

# Multilateralism, Human Rights and Diplomacy: A Global Perspective





# Multilateralism, Human Rights and Diplomacy: A Global Perspective



University  
for Peace



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## ACRONYMS

CTC	Counter-terrorism Committee
DPKO	Department of Peacekeeping Operations
DPA	Department of Political Affairs
DPKO	Department of Peacekeeping Operations
ECOSOC	Economic and social Council
FAO	Food and Agriculture Organization
HRC	Human Rights Council
ODA	Office for Disarmament Affairs
PC	Peacebuilding Commission
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFRC	International Federation of Red Cross and Red Crescent
ILO	International Labour Organization
ILC	International Law Commission
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
IOC	International Olympic Committee
IPC	International Paralympic Committee
ITU	International Telecommunication Union
OHCHR	Office of the High Commissioner for Human Rights
SDG	Sustainable Development Goals
UDHR	Universal Declaration of Human Rights
UPEACE	University for Peace established by the General Assembly of the United Nations
UNICEF	United Nations Children's Emergency Fund

UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNGA	United Nations General Assembly
UN-HABITAT	United Nations-Habitat
UNHCR	United Nations High Commissioner for Refugees
UNIDIR	United Nations Institute for Disarmament Research
UNITAR	United Nations Institute for Training and Research
UNODC	United Nations Office on Drugs and Crime
UNFPA	United Nations Population Fund
UN- Women	United Nations-Women
UNRISD	United Nations Research Institute for Social Development
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNWTO	United Nations World Tourism Organization
WFP	World Food Programme
WHO	World Health Organization
WHO	World Meteorological Organization
WSIS	World Summit on the Information Society

## FOREWORD

**H.E. Mr. David Maria Sassoli**  
*President of the European Parliament*

Just over 75 years ago, the Second World War caused immeasurable destruction and human suffering and left Europe on its knees. From the ashes of that conflict, some forward-looking leaders, great men and women, had the courage to lay the foundations of our home, the foundations of modern Europe, as we know it today, as a space of peace. The EU is built on fundamental values of individual freedom, political freedom, the rule of law, democracy and human rights. Those values have become our identity and the whole world identifies Europe with those values.

Contrary to what many think, those values can be threatened. We must work every day to safeguard and protect these common ideals and, of course, to consolidate peace. Fortunately, most Europeans have only experienced war in history books, something we hope will one day be true for everyone throughout the world.

Our commitment for a world in peace makes more sense now than ever, in a moment when we deal with the consequences of a pandemic with far-reaching implications. COVID-19 has disrupted every aspect of our lives and our systems. It has highlighted our weaknesses and exposed glaring inequalities in our societies.

Paradoxically, however, it has also reminded us just how much we depend on others, on each other. There is only one path out of a crisis as serious as the one facing us today: the path of solidarity, both within Europe and across the world. Our future must focus on cooperation, multilateralism and solidarity.

COVID-19 is a global challenge. One of our founding fathers, Jean Monnet, said that Europe is forged in crises. This crisis, more than any other, shows that a common response is essential. Our Union, with Parliament at its core, has taken decisions for more concerted action and pushed through policies that only a few months earlier would have been unthinkable.

By negotiating and approving the economic recovery instrument and the multiannual financial framework, we shaped a sustainable development model for the European Union that focuses on social and environmental justice.

We also took a historic step forward in safeguarding the values that define Europe's identity. Funding from the European budget will no longer be provided with no strings attached. As the European Parliament has long been urging, the budget is now linked to respect for the rule of law, which is at the heart of any democratic system. This model is original, and it is our model. It has no equivalent anywhere in the world, and we should be very proud of that.

The pandemic has also tested the resilience of national and international institutions. We have seen just how badly we need European solidarity if we are to respond effectively to a crisis on this scale. It is now clear that we must endow the European Union with new instruments, give it the competences it needs, transfer new powers, in order to respond faster and more effectively to the challenges we face

Our world, as we knew before the pandemic, is not coming back. It is our duty to imagine and build a better world – one that is fairer, more equal, and more respectful of the environment. I strongly believe that multilateralism and coordinated efforts are the tools we need to take us out of the current crisis, increase the resilience of our health systems and improve pandemic preparedness and response.

Moreover, as we build tomorrow's world, let us make sure we are giving younger generations a set of values that are in keeping with the reality in which we live. A set of values that safeguard human rights, human dignity and freedoms. We need to steer this process. I am particularly concerned by the fact that our values are now, more than ever, under threat across the globe. Freedoms are being eroded worldwide. Disinformation is gaining ground. Populism, nationalism, xenophobia and authoritarianism have found supporters across broad sections of global society. Proponents of these ideologies have used the pandemic as a pretext to undermine the rule of law and democracy and ratchet up authoritarian tendencies. The European Union finds itself today in this world.

It is a great honour to be part of this project from UPEACE, a much needed reflection on multilateralism, human rights and diplomacy. We need to be honest with ourselves: the values we hold dear cannot



be taken for granted. That is why we must devote all our energy and resolve to protecting them.

A strong and common European voice on the international stage is more necessary now than ever. Europe must take its place, make its voice heard, define its strategic interests, in order to be able to carry out stabilization, peace building, and development action together with our partners in a multilateral framework.



**H.E. Mr. Carlos Alvarado Quesada**  
*President of Costa Rica*

The COVID-19 pandemic has brought pain, death and unemployment in one form or another to the entire family of mankind, causing serious health, economic and social, developmental and security havoc.

The virus is an early warning of what humanity must face in the immediate future and in the coming decades. We are still at the beginning of this path that we, as a planet, must travel together and overcome.

Solidarity and multilateralism take on greater meaning today. Altruism and supreme values must guide us, not only because they are the right ones, but also because today, both altruistic and selfish interests are united in the understanding that there will be no individual or national well-being if there is no shared and global well-being.

Our resources and our priorities must converge in the realization of the most ambitious and comprehensive human development agenda ever conceived: the **2030 Agenda** and the **Sustainable Development Goals**. These goals are more relevant today than ever. They provide us with a blueprint for overcoming the crisis and prepare us to face future crises. Fairer, more equitable and sustainable societies are more resilient in the face of the inequalities that this terrible pandemic has revealed and amplified.

As I said in my speech to the UN General Assembly in September 2020, Costa Rica renews its commitment to a multilateralism centred on the dignity of people, especially the most vulnerable. An agile and action-oriented multilateralism. We firmly believe that international security, national security and human security do not come before each other, but go hand in hand. An entrepreneurial and resilient multilateralism that promotes inclusive and sustainable economies.

It is my hopeful wish that the United Nations will fulfil its duty to all humanity and contribute to peace not with words, but with good deeds.

It is in this context that I would like to congratulate the University for Peace – established by the UN General Assembly – for its initiative

to publish, in cooperation with the Muslim World League, the book "Multilateralism, Human Rights and Diplomacy: A Global Perspective." The contribution of specialists and important actors in the field of human rights, peace and development helps us to reflect on the importance of dialogue and cooperation in building a more just, prosperous and equitable world.

Framed in a cross-cultural dialogue initiative that was successfully launched in Jeddah in November 2020, this new book has the particularity of having further strengthened partnerships with high-level dignitaries from different regions of the world and for having built bridges between the UN world, academia and civil society organizations. I congratulate all the participants in this new publication.

I call upon us to continue to forge new partnerships based on education for peace and harmony among different cultures and religions. To this noble goal, the University for Peace can and must contribute with its experience, good offices and the exemplary nature of an organization affiliated with the UN since 1980, to the mandate assigned to it in the second article of its founding Charter:

"The University is established with a clear determination to provide humanity with an international institution of higher education for peace and with the aim of promoting among all human beings the spirit of understanding, tolerance and peaceful coexistence, to stimulate cooperation among peoples and to help lessen obstacles and threats to world peace and progress, in keeping with the noble aspirations proclaimed in the Charter of the United Nations...."

**H.E. Mr. Josep Borrell**  
***High Representative of the European Union***  
***For Foreign Affairs and Security Policy***

The 75<sup>th</sup> Anniversary of the United Nations marks the world coming together after years of devastating wars to choose cooperation over confrontation. The European Union shares a similar origin. We – the European Union and the United Nations – are born from the same seeds, namely dialogue, peace, unity, solidarity and human rights.

In the uncertain times in which we are all living, with global challenges affecting us all, the UN Charter and its spirit are more valid, relevant and important than ever. The Covid-19 pandemic, but also climate change, asymmetrical threats and technological developments, are showing once again that cooperation and solidarity are the only way to overcome some of the most serious crises that we are all facing. Yet, the state of the world is such, that the multilateral system, with the UN at its core, is being more challenged than celebrated.

The European Union and its Member States are among the main advocates for multilateralism, and the largest contributor to, and supporter of the UN and its funds, agencies and programmes. Together with the UN, the EU is a champion of dialogue, negotiated solutions, promoting human rights and the rule of law, stability and democracy, sustainable development and the Agenda 2030, climate action and the protection of the environment. We do so not just rhetorically, but also politically, financially and diplomatically, acting as a bridge-builder whenever needed, and whenever we can. The EU and the UN work side by side in many conflict zones and humanitarian crises from the Sahel to Horn of Africa, from the Balkans to the Middle East. We invest in the UN and we work together because we know that it is in our own interest, and in the interest of the whole world.

The European Union and its Member States pushed hard for an international climate agreement in Paris and we are doing our best to keep it alive and more importantly, to ensure its implementation. We are relentless through enhanced international cooperation, in trying to protect biodiversity, access to clean water, and other natural resources. When it comes to global public health, when the World

Health Organization was under increasing attack at the height of the COVID-19 pandemic, it was the EU that led the negotiations resulting in an agreement to set up an independent inquiry into the origins of the virus. We are also the biggest donor to the **COVID-19 Vaccine Global Access Facility (COVAX)**, established to ensure that a reliable vaccine is developed as soon as possible and that it is treated as a global public good, equally accessible to all.

A world governed by agreed rules is the very basis of our shared security, peaceful coexistence and resolution of conflicts. It is a pre-requisite for freedoms and prosperity, as well as for sustaining peace. An international order based on rules and principles, not might, makes all states more secure, keeps people free and companies willing to invest, and ensures that the Earth's environment is protected. Challenges to the multilateral system put everyone's security and everyone's rights in jeopardy. It amounts to a very concrete and real choice between peace and war, between free societies where citizens enjoy their human rights or closed societies with weak governance structures, and between economies built on sustainable development or on widening inequalities and devastating climate change.

The EU is taking the current multifaceted crisis that the world is facing, exacerbated by the Covid-19 pandemic, as an opportunity to foster positive transformation towards more inclusive and democratic societies tackling challenges together. An important part of this effort lies in a new EU Action Plan on Human Rights and Democracy for the coming five years – an ambitious plan to defend human rights and democracy all over the world by drawing upon our wide range of resources faster and more effectively.

Even if we face strong headwinds, the EU will stay the course in support of finding common solutions. This is often difficult and tiring, but we are always ready to discuss how to make the system more effective, more legitimate, more fit for purpose; both with like-minded partners and those with whom we disagree. Multilateralism today must be different from that of the twentieth century: power has shifted and the challenges are no longer the same.

Much of what will shape our future – cyberspace, data analytics, artificial intelligence, biogenetics, autonomous vehicles, and much else – is emerging in a regulatory vacuum. We must fill it with agreed rules, norms, and standards, and ensure that they are applied – including in contexts where the major stakeholders are not governments.

The EU's bottom line is this: reform should take place by design, not by destruction. We must revitalise the system, not abandon it. We will defend the multilateralism system, which all countries so badly need. A world without the UN would endanger us all.

I am convinced that this publication promoted by the United Nations Peace University is an important contribution in the global conversation for a better, fairer, and safer world, with the UN system at the center of world governance.





**H.E. Dr. Mohammad bin Abdulkarim Alissa**  
*Secretary General of the Muslim World League*

We as humans always have been fascinated by our differences. So much so, that we are often blinded by them. Differences define us as individuals, communities and cultures, reflecting our uniqueness and our original characters. They can represent our particular art and manner of thinking, the way we express feelings, and the different things that we value, love and hold sacred.

But differences also can pull us apart, destroying the threads that unite us as members of a global family, and as civilizational partners in the pursuit of peace and prosperity, security and stability. So many times throughout history, we have tragically misunderstood and misinterpreted our differences. Instead of seeing our unique characteristics as pieces of a universal divine norm, we have looked on our distinguishing elements as a source of controversy and tension. In the worst of these cases, we have allowed our differences to drag us into conflict and war.

At its core, the United Nations was designed to re-establish tolerance and, more so, celebration of our differences, and to rebuild the foundational conception of a unity in diversity that this world so badly needs. For thousands of years, humanity has suffered from negative competition and violence among its members. Lives have been lost and societies destroyed. And warfare in every region of this planet has shared its bitter reality and cruel injustice with everyone.

The ancient Arab tribes fought because of tribal competition. In Europe, the Thirty Years' War erupted for religious reasons before turning into a political war. More recently, the Holocaust demonstrated the depths of evil to which racism can lead. Even in our current era, we have allowed a clash of civilizations thesis to take root in the collective consciousness and justify not only our differences, but the inevitability of conflict.

We all have a duty to reject such paradigms of thought, and combat them with the full arsenal of soft power. The alternative is a self-fulfilling momentum toward confrontation among the nations and

peoples of this world, and the unnecessary and dangerous fraying of human brotherhood, friendship and love.

To accept the horrors of the past as mere acts of human nature is a defeatist and destructive mindset. We must of course acknowledge the countless misfortunes that countless peoples and cultures have faced. We cannot accept or participate in a malicious indifference that would otherwise permeate the discourse, politics, philosophy and practices of international relations.

Quite simply, accepting hostility as part of the fabric of our society can only lead to continued violence. Alternatively, embracing the divine teachings, cooperating with our brothers and sisters to find common ground, and denouncing anything that threatens the peace of our world and the harmony of its national societies is to participate in the noble quest for the betterment of humanity.

The United Nations was built on these positive values of foundational rapprochement and cooperation. This international project is based on universal principles of love, respect, tolerance, compassion, education and enlightenment. And the 20th century, with all the harm that came from our industry and machineries of death, showed what the world looks like without a global coordinating center to resolve conflicts peacefully. The two World Wars, with their tens of millions of deaths, and the horrific events that befell the innocent, have forced us to understand the divine wisdom of the creation of this world and to “de-conflict” from that wisdom, to achieve a world insulated from the inherent dangers of the wicked and ignorant.

It is now 75 years since the United Nations was founded. During this period, we have sometimes struggled to achieve the ambitious goals we set for ourselves – to rid the world of unwarranted fighting, to find a cure for disease, to replace the pessimism associated with political trickery with the courage to reach respectful compromise and exchange. To make this world a better place, we must make decisions out of conviction, not convenience. We must act in the long-term interests of all, including future generations, and we must avoid the easy solutions. The work of peace is rarely easy and short-term, and rather requires total commitment.

These three quarters of a century of efforts to promote peace and international cooperation have borne much fruit for which we are all grateful. UNICEF has saved the lives of millions of children. UNHCR has enabled millions more, driven from their homelands by persecution

or epidemic, to survive and thrive despite displacement. We have eliminated scourges like smallpox and polio that killed and maimed. We have united in advocacy for a world free of nuclear weapons, and the abhorrent racism of apartheid.

Together, we now face a new threat. We are already in the second year of the global campaign against a disaster that has taken the lives of so many people in all our countries and nations, regardless of race, religion, gender, geography, age or ethnicity. Our fight to shield all our communities from the COVID-19 pandemic reminds us that we are more alike than we are different, and that despite all the superficial differences that distinguish us, the ties that bind us together are far deeper.

Fortunately, and thanks to our international cooperation and scientific advances, we can see light at the end of the tunnel. We must and will overcome this deadly pandemic. At the same time, we should retain the valuable lessons learned from this hardship: that we all will confront forces greater than we know; that we need true partnerships and united action to overcome the gravest risks; that we must safeguard the bonds that bind us against the politics that so often divide us.

I hope that we will emerge from this unprecedented challenge stronger, more united, more tolerant, and more responsive to our brothers and sisters. We must redouble our efforts to prioritize dialogue and the fundamental principles of coexistence. We must build a life in which we denounce evil, fight extremism, nurture a culture of peace and seek to achieve the common goals of humanity. The United Nations will have a critical role to play in all of these efforts and in establishing a plan that we can follow to succeed.

The Muslim World League is proud to have interacted with the United Nations General Assembly University for Peace in publishing this book entitled: "Multilateralism, Human Rights and Diplomacy: A Global Perspective." The efforts of these scientists, pioneers and thought leaders in the field of peace, equality and human rights working together to build a common lexicon that promotes progress should encourage and inspire all of us. Their work underscores what the Muslim World League has made its central mission: to promote cooperation and positive communication among our diverse societies. This work will last for generations and is truly necessary in the pursuit of peace.



**Dr. Francisco Rojas Aravena**  
*Rector, University for Peace*  
*established by the General Assembly of the United Nations (UPEACE)*

## **Recovering and Strengthening Multilateral Dialogue: A Shared Task**

Peace demands that words make it possible to open paths to peaceful coexistence. Peace requires that words replace confrontation, the use of force, and violence. The international system needs to consolidate sustainable peace, in which the development of *peace capital* will be fundamental. Complex problems do not have simple solutions. Transnational problems, risks, and threats require transnational responses. Mistrust generates uncertainty. Trust overcomes fears of the "other"/"others." Fear makes cooperation impossible. Trust will enable partnerships for cooperation as a way to build peace. Knowledge and education open spaces for trusting practices. Multilateral and interreligious dialogue and diplomatic dialogue are an instrument for peace and harmony. This is essential in a world plagued by uncertainties, polarization, and strong nationalism. The planet demands cooperation. Global interdependence demands multilateral cooperation. Designing new ways to build cooperation for peace is the purpose of this book.

A cycle is closing in the international system. After a year and a half of the Covid-19 pandemic, which still has no end in sight; after a central change in the historical trends of US international policy during the Trump Administration; following an almost five-year period of growing commercial, technological and increasing geopolitical tensions between China and the United States; after underscoring Russia's disputes with the European Union and the United States; and registering the revival of the use of force in relations between states; it is essential to be aware that the international system is in a complex situation. This is characterized by high uncertainties in the main fields of action -geopolitical, technological, commercial, social, and cultural- as well as in the power relations between the main international actors. All this is expressed in a serious crisis of global and regional multilateralism. Its impact on human rights is direct. Instability tends to perpetuate itself.

Establishing *peace capital* will be a basic and fundamental instrument for achieving sustainable peace, on the basis of *peace dividends* that reinforce opportunities for shaping the new multilateral architecture, which will make it possible to overcome the shortcomings of the present time. The challenges are relevant: pandemics, climate change, interdependence, the continuity of wars and terrorism, together with the persistence of human rights violations, all within a context of diverse and polarizing conflicts.

Building *peace capital* means, as evidenced in this book, bringing together the different views, criteria, and visions of political leaders, religious authorities, diplomats and academics on the topics of ***Multilateralism, Human Rights and Diplomacy: A Global Perspective***. This book has made it possible to bring together this important plurality of authors, who produce an essential projection on the role of diplomacy in the design of multilateral spaces for peace and the defence of human rights with a universal perspective. It is from efforts such as this one, developed by the University for Peace, that it will be possible to see how *peace capital* allows for the generation of *dividends for peace*. These are manifested in expressions of political will for tolerance and peaceful coexistence and multilateral dialogue.

We are at the beginning of a new era. It is still difficult to visualize how it will be shaped and the path it will follow. This requires an understanding of the different visions emerging from the main actors in the international system. The role of multilateralism is to create spaces to build shared visions on how to resolve current disputes and how to face serious emerging threats. Both affect the possibility of fully exercising human rights.

The current global context evidences a weakened multilateralism. Global institutions currently have less weight and many of them are being questioned, in some cases, even with regards to their legitimacy. The absence of cooperative, associative, and solidarity-based responses aggravate this crisis. Global norms and rules are becoming weak. Relations between states, especially among the powers, are strained, thus affecting stability and global governance. Relations between the superpowers and their impact in various spheres generate tensions and conflicts, in a context of weakening spaces for dialogue and coordination for stability and peace.

In this currently closing cycle, the uncertainties generated are manifold. In relation to the pandemic, the tensions between scientific knowledge and political decisions took precedence. This relationship and the

role of science was called into question throughout the previous US administration and in different countries around the world by various denialist forces regarding the Covid-19 crisis and the scientific solutions to deal with it. At the same time, diplomacy with a strong geopolitical accent is taking hold within the health field, which has made universal cooperation to confront the pandemic impossible.

New conceptual maps, new paradigms, new ways of thinking, and new interpretative frameworks are required to enable a holistic understanding of these complex, multilevel, and multifactorial relationships. Many interpretations and ways of thinking were anchored in the Cold War. Technological changes and the ways in which we communicate have established essential changes in the relationships within societies and between nations. Access to information is now universal. Social and economic demands have become globalized, particularly with regards to the most vulnerable groups. The "demonstration effect," which showcases how people live in "other," more developed societies, or how the most privileged sectors in their own society live, establishes new demands. The pandemic made inequalities and inequities more evident.

Social conflict emerges together with political conflict, demanding changes in power relations in the context of fractured and polarized societies. It is essential to advance towards fundamental societal agreements, in order to build solid institutions that provide certainties for an effective, peaceful, and democratic coexistence. It is essential to rebuild social cohesion and civic friendship. Restoring civic harmony is an urgent task in many societies with high levels of conflict. It will be this harmony that will sustain social harmony in peace and democracy. From them, it will be possible to establish policies based on knowledge, science, and substantive political agreements and commitments.

Among the powers, tensions and conflicts are reappearing with force. The Global South is facing a particularly serious situation, as a result of the simultaneous accumulation of a series of crises that aggravate its structural problems. Difficulties in multilateral coordination and in redesigning a cooperative multilateralism affect and limit the options for defining, in a concerted and associative manner, universal public goods and the establishment of global public policies to confront planetary risks and threats. Multilateralism is constituted to produce norms, rules, and procedures, and for this, it demands the establishment of institutional spaces. This is the best way to produce predictability in the relationships between actors.

In different parts of the world, there is greater conflict, disrespect for international norms, a breakdown in the rule of law, and a fragmentation of social cohesion in different societies. Alongside these situations, new conflicts are strongly emerging. These are added to old disputes that remain unresolved and are even aggravated by their new militarization. Wars in the Middle East continue, and coups d'états and authoritarian tendencies are expressed from Myanmar to different African countries. They are also expressed in important countries within the European Union, Latin America, and Asia. The use of force and violence is re-emerging. Disrespect for international law is on the rise. In each of these situations of open conflict or deeply fractured societies, it is impossible to exercise any rights. Demanding human rights becomes difficult, limited, or impossible. The right to life is called into question. It is impossible for citizens to demand the basic rights enshrined in the Charter of Human Rights.

This global emergence of new conflicts foreshadows new contingents of refugees and a significant increase in the number of migrants fleeing poverty, hunger, and authoritarianism. They are increasingly joined by environmental refugees, driven by situations created by the global impact of climate change.

In this transition to a new era full of uncertainties, new difficulties for global and regional stability are emerging. In different regions and societies, the discourse of hatred and xenophobia is emerging with greater force. This is a promoter of different conflicts with a strong emphasis on exclusion based on religious, racial, ethnic, cultural, and political differences. Hate speech inspires terrorism and extremist violence. Hate speech begins with words and continues with actions of violence and death. Hate speech is based on false premises, distorted information, "alternative truths," and distorted readings of historical and religious texts. From it arises an indoctrination in rancour and discrimination. Hate speech polarizes and indoctrinates on the basis of exclusion. Hate speech fosters violence that encourages policies of death.

Confronting hate speech entails establishing transparency, clarity, access to information, and the promotion of free speech rights, free of coercion, as a global public good. In this regard, the reconstruction of multilateralism and its promotion of dialogue for peaceful coexistence based on tolerance is essential. Establishing more and better spaces for interreligious dialogue is crucial. From them, interpretative frameworks that foster plurality of thought – on the basis of tolerance – will emerge,



creating spaces for cooperation and for living together and acting for the common good. This lays the foundation for positive stability and peace centred on people and the protection of the planet. Dialogue and openness enable effective demand and the exercise of human rights.

Cooperating implies sharing information, discussing ideas and procedures, and establishing shared rules and norms to establish a common vision. This shared projection must be capable of setting directions for coordinated action. The recent experience of the absence of trust, of the destruction of trust, inhibits the possibility for progress, stability, and harmony, generating latent tensions and strongly evidencing more explicit conflicts in the region.

Working for peace is a complex task filled with difficulties and impediments. In a global system plagued by macro and micro conflicts, with a logic of confrontation, our responsibility is to build a **Sustainable Peace** through words and not war, through arguments and rationality, making it possible to convince and include, and not impose. Education in values and the creation of a **Culture of Peace** and non-violence is the way to build multilateralism and peace. In an interdependent world, only cooperation and the development of a solid education can resolve and prevent conflicts, violence, and war. Education, respect for human rights, women's empowerment, tolerance, dialogue, and the promotion of universal values are the foundation of it.

Building peace requires that we work for peace. This is the essential task of multilateralism. There are no options for any one state or group of states, or even powers, to build and achieve the goals of peace, prosperity, and the protection of the planet. This is a universal task that goes beyond the powers, beyond a particular region, or beyond a set of organizations or coalitions of states. Confronting risks, overcoming threats, and securing great public goods can be achieved on the basis of political will for cooperative action and multilateral partnership.

The importance of multilateralism lies in the design, development, and maintenance of spaces for diplomatic, political, and technical dialogue in which different visions and alternatives for prevention and/or resolution of risks and threats, conflicts, and the contexts in which they develop can be heard. It is from this plurality of views – arising from diverse cultures and geographical areas – that options based on dialogue and consensus-building can be born, rather than on the use of military force or the development of violent actions. Multilateralism is strengthened by inclusion, not exclusion. When multilateralism

recovers its sense of community, it will allow us to seek, promote, and develop harmonious relations in our common home.

To train and educate for sustainable peace is to foster multilateralism. Education is the essential instrument for achieving humanity's great goals and protecting the planet, as expressed in the **2030 Agenda**. Education enables and underpins the strengthening of cooperation, synergies, and convergences to achieve specific goals in various fields, particularly in the promotion of human rights.

Multilateralism builds hope and confidence. Multilateralism makes it possible to design a more prosperous and better world for all. Multilateralism provides perspectives that must be rethought and updated for each generation. This is the imprint that will be left behind by the new generations of leaders who promote a better world and the realization of human rights. Through this book, ***Multilateralism, Human Rights and Diplomacy: A Global Perspective***, new leaders can explore ideas, proposals, and past experiences that will allow them to carry out the ever-present task of building peace.

As Rector of the University for Peace – established by the United Nations 41 years ago (Resolution 35/55 of 1980) – I thank the authors who have made important contributions to the central themes of this book. I emphasize our gratitude to the dignitaries who honour us with their ideas and suggestions; to the diplomats who shared their experiences, visions, and proposals; to the academics for their analyses and recommendations. A special recognition goes to Dr. David Fernández Puyana, coordinator and editor of this significant publication, which marks a milestone in the reflection on the centrality of interreligious dialogue, diplomatic dialogue, and the need for prevention – putting Human Rights at the centre – as well as the institutionalization of multilateral spaces.

Overcoming the growing difficulties arising from the increase in conflict that accompany today's post-pandemic world means recovering the central role of multilateralism expressed in its most essential institution, the United Nations. It is the main tool for certainty, trust, and international cooperation.

## PROLOGUE

### Process on peace, human rights and dialogue among civilizations started in Jeddah

**Mr. Mohamed Levrak**

*Special Adviser for H.E. Alissa*

*And Deputy Representative of the Muslim World League in Geneva*

In the context of the UN 100 Years of Multilateralism, 75 Years of the United Nations inception and 40 Years of the UPEACE establishment, on 22 November 2020 the Muslim World League and the UN University for Peace launched the research **Promoting peace, human rights and dialogue among civilizations** (539 pages) in the city of Jeddah, Saudi Arabia.



Thirty-two scholars, such as diplomats, high UN Staff, artists and academics have contributed to the accomplishment of this piece of work. The book pretended to fulfill at the educational level the commitment included in the *Declaration on Initiatives to Protect Youth Against Extremist and Violent Thought, Promote Religious Freedom and the Values of Tolerance, and Counter Hatred and Marginalization*, which was adopted in UN Geneva on 19 February 2020.

The launching was open by the moderator H.E. Mr. **David Fernández Puyana**, Ambassador and Permanent Observer of UPEACE to the UN Geneva and UNESCO Paris, who spoke on behalf of Prof. **Francisco Rojas Aravena**, Rector of UPEACE in Costa Rica.

