationship between extreme poverty and the human right to peace; on 4 June 2008, the SSIHRL and UNESCO Etxea organised a Roundtable on the right to education on peace and human rights; on 12 September 2008, the SSIHRL and UNESCO Etxea organised a Roundtable on the human right to peace and indigenous peoples; on 19 September 2008, the SSIHRL, UNESCO Etxea and the NGO Liaison Office of UNOG organised the commemoration of the International Day of Peace in the Council Chamber of the Palais de Nations; on 17 March 2009 the SSIHRL and UNESCO Etxea organized a roundtable on the human right to peace and racism, racial discrimination, xenophobia and related intolerance; on 3 June 2009 the SSIHRL, Women's United Nations Report Network and UNESCO Etxea organized a roundtable

on migration and peace

- [3] Washington Treaty (8 February 1922), London Treaty (22 April 1930 and 25 March 1936); Conference of disarmament (1932-1933); Versailles Treaty (1919)
- [4] Limited Test Ban Treaty (1963), Nuclear Non-Proliferation Treaty (1968), Strategic Arms Limitation Treaty I (SALT I, 1972), Anti-Ballistic Missile Treaty (ABM, 1972), Threshold Test Ban Treaty (TTBT, 1974), Underground Peaceful Nuclear Explosions Treaty (PNE, 1976), SALT II (1979), Intermediate Nuclear Forces Treaty (INF, 1987), Strategic Arms Reduction Treaty (START, 1991-92), START II (1993), Comprehensive Test Ban Treaty (CTCBT, 1996), START III (1997)
- [5] Antarctic Treaty (1959), Outer Space Treaty (1967), Treaty of Tlatelolco (1967), Seabed Treaty (1971), South Pacific Nuclear Free Zone (Treaty of Rarotonga, 1985), Southeast Asia Nuclear Weapons Free Zone (Treaty of Bangkok, 1995), African Nuclear Weapons Free Zone (Treaty of Pelendaba, 1996)
- [6] SIPRI Yearbook 2009 : armaments, disarmament and international security, Solna, Sweden
- [7] The Russell-Einstein Manifesto, London, 9 July 1955, Resolution
- [8] General Comment No. 14 of the Human Rights Committee: Nuclear weapons and the right to life (Art. 6), 9 November of 1984, par. 4
- [9] General Assembly, *General and complete disarmament: follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons*, A/C.1/58/L.31, 22 October 2003; A/C.1/59/L.39, 14 October 2004; A/C.1/60/L.46, 12 October 2005; A/C.1/60/L.44, 11 October 2006
- [10] General Assembly, First Committee, *General and complete disarmament: consolidation of peace through practical disarmament measures*, A/C.1/61/L. 17, 15 October 2003; A/C.1/61/L. 38, 19 October 2004; A/C.1/61/L. 37, 11 October 2006
- [11] The United Nations Disarmament Yearbook, vol. 26, 2001, 172-176 (UN publications sales No. E.02.IX.1)
- [12] Par. 69, *The right of people to self-determination and its application to peoples under colonial or alien domination or foreign occupation*, report of the HCHR, E/CN.4/2001/18, 14 February 2001
- [13] Par. 59 and conclusions, *The right of people to self-determination and its application to peoples under colonial or alien domination or foreign occupation*, report of the HCHR, E/CN.4/2005/23, 18 January 2005
- [14] BOUTHERIN, G., Europe facing nuclear weapons challenges. Bruylant, Bruxelles, 2008, p. 106
- [15] See written statement presented to the 6th session of the Human Rights Council by a cluster of NGO, *The right to human security as a component of the human right to peace: An approach to terrorism*, A/HRC/6/NGO/62, 6 December 2007
- [16] Article I of the GA Declaration on the Right of Peoples to Peace (res. 39/11 of 11 November 1985)
- [17] Article 28 of the Universal Declaration on Human Rights: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration on Human Rights can be fully realized"
- [18] UNESCO, Colloquium on the New Human Rights, Matias Romero Institute of Diplomatic Studies of the Secretariat for the External Affairs of Mexico, SS-80/CONF.806/4, 1980
- [19] Report by Mr. Rudi Muhammad Rizki, Independent Expert on human rights and solidarity rights, presented to the fourth session of the Human Rights Council, A/HRC/4/8, 7 February 2007, par. 11
- [20] Article 1.4 of the Charter of the United Nations
- [21] Report of the International Conference on the Relationship between disarmament and development, New York, 24 August-11 September 1987, A/CONF.130/39, 22 September 1987
- [22] Report of the International Conference on the Relationship between disarmament and development, supra n. 21, p. 19
- [23] Report by Mr. Rudi Muhammad Rizki, Independent Expert on human rights and solidarity rights, presented to the Sixty-second session of the Commission on Human Rights, E/CN.4/2006/96, 1 February 2006, par. 16
- [24] Resolution adopted by the General Assembly, *The relationship between disarmament and development in the current international context*, A/59/119, 23 June 2004, p. 18
- [25] Resolution adopted by the General Assembly, *The relationship between disarmament and development in the current international context*, A/Res/61/64, 3 January 2007, p. 4
- [26] Resolution adopted by the General Assembly, *World Summit Outcome*, A/Res/60/1, 24 October 2005
- [27] UN General Assembly, First Committee, *General and complete disarmament: observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control*, A/C.1/59/L. 10, 12 October 2004
- [28] Briefing note issued by the Office for Disarmament Affairs in collaboration with the Office of the Special Adviser on Gender Issues and the Advancement of Women of the Department for Economic and Social Affairs, <http://disarmament.un.org/gender.htm>, 2008
- [29] The United Nations Fourth World Conference on Women: *Action for equality, development and peace*, Beijing, China,