The following personalities participated in the launching:

H.E. Mr. **Francisco Chacón**, Ambassador of Costa Rica to the Kingdom of Saudi Arabia, United Arab Emirates and the Hashemite Kingdom of

Jordan, who spoke on behalf H.E. Mr. **Rodolfo Solano Quirós**, Minister of Foreign Affairs and Worship of Costa Rica; H.E. Mrs. **Lubna Qassim**, Deputy Permanent Representative of the United Arab Emirates to the United Nations Office at Geneva and other international organizations; H.E. Mr. **Alvaro Irazo Gutiérrez**, Ambassador of Spain to the Kingdom of Saudi Arabia; H.E. Mr. **Larbi Djacta**, Under-Secretary General of the United Nations and Chair of the International Civil Service Commission, which also spoke by Mr. **Abdulaziz Almuzaini**, Director, Charge de Mission, Partnerships Public and Private at the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris; H.E. Archbishop Mr. **Ivan Jurkovic**, Apostolic Nuncio and Permanent Observer of the Holy See to the United Nations Office at Geneva and other international organizations; H.E. Mr. **Patrick Simonnet**, Ambassador and Head of the Delegation of the European Union to the Kingdom of Saudi Arabia and the Gulf, recalled to the public the reflection elaborated in the book by H.E. Mr. **Josep Borrell Fontelles**, High Representative of the EU for Foreign Affairs and Security Policy; H.E. Dr. **Mohammed Bin Abdulkarim Alissa**, Secretary General of the Muslim World League and Mr. **Mohamed Levrak**, Special Adviser for H.E. Alissa and Deputy Representative of the Muslim World League in Geneva.

The launching was extensively reported in relevant outlets, Press Agencies and media channels within the Gulf States and Middle East region, such as Vatican News, Alkhaleej Today, Elkhobar, Arab News and WAM Emirates Press. Other governmental and non-governmental agencies prepared some short news about this achievement in their social media, namely: EU Delegation to the Gulf Cooperation Council, Ministry of Foreign Affairs of Costa Rica and United Arab Emirates, Embassy of Spain to Saudi Arabia, UPEACE or Paz sin Fronteras.

The book was possible thanks to the contribution and support from the **UNESCO Chairs on peace of the Abat Oliba CEU University and Banaras Hindu University, Haceppette University, Caritas in Veritate Foundation, Paz sin Fronteras, Sovereign Order of Malta, King Abdullah bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue, World Jewish Congress, Permanent Delegations of the United Arab Emirates and Holy See to the United Office in Geneva, Embassy of Spain in Saudi Arabia, Ministry of Foreign Affairs and Worship of Costa Rica, and European Union Delegation to the Gulf Cooperation Council.**

**H.E. Mr. Larbi Djacta,**  
***Under-Secretary General of the United Nations and Chair of  
the International Civil Service Commission (ICSC)***

In the presentation of the book "Promoting Peace, Human Rights and dialogue among civilizations", which took place in Jeddah on 22 November 2021, I thanked the UN University for Peace and the World Muslim League, and in particular H.E. Dr. Mohammed Bin Abdulkarim Alissa, for giving me the opportunity to participate in the launching. Also my deepest greetings went to the other distinguished speakers and representatives of the Holy See, European Union, Spain, Costa Rica and United Arab Emirates.

In my contribution, I showed my most appreciated admiration for this unprecedented initiative, which has been able to join different philosophical approaches, regions and groups. In the Seventy-Sixth Anniversary of the United Nations, I recalled that the United Nations and the specialized agencies embody the highest aspirations of the peoples of the world.

I want to reiterate again the idea that the international civil service bears responsibility for translating these ideals into reality. It relies on the great traditions of public administration that have grown up in member States: competence, integrity, impartiality, independence and discretion. But over and above this, international civil servants have a special calling: to serve the ideals of peace, respect for fundamental rights, economic and social progress, and international cooperation.

In the launching, I also recalled that the world is home to a myriad of different peoples, languages, cultures, customs and traditions. A genuine respect for them all is a fundamental requirement for an international civil servant. I added that tolerance and understanding are basic human values. They are essential for international civil servants, who must respect all persons equally, without any distinction. This respect fosters a climate and a working environment sensitive to the needs of all.

Like in Jeddah, I would like to remind again that in 2013 the General Assembly proclaimed the period 2013–2022 as the ***International Decade for the Rapprochement of Cultures***, called upon Member

States to utilize this opportunity to enhance their activities relating to interreligious and intercultural dialogue, and invited the UNESCO to be the lead agency in the United Nations system. In light of the mandate received from UNGA, UNESCO interact with all entities of the UN System in the promotion of peace, cooperation and dialogue among civilizations.

I deeply wish that the new book "Multilateralism, human rights and diplomacy: a global perspective" can again contribute to the action of staff members and international civil servants, and that the culture of peace and tolerance inspire their daily work within the United Nations system.

**H.E. Mr. Alvaro Iranzo Gutiérrez**  
***Ambassador of Spain to the Kingdom of Saudi Arabia***

Dedicated to Miguel Angel Moratinos

In November 2020, a successful launching of the first edition of a book on "Promoting Peace, Human Rights and dialogue among civilizations" took place in Jeddah, Kingdom of Saudi Arabia, under the auspices of the United Nations University for Peace and the World Muslim League. I had the privilege of participating in the launching ceremony and in the fruitful debate that preceded it. Happily, the "spirit of Jeddah" has inspired further initiatives, among them a new book with fresh contributions to the inexhaustible topic of " Human Rights, multilateralism and diplomacy".

As I outlined in our meeting in Jeddah, the interpretation of the role of cultures and religion in world History has never been a peaceful subject. At the same time, experience has shown that tolerance and constructive interaction between cultures and religions is an essential ingredient of peace and progress.

As indicated, Spain is an old nation that has reached out throughout the centuries in every direction of the compass, leaving a solid footprint in universal History. A historical crucible and a crossroads of cultures and faiths, Spain is advantageously positioned to make a solid contribution to the promotion of peace, respect of basic human rights and positive coexistence of religions and civilizations.

In our domestic arena, following the constitutional precepts, the government of Spain has set up a structured cooperation scheme with the legal representatives of the religious beliefs that are engrained in our social fabric. This model has proven successful. The overwhelming majority of Muslims, Jews, Protestants and other believers live harmoniously in Spain with the more numerous substrate of Catholics.

The Spanish commitment to peaceful interaction between civilizations, cultures and religions is deeply engraved in the "genetic code" of the Spanish foreign policy of the democratic era, I underlined. All Spanish governments have engaged in organized efforts to this purpose.

In our meeting in Jeddah, I argued that when Spain joined the European Union (in my view the most successful political endeavor ever undertaken on the basis of setting aside national differences and emphasizing commonality), the new member country spared no effort to ensure that the EU would have a solid Mediterranean and Euro-Arab dimension. It can safely be said that since Spain reconnected, as a young democracy, with its European roots, my country has continuously been at the forefront of the efforts to transform the existing European Mediterranean policies into a truly multilateral forum that provides our partners around the Mare Nostrum the opportunity to engage in a myriad of joint initiatives.

In November 1995, under the Spanish presidency of the EU, the Barcelona Conference established a Euro-Mediterranean partnership. Its third "basket" of dialogue and cooperation (the first two were logically devoted to political and economic issues) was reserved to social, cultural and human exchanges. The creation of the Anna Lindh Foundation was another solid contribution in this specific direction.

The so-called Barcelona Process allowed for a strengthening of relations between Europe and most of the MENA region countries. In 2008, all partners agreed to give a renewed impulse to the process through the creation of the Union for the Mediterranean. From its headquarters in Barcelona, the UpM continues to support projects with a strong regional dimension.

On a broader scale, Spain has also tried to play a role in international efforts aimed at providing structure to the dialogue between societies and religions, I outlined. The need became more acute after the 9/11 terrorist attack and other related tragedies, like the train bomb massacre of 2004 in Madrid. That same year, Spain took the initiative to suggest an Alliance of Civilizations (AoC), under the Organization of the United Nations, as a preferable alternative to those who at the time saw the world through the determinist interpretation of a "clash of civilizations". Being a sound and timely initiative, it soon gained traction and a year later the AoC was officially launched by UN Secretary General Kofi Annan.

As said in Jeddah, the Alliance plays a key role linking governments and non-governmental actors in an outstanding effort to set up avenues of intercultural understanding and cooperation. We are all fortunate to benefit from High Representative Miguel Ángel Moratinos' inspired efforts as head of the AoC. When he appointed him, the UN Secretary



General, HE António Guterres, undoubtedly bore in mind that as Spanish Minister of Foreign Affairs, Mr. Moratinos had coined the first blueprint of the AoC in 2004.

The AoC has successfully reached out to institutions that more specifically devote themselves to the dialogue between religions. Among them, the King Abdullah bin Abdulaziz International Center for Interreligious and Intercultural Dialogue (KAICIID), established in 2012 at the initiative of Saudi Arabia, with the strong support of Spain, which became a founding member.

I wish to remark that KAICIID has been an active facilitator of dialogue and understanding between religious actors, increasingly working together with the AoC. Most recently, by organizing the G20 Interfaith Forum (13-17 October 2020), KAICIID has brought together religious and political leaders from all G20 countries and many other parts of the world, united in their conviction that spiritual faith is not a cause for violence and oppression, but for reconciliation, justice and peace. This message rings true and powerful against those preachers of hate that still try to use religion as a false justification for oppression and violence.

In Jeddah I said that for all the reasons mentioned, the splendid work of research coordinated by the UN University of Peace and the Muslim World League deserves full support and dedicated consideration. It thoroughly provides the intellectual backing that is so necessary to rise above perceptions of the past that thrive on the divides. In fact, what the complexities and challenges of our world demand today is for us to narrow gaps when interpreting our own identities and civilizations and to build on our shared legacy of values to meet our joint destiny as human beings endowed with our beautiful but delicate blue planet.



**H.E. Mr. Francisco Chacón Hernández**  
*Ambassador of Costa Rica to the Kingdom of Saudi Arabia,  
United Arab Emirates and the Hashemite Kingdom of Jordan*

Where a Costa Rican is, be where it be, there will always be Freedom"... such noble words, pronounced during a state visit to San Jose by Dr. Jose Maria Sanguinetti, former President of Uruguay, describes in all its essence the DNA of my country's' firm and unequivocal commitment to the protection and promotion of human rights and fundamental freedoms, an all-inclusive, gender balanced approach which has defined our foreign policy and our stand in the multilateral fora for decades.

The love of liberty, in turn, made us from an early conception of our history, Bicentennial which we celebrate this year, discover the immense value of peace and peaceful coexistence; peace built in the respect, tolerance and harmonic coexistence there were differences might exist. True to this premise, Costa Rica has chosen the path of disarmament. Disarmament has opened the door, in turn, for the transformation from investing in arms and armies to investing in health, education and housing, generating the social stability which is indispensable for prosperity in harmony and fraternity. The vision of those "dividends for peace" enabled us as a society to decide to abolish the Armed Forces in 1949. Grabbing the transcendence of that decision is the clue to comprehending why Costa Ricans acts and reacts the way it does.

A Costa Rican Head of State, former President Rodrigo Carazo, envisioned already in the late 70's beginning of the 80's the creation of a University for Peace as part of the United Nations system. Former President Carazo wanted to transform a national way of life into an international quest to spread the word of peace "Urbi et Orbi" and with that, showcase to all that working for peace through a never-ending patient, inclusive dialogue is the only way to silence guns and to create the conditions for spiritual and material prosperity for the human being. That no one is left behind in the process of constructing peace is essential and fundamental.

On the 22nd of November 2020, an important bridge among civilizations and cultures came to life in Jeddah, Kingdom of Saudi Arabia, when the University for Peace and the Muslim World League in the context of the United Nations 100 years of Multilateralism, the commemoration of the United Nations 75 years and the 40th anniversary of the University for Peace, launched a research proposal: "Promoting peace, human rights and dialogue among civilizations". A book by the same name was presented in the presence of a high representative of the Vatican, as a tangible expression of the aspiration of the linkage between faiths and cultures.

Representing my Foreign and Worship Minister, Rodolfo Solano, I said, then, that Costa Rica commended and congratulated the Muslim World League and the University for Peace for the inspirational work they do in bridging geographies together, promoting a culture of peace which is, as I already said, a cornerstone of Costa Rica's Foreign Policy.

Costa Rica's diplomatic presence in the Gulf, with two resident embassies one in the United Arab Emirates, which serves as nonresident embassy to the Kingdom of Saudi Arabia and to the Hashemite Kingdom of Jordan, respectively, and another one in the State of Qatar, is an expression of the desire from San Jose to create synergisms and opportunities for people to people relations, and in so, discovering in one another there where we can plant a seed together, and then a forest and later a valley and possibly even a mountain, this means, a step by step engagement that nurtures a bonding that contributes to brotherhood with time and in good spirit. In the spirit of peace and through understanding, trust building and mutual respect is Costa Rica's way of engaging with others.

As Ambassador to the Kingdom of Saudi Arabia, I recognized in the work of Dr. Mohammed bin Abdulkarim Alissa, Secretary General of the Muslim World League, a visionary contribution to the culture of peace and tolerance. His reach to others with the sole aim of creating the conditions for dialogue and shared hopes for the better of humanity is more important than ever, as the World aspires to find resilience to rebuilt after the tragedy of the pandemic of COVID-19.

As Ambassador to the Kingdom of Saudi Arabia, I admire too, the successful work of the University for Peace's Ambassador, Permanent Observer to the United Nations in Geneva and to UNESCO, Mr. David Fernández, for his delicate art of convincing here, there and everywhere on the merit of peace, on the value of human rights and fundamental

freedoms, as a transformational vehicle for global fraternity. Mr. Fernández carries the torch of the founder of the University for Peace, former President Carazo, with true and real conviction.

The Government of the Costa Rican Head of State, President Carlos Alvarado, has, through a policy of strengthening multilateralism as the privileged way of solving disputes and reaching friendly understanding across temporary argument, supported the United Nations University for Peace constructive work as a faro of hope and a teacher of Universal peace. As Costa Rica's Ambassador to the Custodian of the Two Holy Mosques, His Majesty King Salman bin Abdulaziz Al-Saud, we applaud enthusiastically this teamwork for good of this global Alma Mater with the Kingdom through the Muslim World League. This constructive platform of collaboration should continue, and we will be there where we can add to the voices of reason and tolerance.

Costa Rica looks forward to a continued and enhanced work between the Costa Rican based United Nations University for Peace and the Muslim World League. With each new book, research, workshop and project together, the concept of alliance of civilizations strengthens and the days where clashes of civilization were talked, banishes as something overcome for good. Every step forward brings new hope, and with hope time, and time is the key element to cement the fruits of peace and in so, this effort of good will must continue bringing added value to human existence as it does.



**H.E. Mrs. Lubna Qassim**  
***Deputy Permanent Representative of the United Arab Emirates***  
***to the United Nations Office at Geneva and other international organizations***

Pursuant to the successful launch of the first edition of the book on “Promoting Peace, Human Rights and dialogue among civilisations” in Jeddah, Kingdom of Saudi Arabia. The important work out of Geneva, the world’s multilateral diplomatic centre of human rights and peace continues. It is great honour and a pleasure to contribute yet again on another very important subject of “ Human Rights, multilateralism and diplomacy” with my fellow colleagues as a follow up to the fantastic work previously carried out.

The role played by the United Nations and its organs is a pivotal role in promoting and protecting human rights. In the UAE, principles of tolerance and respect for cultural and religious diversity, supported by the rule of law, strong institutions and good governance is the basis of foundation for human rights in UAE. UAE’s constitution guarantees rights and freedoms, which are underpinned by legal frameworks and mechanisms that have been set up to ensure human rights are enjoyed – by enacting and revising the relevant laws, and establishing national bodies that oversee human rights compliance.

Religious tolerance, for example, is a fundamental right in the UAE, and all are able to worship freely in houses of worships following different faiths. Furthermore, gender equality is considered the core of sustainable and peaceful societies, and a federal gender balance council was established. Women are well represented as equal partners throughout the UAE’s economy and society. For example, women represent 20 per cent of the National Federal Council (Parliament) and 30 per cent of the federal cabinet. The rights of children are a further key concern, and we have enacted a new Child Protection Act which took effect last June, strengthening the legal framework of our children according to the Convention on the Rights of the Child.

People from many nationalities have found economic opportunities in the UAE. Mindful of the contribution of foreign workers to development, the UAE introduced new amendments to the labor law and regulations.

Furthermore, we believe we have made considerable progress in strengthening the protection of human rights since our country was founded in 1971. In 2020, the UAE ranked 30th in the UN Human Development Index and the first in the Arab World. In addition to the above, The UAE has been ranked 18th globally and the first regionally in the United Nations Development Programme (UNDP) 2020 Gender Inequality Index (GII). ... This achievement reflects the priority given to gender balance in our leadership's vision, and the long-standing support offered to women in the UAE.

Collective work on this very priority toward sustainable peace through diplomacy is more than necessary today.

Diplomacy and peace are convenient to analyze when apprehended from a wealthy and joyful life perspective. While new challenges emerge with pandemic, globalization, climate change, human right issues and terrorism, the world population continue to grow exponentially. This crucial factor is to be addressed urgently. A short analysis of the figures shows that about 30% of the world population are under 15 years old on average. Most of these young people are born in areas where the word peace is meaningless to them.

No doubted my, UN is an instrument for a surge in diplomacy for peace. Today, we live in a world with complex global issues, and clearly it cannot solve them on a country level only, for only global solutions can solve global problems. Thus multilateral diplomats have a much more important role to play. Multilateralism gives us an opportunity to join forces and address the issues that are threatening each of us.

Multilateral diplomacy is not about reacting only to a crisis but more importantly to be proactive in building relationships between national and regional partners to prevent conflict. For conflict prevention needs "addressing the root causes of conflict across the three pillars of the United Nations: peace and security, human rights and inclusive development".

I look forward to working with all on this very important priority through this book and multilateral diplomacy. We all need to collectively address the challenges of sustainability. Let us activate the flame of the youngsters and their families with our flame of joy and fulfillment and thereby increase it with every activity taken toward diplomacy for sustainable peace.



## **Mr. Abdulaziz Almuzaini**

**Director, Charge de Mission, Partnerships Public and Private at the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris**

I wanted to applaud the success of the presentation of the book “Promoting Peace, Human Rights and dialogue among civilizations” prepared by UN University for Peace and the World Muslim League in Jeddah on 22 November 2020. The participation of distinguished speakers and representatives of different governments, UN institutions and intergovernmental organizations got really enriched the debate and outcome in the launching.

In my presentation, I recalled that since 2006 UNGA has progressively elaborated the **Promotion of interreligious and intercultural dialogue, understanding and cooperation for peace**. In the present and the subsequent resolutions on this topic, UNGA affirms «that mutual understanding and interreligious dialogue constitute important dimensions of the dialogue among civilizations and of the culture of peace».

I also wanted to outline that the UNGA proclaimed 2010 the **International Year for the Rapprochement of Cultures** in which **UNESCO**, as leading agency, stressed that the four major themes identified for the Year are, namely: promoting reciprocal knowledge of cultural, ethnic, linguistic and religious diversity; building a framework for commonly shared values; strengthening quality education and the building of intercultural competences and fostering dialogue for sustainable development.

In 2013 UNGA proclaimed the period 2013–2022 as the **International Decade for the Rapprochement of Cultures**, I indicated, which called upon Member States to utilize this opportunity to enhance their activities relating to interreligious and intercultural dialogue, and invited the UNESCO to be the lead agency in the United Nations system. In light of the mandate received from UNGA we interact with all entities of the UN System in the promotion of peace, cooperation and dialogue among civilizations.

Since UNGA declared 2021 the *International Year of Peace and Trust*, I again wish that the new publication "Multilateralism, human rights and diplomacy: a global perspective" can help to mobilize in 2021 the efforts of the international community to promote peace and trust among nations based on, inter alia, political dialogue, mutual understanding and cooperation, in order to build sustainable peace, solidarity and harmony.

Finally, I want to take this opportunity to congratulate again the University for Peace and the Muslim World League for leading this new research. My deepest gratitude goes to the diplomats, UN relevant Staff and academics, who have contributed in the preparation of this book. This shows again the importance of creating global partnerships between the United Nations, governments, academia and civil society.

## **H.E. Archbishop Mr. Ivan Jurkovic**

***Apostolic Nuncio and Permanent Observer of the Holy See to the United Nations  
Office at Geneva and other international organizations***

The need for promoting and maintaining a culture of peace is more pronounced today than ever before. The COVID-19 pandemic has revealed the interconnectedness of our human family. Unfortunately, it has also been a catalyst for deepening pre-existing divisions, vulnerabilities and inequalities and opening up new fractures. The global crisis surely has demonstrated the fragility of our world, but it has also confirmed that, among growing diversity, we remain essentially interconnected and interdependent. The current global scenario has made it clear that challenges are better solved multilaterally and that international solidarity plays a key-role not only in overcoming global threats but also in reaching long-term goals from which everyone can benefit. Religions play a pivotal role in fostering a culture of peace and encounter. In particular, interreligious dialogue – by sharing respective and often common values among believers – is instrumental in building a more just and fraternal society.

The presentation of the publication *Promoting peace, human rights and dialogue among civilizations* in Jeddah, in November 2020, represents an important step in the promotion of intercultural and interreligious dialogue as a tool for peaceful coexistence and fraternity among peoples. Indeed, the book itself is a further element to continue the journey of mutual understanding and peace. In Pope Francis' vision of the world: "There will be no peace as long as we see others as **them** and not **us**. There will be no peace as long as our alliances are **against** others, for alliances of some against others only increase divisions. Peace does not demand winners or losers, but rather brothers and sisters who, for all the misunderstandings and hurts of the past, are journeying from conflict to unity».<sup>1</sup>

The frequent references to the "Document on Human Fraternity for World Peace and Living Together", which Pope Francis signed together with the Grand Imam Ahamed el-Tayyeb in February 2019, is a practical example of how fraternity transcends religious, cultural

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<sup>1</sup> Pope Francis, Interreligious Meeting, *Plain of Ur*, 6 March 2021.

and boundaries, even in tumultuous times. This historic declaration states that “faith leads a believer to see in the other a brother or sister to be supported and loved”, and adds: “believers are called to express this human fraternity by safeguarding creation and the entire universe and supporting all persons, especially the poorest and those most in need”.<sup>2</sup> The Document on Human Fraternity aims to reconcile and enlarge the concept of fraternity “among all believers, among believers and non-believers, and all people of goodwill”.<sup>3</sup> On the occasion of the first International Day of Human Fraternity celebrated in February 2021, Pope Francis further emphasized that despite differences in cultures and traditions, we are brothers and sisters, “born of the same Father”. He also affirmed that “[t]oday there is no time for indifference. We cannot wash our hands of it, with distance, with disregard, with disinterest. Either we are Fratelli – if I may – or everything collapses. It is the frontier. The frontier on which we have to build; it is the challenge of our century; it is the challenge of our times”.<sup>4</sup> In other words, fraternity must be built, not by negotiation, but through respect. In this regard, it is very relevant that the message of fraternity has been echoed and accepted by the international community and all those who are in positions of leadership in the various areas of civil and social life, as the establishment of the International Day on Human Fraternity clearly shows.

Pope Francis’ Apostolic Journey to Iraq in March 2021 is another remarkable example of significant progress made in terms of dialogue among civilizations, promotion of a culture of encounter and concrete efforts to build human fraternity. Indeed, during the meeting in the Plain of Ur, Pope Francis did not speak of fraternity in theoretical terms, but he asked everyone to commit themselves “to fulfilling God’s dream that the human family may become hospitable and welcoming to all his children; that looking up to same heaven, it will journey in peace on the same earth”.<sup>5</sup>

Now more than ever, as our societies become increasingly multi-cultural and multi-religious, citizens are called to exercise their citizenship, *inter alia*, by showing respect for every person, despite their differences, and to pursue effective models of integration. One can argue that today’s world requires individuals to experience a global citizenship, representing a level of belonging that exceeds local and national

2 Pope Francis and the Grand Imam of Al-Azhar, *Document on Human Fraternity for World Peace and Living Together*, 4 February 2019.

3 Ibid.

4 Pope Francis, *Message for the International Day of Human Fraternity*, 4 February 2021.

5 Pope Francis, Interreligious Meeting, *Plain of Ur*, 6 March 2021.

identity and thus relates to a single world-system. From a cultural and pedagogical point of view, practicing global citizenship is a challenging endeavour since it presupposes that each person experiences a plurality of identities and a multiplicity of spheres of belonging, such as family, social, religious, cultural, ethnic and professional. By definition, the “global citizen” needs to possess critical thinking, be an active member of society, seek inclusivity in all contexts and be open to participation and plurality. In addition, the global citizen needs to consider the human condition in terms of relationships and interdependencies, share a common heritage of values, create collaboration and respect differences. Breaking and overcoming barriers requires decoding them and understanding the other. Nobody can learn all the languages of the world, but everyone can develop the capacity to cross the barriers created by languages and feel fully and consciously part of a world-community.

We live in an era of complex interdependence in which the concept of citizenship also evolves in terms of multidimensionality. Multicultural societies have opened up a new kind of philosophical debate on coexistence and integration among different ethnicities, cultures and religions, taking into account the resulting social interdependencies and the methods and forms of intercultural communication. In the current social scenario, the encounter with those who are different no longer is limited to sporadic episodes but occurs on a daily basis. Unfortunately, differences are often seen as a threat rather than an opportunity, and this leads situations of conflict. Upon returning from the Apostolic Journey to Morocco, Pope Francis stated, with reference to Islamic-Christian dialogue, that “[w]e must not fear differences. God allowed this. We should be afraid were we to fail to work fraternally to walk together in life”.<sup>6</sup> The real challenge, therefore, is being able to consider differences as valuable and as ways to better understand our complex but unique humanity, founded on the conviction that we all share the same human condition and universal dignity. In the words of Pope Francis: “It is the moment of listening. It is the moment of sincere acceptance. It is the moment of certainty that a world without brothers is a world of enemies”.<sup>7</sup> Thus, human fraternity is essential for building a culture of encounter and peaceful coexistence.

Culturally speaking, this means constructing a new intercultural approach, which has the goal of realizing an integration of cultures in mutual recognition. The intercultural aspect is clearly part of the

6 Pope Francis, *General Audience*, 3 April 2019.

7 Pope Francis, *Message for the International Day of Human Fraternity*, 4 February 2021.

heritage of Christianity which has a “universal” vocation. Indeed, in the history of Christianity there is a long tradition of dialogue with the world which seeks fraternity among peoples. As such, Christianity does not only value differences but seeks similarities and mutual understanding in order to build peaceful coexistence.<sup>8</sup>

At the heart of Pope Francis’ most recent Encyclical Letter, *Fratelli tutti*, is a radical critique of all types of self-enclosed identities, whether they be local, cultural, political or religious. The Encyclical Letter challenges all members of the human family to grow beyond themselves by finding the right balance between self-giving and integral growth, while constantly correlating the local with the global and the political with the spiritual elements of human life. In *Fratelli tutti*, fraternity is not described as an abstract aspiration but as an effective and realistic criterion of coexistence. As such, human fraternity is a higher-level political aim and can be proposed to their respective communities by the leaders of different religious traditions as ways to walk and meet on the path of inter-religious dialogue. Broadly speaking, in the teachings of Pope Francis, the concept of fraternity is embodied in his own pastoral application of the principle of “solidarity” as expressed within the Social Doctrine of the Catholic Church. The Pope highlights the importance of implementing interreligious dialogue no matter where, when and with whom. Indeed, today and in every place, interreligious dialogue is absolutely necessary for our world. Only by developing a fraternal culture of sincere exchange and open dialogue can we ensure the building of a *civilization of encounter* rather than the *incivility of conflict*.

The main aim of interreligious dialogue is to share our values and learn from one another. Clarity, meekness, humility, kindness, patience, generosity, prudence, trust, love for the common good and concern for others are among the main characteristics of interreligious dialogue and are elements that can be shared with other religions. In this regard, partners in dialogue are compelled to make language understandable and acceptable so that they can be both truthful and charitable among each other. The necessity for in-depth communication among religions is of paramount importance because many religious traditions share common concerns about topics such as the environment, terrorism, hunger, poverty, education, human rights, justice and peace. When a dialogical bond of friendship is created among religions, collaborative

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<sup>8</sup> Congregation for Catholic Education, *Educating to Intercultural Dialogue in Catholic Schools. Living in Harmony for a Civilization of Love*, Vatican City, 2013.

efforts to work towards common goals to safeguard human life can be accomplished.

Interreligious dialogue plays a key-role in building a society that rejects the throw-away culture and includes everyone, which itself is a necessary condition for world peace. There are two main tools to build this kind of society: namely, kindness, which is based on a conscious desire of what is good for others, and solidarity, which is sensitive to the fragility of the other and expresses itself in serving people rather than ideologies and by striving to eliminate poverty and inequality. In the words of Pope Francis: "In a dehumanized world, where human relationships are defined by indifference and greed, a new and universal solidarity is needed, as well as dialogue which is based on human fraternity. A fraternal society, therefore, will be one that promotes education on sincere dialogue, in order to defeat the 'virus of radical individualism'."<sup>9</sup>

Dialogue respects and seeks the truth and generates a culture of encounter, which is based on recognizing the dignity of every person. More importantly, we must keep in mind that dialogue does not appear out of nowhere: we already share our common human condition; we are all members of the one human family and, as such, we have equal rights and responsibilities as citizens of our common world. This means that the common roots of humanity constitute the basis of our dialogue. More specifically, human beings possess two intrinsic characteristics that make it possible to build authentic dialogue. Apart from being the bearer of human dignity, each person shines with "a ray of that Truth which enlightens all men".<sup>10</sup> While human dignity is the premise that allows dialogue among different cultures, the pursuit of Truth permits an authentic encounter between various religious traditions. As Pope Francis has summarized "[God] has created us in His image and likeness. In this way He has given us a unique dignity, calling us to live in communion with Him, in communion with our sisters and our brothers, with respect for all creation".<sup>11</sup>

Consequently, interreligious collaboration must promote the rights of all human beings, in every time and place in the world. Sincere and open dialogue not only promotes peaceful coexistence, but also – and more importantly – it strives for mutual enrichment by developing a

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9 Pope Francis, *Fratelli Tutti*, 105.

10 Pope John Paul III, *Address on the Occasion of the Meeting with the Exponents of Non-Christian Religions in Madras (India)*, 5 February 1986, n. 4.

11 Pope Francis, General Audience, 12 August 2020.

deeper knowledge of the other. In other words, all those who engage in genuine dialogue have the right to speak, the duty to listen and an opportunity for mutual edification. In order to ensure that religions can truly be channels of fraternity, the culture of dialogue must be chosen as a way of collaboration and a common criterion. "As followers of different religions, we should join together in promoting and defending common ideals in the sphere of religious liberty, human brotherhood, education, culture, social welfare and civic order. Dialogue and collaboration are possible in all these great projects".<sup>12</sup> The current global scenario increases the urgency of avoiding relativistic or individualistic approaches. Rather, it requires human fraternity and social friendship as the necessary conditions to obtain healing and peace worldwide while not denying one's own identity.

In conclusion, in order to achieve the common call to live as one family, we must engage in open and sincere dialogue, not only at a personal level, but also at all levels of social and political life. By understanding ourselves as brothers and sisters we are motivated to practice mercy toward each other and to build structures that do just this. It is important for all followers of religious traditions to take concrete steps to be at the service of fraternity and become messengers of peace and builders of communion. Religions are to sustain the efforts made by their adherents to lead an authentic life so as to "bring forth the fruits of peace and brotherhood, for it is in the nature of religion to foster an increasingly fraternal relationship among people".<sup>13</sup> Only in this way is it possible to proclaim, differently from those who foster division and isolation, that today is a time of fraternity. In this perspective, Pope Francis' renewed emphasis on the concept of fraternity is timely and challenging. His conviction that building a world of fraternity is possible should offer us reason enough to strengthen our efforts towards building the edifice of fraternity and peaceful coexisting, keeping "the good of everyone at heart".<sup>14</sup>

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12 Msgr. Giuseppe Tanzella-Nitti, *"Una lettura dell'enciclica "Laudato si": il senso di un'ecologia integrale"*.

13 Pope John Paul II, *Message for the World Day of Peace*, 1992.

14 Pope Francis, *Message for the Opening of the Annual Interreligious Prayer Meeting for Peace*, "Bridges of Peace", Bologna, 14 October 2018.



## INTRODUCTION

**H.E. Mr. David Fernández Puyana**

***Ambassador and Permanent Observer of the University for Peace to  
the United Nations Office and other international organizations  
in Geneva and Permanent Delegate to UNESCO in Paris***

A society based on peace, solidarity and tolerance among peoples is what all cultures have traditionally advocated. The peace concept and the idea of living in peace with one's surroundings permeate cultures worldwide. The human beings' relationship to the universe must not be based on conflicts or longing for conquests. It has to be founded on the notion of peace and the feeling of rapprochement. Peace has an important role in the relationship to other people. The most important principles in the concept of peace are equality, justice and brotherliness.

In accordance with the legal world heritage, peace, freedoms, justice are the principal sources for legislation. This conception of peace has framed the drafting processes of many Constitutions in the world. Consequently, the concepts of peace, justice, security and co-operation as inspiring principles were included in the Preamble of some Constitutions.

For many States the pursuit of peace along with the defense of their own security, integrity, solidarity and co-operation among States has been included in their Constitutions as main principles of their political systems and foreign policy.

In addition, some Constitutions have also progressively elaborated the content and scope of peace. In fact, some constitutional legal systems have prohibited the offensive war and occupation. Other Constitutions have promoted the duty to strengthen cooperation and good-neighborly relations between states, the principle of non-interference, the promotion of human rights, the non-proliferation of weapons, the self-determination of peoples, the peaceful settlement of international disputes and the preservation of independence and sovereignty.

Muslim/Arabs

The Organisation of Islamic Cooperation (OIC) is the second largest 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. It endeavors 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 first **OIC Charter** was adopted in 1972. The **Charter** laid down the objectives and principles of the organization and fundamental purposes to strengthen the solidarity and cooperation among the Member States. The objectives of the OIC is "to take necessary measures to support international peace and security founded on justice" (A.4) and "to create a suitable atmosphere for the promotion of cooperation and understanding among member States and other countries" (A.7).

The notion of cooperation was also set out in the **Charter of the Gulf Cooperation Council** (GCC), which was signed on 26 May 1981, following a meeting between the heads of state of six Gulf countries held in Abu Dhabi. The Charter lays down the GCC's basic objectives, which include promoting cooperation among the countries of the Gulf region, strengthening relations between them, and achieving coordination and integration across a range of diverse fields.

The GCC Charter recognizes that the basic objectives of the Cooperation Council are: firstly, to effect coordination, integration and inter-connection between Member States in all fields in order to achieve unity between them; secondly, to deepen and strengthen relations, links and areas of cooperation now prevailing between their peoples in various fields; thirdly, to formulate similar regulations in various fields –education and culture- and fourthly, to stimulate scientific and technological progress and to establish scientific research.

In 2014, the GCC Supreme Council approved the **Declaration on the Human Rights of the Cooperation Council of the Arab Gulf** at the conclusion of its 25th Summit in Doha. The declaration stems from the member states' deep belief in human dignity and respect for his rights as well as their commitment to protecting human rights, which embodies the values and noble principles entrenched in the conscience of the GCC communities, as well as the foundations of their policies at all levels. Finally, it highlights the commitment to what is stated in the **Charter of the United Nations**, the **Universal Declaration of Human Rights (UDHR)**, the **Arab Charter of Human Rights**, the **Cairo Declaration on Human Rights in Islam**, and the relevant international and regional conventions and agreements.

The close interrelationship between human rights and world peace based on freedom and justice led the League of Arab States to recognize in article 35 of the 2004 **Arab Charter of Human Rights** the right of all citizens to live in an intellectual and cultural environment 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.

#### Africa

In other regional human rights system, the **Charter of the Organisation of African Unity** of 1963 includes some purposes and principles relating to the security, stability, development of friendly relations and cooperation among its member states. According to the **Protocol relating to the Establishment of the Peace and Security Council of the African Union** of 2002, the objectives for which the Peace and Security Council (PSC) is established to keep a collective security and early-warning arrangement, as well as, to facilitate timely and efficient response to conflict and crisis situations in Africa.

Article 23(1) of the African Charter states that the principles of the preservation of international peace and security, as well as the principles of friendly relations among states; form the basis of the OAU: "All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organisation of African Unity shall govern relations between States"

The recognition of a right of the African peoples to peace should be seen as an aspiration common to all peoples of the world. The importance of this provision seems clear with respect to the direct or indirect repercussions of armed conflicts on the situation of the African peoples concerned. The emerging right of peoples to peace and security is a unique African international law construction that has been inadvertently, and noticeably as a result of the terrorism phenomenon, exported into the international legal framework.

#### Asia

The Association of Southeast Asian Nations (ASEAN) was established on 8 August 1967 when representatives from Indonesia, Malaysia, the Philippines, Singapore and Thailand signed the Bangkok Declaration. Today, this regional organization has grown to ten Members, after the accession of Brunei Darussalam (1984), Vietnam (1995), Laos and

Myanmar (1997), and Cambodia (1999). ASEAN was designed to further such aims and purposes as the maintenance and enhancement of peace, security and stability, and the strengthening of human rights, fundamental freedoms and peace-orientated values in the region.

The **ASEAN Human Rights Declaration** was adopted on 17-18 November 2012 during the 21st ASEAN Summit and the Special Meeting of the ASEAN Intergovernmental commission on Human Rights, chaired by Dr. om yentieng, Senior Minister and representative of Cambodia to the commission. The first of the general principles enshrined in the ASEAN declaration states that "all persons are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of humanity.

Following up on this statement, the ASEAN compromise with the values and purposes of peace is laid out in Article 38 of the declaration, as follows: "Every person and the peoples of ASEAN have the right to enjoy peace within an ASEAN framework of security and stability, neutrality and freedom, such that the rights set forth in this Declaration can be fully realized. To this end, ASEAN Member States should continue to enhance friendship and cooperation in the furtherance of peace, harmony and stability in the region."

#### America

The Organization of American States or the OAS or OEA, is an international organization that was founded on 30 April 1948 for the purposes of solidarity and co-operation among its member states within the Western Hemisphere. In the words of Article 1 of the **Charter**, the goal of the member nations in creating the OAS was "to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence." Article 2 defines eight essential purposes, such as "to strengthen the peace and security of the continent".

#### Europe

The **European Convention on Human Rights** (ECHR) is an international convention to protect human rights and political freedoms in Europe. Drafted in 1950 by the then newly formed Council of Europe, the convention entered into force on 3 September 1953. All Council of Europe member states are party to the Convention and new members are expected to ratify the convention at the earliest opportunity. In its Preamble, the ECHR reaffirmed their profound belief in those Fundamental Freedoms which are the foundation of justice and peace in the world.

The ***Treaty on European Union*** of 2007 is one of the primary Treaties of the European Union, alongside the Treaty on the Functioning of the European Union. The TEU forms the basis of EU law, by setting out general principles of the EU's purpose, the governance of its central institutions -such as the Commission, Parliament, and Council-, as well as the rules external, foreign and security policy.

Its article 3 declares that "The Union's aim is to promote peace, its values and the well-being of its peoples" and article 5 indicates that "...It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights".

In order to enlighten the public about the importance of the main challenges, contradictions, dilemmas, debates and successes of the United Nations, this book has included a series of reflections. These will also show that the pursuit of global agreements based on the dialogue and cooperation among all different regional groups and States has been the tendency not only in international relations, but within United Nations. In this context, this book will bring to the different regions, the current debates happening within the United Nations with the understanding that the notion of peace elaborated by the United Nations since its creation goes beyond the elimination of violence or force to a more positive notion of peace that encompasses the respect of all human rights.

The book will start with a summary about the launching of the research "Promoting peace, human rights and dialogue among civilizations" (539 pages) in Jeddah on 22 November 2020, which happened in the context of the UN 100 Years of Multilateralism, 75 Years of the United Nations inception and 40 Years of the UPEACE establishment. Thirty-two scholars, such as diplomats, high UN Staff, artists and academics have contributed to the accomplishment of this piece of work. Some of the co-authors, who participated in the Jeddah launching, have submitted their contributions to the new book on multilateralism, peace and diplomacy,

The book shall be divided in four different parts:

Firstly, the book shall include an introduction to the United Nations system, in which the goal of eliminating war and conflict will be studied in light of the experience gained by the League of Nations and the United Nations on this matter in the past years. An approach to the work performed by the Security Council, the UNGA and the Economic and

Social Council (ECOSOC) will be also analysed taking into account that the notion of peace is strongly linked to the promotion and protection of all human rights and fundamental freedoms, including development. Since the creation of the United Nations the progressive elaboration of international law has been conceived as a means to promote lasting peace worldwide through the friendly relations among nations.

Secondly, the prevention of conflicts and peacebuilding in light of the United Nations, in which the efforts of the international community to create a world free of the scourge of war and conflict and the role of mediation and good offices for achieving this purpose will be duly taken into account. The founding principles of the United Nations, such as freedom, justice and equality, will be deeply analysed in light of the existing standard-setting instruments. The interconnectivity between peace, sustainable development, and human rights, the importance of conflict prevention to peacebuilding efforts, and the need for organizational reform within the UN system will be also studied. The challenges posed by nuclear energy and weapons and the role by the United Nations on this relevant topic will be elaborated.

Thirdly, this chapter will focus its attention in some of the following ongoing debates on peace and human rights happening currently within the United Nations, namely: environment, peace and development; the universal protection of human rights and fundamental freedoms as a requirement to promote peace worldwide; democracy and rule of law as vital requirements for peace, development and the promotion and protection of all human rights; the United Nations World Summit on the information society; the safety of journalists; the freedom of expression and countering hate speech on the Internet to prevent youth radicalization; the challenges posed by migrants and refugees on the field of peace and security in the world; the promotion and protection of the rights of indigenous people; the role played by education in countering violent extremism; Global Citizenship Education; the countering of violence and violent extremism through the United Nations system; the promotion of peace through the elimination of racism, racial discrimination, xenophobia and other forms of intolerance; the fight against terrorism; social justice as a basis of universal peace; the role played by women and youth as peace-builders; the promotion of development and peace through sport and the Olympic ideal; the prevention and punishment of genocide and finally, the recent adoption of the Declaration on the Right to Peace by the UNGA.

Fourthly, since the process of international peacebuilding is conceived as a living system, this chapter will focus its attention on the contribution of rule of law to multilateralism; the role played by the research, training and academic institutions within the United Nations system; the humanitarian approach to multilateralism. A specific attention will be given to the United Nations human rights architecture which will elaborate some important topics, such as: the achievements of the Human Rights Council and Advisory Committee; its special procedures, Universal Periodical Review and treaty bodies; the role played by women and youth in peacebuilding; migration, faith, health, humanitarian forensic action, migration and racism. Another section is about peace, art and diplomacy, which will focus its attention on cultural Diplomacy and art, and peace as agents of multilateralism; teaching of diplomacy and international law; inter-civilizational dialogue; inclusivity and civil participation in decision making processes; strong partnership with peace; the League of Nations' multilateralism; hate speech and anti-Semitism as a threat to peaceful societies; Europe and its institutions; women, peace and security; the effect of collaborative and disruptive strategies; the search for consensus and unanimity within the international organizations and education.

The final remarks of the book will be made by high reputed and founder representative of Leaders pour la Paix, a very well-known network of influential people in the field of diplomacy, international organizations and politics.

This book has included some presentations on multilateralism, human rights and peace authored by high UN officials, diplomats, academia and civil society. This combination of high reputed on-going practitioners is an example of multi-track diplomacy. This chapter is a web of interconnected individuals, institutions and communities that operate together for a common goal: a world at peace. The limitations of linear diplomacy has prompted the peace research community to develop alternative methods for conflict resolution. Consequently, this book pretends to create the conditions of "positive peace", which is defined as "a pattern of co-operation and integration between major human groups" and embracing "a pro-active process" (Featherston, 1994).

As an annex, this publication shall also include the list of political and legal instruments which are referred in all different parts and on-going dialogues of this book. This list does not pretend to be exhaustive, but only to introduce the readers to the security system and to make

understandable the peace debates occurring in the United Nations. In parallel, the book will include the most important legal instruments necessary for the dialogue among civilizations and countering hate speech, such as the Rabat Plan of Action, Beirut Declaration and the 18 Commitments on "Faith for Rights". The excellent cooperation in the book between the Muslim World League, World Jewish Congress and the Holy See is a good example of this fruitful joint efforts for achieving peace worldwide.

Like the book "Promoting peace, human rights and dialogue among civilizations", the new publication also pretends to fulfill at the educational level the commitment included in the ***Declaration on Initiatives to Protect Youth Against Extremist and Violent Thought, Promote Religious Freedom and the Values of Tolerance, and Counter Hatred and Marginalization***, which was adopted in UN Geneva on 19 February 2020. But this objective cannot be reached without the full involvement of the human rights and diplomatic community.

In many societies peace is not an abstract poetic concept, but rather a down-to-earth and practical concept. Peace is conceived not only in relation to conflict and war, but also as a purpose or objective to be progressively realized in connection to freedom, justice, equality, dignity, security and stability. Therefore, this book pretends to positively contribute to the Sustainable Development Goal 16 on peace and strong institutions, and the Declaration and Program of Action on a Culture of Peace. The Declaration stresses 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. Consequently, this book on the UN's work shall permit us to delve more into the idea of conflict prevention, conflict resolution and post conflict peace-building as a part of the UN collective security system.

Ciudad Colón and Geneva



## PART I

### APPROACH TO THE UNITED NATIONS SYSTEM

#### 1. **The outlaw of war and armed conflict: from the League of Nations to the United Nations**

War became a part of human society a long time ago, and for many centuries it dominates historical records. War and peace perpetually alternate and achieving peace is always an endless project. The existence of a peace treaty is clear evidence that the total triumph of peace over conflict has still not been realized and that peace is always a future project.

During the XIXth century outstanding endeavours were undertaken by the international community to limit the suffering caused to the wounded military personnel on the battlefields and to alleviate its effects. In 1864 the first treaty on the protection of military victims of warfare was drawn up and signed in Geneva. All treaties and covenants on international humanitarian law later adopted throughout the XXth century were not focused on the full scope of problems and issues caused by armed conflicts, but primarily addressed those rules needed to bring a better protection for the vulnerable victims of warfare.

In 1899 the so-called *The Peace Conference*, which took place at the Hague, adopted several important Conventions and Declarations with the aim of strengthening the international mechanisms aimed toward promoting the pacific settlement of disputes, the regulation of the laws and customs of war by land, the maritime warfare or the prohibition of some special projectiles, explosives and bullets. Afterwards, the second conference, held again at the Hague in 1907, adopted thirteen treaties and also did prefigure later 20th-century attempts at international cooperation.

The *Hague Conventions* of 1899 and 1907 continue to stand as symbols of the need for restrictions on war and the desirability of avoiding it altogether. After World War II, the judges at the Nuremberg Trials found that by 1939, the rules laid down in the 1907 Hague Convention were recognized by all civilized nations and were regarded as declaratory of the laws and customs of war.

On 28 June 1919 the **Peace Treaty of Versailles** was signed as a conclusion of World War I. In accordance with its Preamble, the promotion of international co-operation and the achievement of peace and security in the world should be achieved by the following means: firstly, the acceptance of obligations not to resort to war; secondly, the prescription of open, just and honorable relations between nations; thirdly, the firm establishment of the understandings of international law as the actual rule of conduct among Governments; and fourthly, the maintenance of justice and a scrupulous respect for all treaty obligations. In addition, it was recognized in its article 8, in the line of the first Hague Conference of 1899, that "... the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations".

The Preamble of the **Covenant of the League of Nations** is still far from banning absolutely the phenomenon of war. The drafters of the Covenant of the League did not dare to condemn all wars, because they still conceived war as a means to reach other political interests. The right to war was recognized and regrettably legitimized in only certain cases in the Covenant.

The Covenant only imposes the Member States to respect the following obligations before resorting to war, namely: submission of the dispute to arbitration or inquiry to the Council, establishment of a Permanent Court of International Justice or good offices by the Secretary General. In the case that some Member decides to resort to war in disregard of the previous provisions, then the League shall ipso facto condemn them for having committed an act of war against all other Members of the League.

On 16 January 1920, the birth of the new world will be recorded in history, because the League of Nations held its first session and definitively substituted the reign of force by the rule of law.

On 16 October 1925, several nations adopted the **Treaty of Mutual Guarantee** or the so-called **Locarno Pact** by which they mutually undertook in its article 2 that they will in no case attack or invade each other or resort to war against each other, with the exception of the following situations, namely: the right of legitimate defence, an action taken in pursuance of Article 16 of the Covenant of the League of Nations or an action as the result of a decision taken by the Assembly or by the Council of the League of Nations.

The renunciation of war as an instrument of national policy was successfully declared for the first time in history in 1928 thanks to the efforts made by the Foreign Ministers of France and United States of America. Signatory states of the famous **Briand-Kellogg Pact** promised not to use war to resolve disputes or conflicts. Since this agreement was concluded outside the League of Nations, it still remains a binding treaty under international law. Indeed, the treaty is perpetual as it contains no clause of limitation, no provision for determination or denunciation. It follows that the condemnation of war as a legal provision is currently in force and it should therefore be taken into consideration by the international community.

The **Briand-Kellogg Pact**, also known as the **Pact against War** is one of the shortest international treaties in contemporary diplomatic history. It is composed by only two main dispositions, the condemnation of war (art. 1) and the obligation of States to settle their disputes by peaceful means (art. 2). The selfish and voluntary war was totally outlawed by this international agreement. Nevertheless, in accordance with the treaty, the use of force would be only possible in case of self-defense and between those States signatories and non-signatories of the treaty. After its final adoption, sixty countries adhered to the treaty, which demonstrates that the peace hopes in that time were deeply rooted in the world.

In order to create a more peaceful world, the **Charter of the United Nations** established in its article 1 and 2 the following “purposes and principles”, inter alia: the prohibition of acts of aggression or other breaches of the peace, the development of friendly relations among nations, the self-determination of peoples, the enhancement of international co-operation, the promotion of human rights and fundamental freedoms, the settlement of international disputes by peaceful means, the prohibition of threat or use of force against the territorial integrity or political independence of any state. These principles codified in the previous articles of the Charter constitute the basic foundational principles of the whole body of international law.

The purposes and principles of the **UN Charter** have been expressly included in the **Declaration on Preparation on Societies to Life in Peace** of 1978, the **Declaration on the Right of Peoples to Peace** of 1984 and the **Declaration on a Culture of Peace** of 1999. In addition, all these peace laws strongly demanded that the policies of States be directed towards the elimination and eradication of war, the prohibition of propaganda for war and disarmament.

The **UN Charter** states clearly that the threat or use of force against other States is unlawful. Since 1945, war has no longer been an acceptable way to settle differences between States. However, the Charter has not completely outlawed the use of force. Indeed, States retain the right to defend themselves, individually or collectively, against attacks on their independence or their territory, in response to a (legal or illegal) use of force. The Charter's prohibition of the use of force does not encompass internal armed conflicts (or civil wars). Chapter VII of the Charter allows Member States to use force in collective action to maintain or restore international peace and security.

Taking into account that in a situation of armed conflict, fundamental freedoms are gravely violated, then the Parties in conflict should respect the main ratified international human rights instruments during the military confrontation, as set out in the UNGA resolution 66/99 on **effects of armed conflicts on treaties** of 27 February 2012.

The international community has always elaborated international rules which limit the effects of war. In the latest years, civil society movements have promoted the adoption of important legal instruments aimed toward protecting the population in a context of warfare and also limiting the trade and use of certain arms.

Nowadays the international community has the legal resources to progressively eliminate war and armed conflicts over the earth through the respect of international law, the promotion of the culture of peace and the friendship among all peoples and nations.

## 2. **The United Nations in the Twenty-First century: From Ideals to Reality**

Because of the difficulties faced by the United Nations in finding a solution to some conflicts and problems, there has been a common perception that States are divided and that the United Nations no longer serves the global interests of humankind. However, looking at decisions and international instruments adopted in the last seventy years, confirms that the United Nations is actually divided on only a limited number of issues and otherwise largely operates through broad agreements.

For important matters affecting the lives of millions of people, history shows that the United Nations, including its multiple entities and bodies, works on the basis of multilateralism with the purpose of reaching important consensual decisions.

In 1944 international leaders formulated and negotiated the future architecture of the United Nations in the so-called **Dumbarton Oaks Agreements**, which recognized the necessity of ensuring a rapid and orderly transition from war to peace.

Some months later, at the opening session of the **United Nations Conference on International Organization**, which took place on 25 April 1945, some relevant statesmen stated that "if we do not want to die together in war, we must learn to live together in peace".

On 26 June 1945, the **UN Charter** was signed in San Francisco with the purpose of saving succeeding generations from the scourge of war. Therefore, the United Nations was conceived by its founding Members as a clear response to the two World Wars and consequently, the **Charter** was recognized in that time as the most solemn peace treaty in the recent history.

Ever since, the United Nations has been always guided by a conception of peace understood in a wider and more positive way, in which the well-being of individuals and societies, including economic welfare, social security and human rights, has a clear prevalence over a conception of peace related exclusively to use of violence or force.

The Charter recognizes that peace is more than the absence of war and therefore, it includes outstanding legal provisions of international human rights and humanitarian law to be applied by the international community as a whole, which should be aimed toward eliminating progressively those issues likely to cause war.

There are some key elements conducive to promote a sustainable peace in the world, such as, the role played by education, the promotion of economic and social development, respect of human rights and protection of minorities, equality between men and women, democratic participation, the notion of tolerance and reconciliation, the prevention of armed conflict, the elimination of all forms of intolerance and discrimination based on religion or belief, interfaith dialogue, cultural diversity and efforts to eliminate violence and violent extremism. The analysis of these elements confirms the conviction that respect for dialogue, tolerance, cooperation and mutual understanding is at the basis of peace.

In the lively debate held during the negotiation process of the **Charter**, a consensus was reached among all States, which underscored that the efforts should no longer be limited to stopping direct threats of war, but should also include actions to address its roots causes, including

poverty, disease, ignorance, insecurity, unemployment, inequality and not least lawless tyranny and lack of human dignity.

The founding Members of the United Nations raised their voice more than 70 years ago against barbarity, suffering and misery. Since then, a complex UN structure emerged and developed as a direct consequence of this attitude and philosophy. In accordance with some prominent political leaders and intellectuals, this organization is one of the great miracles in human history.

In 2005 States acknowledged in the **World Summit Outcome Document** 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 also recognized that development, peace and security and human rights are interlinked and mutually reinforcing.

The **World Summit Outcome Document** also acknowledged that in order to promote international peace and security, States should commit themselves to advancing human welfare, freedom and progress everywhere, as well as to encouraging tolerance, respect, dialogue and cooperation among different cultures, civilizations and peoples.

Despite the difficulties, dilemmas and tragic failures, the message which emerges from the **UN Charter** should still shine in the world with the same intensity as in the past. The original vision enshrined in the **UN Charter** is a source of inspiration for those new impulses of peace, which continues to emerge in the world.

The United Nations shall have the important privilege of occupying a relevant place in history because this institution has become a critical intergovernmental platform aimed at promoting peace and dialogue worldwide. In the last seventy years many international conferences and resolutions have always proclaimed peace as the ultimate goal to be realized by all men and women.

Inspired in the principles and purposes of the **UN Charter**, present generations should ensure that both they and future generations learn to live together in peace with the highest aspiration of sparing future generations the scourge of war.

To achieve this noble peace vision, the United Nations, including its multiple Funds, Programmes and Specialized Agencies, offers to the world a huge human structure composed of hundreds of thousands of civil servants, whose purpose is to embody the principles and values of humanity and world peace. The United Nations is the indispensable common house of the entire human family.

However, the role played by States is a critical one in order to create a more peaceful world, such as the **World Summit Outcome Document** pointed out, by recognising that many threats are interlinked, that development, peace, security and human rights are mutually reinforcing, that no State can best protect itself by acting entirely alone and that all States need an effective and efficient collective security system pursuant to the purposes and principles of the Charter.

### 3. **Approach of the United Nations System**

The United Nations has been always guided by a conception of peace understood in a wider and more positive way, in which the well-being of individuals and societies, including economic welfare, social security and human rights, has a clear prevalence over a conception of peace related exclusively to use of violence or force.

The **UN Charter** recognizes that peace is more than the absence of war and therefore, it includes outstanding legal provisions of international human rights law to be applied by the international community as a whole, which should be aimed toward eliminating progressively those issues likely to cause war. The analysis of international human rights instruments confirms the conviction that respect for human rights is at the basis of peace.

After a lively debate during the negotiation process of the **UN Charter**, a consensus was reached among all States that the efforts should no longer be limited to stopping direct threats of war, but should also address its roots causes, including "poverty, disease, ignorance, insecurity, unemployment, inequality and not least lawless tyranny and lack of human dignity".

Recent practice has stressed the strong linkage and interdependence of peace and security with broader conditions of social development. As indicated by the SC declaration, adopted at the level of Head of State and Government in 1992, "peace and prosperity are indivisible and lasting peace and security require effective cooperation for the eradication of poverty and the promotion of a better life for all in larger freedom".

In order to promote peace, human rights and development at the global level, the **UN Charter** has created five main bodies, namely: SC, UNGA, ECOSOC, Trusteeship Council on decolonization and International Court of Justice (ICJ).

### 3.1. Security Council

The maintenance of international peace and security is the most important goal of the United Nations in accordance with Art. 1.1. Chapter VII grants the SC extensive powers in this field.

The conditions to use these powers remain very vague, mainly due to the very broad notions used in Art. 39. The SC enjoys considerable discretion in the determination whether a threat to the peace, a breach of peace, or an act of discretion exists. Although the International Criminal Tribunal for the former Yugoslavia has recognized the Council's broad discretion, it has also emphasized that it is not unlimited. The ICJ stated in the Advisory Opinion on *certain expenses* that

The purposes of the United Nations are set forth in Article of the Charter. The first two purposes as stated in paragraphs 1 and 2, maybe summarily described as pointing to the goal of international peace and security and friendly relations. The third purpose is the achievement of economic, social, cultural and humanitarian goals and respect for human rights.... The primary placed ascribed to international peace and security is natural, since the fulfillment of the other purposes will be dependent upon the attainment of that basic condition.

While social, economic, development, and human rights matters are primarily the domain of the UNGA and the ECOSOC, the scope of the SC's action is limited to issues of peace and security. Therefore, broader policies for social and economic development and human rights promotion should not be seen as part of the Council powers. This latter body will be more focused in some form of organized violence.

The positive approach of peace goes in the line of the wide notion of peace supported by the former Secretary-General Kofi Annan in his report *In larger freedom*: "The threats to peace and security in the twenty-first century include not just international war and conflict but civil violence, organized crime, terrorism and weapons of mass destruction. They also include poverty, deadly infectious disease and environmental degradation...".

Taking into account that peace and human rights are a cornerstone of the further elaboration of the human security framework and that this concept is inseparable from conditions of peace, it could safely be concluded that the broader meaning of peace deals with the generic causes of conflict. As one human rights expert highlighted, "real peace is much more than stability, order or absence of war: peace is transformative, about individual and societal progress and fulfillment;



and peace within and between societies is as much about justice as anything else". Thus, an integrated approach to human security would be related to the deepest causes of war, such as economic despair, social injustice and political oppression.

Among the key structural causes of instability and conflict are poverty, inequality and lack of economic opportunity. Although diplomacy might be useful in the short-term effort to maintain peace, long-term solutions require economic development and greater social justice.

The human cost and suffering caused by armed conflicts and violence is disturbingly high. The *Charter's* preamble is offered not in the name of nations, states, or leaders, but as commitment by and to the «peoples» of the United Nations. The founding vision of the United Nations is the creation of a world in which those artificial political constructs we refer to as «states» are at the service of the people who populated them, rather than the other way around. In the *UN Charter* the «peoples of the United Nations » reaffirmed their « faith in fundamental human rights, in the dignity and worth of the human person, in equal rights of men and women and of nations large or small ». These commitments assumed by the international community in 1945 remain no less important so today.

In a context of armed conflict and violence the right to life is the most relevant fundamental human right violated. The arbitrary deprivation of life, the practice of ethnic cleansing, mass killings and genocide are considered war crimes and crimes against humanity.

In a context of war and armed conflict, there is always a gross and systematic violation of all human rights and fundamental freedoms, including, among other human rights violations, extrajudicial killings or summary executions. In particular, the right to life and security of people and their fundamental dignity is always under threat, even violated, in this type of dreadful situation. To achieve a genuine peace and stability, the country in conflict should firstly immediately cease all type of violence (i.e. cease-fire). Secondly, States should re-establish again the full respect and implementation of fundamental rights and freedoms.

Since 1951 until today there is a constant practice within the SC, which considers that the deprivation of life constitutes a threat to international peace and security.

In a conflict situation all parties are bound to take all feasible steps and to develop modalities to ensure the protection of affected civilians,

including children and women. It follows that all parties to the conflict are obligated to comply with their obligations under international humanitarian law and in particular the **Geneva Conventions** of 12 August 1949, which clearly prohibit the arbitrary deprivation of life in all circumstances.

The SC has recognized that all parties in a conflict are obligated to take all measures necessary to preserve « human life » and to apply in full the humanitarian provisions as regards the protection of the wounded and sick, prisoners of war and civilian population. Consequently, the Council has expressed that the high number of human casualties and deaths in a conflict situation is a clear ground of concern and alarm for the international community as a whole.

Additionally, the SC has repeatedly requested the Secretary General to continue investigations into alleged mass killings of prisoners of war and civilians in specific conflicts and to submit the reports to the UNGA and the SC. In accordance with the practice of the SC, mass and extrajudicial killings or massacres constitute a threat to the international peace and security and those responsible for violations of international humanitarian law and human rights law must be held accountable. In these circumstances, the Council always acts under Chapter VII of the **UN Charter**.

As also indicated by the SC, the international community should be committed to help post-conflict societies to regain a normal, «peaceful life», while recognizing that the people of this community bear the ultimate responsibility for national reconciliation and reconstruction of their own country.

### **3.2. General Assembly**

Article 11 (1) defines in more detail the general authority of the UNGA on the maintenance of international peace and security as follows:

“The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both”.

This provision refers to the general principles of cooperation in the maintenance of international peace and security. The powers granted to the UNGA are closely connected to its functions under Art. 13 (1) to initiate studies and make recommendations to promote international cooperation in the political arena. Over time, the UNGA has passed a

great number of resolutions containing recommendations for the maintenance of international peace and security.

These resolutions concern, inter alia, measures for the strengthening of international security, the question of measures for peace maintenance in all its aspects, the principles of international law concerning friendly relations and cooperation among States under the **UN Charter**, the definition of aggression, peaceful settlement of disputes, culture of peace, principles and guidelines for international negotiations, the **UN Millennium Declaration** and recommendations on the prevention of armed conflict.

The provision on disarmament and the regulation of armament is interpreted broadly by the UNGA. It does not limit itself to dealing only with the general principles of disarmament and arms control, but rather deals with all questions in this area. Since the late 1950s, the UNGA has assumed a sort of monopoly position within the UN on matters of disarmament.

The UNGA takes up some of the questions dealt with by the Conference on Disarmament and gives suggestions and support, but also adopts new approaches of its own, such as the proclamation of the Indian Ocean as peace zone. The Disarmament Commission, a subsidiary body of the UNGA, was established in June 1978. As a deliberative body, composed of all UN Member States, its function is to consider the elements of a comprehensive programme for disarmament to be submitted as recommendations to the UNGA, and through it, to the Conference on Disarmament.

The provision 11 (2), which indicates that "the General Assembly may discuss any questions relating to the maintenance of international peace and security...", deals with the UNGA's powers with regard to specific questions of the maintenance of international peace and security. This area presents a high risk of conflicts with the powers of the SC, which, according to Art. 24, has the primary responsibility for the maintenance of international peace and security.

The importance of this provision lies in the fact that it assigns to the UNGA a share responsibility to counter breaches of the peace or imminent threats to the peace as quickly and effectively as possible by giving the SC a chance to act. This necessarily implies the UNGA's power to assess the situation and to promote the cooperation between the two main organs in furthering the main purpose of the Organization, the maintenance of world peace, to the fullest extent possible.

If, however, the SC is paralyzed due to disagreement among its permanent members, there will be no need to refer a question to that organ again, even if the UNGA still takes the view that mandatory enforcement is required. This position has been elaborated in the Uniting for Peace Resolution as follows:

“If the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security”.

The *Uniting for Peace* has been implemented 11 or 12 times since its adoption by the UNGA. The SC has referred a majority of the cases, but has not done since 1982, while the UNGA has done so most recently albeit not since 1997.

The fact that in principle the UNGA is not prevented from recommending coercive measures gives the ban imposed by Art. 12 a special significance, even though this ban has in practice not proved to be very effective with regard to either its prerequisites or its legal consequences.

The power of the UNGA to call the attention of the SC in its Art. 11 (3) to situations likely to endanger international peace and security is meant to strengthen its position vis-à-vis the SC. The initiative granted to the UNGA is intended to lessen the chance that the SC, because of a special interest on the part of one of its permanent members, will not deal with a particular case. Whereas the UNGA must refer a question to the SC if it considers enforcement action necessary in the given situation, it may alert the SC even if it considers that coercive measures are not required.

The UNGA's power to make recommendations is immediately suspended when the SC is merely dealing with a matter, regardless of it is considering any enforcement action. The SC, having primary responsibility for the maintenance of international peace and security and therefore being accorded a greater legal and political power, even over the UNGA, is meant to be able, without interference, to develop and realize its concepts of how to solve conflicts that threaten the peace.

Art. 13 of the **UN Charter** grants to the UNGA the power to initiate studies and make recommendations for the purpose of promoting international co-operation in the political field and encouraging the progressive development of international law and its codification as well as, promoting international co-operation in the economic, social, cultural, educational, and health fields.

This provision has become the starting point for the vast efforts deployed by the UN in this field. After the horrors of World War II, there has been the desire to build a new international order based on international law. This was linked to a keen awareness of the importance of international law for the maintenance of peace and security. The enormous increase in State interaction intensified the interdependence of States and entailed additional incentives for the codification and progressive development of international law.

Since 1945, under the auspices of the UN, the codification and progressive development of international law have become regular subjects of ongoing debate among States. It also has to be noted that the community of States has not conferred upon the UNGA the power to legislate to the point of decreeing new rules, rights, and obligations for member States. The role of the UNGA is limited to deliberation, the drawing up of texts, and if such texts take the form of draft conventions, adopting and recommending them for signature, ratification or accession.

The leading role of the UNGA in formulating instruments for the realization of human rights and fundamental freedoms must be particularly highlighted. Most of the declarations contain political statements only and thus have no binding effect in international law. However, the UNGA has often adopted declarations which, although non-binding, have influenced the development of international law or in some cases have been regarded as reflecting customary law on the relevant topic. For this reason, the consensus or unanimity in the decision-making process within the UNGA has been critical in order to advance international law, and reflect the existence of a particular customary law among all States.

As a subsidiary body of the UNGA, the Human Rights Council (HRC) is an inter-governmental body within the United Nations structure, with a membership consisting of 47 states. The Council is responsible for strengthening the promotion and protection of human rights around the globe. It was created by the UNGA in 2006 with the overall objective of addressing human rights violations.

The Council serves as the main United Nations forum for intergovernmental cooperation and dialogue on human rights issues. Its focus is to help member states meet their human rights obligations through dialogue, capacity building, and technical assistance. The Council also makes recommendations to the UNGA for further development of international law in the field of human rights.

### **3.3. Economic and Social Council**

The ECOSOC can be regarded as the principal UN organ for discussing and addressing international economic and social issues as well as making recommendations to the member states, the UNGA and specialized organs on issues that are within their mandates.

Art. 62 states the issue areas in which ECOSOC functions include as economic, social, cultural, educational, health, and related matters (art. 62.1), to which is added promoting respect for, and observance of, human rights and fundamental freedoms for all. The substantive functions of ECOSOC, as formulated in the UN Charter can be summarized as follows: promoting higher standards of living, full employment, and economic and social progress; identifying and recommending solutions to international economic, social, health and other related problems; facilitating international culture and international cooperation in general; and promoting universal respect for human rights and fundamental freedoms.

As a follow-up of the **2005 World Summit**, UNGA Res 61/16 on **Strengthening the ECOSOC**, defines the role of the council to be the principal body of the UN for coordination, policy review, policy dialogue, and recommendations on issues of economic and social development, as well as, for implementation of the international development goals agreed at the major UN conferences and summits, including the Millennium Development Goals.

ECOSOC works as the central mechanism for the UN system-wide coordination, which encompasses the coordination of the activities of the UN system and its specialized agencies and supervision of subsidiary bodies, in particular its functional commissions, in the economic, social and related fields. ECOSOC shall function as quality platform for high institutions, the private sector and civil society.

ECOSOC has the power to initiate studies and produce reports for the discharge of its general functions. The main purpose of the studies and reports is to gather information that will then be used by ECOSOC, its subsidiary bodies, or the other organs of the UN to adopt resolutions

and decisions concerning the international economic, social, cultural and other related matters, or the drafting of international conventions. The requests for studies are addressed to the Secretary-General, to ECOSOC subsidiary bodies, or specialized agencies.

ECOSOC has the power to make recommendations on international economic, social, cultural, educational, health and related matters. These recommendations can take either the form of resolutions or decisions. They are made by ECOSOC of its own initiative or on the initiative of the UNGA. Recommendations can be addressed to the UNGA, to the members of the UN in general, to specific groups of members as well as to individual members, and to specialized agencies. Additionally, ECOSOC also has the power to coordinate the activities of these specialized agencies through recommendations to the UNGA and to the members of the UN (arts 63.2, 58).

ECOSOC has the power to make draft conventions on any matter falling within its competence as defined by Arts. 1, 55 and Art. 62 (1) and (2). ECOSOC may make draft conventions on its own initiative, on the initiative of the UNGA, upon request of its subsidiary organs, a specialized agency, a non-governmental organization with consultative status, or a conference. These drafts are not legally binding but rather preparatory in nature aimed at helping the UNGA or members who requested them to reach an agreement. Drafts are binding for ECOSOC subsidiary organs.

According to Art. 62 (4), ECOSOC has the power to call international conferences regarding any matters that fall within its competence. ECOSOC may also invite specialized agencies and NGOs which have consultative status. International conferences can be either intergovernmental or non-governmental conference. These conferences can either be called by the UNGA or by ECOSOC.

During the 2005 World Summit, Heads of States or Governments of the UN members reaffirmed the general role vested by the Charter in the ECOSOC and agreed that there was a need for a more effective council that would stand as a principal organ for coordination, policy review, policy dialogue and recommendations on issues of economic and social development, as well as for implementation of the international development goals agreed upon at the major UN conference and summits including the millennium development goals.

The summit led to the adoption of UNGA Res 61/16 for strengthening ECOSOC, in order to promote its efficiency and effectiveness. In response

to these calls, the leaders and government delegates mandated ECOSOC with a central role as the primary mechanism for system-wide coordination and the integrated and coordinated implementation of and follow-up to major UN conferences in the economic, social and related fields.

ECOSOC coordinates the work of fourteen specialized agencies of the UN, ten functional commissions, and five regional commissions. The UNGA receives reports through ECOSOC from UNDP, UNFPA, UNHCR and UNICEF. The Committee for Programme and Coordination was established as an ad hoc working group and was later changed into the present standing committee in 1966. The Committee is the main subsidiary organ for both GA and ECOSOC with the task of planning, programming, and coordinating of the organization.

Resolution 61/16 gave a clear message for the Peacebuilding Commission to benefit from the Council's experiences in the area of post-conflict peace-building and the success of its Ad-Hoc Advisory Groups. In the resolution establishing the Peacebuilding Commission, the UNGA and the SC decided that members of the Organizational Committee shall serve for renewable terms of two years, and that seven members shall be elected by the ECOSOC.

The Council has given the mandate to convene ad hoc meetings on humanitarian emergencies when they are requested. ECOSOC has also created a number of ad hoc commissions with the aim of attending to emergency situations in different parts of the world. Some of the most significant ad hoc committees include the ad hoc advisory group on African countries emerging from conflict.

Art. 65 calls upon ECOSOC to contribute to the UN's endeavours concerning the maintenance of world peace, a task which is assigned first and foremost to the SC. This provision is not intended to enable ECOSOC to undertake activities at its own discretion in the area of securing peace. Action will usually require an initiative on the part of the SC. ECOSOC may upon request, furnish information to the SC and it may, under the same pre-condition, assist the SC.

In practice the relationship and interaction between ECOSOC and the SC has become very important in the daily work of the UN. Today, ECOSOC plays an important role in both conflict prevention and post-conflict peace-building. This provision is the key for this role of ECOSOC. The specialized agencies are obliged to collaborate with ECOSOC if the SC requests assistance or information.



The SC is, since the end of the 1990s, increasingly relying on the experience and knowledge of the UN system as coordinated by ECOSOC. This allows it to develop and implement concepts on peace and security in different regions of the world. Since then, the SC is frequently making reference to ECOSOC in its decisions and sometimes is even explicitly referring to Art. 65.

An important step towards a closer cooperation of ECOSOC and the SC was made by the former SG Boutros Boutros-Ghali. He emphasized the role of ECOSOC for the maintenance of international peace and security in his *Agenda for Peace*, which was submitted on request of the SC in 1992. He stressed the importance of Art. 65 as part of an early warning system and recommended that the SC invite ECOSOC to provide reports on those economic and social developments that may threaten international peace and security.

Since the *Agenda for Peace*, a close cooperation between ECOSOC and the SC has emerged. The SC is frequently referring to ECOSOC in matters of conflict prevention and post-conflict peace-building. With its Res 2002/1 the Council created a framework for ad hoc groups on African countries emerging from conflict. The two Groups on Guinea-Bissau and Burundi, which have been set up at their request, have enabled inter alia a strong coordination between ECOSOC and the SC. The today close ties between ECOSOC and the SC are also due to the establishment of the Peacebuilding Commission in 2006. The two ad hoc groups on Guinea and Burundi have been added in 2006 and 2007 to the Peacebuilding Commission. Both the SC and ECOSOC select members for the standing organizational committee of the Peacebuilding Commission.

#### 4. **International law as means to promote peace worldwide**

Since the creation of the United Nations, the UNGA has adopted several key Declarations and resolutions, by which it solemnly appeals to all States so that they resolve conflicts and disputes by peaceful means and it also reminds them of their obligations under the Charter.

The UNGA solemnly proclaimed in the *Declaration on the Prevention and Removal of Disputes and Situations* that "States should act so as to prevent in their international relations the emergence or aggravation of disputes or situations, in particular by fulfilling in good faith their obligations under international law". To reach this aim the UNGA will be able to "... initiate studies and make recommendations for the purpose of promoting international co-operation in the political field

and encouraging the progressive development of international law and its codification...”.

In accordance with the resolution 1815 (XVII) on the **Consideration of principles of international law** adopted by the Sixth Committee of the UNGA on 18 December 1962, the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States should be elaborated through the promotion of international cooperation in economic, social and related fields and the realization of human rights and fundamental freedoms. On 24 October 1970, at the recommendation of the Sixth Committee, the UNGA adopted, without a vote, resolution 2625 (XXV), by which it approved the **Declaration of international law friendly relations and co-operation among States in accordance with the Charter of the United Nations**. In its Preamble, the UNGA recalled that “the peoples of the United Nations are determined to practice tolerance and live together in peace with one another as good neighbours”.

On several occasions, the General Assembly has stated that the codification of the rules of international law and their progressive development would assist in promoting the “purposes and principles” of the **UN Charter**. In particular, the UNGA resolution 1505 (XV) on the **Future work in the field of the codification and progressive development of international law** stated that: “the conditions prevailing in the world today give increased importance to the role of international law ... in strengthening international peace, developing friendly and co-operative relations among the nations, settling disputes by peaceful means and advancing economic and social progress throughout the world”.

The UNGA reaffirmed in its resolution 54/27 of 19 January 2000 on the **outcome of the action dedicated to the 1999 centennial of the first International Peace Conference**, the commitment of the United Nations and its Member States to the adherence to, and the development of international law as a basis for conducting international relations. Furthermore, for a number of years, the UNGA has reiterated its conviction that peaceful settlement of disputes and the progressive elaboration of international law constitute one of the foundation stones of the rule of law and a clear means to also establish a just and lasting peace all over the world.

On 1st December 1949 the UNGA adopted resolution 290 (IV) on **essentials of peace**, by which it declared that the **UN Charter**, the most

solemn pact of peace in history, lays down basic principles necessary for an enduring peace, such as the full respect of fundamental rights expressed in the *UDHR*. Additionally, GA resolution 380 (V) **on peace through deeds**, adopted on 17 November 1950, stated that “if all States faithfully reflect this desire and observe their obligations under the Charter, lasting peace and security will be established”.

All measures tending to silence or distort the activities of the United Nations in favor of peace should be considered as propaganda against peace in accordance with the resolution 381 (V). As stated by UNGA resolutions 2817 (XXVI) and 3065 (XXVIII), both on **scientific work on peace research**, fundamental research on the foundations of and conditions for peace, can contribute considerably to the peace mission of the United Nations and build peace, security and cooperation in the world.

The principles codified in article 2 of the Charter of the United Nations constitute the basic foundational principles of the whole body of international law. The **Dumbarton Oaks Proposals** already listed most of the principles, with the exception of the principle that protects matters essentially within the domestic matters.

The seven principles of international law recognised by the **UN Charter** in its Art. 2 are the following: 1. Prohibition of the threat or use of force against the territorial integrity or political independence of any State; 2. Settlement of international disputes by peaceful means; 3. Prohibition to intervene in matters within the domestic jurisdiction of any State; 4. Cooperation among States; 5. Self-determination of peoples; 6. Sovereign equality of States and 7. The fulfillment in good faith of international obligations.

In the resolution 2625 (XXV) of 1970 on **Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations**, the UNGA emphasized that “... the paramount importance of the Charter of the United Nations for the maintenance of international peace and security and that... the adoption of the Declaration...would contribute to the strengthening of world peace and constitute a landmark in the development of international law and of relations among States...”.

The relationship between the full respect of principles enshrined in Art. 2 of the **UN Charter** and the maintenance of peace and security as a purpose was reaffirmed in the **Draft Declaration on Rights and Duties of States** of 1949 elaborated by the International Law Commission

as follows: "... primary purpose of the United Nations is to maintain international peace and security, and the reign of law and justice is essential to the realization of this purpose".

Additionally, the promotion of human rights and peace are considered as essential purposes, whose realization should be jointly promoted by Member States of the United Nations in conjunction with the full respect of those principles included in the **UN Charter**. Therefore, the Charter is considered as the constitution of the international community. It follows that all countries have included this perspective in both national constitutions and regional instruments.

The UDHR is a declaration adopted by the United Nations UNGA on 10 December 1948 at Palais de Chaillot, Paris. The Declaration arose directly from the experience of the Second World War and represents the first global expression of rights to which all human beings are inherently entitled. It consists of 30 articles which have been elaborated in subsequent international treaties, regional human rights instruments, national constitutions and laws.

As indicated by Prof. Eide, "the package of rights contained in the Declaration was not simply the historical product of real-life legal evolution in the positivistic sense, but a set of normative aspirations elaborated in 1948 with the hope that they would, over time, become real rights and, as such, effectively recognized and enjoyed .... The rights in the UDHR were formulated in highly general and abstract terms. This was deliberately done in order to maintain a degree of flexibility for States during the required transformation of their internal systems".

The "Universal Bill of Rights" was completed with the adoption of the two Covenants of 1966, the **International Covenant on Civil and Political Rights (ICCPR)** and the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**.

Both Covenants textually adopted in their respective Preambles the first recital contained in the Preamble of the **UDHR**. In addition, these instruments expressly recognized the linkage between the **UN Charter** and the concept of peace and human rights understood in the line of the contributions received during the drafting process of the Charter and Declaration:

"Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of 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"

Additionally, it should be recalled that the ***International Convention on the Elimination of All Forms of Racial Discrimination*** stated in its preamble that discrimination between human beings on the grounds of race, colour or ethnic origin was an obstacle to friendly and peaceful relations among nations and was capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State.

Furthermore, the ***Convention on the Elimination of All Forms of Discrimination against Women*** provided that the full and complete development of a country, the welfare of the world and the cause of peace required the maximum participation of women on equal terms with men in all fields.

Finally, the ***Convention on the Rights of Persons with Disabilities*** also reaffirmed the crucial role that human rights in general played in creating fair and equal societies founded upon freedom, justice, development and peace.



**PART II**  
**PREVENTION OF CONFLICTS AND PEACEBUILDING IN LIGHT**  
**OF THE UNITED NATIONS**

**1. Efforts to create a world free of scourge of war and conflict:  
the role of mediation and human rights**

The human cost and suffering caused by armed conflicts and violence in the world is today still high. Since the United Nations was not incepted only in the name of nations or states, but also as commitment by and to the «peoples» of the United Nations, its responsibility to save succeeding generations from the scourge of war is still alive. Therefore, its founding vision based on human rights and fundamental freedoms remains no less important today.

In order to create a more peaceful world, the *UN Charter* established in its article 1 and 2 the following “purposes and principles”, inter alia: the prohibition of acts of aggression or other breaches of the peace, the development of friendly relations among nations, the self-determination of peoples, the enhancement of international co-operation, the promotion of human rights and fundamental freedoms, the settlement of international disputes by peaceful means, the prohibition of threat or use of force against the territorial integrity or political independence of any state.

The principles codified in the previous articles of the *UN Charter* constitute the basic foundational principles of the whole body of international law. From this perspective, the Charter is considered as the most important peace constitution of the international community.

Chapter VI of the *UN Charter*, which is devoted to the pacific settlement of disputes, states in its article 33 that the parties to any dispute shall seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

Parties involved in a conflict are explicitly obligated to deploy active efforts with a view to settling the dispute existing between them. The responsibility of the parties to a dispute continues to exist even after armed activities have begun. It is precisely in situations of armed

conflict that endeavours for a peaceful solution must continue. All parties involved in an armed conflict are repeatedly called to work for the urgent achievement of a solution.

In the 2005 **World Summit Outcome**, Member States emphasized the obligation of States to settle their disputes by peaceful means in accordance with Chapter VI of the Charter, the use of the ICJ and the **Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter**.

As set out by the UNGA a responsible and credible mediation requires, inter alia, national ownership, the consent of parties to a particular dispute or conflict, the impartiality of the mediators, their compliance with agreed mandates, respect for national sovereignty, compliance with obligations of States and other relevant actors under international law, the operational preparedness of the mediators, and coherence, coordination and complementarity of mediation efforts.

However, the SC clearly stressed in its Presidential Statement of 2009 that the principal responsibility for the peaceful settlement of disputes rests with the parties to the conflict and that it is only through their full participation and genuine commitment to resolve the conflict, including its underlying causes, that peace can be achieved and sustained.

In September 2010, Finland and Turkey took the initiative to create a group of Friends of Mediation at the United Nations to bring together various actors involved in mediation and to push for enhanced use of this pacific settlement of dispute.

After long and intensive negotiations, the Group presented its first resolution entitled **Strengthening the role of mediation in peaceful settlement of disputes, conflict prevention and resolution** before the UNGA in June 2011. The UN Secretary General described the resolution, which was adopted by consensus, as “a groundbreaking development that positions the Organization as a standard setter of mediation”. To the surprise of many, it was the first-ever resolution on mediation adopted by the United Nations.

In 2014, the UNGA reiterated in its resolution 68/303 that all Member States should strictly adhere to their obligations as laid down in the **UN Charter**, including in the peaceful settlement of disputes, conflict prevention and resolution. Additionally, it welcomed the contributions of Member States, as well as of the United Nations and of regional and



subregional organizations, to mediation efforts and invited Member States, as well as the United Nations and regional and subregional organizations to continue to optimize the use of mediation and other tools mentioned in Chapter VI of the *UN Charter*.

The Mediation for Peace and the Istanbul Conference on Mediation held in February 2012 offer an opportunity to re-energize our efforts in this direction. As indicated by the Secretary-General's report on this topic, strengthening the mediation capacity and enhancing the mediation efforts of the United Nations is our common goal. This is of utmost importance today, especially when the number of conflicts is on the rise again.

The role of the United Nations is vital in order to solve these new, as well as older, low-intensity conflicts. With this renewed commitment to the promotion of mediation, the United Nations raises awareness and highlights the increasing importance of mediation in conflict prevention and resolution among all Member States.

In the context of conflict prevention, States have the primary responsibility to protect civilians and to respect and ensure the human rights of all individuals and to protect its population from war crimes, ethnic cleansing and crimes against humanity. In accordance with resolution 2171 on conflict prevention of 2014, the SC unanimously acknowledged that "... serious abuses and violations of international human rights or humanitarian law, including sexual and gender-based violence, can be an early indication of a descent into conflict or escalation of conflict".

## **2. Founding principles of the United Nations**

### **2.1. Freedom**

The idea of autonomy in human dignity is the concept of existential minimum, also referred to as social minimum or freedom from want, or the basic right to the provision of adequate living conditions. This requires access to some essential utilities, such as basic education and health services, as well as some elementary necessities, such as food, water, clothing and shelter. In addition, autonomy is the ability to make personal decisions and choices in life.

In accordance with second recital of the *UDHR* "... freedom from fear and want has been proclaimed as the highest aspiration of the common people". Additionally, the ICESCR recognized in its Preamble that "... the ideal of free human beings enjoying civil and political freedom and

freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights”.

The **World Summit Outcome** document considered freedom as a fundamental value in international relations in the following terms: “we reaffirm that our common fundamental values, including freedom, equality, solidarity, tolerance, respect for all human rights, respect for nature and shared responsibility, are essential to international relations”.

The **Declaration and Programme of Action on a Culture of Peace** recognised the respect of fundamental freedoms as part of a culture of peace as follows: “a culture of peace is a set of values, attitudes, traditions and modes of behaviour and ways of life based on...: (c) Full respect for and promotion of all human rights and fundamental freedoms” and ... “(i) Adherence to the principles of freedom, justice, democracy, tolerance, solidarity, cooperation, pluralism, cultural diversity, dialogue and understanding at all levels of society and among nations.

Additionally, the **Vienna Declaration and Programme of Action (VDPA)** recognised that “... the human person is the central subject of human rights and fundamental freedoms, and consequently should be the principal beneficiary and should participate actively in the realization of these rights and freedoms”.

As indicated by the **Human Development Report** prepared by the United Nations Development Program (hereinafter: UNDP) in 1994, in the process of establishing an international organization like the United Nations, the questions were first, how to “maintain international peace and security” and secondly, how to pursue “freedom from fear and want”. The peace of the world could be established not only through preventing war and military conflicts among sovereign states, but also by taking initiatives to “achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”.

When Kofi Annan launched **In Freedom from Fear** in 2005, the title was deliberately chosen so as to “stress the enduring relevance of the Charter of the United Nations”. The report acknowledges that there is much work that still needs to be done in order to achieve the goals set by the United Nations. In accordance with this report “larger freedom

implies that men and women everywhere have the right to be governed by their own consent, under law, in a society where all individuals can, without discrimination or retribution, speak, worship and associate freely”.

In the context of the HRC in Geneva and the third Committee of the UNGA in New York, the notion of freedom has been traditionally elaborated in three different areas through the adoption of their respective resolutions: right of freedom of religion or belief, expression and peaceful assembly. The exercise of these fundamental freedoms should be understood in light of the interdependence and mutual reinforced linkages existing among all these rights and freedoms.

The commonalities and mutual bonds demonstrate the high degree of inter-sectionality between issues concerning the right to freedom of religion or belief, expression and peaceful assembly and those covered by the other thematic areas. These freedoms intersect with a range of other rights and are integral to the improvement of other fundamental rights and freedoms.

While international human rights law allows, with high thresholds, for certain restrictions related to the manifestation and exercise of these freedoms, any and all limitations must be the exception not the rule. Additionally, the burden of justification for such restrictions falls on those who wish to impose them, often Governments or State organs. According to international law, all limitations on these three rights or freedoms must be prescribed by law, and they must be necessary and directly related to the pursuit of a legitimate aim: the protection of public safety, order, health or morals or the fundamental rights and freedoms of others.

These three topics - right to freedom of religion or belief, expression and peaceful assembly-, which are currently adopted by consensus by the HRC, together with a comparable resolution of the Third Committee, highlight the key concerns of the international community with regard to the promotion and protection of these freedoms and provide a useful guidance for the work of the Special Rapporteurs. The consensus-based approach guarantees the existing pluralism within the United Nations on the one hand, while promoting intercommunal harmony among different societies on the other.

Although the ongoing consensus in the adoption of these resolutions appears fragile from time to time, these large agreements among regional groups should be seen in a positive light and nurtured. States

should avoid a return to the divisive debates that undercut efforts to combat hatred, intolerance and discrimination among peoples and individuals.

The continuing reports about the implementation of these specific rights demonstrate a wide range of misperceptions and misconceptions about the specific content of these freedoms under international law, which requires long-term investment in the promotion and advancement of literacy regarding these freedoms and rights.

Individuals have the right to publicly manifest and exercise these freedoms, alone or together with others, in the context of the existing domestic legal framework. It is ultimately up to the individual to decide whether they wish to exercise these rights, and if so, whether these manifestations take place in private or in public.

## 2.2. Equality

Equality and non-discrimination are held to be positive and negative statements of the same principle. One is treated equally when one is not discriminated against and one is discriminated against when one is not treated equally. Equality and non-discrimination are better understood as distinct norms that are in creative tension with each other than subsumed under the human rights concept. This is founded in equal moral status and equal moral status is realized through individual human rights. As principle, it is never defined in a single and uniform fashion.

In his dissenting opinion to the ICJ judgment in the ***South West African Cases***, Judge Tanaka undertook to examine whether the legal principles of non-discrimination and equality, denying apartheid, can be recognized as general principles. He came to maintain the position that

“The principle of equality before the law, however, is stipulated in the list of human rights recognized by the municipal system of virtually every state no matter whether the form of government be republican or monarchical and in spite of any differences in the degree of precision of the relevant provision. This principle has become an integral part of the constitutions of most civilized countries of the world”

The principles of ‘elementary considerations of humanity’, ‘human dignity’ and ‘equality before the law’ have considerably broadened the scope of human rights law and its link with other fields of written and unwritten international law.

The VDPA of 1993 recognised the concept of equality as a principle of international law in the following terms:

“Considering the major changes taking place on the international scene and the aspirations of all the peoples for an international order based on the principles enshrined in the Charter of the United Nations, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity”.

The *Declaration and Programme of Action on a Culture of Peace* adopted by the UNGA in 1999 recognised the importance of equality between men and women as follows: “Actions to ensure equality between women and men...” and the non-discrimination principle in connection with education: “Ensure that children, from an early age, benefit from education on the values, attitudes, modes of behaviour and ways of life to enable them to resolve any dispute peacefully and in a spirit of respect for human dignity and of tolerance and non-discrimination”.

The *World Summit Outcome document* considered equality as a fundamental value in international relations in the following terms: “we reaffirm that our common fundamental values, including freedom, equality, solidarity, tolerance, respect for all human rights, respect for nature and shared responsibility, are essential to international relations” and “we are determined to establish a just and lasting peace all over the world in accordance with the purposes and principles of the Charter. We rededicate ourselves to support all efforts to uphold the sovereign equality of all States...”.

In this area, the HRC in Geneva and the Third Committee of the UNGA in New York have recently adopted a resolution on realization of the equal enjoyment of the right to education by every girl, which urges all States to strengthen and intensify their efforts to realize progressively the equal enjoyment of the right to education by every girl, such as by taking the necessary and appropriate measures to prioritize education in State budgets, to build education systems, and to develop laws and policies founded on the principles of equality and the rights of the child.

### 2.3. **Justice**

The third and final element of human dignity is community values, which is related to the social dimension of dignity. It emphasizes “the

role of the state and community in establishing collective goals and restrictions on individual freedoms and rights on behalf of a certain idea of good life". The pursuit of peace through justice is one of the most important objectives to be progressively realized by States as spelled out in their national constitutions.

Justice is one of the most important moral and political concepts. The word comes from the Latin *jus*, meaning right or law. This aspect of the concept of justice is based upon the rights and duties of the individual person. The liberal concept of justice is an interpersonal one - resolution of conflicts between individuals.

In accordance with article 29 of the UDHR: "Everyone has duties to the community in which alone the free and full development of his personality is possible". Additionally, the ***African Charter of the Rights of Man and of Peoples*** states in its article 27 that every individual "shall have duties towards his family and society, the State and other legally recognized communities and the international community". Additionally, as indicated by Mary Robinson, former High Commissioner for Human Rights, the message of article 29 is clear: the individual must work to improve human rights, whether individually or in the community or as a member of a non-governmental organizational group in its widest sense.

The ***World Summit Outcome*** document considered justice as a fundamental principle in international relations in the following terms: "We rededicate ourselves ... to uphold resolution of disputes by peaceful means and in conformity with the principles of justice and international law".

The ***Declaration and Programme of Action on a Culture of Peace*** included justice is part of the culture of peace: "a culture of peace is a set of values, attitudes, traditions and modes of behaviour and ways of life based on ...adherence to the principles of freedom, justice, democracy, tolerance, solidarity, cooperation, pluralism, cultural diversity, dialogue and understanding at all levels of society and among nations; and fostered by an enabling national and international environment conducive to peace."

The delicate balance between peace and justice laid out in the ***UN Charter*** had quickly been tested by the Nuremberg trials, because several issues that have proved problematic for peacemakers left unresolved during the drafting process, namely: the retroactive application of law, human rights observance as a necessary condition to enduring peace

and the situation of past accountability in contemporary discussions of post-war justice.

The post- War World II collective system had to reconcile and link two central goals: to maintain peace and security in the world and at the same time foster respect for human rights within the domestic legal system. These twin goals are described in the Preamble of the **UN Charter**, which declares that the United Nations are determined “to save succeeding generations from the scourge of war”, “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small”, as well as, “to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”.

In accordance with the UNESCO (United Nations Educational, Scientific and Cultural Organization) transdisciplinary project entitled **Towards a culture of peace** of 1996, “Justice - there is no justice without freedom - is essential to peace-building. Injustice lies at the very roots of conflict and without justice there can be no peace...”.

In this field, the HRC, together with a comparable resolution of the Third Committee of the UNGA in New York, has adopted on several occasions a resolution on the promotion of truth, justice, reparation and guarantees of non-recurrence by which recalled “... the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies” and “emphasized the importance of a comprehensive approach incorporating the full range of judicial and non-judicial measures, including, among others, individual prosecutions, reparations, truth-seeking, institutional reform, vetting of public employees and officials, or an appropriately conceived combination thereof ...”.

The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence has stressed that victim participation is important not just because of specific contributions in terms of information or insight that victims may make, but rather because their participation puts a human face on discussions about transitional justice.

3. **The prevention of conflicts through the respect of the three pillars of the United Nations: peace and security, human rights and development**

On 26 March 2015, the HRC adopted by consensus in its 28th regular session a presidential statement on the *seventieth anniversary of the end of the Second World War* by which the "Council pays tribute to all victims....", "...stresses that this historic event established the conditions for the creation of the United Nations, designed to save succeeding generations from the scourge of war....", "...calls upon the States Member of the United Nations to unite their efforts in dealing with challenges and threats to international peace and security, with the United Nations playing a central role ..." and finally "...underlines the progress made since the end of the Second World War in overcoming its legacy and promoting reconciliation, international and regional cooperation and democratic values, human rights and fundamental freedoms, in particular through the United Nations ...".

Seventy years ago, the UN Charter established the three founding pillars of the United Nations: peace and security, human rights and development. Since 1945 these pillars have provided the framework for the United Nations to tackle important challenges. We cannot pick and choose which pillar the United Nations should support, nor can we focus on one to the detriment of the others. To do so would be to ignore the lessons of the past 70 years, and to invite future conflicts.

On 21 August 2014, the UNGA adopted the resolution 2171 by which it expressed "... its determination to pursue the objective of prevention of armed conflict as an integral part of its primary responsibility for the maintenance of international peace and security" (para. 1) and called upon "...all States to intensify efforts to secure a world free of the scourge of war and conflict" (para. 2). In this resolution Member States also expressed their deepest concern about the high human cost and suffering caused by armed conflicts and also recognized that peace, security and development are mutually reinforcing, including in the prevention of armed conflict (preambular paragraph 12).

The resolution 60/251 of the HRC adopted by the UNGA on 15 March 2006 recognised in its preambular paragraph 6 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 recognizing that development, peace and security and human rights are interlinked and mutually reinforcing."



The three UN pillars have been recognised by the United Nations as a fundamental element aimed at promoting peace. The different UN bodies emphasize 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. Therefore, it follows that the three UN pillars are strongly linked to the issue of the maintenance of global security and stability.

Throughout the consecutive High Level Segments convened by the HRC in the last years, dignitaries have recognised the centrality of the UN pillars in the work of the United Nations. The Ministries have constantly stated that there are no prospects for peace and security without respect for basic human rights and fundamental freedoms. They have also stressed that today there is a general agreement that human rights, development and peace and security are closely interlinked and therefore, the United Nations cannot achieve its mission with a severely underfunded pillar. In addition, dignitaries have highlighted that protection of human rights is one of the three pillars of the United Nations' activities along with peace and security and development.

In accordance with resolution 60/251, the UNGA decided that the HRC should "... contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies".

The HRC resolution 14/3 of 2010 explicitly recalled the **United Nations Declaration and Programme of Action on a Culture of Peace**, 1999, and the UNGA resolution 53/25 proclaiming 2001-10 as the **International Decade for a Culture of Peace and Non-Violence for the children of the world** and "calls upon States and relevant United Nations bodies to promote effective implementation of the **United Nations Declaration and Programme of Action on Culture of Peace**".

The **Programme of Action of on a Culture of Peace** has elaborated the three UN pillars in relation to some human rights topics, in which the United Nations has already focused its attention, such as human security, poverty, education, development, environment, vulnerable groups, refugees and migrants. The international community should progressively elaborate these notions in order to promote a culture of prevention of armed conflicts.

The President of the SC has recognized the importance of appropriate implementation of the **Declaration and Programme of Action on Culture of Peace** for preventing violence and conflicts as well as

strengthening efforts aimed at the creation of conditions of peace and its consolidation through post-conflict peace-building (S/PRST/2000/25, 20 July 2000). Additionally, the SC has stressed the need to create conditions for durable peace and sustainable development by addressing the root causes of armed conflict and to this end, has called upon, Member States and relevant bodies of the UN system to contribute to the effective implementation of the ***Declaration and Programme of Action on a Culture of Peace***.

The prevention of conflicts remains a primary responsibility of States, and further there exists a primary responsibility of these States to protect civilians and to respect and ensure the enjoyment by all individuals of the three pillars of the United Nations on the basis of international cooperation and dialogue. In particular, the United Nations has a primary responsibility for the maintenance of international peace and security in the world in accordance with the Purposes and Principles of the ***UN Charter***. It follows that this universal organization has a continuing commitment to addressing the underlying causes of conflicts through the respect of sovereignty, self-determination and equality among all States.

#### 4. **The contribution of peacebuilding in the United Nations debate**

In the parallel resolutions on the ***review of the United Nations peacebuilding architecture*** adopted in April 2016 (2282 (2016) and 70/262), the SC and the UNGA have respectively reaffirmed their commitment to peacebuilding, understood as an inherently political process aimed at preventing the outbreak, escalation, recurrence or continuation of conflict. In line with the three-pillar approach reaffirmed by the resolutions, and building on the core principles set out in the ***UN Charter*** and the ***UDHR***, international human rights standards offer a global transversal normative framework essential to prevent and address conflicts, whilst recognizing that the specific realization of human rights may vary across contexts.

These resolutions recognised the fundamental interconnectivity between peace, sustainable development, and human rights, the importance of conflict prevention to peacebuilding efforts, and the need for organizational reform within the UN system to ensure that we are able to bring a comprehensive and integrated approach to sustaining peace.

In this context, the President of the UNGA convened a high-level dialogue entitled ***Building Sustainable Peace for All: Synergies between the 2030 Agenda for Sustainable Development and Sustaining Peace*** on 24 January 2017 at UN Headquarters in New York, with the participation of the President of the SC, the President of the ECOSOC, and the Chair of the Peacebuilding Commission.

The overarching objective of the New York event was to discuss the mutually reinforcing linkages between Sustaining Peace and the 2030 Agenda, including at country level and ways in which to leverage them optimally in an integrated framework that can assist Member States, United Nations bodies and entities, civil society and other stakeholders to coordinate and enhance their efforts in implementing the SDGs and achieving sustainable peace.

The event featured three dedicated workshops, addressing the interrelationship of sustainable peace and development to empowerment of women and youth; the management of natural resources; and the strengthening of transparent, inclusive and accountable institutions.

In his opening remarks, the Secretary-General of the United Nations, Mr. António Guterres, outlined that it is important to recognize that the links between the 2030 Agenda and sustaining peace are found not only in Goal 16 on strong institutions and inclusive societies, but across all 17 goals. Development is an end in itself, and a central part of the UN work. He also stressed two overriding challenges, education as a prerequisite for both peace and economic development and youth unemployment, which deprives millions of young people of the opportunity to fulfil their potential, and plays a part in violent conflict and the rise of global terrorism.

After the New York high-level dialogue, the HRC decided to convene on 27 February 2017 a panel focused on the theme “The contribution of human rights to peacebuilding through the enhancement of dialogue and international cooperation for the promotion of human rights”.

The Geneva event was aimed at highlighting the importance of addressing human rights concerns and applying a human rights framework to any peacebuilding initiative as an essential ingredient of its effectiveness and sustainability in the long term. The panel discussion helped to generate practical ideas and recommendations on how to best mainstream human rights into the United Nations peacebuilding work, including by looking at the commonalities between human rights,

peacebuilding and sustainable development. The event also provided an opportunity for discussing the role of the HRC and other human rights mechanisms in light of the new peacebuilding framework.

At the opening session, the High Commissioner for Human Rights, Mr. Zeid Ra'ad Al Hussein, stated that a stronger cooperation between this Council and both the Peacebuilding Commission and the SC is essential for more effective peacebuilding and prevention. He looked forward to much more regular and comprehensive human rights reporting to the SC in coming years. He informed that he had already suggested the possibility of the SC adopting a standing menu of possible responses to early warning alerts, such as rapid, flexible and resource-efficient human rights monitoring missions, limited in time and scope. It also seems evident that the HRC and Peacebuilding Commission would both benefit extensively from a deeper understanding of each other's' work, possibly including informal briefings by the Presidents of each body. He added that in general, there needs to be greater operational deployment of the recommendations and reports of human rights bodies, including reports by the OHCHR, by Commissions of Inquiry and fact-finding missions and Special Procedures. The 2020 review of the treaty bodies may also provide an opportunity to better integrate their work into the operation of other UN entities, and to promote national ownership and inclusivity.

In his turn, the President of the UNGA, Mr. Peter Thomson, underscored that as part of the system-wide efforts to strengthen the UN's peacebuilding, conflict prevention and sustaining peace work, it is clear that the United Nations human rights mechanisms, including those under HRC, will have a critical role to play. In accordance with him, this includes the following: drawing attention to imminent threats of human rights violations as an early indicator of potential conflict; helping to strengthen domestic human rights protections through capacity-building and knowledge sharing; ensuring accountability for human rights violations, as both a matter of justice and as deterrent for potential perpetrators; by using mechanisms, such as the Universal Periodic Review, to monitor the implementation of human rights recommendations that can help to sustain peace; and finally, ensuring that the expertise of the HRC is mainstreamed throughout the United Nations system, breaking down 'silos' within the UN system, and overcoming any fragmentation of approach across the three pillars, or indeed between Geneva and New York.

Throughout the debate all Member States and NGOs recognised that seventy years ago, the **UN Charter** established the three founding pillars of the United Nations: peace and security, human rights and development. Since 1945 these pillars have provided the framework for the United Nations to tackle important challenges. We cannot pick and choose which pillar the United Nations should support, nor can we focus on one to the detriment of the others. To do so would be to ignore the lessons of the past 70 years, and to invite future conflicts.

Member States also underlined that in compliance with the resolution 60/251 on the HRC adopted by the UNGA on 15 March 2006, the Council has an important role to play in the field of conflict prevention taking into account that development, peace and security and human rights are interlinked and mutually reinforcing.

However, different approaches to peacebuilding still persists amongst States and regional groups, which clearly impedes achievement of a global agreement about the most effective ways to strengthen the interlinkage between the three UN pillars. From the Geneva perspective some matters identified by UN dignitaries, Governments and NGOs in these debates are still under discussion and consequently, create some difficult challenges, such as:

The role to be played by the SC and the International Criminal Court, and its linkage to the HRC in the area of peacebuilding and conflict prevention; the elaboration of the notions of responsibility to protect and the right to peace in the work of the HRC; the ongoing debate about the underlying causes of conflict - economic, social and cultural rights and/or with civil and political rights- and finally, the unfinished discussion among the protection of the principles of sovereignty and non-interference in the domestic affairs of States and the promotion and protection of human rights without restriction.

Both the New York dialogue and the Geneva panel discussion will surely help to prepare the High-Level meeting on "Peacebuilding and Sustaining Peace", which will be convened during the 72nd session of the UNGA in 2017. The UNGA and SC resolutions on United Nations peacebuilding architecture recognised the fundamental interconnectivity between peace, sustainable development and human rights, and the need for organizational reform within the UN system.

Despite the current divisions on different measures and ways aimed at strengthening the role to be played by the United Nations in the field of conflict prevention and peacebuilding, we can affirm that today there

is a clear agreement within the HRC about the full recognition of peace, human rights and development as main pillars of the United Nations system.

The current discussion on the importance of conflict prevention to peacebuilding efforts has served to break down 'silos' within the UN system, and overcome any fragmentation of approach across the three pillars, or indeed between Geneva and New York.

5. **Challenges of nuclear energy and weapons:  
the role of the United Nations**

Because of some serious nuclear and radiation accidents which have occurred, such as the Three Mile Island accident in 1979, Chernobyl disaster in 1986 and the recent Fukushima plant in 2011, the debate about the use of nuclear energy has progressively increased. Proponents of this type of energy contend that nuclear power is a sustainable energy source that reduces carbon emissions. On the other hand, opponents believe that nuclear power poses many threats to people and the environment.

Currently about 14 % of the world's electricity is generated through nuclear power plants, with the US, France and Japan accounting for half of this. France has the highest dependency of nuclear power of any country in the world and produces around 80% of its energy through its 21 power plants and 58 reactors. Overall, it can be estimated that 30 % of Europe's energy comes from nuclear power plants. In total, there are nuclear power plants in 30 countries. This means that we have 166 countries in the world which do not have any nuclear power plants.

The need for water in nuclear plants is enormous. This is the reason that nuclear power plants are built near the sea, rivers, lakes or dams. One typical power plant costs US\$ 14 billion, supplies 740,000 homes and uses around 57 million litres of water per day. Additionally, water used for cooling is returned to the river much hotter than when it was drawn in. Power plants when discharging can heat up the water downstream by 3° C, which will have an effect on the whole river ecology.

The linkage between peace and environment is very close as spelled out in the *Rio Declaration on the Environment and Development* of 1992. In particular, Principle 25 states that "peace, development and environmental protection are interdependent and indivisible" and Principle 26 says that "States shall resolve all their environmental disputes peacefully and by appropriate means in accordance with the Charter of the United Nations".

In 2008 the constitutional chamber of Costa Rica issued a decision about the decree that allows the nation to extract uranium and have a nuclear reactor. The chamber said that this decree was against the value of peace as well as to the right to a healthy environment. Therefore the decree was declared unconstitutional and invalid as follows:

"... a State that aspires to promote peace, both at a domestic level as well as at an international level, must pay special attention when authorizing the fabrication and/or weaponry and chemical substances imports within its territory, rejecting vigorously those that because of its nature had been thought and created to favour the anti-value of war".

On 8 December 1953, U.S. President Dwight D. Eisenhower delivered a speech to the UNGA in New York entitled ***Atoms for Peace***. This speech gave political cover for the nuclear weapons build-up, and the backdrop to the Cold War arms race.

International treaties and institutions like the International Atomic Energy Agency (IAEA) give countries legitimacy to the maintenance and development of nuclear power plants. The IAEA was established in 1957 after President Eisenhower presented his program "Nuclear Power for Peace".

The culture of secrecy surrounding nuclear energy, and that still permeates the industry to this day, stems from the fact that nuclear energy was first used for military purposes.

The year 2015 marked the anniversary of the US atomic bombings of the Japanese cities of Hiroshima and Nagasaki that killed over 150,000 people instantly. Seventy years after those tragic events, the world, as Mr. Ban Ki-Moon - UN Secretary-General - has indicated, stands at a precipice facing serious threats stemming, among other things, from the persistence of over 20,000 nuclear weapons and the "contagious doctrine" of nuclear deterrence.

The United Nations has sought to eliminate such weapons ever since its establishment. The first resolution adopted by the UNGA in 1946 established a Commission to deal with problems related to the discovery of atomic energy among others. The Commission was to make proposals for, inter alia, the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes. The resolution also decided that the Commission should make proposals for "the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction."

A number of multilateral treaties have since been established with the aim of preventing nuclear proliferation and testing, while promoting progress in nuclear disarmament. These include the **Treaty on the Non-Proliferation of Nuclear Weapons** (NPT), the **Treaty Banning Nuclear Weapon Tests In The Atmosphere, In Outer Space And Under Water**, also known as the **Partial Test Ban Treaty** (PTBT), and the **Comprehensive Nuclear-Test-Ban Treaty** (CTBT), which was signed in 1996 but has yet to enter into force.

The **Non-Proliferation Treaty** came into being in 1970 in order to limit the spread of nuclear weapons. The three points of this Treaty are: non-proliferation, disarmament and the peaceful use of nuclear energy.

UNGA resolution 3472 B of 1975 defines a Nuclear-Weapon-Free Zone (NWFZ) as "...any zone recognized as such by the UNGA, which any group of States, in the free exercises of their sovereignty, has established by virtue of a treaty or convention whereby". The following treaties form the basis for the existing NWFZs: **Treaty of Tlatelolco** (Latin America and the Caribbean); **Treaty of Rarotonga** (South Pacific Nuclear Free Zone Treaty); **Treaty of Bangkok** (Southeast Asia Nuclear) and **Treaty of Pelindaba** (Africa) and **Treaty on a Nuclear-Weapon-Free Zone in Central Asia**.

On 11 December 2017, the UNGA adopted resolution 72/24, by which « it invites all parties to consider the appropriate means that may contribute towards the goal of general and complete disarmament and the establishment of a zone free of weapons of mass destruction in the region of the Middle East » and « requests the Secretary-General to continue to pursue consultations with the States of the region and other concerned States in order to move towards the establishment of a nuclear weapon-free zone in the region of the Middle East ».

The 2015 **Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons** (NPT) was held at the United Nations in New York from 27 April to 22 May 2015 and presided over by Ambassador Taous Feroukhi of Algeria. The Treaty, particularly article VIII, paragraph 3, envisages a review of the operation of the Treaty every five years, a provision which was reaffirmed by the States parties at the 1995 NPT Review and Extension Conference and the 2000 NPT Review Conference. Despite intensive consultations, the Conference was not able to reach agreement on the substantive part of the draft Final Document.



Although nuclear weapons have only been used twice in warfare—in the bombings of Hiroshima and Nagasaki in 1945—about 22,000 of them reportedly remain in our world today and there have been over 2,000 nuclear tests conducted to date. Disarmament is the best protection against such dangers, but achieving this goal has been a tremendously difficult challenge.

Finally, it should be recalled that the *World Charter for Nature* of 1982 underscores the maintenance of peace cannot be achieved until mankind learns to live in peace and forsake war and armaments. Consequently, as set out by the *Johannesburg Declaration on Sustainable Development* of 2002, all stakeholders should act together, united by a common determination to save our planet, promote human development and achieve universal prosperity and peace.



### PART III

## ON-GOING DEBATES ON PEACE AND HUMAN RIGHTS WITHIN THE UNITED NATIONS

### 1. **Environment, peace and development**

The close relationship between peace, development and environment has been a clear leitmotiv in some of the UN instruments on environment. The *Rio Declaration on the Environment and Development* of 1992 states that “peace, development and environmental protection are interdependent and indivisible”.

In addition, the *Conference on Sustainable Development* (“The future we want”) of 2102 stressed that the right to environment has been always connected to the respect of human rights, including the right to development and the right to an adequate standard of living, the right to food, the rule of law, gender equality, women’s empowerment and the overall commitment to just and democratic societies for development.

The obligation to preserve the nature in harmony and as an imperative goal of human-kind was recognized in the *Stockholm Declaration* of 1972 as follows: “... for the purpose of attaining freedom in the world of nature, man must use knowledge to build, in collaboration with nature, a better environment. To defend and improve the human environment for present and future generations has become an imperative goal for mankind—a goal to be pursued together with, and in harmony with, the established and fundamental goals of peace and of worldwide economic and social development”.

Our planet Earth and its ecosystems are our home and the “Mother Earth” is a common expression in a number of countries and regions. Some countries recognize the rights of nature in the context of the promotion of sustainable development, and express the conviction that, in order to achieve a just balance among the economic, social and environmental needs of present and future generations, it is necessary to promote harmony with nature (UNGA Res. 72/223).

The *World Charter for Nature* of 1982 recognizes that the competition of resources creates conflicts and that the conservation of nature and natural resources contributes to justice and the maintenance of peace.

Therefore, the maintenance of peace cannot be achieved until mankind learns to live in peace and forsake war and armaments.

Consequently, the ***Johannesburg Declaration on Sustainable Development*** of 2002 stressed that all stakeholders should act together, united by a common determination to save our planet, promote human development and achieve universal prosperity and peace.

The ***World Conference on Human Rights*** held in Vienna in 1993 reiterated "...the objectives established on global action for women towards sustainable and equitable development set forth in the Rio Declaration on Environment and Development and chapter 24 of Agenda 21, adopted by the United Nations Conference on Environment and Development (Rio de Janeiro, Brazil, 3-14 June 1992)" and "the right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations. The World Conference on Human Rights recognizes that illicit dumping of toxic and dangerous substances and waste potentially constitutes a serious threat to the human rights to life and health of everyone".

The ***Declaration and Programme of Action on a Culture of Peace*** included environment as an action to promote sustainable economic and social development as follows: "incorporate capacity-building in development strategies and projects to ensure environmental sustainability, including preservation and regeneration of the natural resource base". Additionally, environment is part of the culture of peace: "a culture of peace is a set of values, attitudes, traditions and modes of behaviour and ways of life based on ... efforts to meet the developmental and environmental needs of present and future generations".

As indicated by the ***Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights***, "recent reports and studies identify climate change as a key challenge to global peace and stability. Equally, in 2007, the SC held a day-long debate on the impact of climate change on peace and security". Moreover, it stressed that "... knowledge remains limited as to the causal linkages between environmental factors and conflict and there is little empirical evidence to substantiate the projected impacts of environmental factors on armed conflict".

On 28 March 2008, the HRC adopted its first resolution on "human rights and climate change" (res. 7/23) without vote by which the HRC showed its "concern that climate change poses an immediate and

far-reaching threat to people and communities around the world and has implications for the full enjoyment of human rights"; recognized "that climate change is a global problem and that it requires a global solution" and reaffirmed "the Charter of the United Nations, the UDHR, the ICESCR, the **ICCPR** and the **VDPA**".

In its resolution 72/219 of 2017 on **Protection of global climate for present and future generations of humankind**, the UNGA reaffirms that climate change is one of the greatest challenges of our time, expresses profound alarm that the emissions of greenhouse gases continue to rise globally and remains deeply concerned that all countries, particularly developing countries, are vulnerable to the adverse impacts of climate change

Mahatma Gandhi once said, "Earth provides enough to satisfy every man's needs, but not every man's greed". This reflection describes the reason behind the very grave situation mankind finds itself in a world where its very existence is threatened by the changing global climate.

## 2. **Universal protection of human rights and fundamental freedoms as a requirement to promote peace worldwide**

The **UN Charter** displays a clear preponderance of universalist features. In the negotiation drafting process of the Charter, the struggle between universalist and regionalist positions played a prominent role. At the San Francisco Conference important modifications in favour of regionalism were inserted at the insistence of the Latin American and Arab States.

In fact, these specific States could include the right to individual and collective self-defence. This regionalist approach can also be seen in the UN Military Staff Committee, when the **UN Charter** permits to establish regional subcommittees after consulting with appropriate regional agencies. In the election of the judges of the ICJ the representation of the main forms of civilizations and of the principal legal systems of the world should be assured in accordance with the **UN Charter**. And finally, the International Law Commission is obliged to reflect the main forms of civilization and the principal legal systems of the world.

The question about the relationship between regional and universal institutions has received the most attention in the area of peace and security. The **UN Charter** gives priority to regional agencies or arrangements for the peaceful settlement of local disputes with the active engagement of the SC. In this line, the Secretary-General's Agenda for Peace of 1992 adopts a wide and flexible description of

regional arrangements and agencies including regional organizations. However, when it comes to enforcement action, the role of regional institutions is much more limited. Consequently, no enforcement action can be taken by regional institutions without the authorization of the SC.

Despite this important regionalist approach, an important existing universalist feature of the Charter is the prevalence of this international instrument over any other international agreement. Also the participation of nearly the whole international community in the organisation makes the United Nations a universal entity and strengthens in its legitimacy.

However, subsequent practice within the United Nations has given much more weight to regionalism than the bare text of the **UN Charter** would suggest. This reversal towards regionalism is the result of a number of factors, such as the strong resurgence of group solidarity among Member States in order to gain access through global institutions to resources, power or representation.

Regionalization within the United Nations has clearly had some useful effects. Political groupings can play an important and beneficial role in any democratic decision-making process. Additionally, regional distribution of seats in political organs can reduce the potential conflicts. The representation of different legal cultures is a valuable element.

Whereas the **UDHR** of 1948 was adopted from a universal concept of human rights, subsequent debates within the United Nations have focussed on the priority of different types of human rights and their appropriateness for different cultures, economies and regions. This debate led to the bifurcation of human rights in the adoption of the two UN Covenants in 1966, one dealing with economic, social and cultural rights and the other with civil and political rights.

However, the basic unity of human rights as a universal set of standards has prevailed over the cultural relativism and regional fragmentation. Despite some opposition, the 1993 VDMA reaffirms the universal character of all human rights as follows:

“All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious

backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms” (para. 5).

In this line, the UNGA adopted in 2012 the resolution 66/151, which reaffirms that “all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and that all human rights, civil, political, economic, social and cultural rights must be treated in a fair and equal manner, on the same footing and with the same emphasis” (para. 1); “stresses that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing” (para. 3) and “encourages States to take into account the universal, indivisible, interrelated, interdependent and mutually reinforcing nature of all human rights when integrating the promotion and protection of all human rights into relevant national policies and when promoting international cooperation in the field of human rights, while recalling that the primary responsibility for promoting and protecting human rights rests with the State” (para. 7).

In light of the existing regional approach to human rights, the UNGA adopted in 2009 a resolution entitled ***Regional arrangement for the promotion and protection of human rights*** by which it welcomes the continuing cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights. In particular it focuses on technical cooperation aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights.

Pursuant to HRC resolution 30/3 of 9 October 2015, OHCHR held in Geneva the fifth international workshop on regional arrangements for the promotion and protection of human rights from 4 to 5 October 2016. This was followed by a meeting of focal points for cooperation on the 6 October 2016.

Concrete proposals for interaction between United Nations, regional human rights mechanisms, civil society and human rights defenders were discussed based on practical experiences in the following thematic panel discussions: Procedural Aspects of cooperation, Cooperation in relation to promoting women rights; the rights of minorities, refugees, migrants, IDPs, children, persons with albinisms, persons with disabilities; specific challenges experienced

by civil society organizations (CSO) at the national level; and freedom of assembly and association.

OHCHR organised regional consultations prior to the workshop in order to have in depth discussions with civil society and human rights defenders in the respective regions. In that respect, four regional meetings were held in the Americas, Africa, Asia and European region. On April 2016, OHCHR and the Inter American Commission and Court for Human Rights, held a consultation with civil society organisations in Washington focusing on cooperation with CSOs and human rights defenders (HRDs). On the 8 July 2016, OHCHR and the African Union held a panel discussion in Kigali on cooperation with CSOs, HRDs and women's organisations as part of the AU High Level Panel discussion on Gender Equality. On 29 August 2016, OHCHR and Asia Justice and Rights NGO organised a consultation with lawyers and civil society, in Bali. On 21 September 2016, OHCHR and the Council of Europe jointly organised a European Regional consultations in Warsaw in the context of the OSCE Human Rights Dimension meeting.

On 23 January 2015, the UNGA adopted resolution 69/176 on the Promotion of peace as a vital requirement for the full enjoyment of all human rights by all, by which "all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect for the principles enshrined in the Charter and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination" (para. 6) and "reaffirms the duty of all States, in accordance with the principles of the Charter, to use peaceful means to settle any dispute to which they are party and the continuance of which is likely to endanger the maintenance of international peace and security, as a vital requirement for the promotion and protection of all human rights of everyone and all peoples" (para. 7).

Seventy years ago, the *UN Charter* established the three founding pillars of the United Nations: peace and security, human rights and development. Since 1945 these pillars have provided the framework for the United Nations to tackle important challenges. We cannot pick and choose which pillar the United Nations should support, nor can we focus on one to the detriment of the others. To do so would be to ignore the lessons of the past 70 years, and to invite future conflicts.



3. **Democracy and rule of law as vital requirements for peace, development and the promotion and protection of all human rights and fundamental freedoms**

In the *United Nations Millennium Declaration* of 2000, Member States considered freedom as a fundamental value essential to international relations in the twenty-first century. They agreed that men and women should have the right to live their lives and raise their children in dignity, free from hunger and from the fear of violence, oppression or injustice. Additionally, they proclaimed that Member States will spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development.

The rule of law is a form of government, in which people enjoy rights to be free from oppression, interference and discrimination and in which they may exercise rights of free expression, conscience and belief. Some topics related to the rule of law are good governance, the adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.

The VDPA of 1993 recognised the concept of rule of law as a principle of international law in the following terms:

“Considering the major changes taking place on the international scene and the aspirations of all the peoples for an international order based on the principles enshrined in the Charter of the United Nations, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity”

The *World Summit Outcome* of 2005 reaffirmed that democracy is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. Member States also reaffirmed that while democracies share common features, there is no single model of democracy, that it does not belong to any country or region, and reaffirmed the necessity of due respect for sovereignty and the right of self-determination. Finally, they stressed that democracy,

development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing.

In addition, as indicated by the **World Summit Outcome** document the linkage between human rights, rule of law and democracy is very close. It states that

“We recommit ourselves to actively protecting and promoting all human rights, the rule of law and democracy and recognize that they are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations, and call upon all parts of the United Nations to promote human rights and fundamental freedoms in accordance with their mandates”.

The UNGA, in its resolution A/62/7 (2007) encouraged Governments to strengthen national programmes devoted to the promotion and consolidation of democracy, and also decided that 15 September of each year should be observed as the International Day of Democracy.

As indicated by the Secretary-General in 2007 in his report entitled **Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies** (Doc. A/62/296), United Nations assistance to new and restored democracies is wide in scope and multifaceted. There are many examples of how various departments, funds and programmes work in the fields of governance and democracy promotion.

In 2011, the Secretary-General said in his new report on this matter (Doc. A/66/353) that democratic principles are woven throughout the normative fabric of the Organization and have been continually strengthened by the progressive adoption of international human rights norms and standards and resolutions of the UNGA and the SC. Additionally, he added that the evolution of the United Nations norms and standards has been matched by an ever greater operational activity on the ground by United Nations entities, as demand for the Organization’s assistance with democracy-related issues such as institution-building, elections, the rule of law and strengthening civil society continues to grow.

On 3 July 2012, the UNGA adopted resolution 66/285 on “support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies” by which it urges the Secretary-General to continue to improve the capacity of the Organization to respond effectively to the requests of Member States by providing sustainable assistance for building national capacity

and adequate support for their efforts to achieve the goals of good governance and democratization, including through the activities of the United Nations Democracy Fund”.

On 5 March 2015, the UNGA adopted resolution 69/268 on **education for democracy** by which Member States reaffirm “... the fundamental link between democratic governance, peace, development and the promotion and protection of all human rights and fundamental freedoms, which are interdependent and mutually reinforcing (para. 1) and encourage “.. the Secretary-General, United Nations agencies such as the United Nations Educational, Scientific and Cultural Organization, the United Nations Children’s Fund (UNICEF), the United Nations Population Fund (UNFPA), the United Nations Development Programme (UNDP) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), and other relevant stakeholders to strengthen their efforts to promote the values of peace, human rights, democracy, respect for religious and cultural diversity and justice through education” (para. 3).

Since 2006 the UNGA has regularly adopted a resolution without vote entitled **The rule of law at the national and international levels** by which it reaffirmed that rule of law and international law is essential for peaceful coexistence and cooperation among States; that it is essential for the realization of economic growth, sustainable development, the eradication of poverty and hunger and the protection of all human rights and that it should guide the activities of the United Nations and its Member States.

In 2013, the General Conference of UNESCO held in Paris in its 37<sup>th</sup> session adopted the resolution entitled **Supporting the global citizenship agenda through education for democracy** by which it stated that UNESCO will promote education that empowers learners to understand societal challenges and to develop effective and creative responses to them: contributing to the creation of peaceful, equitable and sustainable societies based on the principles of social justice and respect for human rights, gender equality, diversity and the environment.

The International Movement of New or Restored Democracies has always stressed in the United Nations that it is important to recognize that while democracies share common characteristics, there is not one single model of democracy alone, and that every State has the sovereign right to elect and freely determine its own political, social,

economic and cultural system, in accordance with the will of its people and without interference from other States, in strict conformity with the UN Charter.

In this vein, the UNGA called in its resolution 72/119 of 2017 « ...for dialogue to be enhanced among all stakeholders, with a view to placing national perspectives at the centre of rule of law assistance in order to strengthen national ownership, while recognizing that rule of law activities must be anchored in a national context and that States have different national experiences in the development of their systems of the rule of law, taking into account their legal, political, socioeconomic, cultural, religious and other local specificities, while also recognizing that there are common features founded on international norms and standards».

There is no need to underscore the difficulties that will confront democracies and the rule of law, alien in nature to any form of dogmatism. It is sufficient to remember the famous words spoken by Winston Churchill in the House of Commons on 11 November 1947: "Many forms of Government have been tried and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of Government except all those other forms that have been tried from time to time"

#### 4. **United Nations World Summit on the Information Society**

From 2 to 6 May 2016, different stakeholders from government, international organizations, civil society and the private sector met in Geneva to develop strategies to align the global connectivity targets set in Tunis at the **UN World Summit on the Information Society** (WSIS), held in November 2005, with the 17 UN Sustainable Development Goals (SDGs), with a view to harnessing the transformative power of information and communication technologies (ICTs) to accelerate global socio-economic development.

The WSIS Forum 2016 was co-organized by the International Telecommunication Union (ITU), UNESCO, the UNDP and the United Nations Conference on Trade and Development (UNCTAD). This forum provided structured opportunities to network, learn and participate in multi-stakeholder discussions and consultations on WSIS implementation. Ambassador Daniel A. Sepulveda, Deputy Assistant Secretary of the United States of America designated as Chairman of the WSIS 2016.

The WSIS was held in two phases. The first phase took place in Geneva from 10 to 12 December 2003. The second phase of WSIS took place in Tunis from 16 to 18 November 2005.

At the opening session of the WSIS held in Tunis in 2005, Mr. Kofi Annan, former Secretary-General stated that the information society also depends on networks. He added that "the Internet is the result of, and indeed functions as, a unique and grand collaboration. If its benefits are to spread around the world, we must promote the same cooperative spirit among governments, the private sector, civil society and international organizations".

Additionally, Mr. Koichiro Matsuura, former Director-General of UNESCO, said that they have highlighted four key principles on this matter, namely: freedom of expression, quality education for all, universal access to information and knowledge and respect for cultural and linguistic diversity. According to him, these four principles are vital for understanding why UNESCO has advocated a shift from "information" to "knowledge" as the key dimension of emerging forms of society. For UNESCO, building knowledge societies is about building a better future for all nations and peoples.

In accordance with the Outcome of the WSIS held in Tunis in 2005, freedom of expression and the free flow of information, ideas, and knowledge, are essential for the information society and beneficial to development. This summit was conceived as an important stepping-stone in the world's efforts to eradicate poverty and to attain the internationally agreed upon development goals and objectives. Participants concluded that the key principles for building an inclusive information society are, among others, the improvement of access to information and communication infrastructure and technologies as well as to information and knowledge, the increase of confidence and security in the use of information and communication Technologies (ICTs) and finally, the recognition of the role of the media, the ethical dimensions of the information and the international and regional cooperation.

In the Tunis Forum, participants underscored the strong linkage between the potential of ICTs and the promotion of peace and prevention of conflict which, *inter alia*, negatively affects achieving development goals. They outlined that ICTs can be used for identifying conflict situations through early-warning systems preventing conflicts, promoting their peaceful resolution, supporting humanitarian

action, including protection of civilians in armed conflicts, facilitating peacekeeping missions, and assisting post conflict peace-building and reconstruction.

Every year since 2010 the WSIS Forums have been organized in Geneva. The 2015 Forum, held at the ITU Headquarters in Geneva, attracted more than 1800 WSIS Stakeholders from more than 140 countries. Several high-level representatives of the wider WSIS Stakeholder community graced the Forum with more than 60 ministers and deputies, several ambassadors and civil society organizations.

The WSIS Forum provides opportunities for developing multistakeholder and public-private partnerships to advance development goals. With the newly adopted 2030 Development Agenda, the WSIS Forum needs to evolve and adapt, with a view to strengthening the linkages between the WSIS Action Lines and the SDGs, as well as in light of the outcomes of the UNGA Overall Review of the Implementation of WSIS Outcomes.

The resolution 70/125 of the UNGA of 2015 recognized the necessity of holding the WSIS Forum on an annual basis and called for a close alignment between WSIS and the SDGs processes. Reaffirming this, stakeholders stressed that the WSIS Forum is an excellent venue to connect the two processes, however it was highlighted that special attention should be given to develop frameworks for collaborative multistakeholder work towards the alignment of the two processes and communities.

Regarding alignment with the SDGs, there were suggestions from different stakeholders for the WSIS Forum 2016 to focus on SDGs and pay additional attention to specific SDGs such as SDG 9 (Infrastructure), SDG 4 (Education), SDG 16 (Institutions), among others. Also, there were suggestions for the WSIS Forum 2016 to produce a final document on annual WSIS contribution to SDGs and also for WSIS to compile proposals towards the High-Level Events for the reviews of outcomes of the 2030 Agenda for Sustainable Development process.

In November 2015, an Open Consultation Process on thematic aspects and innovations on the format of the WSIS Forum 2016 was initiated at the International Telecommunication Union (ITU) in Geneva. The process was aimed at ensuring a participatory and inclusive spirit of the Forum. This process actively engaged governments, civil society, the private sector, academia, technical community and intergovernmental organizations in the preparatory process to ensure broad ownership and further improvements of the 2016 Forum.

The Open Consultation Process for the WSIS Forum 2016 was structured in five phases as follows: Phase I: online dialogues on the WSIS Knowledge Communities and official submissions to the WSIS Secretariat on the Thematic Aspects and Innovations on the Format (4 November 2015), Phase II: First Physical Meeting (20 January 2016), Phase III: Deadline for Submissions of Official Contributions and Binding Requests for Workshops (30 January 2016), Phase IV: Final Review Meeting of the Open Consultation Process (26 February 2016) and finally, Phase V: Final Brief on the WSIS Forum 2016 (1 April 2016).

All stakeholders were invited to contribute their formal inputs towards shaping the themes and format of the WSIS Forum 2016 through the online official submission form and physical meetings. The ITU-WSIS Secretariat received more than 115 submissions containing proposals on the thematic aspects and innovations on the format of the WSIS Forum 2016, including binding requests for partnerships, workshops and exhibition spaces.

WSIS stakeholders highlighted in these contributions that the WSIS Forum 2016 was significant as it will bring together the WSIS multi-stakeholder community for the first time after the UNGA review. Some suggested that the Forum could elaborate a road- map for 2016 that could serve as a reference point/ guideline to be used for stakeholders to plan their respective activities and actions, while others suggested that it could also serve as a coordinating point for developing a 10-year action framework to guide WSIS Action Lines till 2025, thereby also identifying the opportunities and challenges.

The WSIS SDGs Matrix was widely appreciated by all stakeholders as an excellent tool and it was suggested that the WSIS –SDGs Matrix could be extended/enhanced with the WSIS +10 outcome document. The Matrix could also be used to showcase concrete examples of implementation. One way suggested could be to explore cross cutting topics like women empowerment, inclusion of people with specific needs, persons with disability, accessibility, education and capacity- building.

Stakeholders strongly reiterated in these contributions that the WSIS Forum is an excellent opportunity to gather experiences, showcase success stories and to get input from a multitude of stakeholders on the implementation of the WSIS Action Lines. WSIS Forum should strive to offer a platform that collects, strengthens and spreads information related to the Information Society for all stakeholders.

**5. The safety of journalists as a pre-condition to strengthening peace and development worldwide**

The UN Human Rights Committee stated in 2011 that freedom of opinion and freedom of expression are indispensable conditions for the full development of the person. They are essential for any society. They constitute the foundation stone for every free and democratic society. A free, uncensored and unhindered press or other media is essential in any society to ensure these freedoms. However, the right to freedom of expression may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary for respect of the rights or reputations of others and the protection of national security or of public order, or of public health or morals.

Consequently, any restrictions on the operation of websites, blogs or any other internet-based, electronic or other such information dissemination system, including systems to support such communication, such as internet service providers or search engines, are only permissible to the extent that they are compatible with this restriction contemplated in the *ICCPR*.

In the last ten years more than 600 journalists, media workers and bloggers have been killed in the world, a dramatic increase compared to previous years. However, the number of media professionals, who suffer non-fatal attacks, which means, being wounded, raped, abducted, harassed, intimidated, or illegally arrested, is disturbingly high. This problem dramatically increases when the perpetrators of these crimes are never brought to justice and impunity prevails.

Journalists, media professionals and associated personnel can play an important role in protection of civilians and conflict prevention by acting as an early warning mechanism in identifying and reporting potential situations that could result in genocide, war crimes, ethnic cleansing and crimes against humanity. Education and training in international humanitarian law can play an important role in supporting efforts to halt and prevent attacks against civilians affected by armed conflict, including journalists, media professionals and associated personnel.

The 31st Conference of the International Committee of the Red Cross of 2011 concluded that States and components of the Movement recognize that the work of journalists, other media professionals and associated personnel may make an important contribution to public knowledge about and the recording of information on violations of international humanitarian law. Consequently, the Conference reaffirmed that



journalists engaged in dangerous professional missions in areas of armed conflict are civilians and shall not be the object of attacks, unless and for such time as they are directly participating in hostilities.

On 12 April 2012, the United Nations System Chief Executives Board for Coordination adopted the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, in which United Nations agencies, funds and programmes were invited to work with Member States towards a free and safe environment for journalists and media workers in both conflict and non-conflict situations, with a view to strengthening peace, democracy and development worldwide.

On 19 December 2017, the UNGA adopted resolution 72/175 on the safety of journalists and the issue of impunity, by which it calls upon States to cooperate with relevant United Nations entities, in particular UNESCO, as well as international and regional human rights mechanisms, including the relevant special procedures of the HRC, and to share information on a voluntary basis on the status of investigations into attacks and violence against journalists.

In the fight against impunity for attacks and violence against journalists, all relevant reports of the special procedures of the HRC with regard to the safety of journalists, as well as the reports of the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression, on freedom of assembly and on extrajudicial, summary or arbitrary executions are vital.

In September 2016, the HRC adopted a resolution on the safety of journalists by which it requests the OHCHR to prepare a report with an overview of available mechanisms concerned with ensuring the safety of journalists, including the existing international and regional monitoring and complaint mechanisms, with a view to providing an analysis of their effectiveness, in consultation with States, the mechanism themselves, and all other relevant stakeholders.

The UNGA has repeatedly invited the relevant agencies, organizations, funds and programmes of the United Nations system to actively exchange information, including through already identified focal points, about the implementation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, in cooperation with Member States and under the overall coordination of the UNESCO.

In accordance with the decision taken by the 29<sup>th</sup> International Programme for the Development of Communication (IPDC) Council session of UNESCO on 20-21 November 2014, all Member States should

include freedom of expression and its corollary press freedom in the post-2015 SDG, in particular the safety of journalists and issue of impunity as a key gateway to achieving Goal 16 which seeks to promote peaceful and inclusive societies for sustainable development and access to justice for all through achieving a reduction in violence and crime.

Among all decisions taken by the UNESCO Executive Board at its 196<sup>th</sup> session held in Paris on 22 May 2015 one area of emphasis highlights the safety of journalists and the issue of impunity, in which the Board requests the Director-General to reinforce UNESCO's lead role in coordinating the implementation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity in cooperation with Member States. This should be undertaken by strengthening the coordinated inter-agency mechanism among United Nations agencies established under the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity and promoting the use of the information in the research report ***World Trends in Freedom of Expression and Media Development*** by other United Nations agencies, in particular during the Universal Periodic Review of the HRC.

In the context of the current discussion on the safety of journalists taking place within the HRC in its 33<sup>rd</sup> session, the Permanent Missions of Austria, Brazil, France, Greece, Morocco, Tunisia, Qatar, UNESCO and Article 19 organized a side event entitled ***Safety of Journalists, Human Rights and Sustainable Development*** on 23 September 2016 at the Palais Des Nations in Geneva.

Mr. Frank La Rue, former UNESCO Assistant Director General for Communication and Information, said there had been very important steps and improvements to address the safety of journalists. This was critical because while, there were many cases reported the reality was far worse such as physical attacks to journalists and a dramatic increase of sexual harassment to the women journalists. He stated, in this regard, the issues of human rights defenders were a very relevant and crucial matter to consider. Also, in the fundamental perspective, true democracy could not be achieved without the real participation of civil society, and sustainable development could only be achieved based on the full access to information for everyone. Therefore it was significant to investigate the situation when there was harassment or violation against journalists. He noted that UNESCO proposed and promoted the agenda on safety of journalists and it was an obligation for every state to have their own mechanism. Furthermore, he addressed, to consider the

human rights defenders and safety of journalists together, we needed four elements: legal framework, capacity building for journalism through the concrete policy, immediate procedures for saving lives, full investigation in case of the threatened situation as a question of human rights.

Additionally, Mrs. Peggy Hicks, Director of Thematic Engagement, Special Procedures and Right to Development Division at OHCHR, stressed that OHCHR worked closely with UNESCO and the International Labour Organisation (ILO) to make sure the information could be accessible to everyone and there should not be violation to the journalists, based on the collected sources and indicators. However, she emphasized that the results from the indicators and data covered very limited parts of the reality, and therefore, we still needed to look over lots of harassment and violation outside the data in order to understand the larger picture. The OHCHR instituted efforts to improve the issue through field presence, report monitoring mechanisms, human rights in peace operations covering safety of journalists, support in the case of violation and attacks to journalists and media workers.

To conclude, it should also be noted that the WSIS +10 High Level Outcome Documents of 2014 concluded that media will benefit from the broader and expanded role of Information and communications technology (ICTs) that can enhance media's contribution to fulfilling the post-2015 Sustainable Development Agenda. Consequently, the right of freedom of expression, as described in Article 19 of the *UDHR*, and Article 19 of the *ICCPR*, is essential for the media's role in information and knowledge societies.

#### **6. Freedom of expression and countering hate speech on Internet to prevent youth radicalization**

On 22 June 2016, the UNESCO Liaison Office in Geneva and the Permanent Mission of Finland to the United Nations at Geneva, with support and partnership with Elaph, will organize a panel discussion on the theme of *Freedom of expression and countering hate speech on Internet to prevent youth radicalization* in the context of the 32<sup>o</sup> session of the UN HRC in Geneva.

Under the sound moderation of Ms Imogen Foulkes, BBC Geneva Correspondent, the event was open by Mr. Abdulaziz Almuzaini, former Director of the UNESCO Liaison Office in Geneva; Ambassador Päivi Kairamo, former Permanent Representative of Finland to the United Nations and International Organisations in Geneva and Mrs. Mona

Rishmawi, Chief of the Rule of Law, Equality and Non Discrimination Branch, Office of the OHCHR.

The panellists specially invited for this occasion were Mr Guy Berger, Director of the Division of Freedom of Expression and Media Development, UNESCO; Ambassador Christian Guillermet Fernández, former Vice Director-General for Foreign Policy at the Ministry of Foreign Affairs of Costa Rica; Mr Amir Taheri, Journalist and Professor Priyankar Upadhyaya, Malaviya Centre for Peace Research, Banaras Hindu University, India.

The panel took into account the presentation of the Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (Doc. A/HRC/32/38) to the thirty-two session of the HRC.

Ambassador Päivi Kairamo, former Permanent Representative of Finland to the United Nations and International Organisations in Geneva, opened the event by recalling the world's first Freedom of Press act adopted by Sweden and Finland two centuries ago. She emphasised that Freedom of Expression and the Press are the best way to counter radicalisation and hate speech. She stressed that violence against people motivated by the beliefs they hold, is never acceptable. "Islamophobia, homophobia and xenophobia have no place in this world." The ambassador regretted that Freedom of Expression without fear for repercussions faces severe pressure around the world. She observed that only a thorough investment in education will foster people's ability to express themselves freely and use the internet to do so in a wise and considerate way. She remarked that in this regard "prevention is key and youth are essential". According to the Ambassador, youth must be taught how to recognise and reject propaganda and incitement to violence in the on- and off-line world.

Mr Abdulaziz Almuzaini, former Director of the UNESCO Geneva Liaison Office, congratulated Finland and Sweden on the adoption of the first Freedom of Press Act in the world 250 years ago. He stressed that Freedom of Expression is a fundamental human right that underpins all other civil liberties. It is key to a tolerant and open society, the rule of law and democratic governance. He also pointed out the responsibilities accompanying this freedom: professional ethics and the promotion of tolerance and understanding. The internet has revolutionised the way we express ourselves and at the same time brought about new challenges. He mentioned the spread of online hate

speech, extremist propaganda and jihadi recruitment. He stressed that half of the world population is under 25, and that exactly this group is most vulnerable to violent radicalisation. "Our goal therefore should be to equip young people with knowledge, skills and values to engage as global citizens online." He emphasised the need to address the root causes of violent extremism through the strengthening of human rights education and the elimination of racism and discrimination. All action however, should guarantee the openness and accessibility of the internet. In conclusion he referred to the **Rabat Plan of Action** and UNESCO's mandate to ensure the safety of journalists.

Ms Mona Rishmawi, Chief of the Rule of Law, Equality and Non Discrimination Branch at the OHCHR, emphasised that Freedom of Expression is a right protected under international law and that it is "the foundation of a free and democratic society". She observed that many confuse Freedom of Expression with Freedom of Opinion. The latter is an absolute right in which no one can interfere. The way opinion is expressed however, may be regulated by law. In this regard, hate speech is subject to international laws. She recalled that the **Rabat Plan of Action** gives us the criteria to check for hate speech, taking into account the content, context, speaker and whether there is a chance it will lead to violence. She observed that the internet enables cross border communication, but that at the same time it can be used for "bad purposes" by a small minority. Big data analysis allows states and private actors to conduct mass surveillance. In this regard she referred to OHCHR's document **Right to Privacy in the Digital Age**. She stressed the importance of youth in the online world. "Youngsters are very sensitive to peer and social pressure." She ended by emphasising that an individual has the right to have extreme positions and ideas, which is not the same as advocating violence.

Mr Guy Berger, Director of the Division of Freedom of Expression and Media Development at UNESCO, observed that the topic can be approached through three paradigms: **protection, preparation and prospects**. The first aims to protect youth from what we assume to be the causes of harm. Practically this means shielding youngsters from dangerous messages by blocking certain websites or conducting mass surveillance. He warned that such actions entail severe risks however, "of not just limiting, but in fact violating, the right to freedom of expression [...], as well as excessively interfering with the right to privacy." He observed that the protection paradigm may lead to short-term political advantage, but reduces youth radicalization to a mere

security issue along the way. The second paradigm aims to provide young people with “Media and Information Literacy, so that they can understand the ways in which media can work on their emotions in an attempt to hijack and shape their identity for ill.” It would be naïve to only invest in protection since youngsters *will* encounter information online for which they should be prepared. However, this paradigm risks opening the door to propaganda wars that compromise independent journalism. The third paradigm “prospects” recognises youth as subjects, not objects. It advocates looking at the socio-economic prospects and possibilities youngsters have. It calls for an innovative approach to social inclusion, education and entrepreneurship. By doing so it aims to ensure that there is no cause for grievances and angers. He condemned attacks on journalists and bloggers that give voice to such public grievances. This paradigm recognises that youngsters should be the “authors of their own identity”, by freely expressing themselves “with expertise and efficacy”.

Ambassador Christian Guillermet Fernández, former Vice Director-General for Foreign Policy at the Ministry of Foreign Affairs of Costa Rica, recalled that the conference in Helsinki last May focussed on the protection of journalists. He observed that there are people who advocate stronger surveillance and a limitation to the Freedom of Expression. He stressed that what we really need are stronger institutions that can enforce the rule of law. He stated that “as a Member State representative, I can say UNESCO has a very important role to play here.” According to him the best and only way to tackle the issue of violent extremism is education. He advocated a shift away from security to peace instead. Concretely, this would mean strengthening the rule of law and investment in education.

Mr Amir Taheri, Journalist, opened by saying that he feels “haunted by a ghost of the past” of the 1970s, when UNESCO was trying to enforce a plan to accredit journalists by handing out press cards and defining their field of operation. “This would mean that journalism would be restricted by an organisation that is dominated by states that for the majority are ruled by dictators.” He continued criticising UNESCO by saying that “the only thing that reassures me during this session is that it is supported by Finland, a true defender of freedoms together with its Nordic neighbours.” He emphasised that more freedom is needed, not less. “Let everyone spit their poison in an open market where their ideas can be countered freely by those who disagree.” He advised UNESCO to focus on the countries that jail journalists. He continued by saying that

"we all know that most hate speech comes from state- owned media." He called upon UNESCO to support those who are fighting for freedom and not trying to restrict them.

Professor Priyankar Upadhyaya, Malaviya Centre for Peace Research and Banaras Hindu University, observed a clear attempt to securitise the topic. He stated that there have always been "good" and "bad" media. He stressed that Freedom of Expression does not only finds its origins in a Western tradition. He emphasised that in today's world the market exercises great influence over the media, very often in the form of state owned companies. "In India we pride ourselves on our freedom of expression, still there are many links between industrialists and the press." He concluded by stating the need to include multicultural literacy in our education system.

Answering some questions raised by moderator Foulkes and the floor, Mr Berger warned that education alone may not provide the hoped for solutions. He illustrated with the example of highly educated ISIL fighters, having attended university in Western Europe, for example medical students. He emphasised the paramount role identity plays in slipping into violent extremism. A representative of Human Rights Watch asked Mr Berger how to balance Freedom of Expression and public security. Mr Berger recalled that the UN regards the Freedom of Expression as the rule and all else as the exception. He stressed that any limitation of essential freedoms should be kept as short and minimalistic as possible. Ambassador Fernández added that the exception should always be clearly defined and enforced by the rule of law. Ms Rishmawi observed that the most crucial aspect is "the tipping point" between freedoms and safety. She condemned that most people sanctioned by draconic security laws are journalists, NGOs and human rights defenders.

This debate should be understood in the context of the "rapprochement of cultures", which implies that international security and social inclusion cannot be attained sustainably without a commitment to such principles as human dignity, conviviality and solidarity which are the corner stones of human coexistence, in all faiths and secular ideologies.

The Action Plan of the Decade focuses on four major themes inspired by the mobilizing framework of the International Year for the Rapprochement of Cultures, including the following: (i) Promoting mutual understanding and reciprocal knowledge of cultural, ethnic,

linguistic and religious diversity; (ii) Building a pluralist framework for commonly shared values; (iii) Disseminating the principles and tools of intercultural dialogue through quality education and the media; and (iv) Fostering dialogue for sustainable development and its ethical, social and cultural dimensions.

Since the media play an increasingly important role in the daily lives of people across the globe, namely among young people, it is crucial to harness their potential for promoting the rapprochement of cultures. The traditional mass-media such as the press, television and the radio remain essential vectors to inform people on other cultures and religions. Their capacity to change the perception of different cultures and religions is possible if journalists and media actors are well trained and sensitized to the need to respect and positively promote human rights and cultural diversity as well as non-violence-infused programmes.

While digital tools have the potential to bridge the different cultures and religions of the world, they can nevertheless also be misused and widen the divide between and among cultures. The Internet and social media, remain a largely uncharted territory which can offer open platforms for dialogue as well as an echo chamber for intolerance, extremism and division. In that context, media and information literacy and intercultural competencies programmes must become essential references if the exercise of freedom of the press and freedom of information and communication is to foster mutual understanding, tolerance and cooperation among peoples.

#### **7. Challenges posed by migrants and refugees in the field of peace and security in the world**

In 2015, the number of migrants surpassed 244 million, growing at a rate faster than the world's population. However, there are roughly 65 million forcibly displaced persons, including over 21 million refugees, 3 million asylum seekers and over 40 million internally displaced persons.

Migration and peace are thus closely related in accordance with the outcome of the *International Conference on Population and Development* (1994) and the *Program of Action of the World Summit for Social Development* (1995).

Equality before the law and non-discrimination in the enjoyment of human rights are structural principles of international human rights law which have been outlined in the *International Covenants on Human Rights*, the *Convention on the Rights of the Child*, the



***Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ILO Conventions No. 143 and 151 on migrant workers, ILO Convention concerning Migration for Employment, the UN Convention against Transnational Organized Crime and the outcome of the Durban Review Conference.***

The ***World Conference on Human Rights*** held in Vienna in 1993 expressed the obligation to develop strategies addressed to the root causes of the movement of refugees as follows: "... recognizes that, in view of the complexities of the global refugee crisis and in accordance with the Charter of the United Nations, relevant international instruments and international solidarity and in the spirit of burden-sharing, a comprehensive approach by the international community is needed in coordination and cooperation with the countries concerned and relevant organizations, bearing in mind the mandate of the United Nations High Commissioner for Refugees.

The ***Declaration and Programme of Action on a Culture of Peace*** of 1999 also focused its attention on the actions to promote the rights of refugees, displaced persons and migrants: "actions to advance understanding, tolerance and solidarity: ... support actions that foster tolerance and solidarity with refugees and displaced persons, bearing in mind the objective of facilitating their voluntary return and social integration; support actions that foster tolerance and solidarity with migrants" and "actions to promote international peace and security ... support initiatives, at the national, regional and international levels, to address concrete problems arising from post-conflict situations, such as demobilization, reintegration of former combatants into society, as well as refugees and displaced persons, weapon collection programmes, exchange of information and confidence-building".

Pursuant to HRC resolution 32/14, in which the Council requested the OHCHR, as Co-Chair of the Global Migration Group Working Group on Migration, Human Rights and Gender, the High Commissioner describes in its report A/HRC/34/31 of 2017 the rationale for and progress of the principles and practical guidance to date. He presents a draft set of principles derived from international human rights law and related branches of law, as applicable. The draft guidelines are designed to provide guidance derived from international best practice to States and other stakeholders on upholding the human rights of migrants in vulnerable situations.

On 19 September 2016, the UNGA held a ***High-Level Plenary Meeting on Addressing Large Movements of Refugees and Migrants***, which culminated in the adoption of the ***New York Declaration***, which outlines steps towards the adoption of a global compact for safe, orderly and regular migration and a global compact on refugees in 2018. To follow-up on the ***New York Declaration***, the Global Migration Group (GMG), an inter-agency cooperation mechanism consisting of 20 entities of the United Nations (UN) system, will organize meetings to discuss the role of the UN system in implementing the migration-related commitments in the New York Declaration.

The ***UN Summit for Refugees and Migrants*** was the first time that world leaders came together at the United Nations to address issues affecting both refugees and migrants. The New York Declaration for Refugees and Migrants, the outcome document of the Summit, expresses the political will of world leaders to save lives, protect rights and share responsibility on a global scale.

The Declaration has set in motion a much longer process focused on migration providing an opportunity to work towards a global compact on safe, regular and orderly migration that upholds the human rights of migrants and their families, irrespective of migration status, enhances their wellbeing, and promotes inclusive growth and sustainable development in societies of origin, transit and destination. The Compact will present a range of principles on international migration and will offer a framework for comprehensive international cooperation.

Ambassador Swing, former Director of the International Organization for Migration, said in the context of the High-Level Plenary Meeting held in New York: "We focus too much on problems; too little on solutions. In recent times, we have, arguably, become better at addressing immediate needs, but we struggle to develop a comprehensive, long term vision for human mobility." He added that migration was inevitable, necessary and desirable. He also noted: "IOM's vision is for a world in which migration is well-governed, in which migrants move as a matter of real choice and not desperate necessity, and in which the rights of migrants are protected throughout their migratory process."

In accordance with the UNHCR, the New York Declaration is important for refugees because all 193 member states of the United Nations: reaffirmed the enduring importance of the international refugee protection regime; committed fully to respect the rights of refugees; pledged to provide more predictable and sustainable support to

refugees and the communities that host them; and, agreed to expand opportunities to achieve durable solutions for refugees.

The **New York Declaration** addresses large movements of refugees and migrants. A refugee is defined in international law to be a person who is outside his or her country of origin due to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion. The person is in need of international protection when his or her country of origin is unable or unwilling to provide protection from the persecution or serious harm feared.

This definition is at the heart of the 1951 **Refugee Convention and its Protocol** and is also reflected in regional instruments. It has broad scope and relevance. It encompasses those who flee individual persecution, as well as those fleeing armed conflict or violence associated with one or more of the above-noted grounds. It includes those fleeing State and non-State actors and has been the basis for providing protection for, amongst others, those escaping war, conflict, human rights abuses, gang violence, domestic abuse and other forms of serious harm on the basis of their age or gender identity or orientation.

In the XXI century migrants and refugees are facing the following challenges, in accordance with the **New York Declaration**:

Firstly, the special needs of all people in vulnerable situations who are travelling within large movements of refugees and migrants must be addressed, including women at risk, children, especially those who are unaccompanied or separated from their families, members of ethnic and religious minorities, victims of violence, older persons, persons with disabilities, persons who are discriminated against on any basis, indigenous peoples, victims of human trafficking, and victims of exploitation and abuse in the context of the smuggling of migrants (para. 22).

Secondly, the response to large movements of refugees and migrants should mainstream a gender perspective, promote gender equality and the empowerment of all women and girls and fully respect and protect the human rights of women and girls. Combating the sexual and gender-based violence to the greatest extent possible is mandatory. States are obliged to provide access to sexual and reproductive health-care services, as well, as, to tackle the multiple and intersecting forms of discrimination against refugee and migrant women and girls (para. 31).

Thirdly, States should protect the human rights and fundamental freedoms of all refugee and migrant children, regardless of their status, and giving primary consideration at all times to the best interests of the child. This will apply particularly to unaccompanied children and those separated from their families; States will refer their care to the relevant national child protection authorities and other relevant authorities. States are also obliged to comply with their obligations under the **Convention on the Rights of the Child**. Consequently, they will work to provide for basic health, education and psychosocial development and for the registration of all births on our territories (para. 32).

Fourthly, with a view to disrupting and eliminating the criminal networks involved, States will review their national legislation to ensure conformity with their obligations under international law on migrant smuggling, human trafficking and maritime safety. They should implement the **United Nations Global Plan of Action to Combat Trafficking in Persons** and to establish or upgrade, as appropriate, national and regional anti-human trafficking policies. There are some regional initiatives such as the **African Union-Horn of Africa Initiative on Human Trafficking and Smuggling of Migrants**, the **Plan of Action Against Trafficking in Persons, Especially Women and Children**, of the Association of Southeast Asian Nations, the **European Union (EU) Strategy towards the Eradication of Trafficking in Human Beings 2012-2016**, and the **Work Plans against Trafficking in Persons in the Western Hemisphere** (para. 36).

Fifthly, States pledged to combating xenophobia, racism and discrimination in our societies against refugees and migrants. States will take measures to improve their integration and inclusion, as appropriate, and with particular reference to access to education, health care, justice and language training. They recognize that these measures will reduce the risks of marginalization and radicalization. National policies relating to integration and inclusion will be developed, as appropriate, in conjunction with relevant civil society organizations, including faith-based organizations, the private sector, employers' and workers' organizations and other stakeholders. They also noted the obligation for refugees and migrants to observe the laws and regulations of their host countries (para. 39).

The **New York Declaration on migrants and refugees** underscored the obligation of States to create conditions that allow communities and individuals to live in peace and prosperity in their homelands.

Migration should be a choice, not a necessity. In this line, international community should implement the **2030 Agenda for Sustainable Development**, whose objectives include eradicating extreme poverty and inequality and the promotion of peaceful and inclusive societies based on international human rights and the rule of law, creating conditions for balanced, sustainable and inclusive economic growth and employment, combating environmental degradation and ensuring effective responses to natural disasters.

Finally, the international community pledged to address the root causes of such crisis situations and to prevent or resolve conflict by peaceful means.

#### **8. Strengthening peace in the world through the promotion and protection of the rights of indigenous people**

In the context of its 30th Anniversary, Traditions for Tomorrow inaugurated on 1 September 2016 a photographic exhibition entitled ***Amerindians: traditions and knowledge***, located from 1 to 30 September in Quai Wilson (Geneva).

Through this exhibition the two photographers, Slawo Plata and Olivier Follmi, guide the public on a visual journey through the rich and diverse world of indigenous people in three Latin American countries, namely, Peru, Bolivia and Ecuador. The photos of high quality also show the importance of human creativity through contemporary themes such as farming techniques and those of livestock, environment, health, communication, food, traditional skills, festivals and governance. These images allow admiring and appreciating the wealth of knowledge and traditions of indigenous peoples in the Andean region.

For this special occasion, several high level personalities representing the local government, civil society and UNESCO delivered an oral statement in the opening ceremony of this exhibition, by which they wanted to commend the utmost efforts displayed by Traditions for Tomorrow in the past years. In particular, Mrs. Sandrine Salerno - Administrative Counsellor for the City of Geneva- , Mr. Jean Bernard Munch - President of the Swiss National Commission for UNESCO – and Mr. René Longet - President of the Geneva NGO Federation for Cooperation- emphasized the role played by Geneva in the promotion of human rights and the positive contribution of this organization in the attainment of peace.

As a special speaker, Mr. Abdulaziz Almuzaini, former Director of the UNESCO Liaison Office in Geneva, stated that from the Kalahari Desert

to the Himalayas, from the Amazon to the Arctic, indigenous peoples are on the frontline of climate change. The peoples of the Andes are particularly exposed to contemporary challenges, which affect their livelihoods. They are exposed and vulnerable to this impact because of the close links between the environment of the high mountains and culture, spirituality and their social-economic system.

He added that indigenous peoples use their traditional knowledge to adapt to changes in the environment and build their ancestral relationship with the environment of the mountain. For him, this exhibition is an expression of their is clear that neither sustainability nor social inclusion is possible without a firm commitment to uphold the rights of indigenous peoples, without offering them the means to express themselves freely, without developing and practicing their culture and participating in collective decisions.

He reminded to the public that the UNESCO commitment to indigenous peoples is also reflected in the Universal Declaration on Cultural Diversity of 2001, Convention for the Safeguarding of the Intangible Cultural Heritage of 2003 and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions of 2005. In all these UNESCO legal instruments, indigenous peoples are recognized as custodians of their cultural heritage.

Finally, Mr. Almuzaini applauded the objective of this initiative, which has as a purpose to preserve the heritage and cultural identity of indigenous peoples in Latin America for future generations.

According to the latest world estimations, the number of indigenous groups globally exceeds 5,000, representing as many as 370 million of human beings in more than 70 countries. As emphasized by the former President of the UNGA in 2000, "we need indigenous peoples in our midst as part of our global efforts to bring peace, promote sustainable development, eradicate poverty and strengthen democracy, as well as to preserve cultural diversity". Although the indigenous peoples' spirituality or religion has been put down over the centuries, their traditional concept of life based on peace and mutual respect has survived until recent years.

The ***United Nations Declaration on Human Rights of Indigenous Peoples*** recognised that the indigenous peoples have the right to live in freedom, peace and security. Nevertheless, the persistent plight of indigenous peoples in many parts of the world continues to be an affront to humanity. It follows that the realization of the rights contained in the

current human rights instruments, including the **UN Declaration on Human Rights of Indigenous Peoples**, could become a useful means so that an increasing number of the world's indigenous peoples can truly live in dignity and peace.

Since Education is an indispensable tool that can help humankind, including indigenous peoples in particular, to move towards the ideals of peace, freedom and social justice, cultural diversity should be given paramount importance in any formal or informal educational system. Nevertheless, culture, languages, traditions and knowledge of indigenous peoples continue to be discriminated in the programmes, curricula and teaching methods of many countries. In addition, indigenous communities are occasionally forced to sacrifice important aspects of their identity and, in some cases, the underlying goal of State educational systems is to assimilate indigenous peoples into the dominant group. As stated by the **UNESCO Universal Declaration on Cultural Diversity**, "the respect for the diversity of cultures, tolerance, dialogue and cooperation, in a climate of mutual trust and understanding are among the best guarantees of international peace and security". In conclusion, not only should indigenous education be broadened at all levels of national education with anti-racist and multicultural methods that reflect respect for cultural, ethnic diversity and gender equality, but fair and equal access to a quality education should be provided to all.

As stated by Article 8 (j) of the **UNESCO Convention on Biological Diversity**, the conservation and sustainable use of biological diversity depends on knowledge, innovations and practices of indigenous and local communities. Thus, States should recognize the vital role of indigenous peoples in the environmental management and conservation of biological diversity, and foster their knowledge and their traditional methods of work in the sustainable use of biological resources. According to Principle 25 of the **Rio Declaration on Environment and Development**, adopted together with Agenda 21 by the **Rio Earth Summit** in 1992, "peace, development and environmental protection are interdependent and indivisible".

The spiritual and cultural link between the cultural identity of indigenous communities and their ancestral lands is often misunderstood by non-indigenous persons and is frequently ignored in the decision-making of many governments in the process of development. As stated by the Human Rights Committee (General Comment on Article 27 of ICCPR), "culture manifests itself in many forms, including a particular way of

life associated with the use of land resources, especially in the cases of indigenous peoples”.

Most peace negotiations with indigenous communities have only dealt with superficial issues. The roots of conflicts are seldom addressed and remain hidden only to re-emerge at a later time. The historical situation of land dispossession and social exclusion is not only the result of a larger picture of complex social problems related to a history of discrimination and marginalization, including poverty and unemployment, but also the cause of tensions and conflict in many indigenous communities. To overcome these problems a fair and effective justice system is crucial in fostering reconciliation, peace, stability and development among indigenous peoples.

Currently, many indigenous women are submitted to discriminatory practices within communities, such as forced marriages, frequent domestic violence, dispossession of property and other forms of male patriarchal domination. Moreover, women are often excluded from participative processes and decision-making on development projects and programmes in indigenous communities. Thus, taking into account that the realization of equal rights for women at all levels and in all areas of life contributes to the achievement of a just and lasting peace their marginalization and discrimination impedes the social, economic and cultural development of the indigenous peoples as a whole.

For this reason, Member States should be urged to recognize the need to ensure full respect for the human rights of indigenous women as provided in the *Beijing Declaration and Platform for Action of the Fourth World Conference on Women* in 1995 and to promote their participation in all levels of decision making on peace and security issues as provided in UN SC Resolution 1325.

## **9. The role played by education in countering violent extremism**

On 24 December 2015, the UN Secretary-General presented his *Plan of Action to Prevent Violent Extremism*, by which he underscored that violent extremism is an affront to the purposes and principles of the United Nations and affirmed that this phenomenon undermines the three pillars of the United Nations - peace and security, human rights and sustainable development-.

Violent extremism refers to the beliefs and actions of people who support or use ideologically-motivated violence to achieve radical ideological, religious or political views. Consequently, violent extremist views can be exhibited along a range of issues, including politics, religion



and gender relations. No society, religious community or worldview is immune to such violent extremism. Therefore, violent extremism occurs when someone wants to impose their views on others using violence if necessary.

On 24 September 2014, the SC adopted Resolution 2178 by which it encourages Member States to engage relevant local communities and non-governmental actors in developing strategies to counter the violent extremist narrative that can incite terrorist acts, and address the conditions conducive to the spread of violent extremism, which can be conducive to terrorism. Approaches should include empowering youth, families, women, religious, cultural and education leaders, and all other concerned groups of civil society and adopting tailored approaches to countering recruitment to this kind of violent extremism and promoting social inclusion and cohesion.

Afterwards, in its resolution 2250 of 2015, the SC encouraged Member States to engage relevant local communities and non-governmental actors in developing strategies to counter the violent extremist narrative that can incite terrorist acts, address the conditions conducive to the spread of violent extremism, which can be conducive to terrorism, including by empowering youth, families, women, religious, cultural and education leaders, and all other concerned groups of civil society and adopt tailored approaches to countering recruitment to this kind of violent extremism and promoting social inclusion and cohesion.

In its decision 197 EX/Decision 46 (“UNESCO’s role in promoting education as a tool to prevent violent extremism”), the Executive Board encouraged the Director-General to enhance UNESCO’s leading role in promoting and implementing education as an essential tool to help prevent violent extremism, enhance coordination across sectors on related initiatives, and identify opportunities for collaboration within the United Nations system and non-governmental organizations (NGOs).

The guide for teachers and educators on ***Preventing Violent Extremist and Radicalization*** that UNESCO has prepared will provide teachers and educators with a basic understanding of violent extremism and the role of education in combatting it, as well as with practical guidance on how to address violent extremism and challenge the prevailing narratives conveyed by extremist ideologies in a classroom setting.

As indicated by UNESCO, ***Global Citizenship Education*** (GCED) is an emerging approach to education that focus on developing

learners' Knowledge, skills, values and attitudes in view of their active participation in the peaceful and sustainable development of their societies. GCED is about instilling respect for human rights, social justice, gender equality and environmental sustainability, which are fundamental values that help raise the defences of peace against violent extremism.

A concept at the core of GCED is solidarity and respect for diversity, irrespective of differences in age, gender, nationality or ethnicity, and not just solidarity with people within your immediate community but also with those outside of it.

UNESCO's work in the GCED is guided by the Education 2030 Agenda and Framework for Action, notably Target 4.7 of the SDG 4 on Education, which calls on countries to "ensure that all learners are provided with the knowledge and skills to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development".

In the context of the current discussion on the role played by education in countering violent extremism within the HRC, on 26 September 2016 UNESCO and the Permanent Mission of the Kingdom of Morocco to the United Nations organized a "Panel Discussion on Learning to Live Together" at the Palais des Nations in Geneva.

Mr Abdulaziz Almuzaini, former Director of the UNESCO Geneva Liaison Office, outlined in this Panel that education is key to prevention, and is a strategic response to the threats faced by young people. The relevance of preventing violent extremism notably through education was also recently recognized, he said, by the UNGA Resolution on the **UN Global Counter-Terrorism Strategy Review** 70/291, which was adopted last July. He also stressed that education alone is not enough: we need a specific type of education. Consequently, we need to empower young women and men to become active citizens in facing and resolving global challenges and contributing to a more peaceful, tolerant, inclusive and secure world. This requires helping learners develop critical thinking, empathy, and respect for diversity. This requires providing them with a positive sense of identity and belonging, and to foster mutual understanding and respect among youth, including through interfaith and intercultural dialogue. Also

he recalled that UNESCO's contribution in this domain is not limited to the elaboration of guidelines. The Organization is also providing an easy access to relevant educational resources, including educational material and resources on the prevention of violent extremism.

Mr. Almuzaini also said that in September 2016, in cooperation with the Mahatma Gandhi Institute of Education for Peace and Sustainable Development (MGIEP), UNESCO organized an International Conference on this specific issue in New Delhi, India. The presence of 217 participants representing 66 countries, including Ministers, senior education policy-makers, experts, NGO representatives and youth advocates in the field demonstrated how important we consider education as a powerful tool to prevent violent extremism and address intolerance. The Conference enabled building a common understanding about how education systems can appropriately and effectively prevent violent extremism, and generated concrete ideas on the way forward for preventing violent extremism through education by identifying priority areas of work and follow-up activities.

In this line, on 30 September 2016 the HRC adopted a resolution on *Protection of human rights and fundamental freedoms while countering terrorism*, in which Member States recognizes the important role of education, respect for cultural diversity, preventing and combating discrimination, employment and inclusion in helping to prevent terrorism and violent extremism conducive to terrorism and also encourage Member States, United Nations entities, regional and subregional organizations and relevant actors to consider instituting mechanisms to involve youth in the promotion of a culture of peace, justice and human development, ethnic, national and religious tolerance.

As to the matter of young people and education, Mr. Almuzaini ended his speech at the Panel discussion by highlighting that we are here today to examine the role of education in addressing the root causes of violent extremism. We need to help young people resist violent extremist messages and to steer them away from violent extremist groups, through nurturing a quality education that meets their needs. This process cannot be carried out without youth participation.

#### 10. **Global Citizenship Education**

It is critical to recall that since the launching of the *UN Secretary-General's Global Education First Initiative* (GEFI) in 2012, UNESCO has promoted global citizenship education (GCED) in the understanding

that it refers to a sense of belonging to a broader community and common humanity. It also emphasises political, economic, social and cultural interdependency and interconnectedness between the local, the national and the global.

According to UNESCO, GCED aims to empower learners to assume active roles to face and resolve global challenges and to become proactive contributors to a more peaceful, tolerant, inclusive and secure world. GCED is one of the strategic areas of UNESCO's Education Sector programme for the period 2014-2021.

In accordance with the target 4.7 contained in the SDGs; by 2030 all learners should acquire knowledge and skills to promote sustainable development through the promotion of culture of peace and non-violence, global citizenship and appreciation of cultural diversity.

UNESCO's approach to **Global Citizenship Education** builds on the Organization's long standing experience in human rights and peace education (PHRE), which remain specific areas of work for the Organization. UNESCO considers that education for human rights and the promotion of a culture of peace and non-violence enhance the quality education.

In the context of the **United Nations Plan of Action to Prevent Violent Extremism**, UNESCO is supporting countries seeking to deliver education programmes that build young people's resilience to violent extremist messaging and foster a positive sense of identity and belonging. This work is being undertaken within the conceptual framework of GCED.

This important SDGs benchmark was elaborated in the **UNESCO Incheon Declaration and Framework for Action**, which was adopted in the World Education Forum held in Republic of Korea in 2015. In this vein, the OHCHR concluded in its report on the realization of the equal enjoyment of the right to education by every girl of 2017 the relevance of the mutually reinforcing linkages between the SDGs and the international and regional processes, including the Incheon Declaration.

To reach a full GCED, the following elements should be taken into account, namely: elimination of all forms of intolerance and of discrimination based on religion or belief; girls and women education; cultural diversity; violence and prevention of violent extremism; prevention of armed conflict through education and reconciliation.

The United Arab Emirates (UAE) launched in 2010 the Vision 2021 by which the UAE' Government calls for "a shift to a diversified and knowledge-based economy". Education is also targeted in "UAE Vision 2021", as the UAE aims to build a first rate education system, in which Emirati students may be ranked among the best in the world. In parallel, the Rashid Al Maktoum Intelligent Education Initiative was also launched in 2012 with the aim of creating a new learning environment in schools.

Since the adoption of the **National Strategy for the Advancement of Women**, UAE has developed a national plan aimed at empowering women in the field of education. On the basis of this national compromise, which is rooted in the **Beijing Conference and Declaration** of 1995, the UAE has positively exported this engagement to the work of the HRC by successfully promoting the resolution on "Realizing the equal enjoyment of the right to education by every girl".

Under the strong leadership of H.E. Obaid Salem Saeed Al Zaabi, former Permanent Representative of UAE in Geneva, the HRC adopted the resolution 35/22 of 14 July 2017 by which it reaffirms the importance of enhancing the dialogue between UNESCO, UNICEF and the Special Rapporteur on the right to education and other partners that pursue the goals of girls' education with a view to promoting further the right to education of girls in the operational activities of the United Nations system.

The resolution also urges all States « ...to strengthen and intensify their efforts to take deliberate, concrete and targeted steps to fully realize the equal enjoyment of the right to education by every girl, to eliminate legal, administrative, financial, structural, social and cultural barriers that hinder girls' equal enjoyment of the right to education... ».

Despite this important landmark, a global assessment about the integration and impact of the GCED in the daily work of the United Nations in Geneva has not been yet studied. Geneva is witness about how the different values and cultures take active part and influence in all those world debates and negotiations, which are currently occurring in the whole system of the United Nations.

#### **11. Countering violence and violent extremism through the United Nations system**

In the recent years, the spread of violent extremism has provoked an unprecedented humanitarian crisis which surpasses the boundaries of any one region. Millions of people have fled the territory controlled

by violent extremist groups. Migratory flows have increased both away from and towards the conflict zones. Today there is a growing international consensus that the counter-terrorism measures adopted by States have not been sufficient to prevent the spread of violent extremism.

In this context, on 24 December 2015, the UN Secretary-General presented his ***Plan of Action to Prevent Violent Extremism***, by which he underscored that violent extremism is an affront to the purposes and principles of the United Nations and affirmed that this phenomenon undermines the three pillars of the United Nations - peace and security, human rights and sustainable development-

This Plan of Action pursues a practical approach to preventing violent extremism, without venturing to address the definition of "terrorism" and "violent extremism", by being considered a prerogative of Member States, which should be elaborated in a manner consistent with their obligations under international law, in particular international human rights law.

This Plan identifies those conditions conducive to and the structural context of violent extremism, such as the lack of socioeconomic opportunities, marginalization and discrimination, poor governance, violations of human rights, prolonged and unresolved conflicts and radicalization in prisons.

In the elaboration of national plans and regional strategies to tackle this phenomenon, the Secretary-General recommends that Member States should consider addressing the following elements: promotion of dialogue, conflict prevention, strengthening of good governance, protection of human rights, engagement of communities, empowerment of youth and women, gender equality, education, employment facilitation, strategic communications and social media

After the presentation of his report, the UNGA reacted by adopting on 12 February 2016 resolution 70/254 on the ***Secretary-General's Plan of Action to Prevent Violent Extremism*** by which it stressed that it is essential to address the threat posed by violent extremism as and when conducive to terrorism; recognized that violent extremism cannot and should not be associated with any religion, nationality, civilization or ethnic group; welcomed the initiative by the Secretary-General, and took note of his Plan of Action to Prevent Violent Extremism and finally, decided to give further consideration to the ***Plan in the United Nations Global Counter-Terrorism Strategy review*** in June 2016.

However, resolution 70/254 should also be interpreted in light of resolution 72/241 on a **World against violence and violent extremism**, adopted by the UNGA on 10 December 2015, by which it urges all Member States to unite against violent extremism in all its forms and manifestations as well as sectarian violence, encourages the efforts of leaders to discuss within their communities the causes of violent extremism and discrimination and to evolve strategies to address these causes, and underlines that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and respect for religious and cultural diversity.

In order to counter violent extremism in the world, the UNGA expressly identifies in its resolution 72/241 the following international instruments and initiatives, on which a coordinated, coherent and integrated plan is strongly needed to foster peaceful and inclusive societies:

***Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations*** (res. 25/2625, of 24 October 1970); ***Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States*** (res. 36/103, of 9 December 1981); ***Declaration on the Right of Peoples to Peace*** (res. 39/11, of 12 November 1984); ***Measures to Eliminate International Terrorism*** (res. 49/60, of 9 December 1994); ***Declaration and Programme of Action on a Culture of Peace*** (res. 53/243, of 13 September 1999); ***International Day of Peace*** (res. 55/282, of 7 September 2001); ***Global Agenda for Dialogue among Civilizations*** (res. 56/6, of 9 November 2001); ***United Nations Global Counter-Terrorism Strategy*** (res. 60/288, of 8 September 2006); ***Alliance of Civilizations*** (res. 64/14, of 10 November 2009); ***Protection of human rights and fundamental freedoms while countering terrorism*** (res. 66/171, of 30 March 2012); ***Measures to eliminate international terrorism*** (res. 67/99, of 14 December 2012); ***Promotion of peace as vital requirement for the full enjoyment of all human rights by all*** (res. 67/173, of 22 March 2013); ***Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief*** (res. 67/178, of 20 December 2012); ***Freedom of religion and belief*** (res. 67/179, of 20 December 2012) and the ***Beijing Declaration and Platform for Action*** (15 September 1995).

In the resolution 72/241, Member States expressed their concern on the acts of intolerance, violent extremism, violence, including sectarian violence and terrorism in various parts of the world and consequently, underlined that wars and armed conflicts can lead to radicalization and the spread of violent extremism and disrupt development of human societies and thwart the well-being of humankind.

Despite the critical challenges posed by extremism, the UNGA recognized that a primary responsibility of each State is to ensure a peaceful and violence-free life for its people, while fully respecting their human rights without distinction of any kind and to live together in peace with its neighbours.

Consequently, the UNGA encourages in resolution 72/241 all States and international organizations to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion of moderation and tolerance and respect for human rights. Additionally, it calls upon all States to foster understanding, tolerance and non-violence and eliminate all forms of intolerance and violence, eradicate poverty and illiteracy and reduce inequalities within and among nations. Finally, the UNGA also recognizes the effort made by UNESCO in countering violence and violent extremism through education.

Co-hosted by the Government of Switzerland and the United Nations, the **Geneva Conference on Preventing Violent Extremism – The Way Forward** took place on 7 and 8 April 2016 at the United Nations Office at Geneva. This Conference provided an opportunity for the international community to share experiences and good practices in addressing the drivers of violent extremism and to build support for the **Plan of Action**.

In his **Plan of Action**, the Secretary-General said that at a time of growing polarization on a number of national, regional and global issues, preventing violent extremism offers a real opportunity for the members of the international community to unite, harmonize their actions and pursue inclusive approaches in the face of division, intolerance and hatred.

## 12. **Promoting peace through the elimination of racism, racial discrimination, xenophobia and other forms of intolerance**

In recent years the reported acts of incitement to racial, ethnic and religious hatred have dramatically increased in the world. In all continents vulnerable communities, especially members of minorities, are victims of public utterances calling for intolerance and



discrimination and, in some cases, physical and psychological violence. They are often stigmatized through purported association with certain types of crimes, such as drug trafficking, illegal immigration, pick-pocketing or shoplifting. Furthermore, as a result of the overriding focus on prioritizing security over the international human rights law in the prevailing political context, treatment of immigrants, refugees and asylum-seekers is characterized by suspicion that they may be dangerous.

As recognized by the former *Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance*, discrimination, racism and xenophobia constitute by definition a rejection of or a failure to, recognize differences. Combating racism requires not only identifying its manifestations and expressions but also analysing and better understanding its underlying causes. The resurgence of the racist and xenophobic culture and mentality can feed and foster a dynamic of conflicts between cultures and civilizations, which constitutes the most serious threat to world peace.

The lack of recognition of multiculturalism is an underlying factor of racism and the central issue in present-day crisis in most of the regions of the world. An identity crisis is developed around the dilemma of whether to preserve an ethnic-centred identity or to recognize the reality of cultural and inter-religious pluralism.

Identity should be not an obstacle to, but a contributing factor that enables dialogue, mutual understanding, rediscovery of the proximity of the other and pluralism. The concept of diversity should not be interpreted as radical difference, inequality and discrimination against the other, but as a vital element enabling to build a new social vision based on the dialectic of unity, diversity and promotion of the value of cross fertilization between cultures, peoples, ethnic identities and religions. This new social vision should lead to peace.

In their contributions to the *Durban Review Conference* the African Group stated that, against the culture of fear, it is necessary to promote dialogue, peace, cultural diversity and mutual understanding; and the Latin American and Caribbean Group concluded that the promotion of tolerance and cross-cultural values is closely linked to the spirit of the *Durban Declaration and Programme of Action*.

Educational policies and programmes should be orientated to promote peace, respect for cultural diversity and universal human rights. Furthermore, as indicated by the *Intergovernmental Working*

**Group on the Effective Implementation of the Durban Declaration and Programme of Action**, human rights education should play a prominent role in combating racism, racial discrimination, xenophobia and related intolerance and promoting a culture of peace and dialogue.

The role of education in promoting tolerance and understanding has been underscored by the **UDHR** (art. 26, para. 2), which spells out that, inter alia, education shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. In addition, the **Durban Declaration** specifically underlines the links between the right to education and the struggle against racism, racial discrimination, xenophobia and related intolerance and the essential role of education, including human rights education and education which is sensitive to and respects cultural diversity, especially amongst children and young people, in the prevention and eradication of all forms of intolerance and discrimination (para. 97).

Education is also crucial in consolidating peace and ensuring development in post-conflict situations. Mr. Mutuma Ruteere, **Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**, recommends ensuring that education policy is an integral part of the programme of consolidating peace and integrating assessments of post-conflict situations and peace consolidation into national education strategies.

Since peoples of the world are entitled to equality of opportunity and the enjoyment of their human rights, including the right to development and the right to live in peace (**Durban Declaration and Programme of Action**, Preamble, paragraph 21), actions undertaken by Governments aimed at eliminating racism should include economic and social measures in support of peoples marginalized by racial discrimination. As emphasized by the Asian Group “poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance, and contribute to the persistence of racist attitudes and practices which in turn generate more poverty”.

Racism, racial discrimination, xenophobia and related intolerance manifest themselves in an aggravated and differentiated manner for women and girls “causing their living standards to deteriorate, generating multiple forms of violence and limiting or denying them the exercise of their human rights ...”. The **Convention on the Elimination**

*of Discrimination against Women*, as well as its Committee's General Recommendations, in particular GR 19 (1992) on violence against women, including older and immigrant women, should also be stressed. A transformed partnership based on equality between women and men is needed as a condition for people-centred sustainable development and world peace.

Discrimination and racism is an extended phenomenon affecting people of African descent and indigenous peoples. Although some legal and administrative measures have been adopted to promote, enhance and strengthen the ethnic, cultural, religious and linguistic identities, participation of minority groups in the political, economic, social and cultural spheres, continues to be irrelevant in many countries where racial policies based on superiority, xenophobia or discrimination are prevailing.

As requested in Article 4 of *the International Convention on the Elimination of All Forms of Racial Discrimination*, States Parties should adopt immediate and positive measures designed to eradicate all incitement to, or acts of, racial discrimination. In addition, the Human Rights Committee stated in its General Comment 18 that the principle of non-discrimination, together with equality before the law and equal protection of the law without any discrimination, constitute a basic and general principle relating to the protection of human rights.

The *Rabat Plan of Action* on the prohibition of advocacy on national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, adopted in 2012, reiterated that all human rights are universal, indivisible and interdependent and interrelated, and recalled the interdependence between freedom of expression and other human rights. The realization of freedom of expression enabled public debate, giving voice to different perspectives and viewpoints and playing a crucial role in ensuring democracy and international peace and security.

UNESCO has developed an integrated strategy to combat racism, discrimination, xenophobia and intolerance based on a series of studies and consultations on different aspects and forms of racism, xenophobia and discrimination, including the issue of combating racist propaganda in the media, in particular in cyberspace.

### **13. The fight against terrorism in light of the United Nations**

The New York, Bali, Madrid, Paris, Istanbul and London bombings illustrate that the terrorist phenomenon has alarmingly increased in

the world since September 11, 2001. The civilian population is usually the principal target of attacks that provoke massacres in streets, markets and restaurants.

The United Nations system, including the UNGA, the SC and the funds, agencies and programmes, has been engaged in combating terrorism for many decades. The Organization has worked to bring the international community together to prevent and to combat terrorism and has developed the international counter-terrorism legal framework to help States combat the threat collectively.

On 28 September 2001, acting under Chapter VII of the UN Charter, the SC adopted unanimously resolution 1373, which created the Counter-Terrorism Committee (CTC) and calls upon Member States to implement a number of measures intended to enhance their legal and institutional ability to counter terrorist activities.

Prior to the adoption of resolution 1373 (2001) and the establishment of the Counter-Terrorism Committee, the international community had already promulgated 12 of the current 16 international counter-terrorism legal instruments. However, the rate of adherence to these conventions and protocols by United Nations Member States was low.

As a result of the attention focused on countering terrorism since the events of 11 September 2001 and the adoption of SC resolution 1373 (2001), which calls on States to become parties to these international instruments, the rate of adherence has increased: some two-thirds of UN Member States have either ratified or acceded to at least 10 of the 16 instruments, and there is no longer any country that has neither signed nor become a party to at least one of them.

In 2004, the Council created the ***Counter-Terrorism Committee Directorate*** (CTED) to strengthen and coordinate the monitoring process. CTED is headed by an Executive Director, at the level of Assistant Secretary-General. SC resolution 2129, adopted in December 2013, extended CTED's mandate until 31 December 2017.

The relationship between counter-terrorism and human rights has attracted considerable interest since the establishment of the CTC in 2001 within the SC. In this regard, resolution 1373 (2001) calls upon States to take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts.

In its resolution 1456 (2003) and subsequent resolutions, the Council also affirms that States must ensure that any measure taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee, and humanitarian law.

Among all human rights, the SC emphasized in its resolution 1624 (2005) that all States and the United Nations should take all necessary and appropriate measures in accordance with international law at the national and international level to protect the right to life.

However, the CTC began moving toward a proactive policy on human rights when the Council decided to establish the CTED in 2004. Pursuant to resolution 1624 (2005), the Executive Directorate is mandated to take into account the relevant human rights obligations in the course of its activities. Consequently, the CTC and CTED always integrate the relevant human rights obligations in all their activities, including in the preparation of country assessment, country visits, the facilitation of technical assistance, and other interactions with Member States.

Apart from embracing international law and upholding rule of law in countering terrorism, the SC emphasized in its resolution 1624 (2005) that continuing international efforts to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures will contribute to strengthening the international fight against terrorism.

The Council's same resolution "... calls upon all States to continue international efforts to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures, and to take all measures as may be necessary and appropriate and in accordance with their obligations under international law to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent the subversion of educational, cultural, and religious institutions by terrorists and their supporters".

In the context of terrorism, the President of the SC stated in 2010 that continuing international efforts to enhance dialogue and broaden understanding among civilizations can help counter the forces that fuel polarization and extremism, and will contribute to strengthening the international fight against terrorism, and, in this respect, appreciates the positive role of the Alliance of Civilizations and other similar initiatives.

The UNGA emphasized in the **United Nations Global Counter-Terrorism Strategy Review** that tolerance and dialogue among civilizations and the enhancement of interfaith and intercultural understanding and respect among peoples are among the most important elements in promoting cooperation, in combating terrorism and in countering violent extremism.

The international practice has demonstrated that there is a close link between human rights law, rule of law, the promotion of tolerance and international peace and security. A demonstrated commitment to human rights, the promotion of dialogue among civilizations and the rule of law help to promote more effective cooperation at the political level. In several States, the CTED has strongly recommended that counter-terrorism legislation be reviewed in order to ensure its conformity with human rights standards. Additionally, on several occasions, the CTED has suggested that strengthening the human rights framework could help alleviate certain conditions conducive to terrorism.

On 24 December 2015, the “Secretary-General Plan of Action to Prevent Violent Extremism” came out, by which he appeals for concerted action in order to save succeeding generations from the scourge of war. According to him, the Plan constitutes the inaugural basis for a comprehensive approach to this fast evolving, multidimensional challenge.

The Secretary-General also wanted to stress that specific initiatives for the prevention of violence have been carried out through the Counter-Terrorism Implementation Task Force and the United Nations Counter-Terrorism Centre, such as a Task Force Working Group on the prevention of violent extremism and the conditions conducive to the spread of terrorism.

In order to apply the Plan of Action, the Secretary-General instructed UN entities to redouble their efforts in coordinating and developing activities and announced his attempt to adopt an All-of-UN approach to supporting national, regional and global efforts to prevent violent extremism through the United Nations Chief Executives Board for Coordination, as well as through existing United Nations inter-agency bodies.

This proposal made by the Secretary-General goes in the line of the **United Nations Global Counter-Terrorism Strategy Review** adopted by the UNGA in 2014, which underlined the importance of enhancing

counter-terrorism efforts undertaken by all relevant United Nations agencies and bodies in accordance with the existing mandates.

Martin Scheinin, former UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, underscored that the discussion on “root causes” of or even “conditions conducive” to terrorism should always be accompanied by a clear and uncompromised condemnation of all acts of terrorism.

The UNGA urged on 7 December 2017 in its resolution 72/17 « ... all States, therefore, to take all appropriate measures to combat hatred, intolerance and acts of violence, including those motivated by religious extremism, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief» and « requests the Secretary-General to devote, in consultation with the relevant bodies of the United Nations system, attention to the question of the effects of terrorist acts directed against religious sites on the culture of peace in his forthcoming reports relevant to the question».

#### **14. Social justice as a basis of universal peace**

Before the signature of the Treaty of Versailles and the inception of the League of Nations, the Peace Conference appointed on the 31st January 1919 the Commission on International Labour Legislation.

The Commission paved the way for the establishment of a new and permanent organization which could translate into deeds those feelings of humanity and justice, which are a necessary guarantee for peace. In 1919 States were very preoccupied with the critical post-war situation because of the revolutionary temper widespread throughout Europe. Therefore, the decision to give more visibility to the labour matters in the Peace Treaty was essentially a consequence of this preoccupation.

The drafters of the Constitution of the ILO stressed that the present conditions of workers are a source of concern and menace to world peace. Labour improvement is an integral and urgent part in the work of the Peace Conference. The participants sought that for the first time in history States, employers and workers would cooperate in a common task and work by a common desire to improve the worker’s condition in all countries.

The Preamble of the ILO Constitution contains another important reference to peace. It asserts that universal peace “can be established only if it is based upon social justice”. Therefore, social justice is not

the foundation of peace but a fundamental part of its superstructure. Consequently, the notion of peace cannot be limited to the negative conception of the prevention of war, but it must be positive and dynamic.

The Declaration of Philadelphia restated the traditional objectives of the ILO and also focused its attention on two new directions: the centrality of human rights to social policy, and the need for international economic planning. With the end of the world war in sight, it sought to adapt the guiding principles of the ILO “to the new realities and to the new aspirations aroused by the hopes for a better world”. It was adopted at the 26th Conference of the ILO in Philadelphia, United States of America held on 10 May 1944.

Promoting internationally recognized labour rights is an integral part of the ILO’s peacebuilding activities. With its tripartite structure, unique in the UN system, the Organization bases all decisions on the input of governments, employers and workers. This enables it to build agreement and cooperation among the social partners. Social dialogue is a vital tool for peacebuilding and longer-term post conflict security, which is the foundation for socio-economic development. In addition, the social dialogue has proved its worth in assisting countries to overcome economic crisis and restore social peace.

At its ninety-seventh session, held in Geneva on 10 June 2008, the International Labour Conference adopted the Declaration on Social Justice for a Fair Globalization. This instrument is a powerful reaffirmation of the ILO values, and in particular reaffirms the linkage between world peace, human rights and social justice. As pointed out by Juan Somavia, “the Declaration comes at a crucial political moment, reflecting the wide consensus on the need for a strong social dimension to globalization in achieving improved and fair outcomes for all”.

This Declaration emphasized that global economic integration has caused many countries and sectors to face major challenges of income inequality, increasing unemployment and poverty and the growth of both unprotected work and the informal economy. Consequently, the Declaration also pointed out that in a world of growing interdependence and complexity and the internationalization of production the fundamental values of freedom, human dignity, social justice and non-discrimination are essential for sustainable economic and social development.



During the Second World War, in 1944 the ILO adopted the recommendation n. 71 concerning **Employment in the Transition from War to Peace** by which the General Conference pointed out that to achieve full employment economic measures providing employment opportunities must be supplemented by effective organisation to help employers to secure the most suitable workers, to help workers to find the most suitable employment, and generally, to ensure the necessary skills are available and are distributed among the various branches and areas. The ILO also stressed that efforts should be made during the transition period to provide the widest possible opportunities for acquiring skills for juveniles and young workers who were unable, because of war, to undertake or to complete their training.

At its 320th Session in March 2014, the ILO Governing Body decided to place a standard-setting item on the agenda of the 105th Session (June 2016) of the International Labour Conference on Decent work for peace, security and disaster resilience: Revision of the Employment (**Transition from War to Peace**) Recommendation, 1944 (No. 71) with a view to the elaboration of a Recommendation. This standard-setting item builds on the ILO's experience of the critical role of employment and decent work in situations of crisis over the last three decades, the 2009 **United Nations Policy for Post-Conflict Employment Creation**, Income Generation and Reintegration (UN Policy), the outcome of the March 2014 Governing Body discussion on ILO technical cooperation in fragile States, and the subsequent **ILO High-Level Panel on Decent Work in Fragile States**, among others. It reflects a growing international concern with the situation in fragile and crisis-affected situations, and increasing international consensus over both the need and the means to address situations of fragility and crisis in States, restoring stability and preventing instability.

The Governing Body thus decided that it was necessary to adopt an international labour standard in the form of a Recommendation on this subject in order to reflect the increased attention being paid to the matter, which is at the crossroads of developmental, humanitarian and peacebuilding initiatives at the national and international levels. It was deemed necessary through this new instrument to revise and update the guidance provided by Recommendation No. 71 and to focus the action of the ILO and of its constituents on how to deal with crisis situations caused by conflict or disaster.

On 30 May 2016, the **Committee on Employment and Decent Work for the Transition to Peace** was established by the International Labour

Conference (Conference), which ended its work on 10 June 2016 in Geneva.

The objective of this Committee was to expand this instrument by including non-international armed conflicts that destabilized fragile societies and economies; and, addressing disasters because of the commonalities with conflicts in terms of the impact and consequences on the world of work and beyond. It went beyond reconstruction and recovery which was dealt with in Recommendation No.71, with a focus on prevention, preparedness and resilience in order to anticipate and mitigate the impact of crises.

The proposed revision was taking place amid a growing international consensus on the importance of employment creation and income generation as fundamental elements in crisis response; on the nexus between rapid response, early recovery, reconstruction and long-term development; on the importance of better coherence and coordination among multiple actors at the international, regional and local levels; and on the principles of shared responsibility and solidarity.

In accordance with the text prepared by States, employers and workers within the Committee, the proposed instrument should expand the purpose and scope of the Employment (***Transition from War to Peace***) Recommendation, 1944 (No. 71), which focuses on the role of employment in the transition from war to peace, to provide broader guidance on the role of employment and decent work in prevention, recovery and resilience with respect to crisis situations arising from conflicts and disasters that destabilize societies and economies.

The proposed instrument affirms the principle by which measures to promote peace, prevent crises, enable recovery and build resilience should respect, promote and realize the fundamental principles and rights at work, protect other human rights and other relevant international labour standards and that all measures taken for recovery and resilience should promote good governance and combat corruption.

Consequently, all measures adopted to address crises should be based on dialogue and the need to combat discrimination, prejudice and hatred on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, or any other grounds, where appropriate following procedures deemed necessary to allow national reconciliation;

On 10 June 2016, the General Conference of the International Labour Organization adopted the resolution to place on the agenda of the next ordinary session of the Conference to be held in Geneva in 2017 an item entitled ***Employment and decent work for peace and resilience*** with a view to the adoption of a Recommendation.

### 15. **Women as peace-builders**

Inequality is particularly gendered in war and conflict which severely compromises women's rights to sustainable development. Even though women provide unpaid service in times of peace such as searching for water and the preparation of food and energy conservation, inequality is intensified during conflict since the peacekeeping infrastructure is often destroyed.

Along with the deepening violence women experience during war, the long-term effects of conflict and militarization create a culture of violence that renders women especially vulnerable after war, because institutions of governance and law are weakened and social fragmentation is pronounced. The ***United Nations Fourth World Conference on Women, Action for Equality, Development and Peace*** held in Beijing, China, in 1995 concluded that the maintenance of peace and security is crucial for the protection of the human rights of women and girl children, as well as for the elimination of all forms of violence against them and of their use as a weapon of war.

The interest of involving women and girls in the peace processes often stems from their experiences of armed conflicts, whether primarily as victims or as armed participants. They are aware of the potentials for transformation and reform in periods of peacemaking. As the ***Platform for Action of Beijing*** indicated "the girl child of today is the woman of tomorrow. The skills, ideas and energy of the girl child are vital for full attainment of the goals of equality, development and peace".

Women have a unique opportunity to become organized in peace movements to focus on shared social experiences. Many women have experiences with cultural barriers to empowerment that can create common ground and networks of solidarity that are able to cross invisible borders. The ***Forward-looking Strategies on Equality, Development and Peace*** of Nairobi of 1985 states that women should be completely integrated into the development process in order to strengthen peace and security in the world. Thus, the realization of equal rights for women at all levels and in all areas of life contributes to the achievement of a just and lasting peace.

The **UN Charter** was the first international instrument to recognize women's equal rights with men and has created the impulse in providing a legal codification of these rights in the international human rights treaties and national laws. It follows that a transformed partnership based on equality between women and men is needed as a condition for people-centred sustainable development and world peace.

The most critical deterrent to the establishment of world peace is the inequality that remains in the mental attitudes and behaviour that perpetuate the notion of power that deprives others of the enjoyment of their basic human rights and human dignity. It follows that equality between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development and peace. The preamble of the **Convention on the Elimination of All Forms of Discrimination against Women** (CEDAW) highlights that "the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields."

Women's peace movements have raised major issues on war around the world, notably when war and conflict situations have been increasing. Without doubt, these movements to wage peace have been able to accomplish significant and historical inroads in impacting public opinion. For instance, SC resolution 1325 (2000), 1820 (2008), 1888 and 1889 on **women, peace and security**, stated that bringing a gender perspective into peace negotiations is an evident outcome of this movement.

The UNSC 1325 covers a broad spectrum of violence against women and girls in conflict and specifically notes in the following terms: "expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and recognizing the consequent impact this has on durable peace and reconciliation; "reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution" and "reaffirming also the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts",

This Council resolution 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”.

The final outcome of the *International Conference on the Relationship between disarmament and development* of 1987 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 a consequence of the growing interdependence and interrelationship among nations and global issues, multilateralism provides the international framework within which the relationship between disarmament, development and security should be shaped.

As indicated by the Office for Disarmament Affairs in 2008, 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. 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 (par. 22).

To establish lasting peace, the right to enjoy the highest attainable standard of physical, mental and spiritual health should be central to creating and sustaining the capabilities that the poor need to escape from the scourge of poverty. As stressed by Mr. Paul Hunt in 2003, former UN *Special Rapporteur on the right to the highest attainable standard of health*, ill health destroys livelihoods, reduces worker productivity, lowers educational achievement, limits opportunities and reduces human development. A fundamental right which must be respected not only in times of peace but also in times of war, is the right to a minimum standard of living, including regular, permanent and unrestricted access, either directly or by means of financial purchases, to obtain adequate and sufficient food supplies.

International human rights law is concerned particularly with vulnerable marginalised and minority groups who live in extreme poverty. The exponential increase in prostitution and trafficking of

women and children is a perceptible reflection of the spread of poverty. People's security also deals with international and states' legislation prohibiting and punishing violence in particular in relation to women and the girl child, and taking action against trafficking and sexual exploitation of women and children. The extremely poor, especially women, children the elderly and persons with disabilities, should be the main targets of anti-poverty strategies. To be successful in these strategies, children's right to food needs to be respected in order to combat hunger and guarantee peace. And as many empirical studies demonstrate women's full enjoyment and participation in all human rights is a precondition to the full realization of peace and has a major impact on the enjoyment of these rights for society as a whole.

The *International Peace Conference* held in The Hague in 1899 concluded that peace finds its roots in the "consciousness of the world". Those who live in extreme poverty, in particular poor rural women, understand better than we realize what is at stake in wars and who ultimately suffers from them. They therefore are in a position to demand a redistribution of the world's priorities and resources.

#### **16. The promotion of peace through youth lens**

In the current times, there is a common agreement among all experts about the profound importance of the direct participation of youth in shaping the future of mankind and the valuable contribution that youth can make in all sectors of society. For this reason, it is necessary to disseminate among youth the ideals of peace, respect for human rights and fundamental freedoms and human solidarity.

As indicated by the UN Secretary-General, Mr. Antonio Guterres, in the speech delivered during the ceremony in which he took the oath of office on 12 December 2016 in New York, "We must build on the work that has been done with the support of Member States, the Youth Envoy and civil society. But this cannot be an initiative by old people discussing younger generation. The United Nations must empower young people, increase their participation in society and their access to education, training and jobs".

In accordance with the United Nations the current generation of youth is the largest ever, and in this context it is vital to involve youth, and youth led and youth-focused organizations in the work of the United Nations at the national, regional and international levels.

Despite the increasing role played by young people in world affairs, currently over 73 million of young people are unemployed. For this

reason, Member States pledged in the **2030 Agenda for Sustainable Development** adopted by Heads of State and Government on 25 September 2015 to build dynamic, sustainable, innovative and people-centred economies, promoting youth employment and women's economic empowerment, in particular, and decent work for all and to eradicate forced labour and human trafficking and end child labour in all its forms.

In the Goal 4 on "ensure inclusive and quality education for all and promote lifelong learning", the UNGA agreed that by 2030 to substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship.

In 1965, in resolution 2037 (XX), the UNGA endorsed the **Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples**, by which it proclaimed that "young people shall be brought up in the spirit of peace, justice, freedom, mutual respect and understanding in order to promote equal rights for all human beings and all nations, economic and social progress, disarmament and the maintenance of international peace and security" (Principle I) and that "exchanges, travel, tourism, meetings, the study of foreign languages, the twinning of towns and universities without discrimination and similar activities should be encouraged and facilitated among young people of all countries" (Principle IV).

From 1965 to 1975, both the UNGA and the ECOSOC emphasized three basic themes in the field of youth: participation, development and peace. The need for an international policy on youth was emphasized as well. In 1979, the UNGA, by resolution 34/151, designated 1985 as **International Youth Year: Participation, Development and Peace**.

The observance of the International Youth Year offered a useful and significant opportunity for drawing attention to the situation and the specific needs and aspirations of youth, for increasing co-operation at all levels in dealing with youth issues, for undertaking concerted action programmes in favour of youth and for improving the participation of young people in the study, decision-making processes and resolution of major national, regional and international problems.

In 1995, on the tenth anniversary of International Youth Year, the United Nations strengthened its commitment to young people by directing the international community's response to the challenges faced by youth into the next millennium. It did this by adopting an international

strategy—the **World Programme of Action for Youth to the Year 2000 and Beyond**.

Each of the ten priority areas identified by the international community is presented in terms of principal issues, specific objectives and the actions proposed to be taken by various actors to achieve those objectives. Objectives and actions reflect the three themes of International Youth Year: Participation, Development and Peace; they are interlinked and mutually reinforcing.

The ten fields of action identified by the international community are education, employment, hunger and poverty, health, environment, drug abuse, juvenile delinquency, leisure-time activities, girls and young women and the full and effective participation of youth in the life of society and in decision-making. The Programme of Action does not exclude the possibility of new priorities which may be identified in the future.

In accordance with the **World Programme of Action for Youth**, programmes aimed at learning peacemaking and conflict resolution should be encouraged and designed by Governments and educational institutions for introduction to schools at all levels. Children and youth should be informed of cultural differences in their own societies and given opportunities to learn about different cultures as well as tolerance and mutual respect for cultural and religious diversity. Governments and educational institutions should formulate and implement educational programmes which promote and strengthen respect for all human rights and fundamental freedoms and enhance the values of peace, solidarity, tolerance, responsibility and respect for the diversity and rights of others.

Since development, peace and security and human rights are interlinked and mutually reinforcing, the **World Programme** also suggests that governments should promote a culture of peace, tolerance and dialogue, including in both formal and non-formal education.

The **World Programme of Action for Youth** also indicated that governments should protect young persons in situations of armed conflict, post-conflict settings and settings involving refugees and internally displaced persons, where youth are at risk of violence and where their ability to seek and receive redress is often restricted, bearing in mind that peace is inextricably linked with equality between young women and young men and development, that armed and other types of conflicts and terrorism and hostage-taking still persist in many parts



of the world, and that aggression, foreign occupation and ethnic and other types of conflicts are an ongoing reality affecting young persons in nearly every region, from which they need to be protected.

Taking into account that 600 million young people live in fragile and conflict-affected settings, on 9 December 2015 the United Nations SC adopted an historic resolution on youth, peace and security, which for the first time in its history focuses entirely on the role of young men and women in peacebuilding and countering violent extremism. The resolution, sponsored by Jordan, represents an unprecedented acknowledgment of the urgent need to engage young peacebuilders in promoting peace and countering extremism. The resolution also positions youth and youth-led organizations as important partners in the global efforts to counter violent extremism and promote lasting peace. The resolution also urges Member States to consider ways to increase inclusive representation of youth in decision-making at all levels and to offer mechanisms for the prevention and resolution of conflict in partnership with young people.

This important resolution responds to the limited opportunities for young people to participate in formal peace processes by calling for the inclusion of youth in peace negotiations and peacebuilding efforts. And finally, with regard to countering violent extremism, the resolution stresses the importance of addressing conditions and factors leading to the rise of radicalization and violent extremism among youth. It also notes the important role young women and men can play as positive role models in preventing and countering violent extremism.

As indicated by Mrs. Matilda Flemming, leading coordinator at the United Network of Young Peacebuilders, “young people alone by no means have the answers to the challenges the world and communities around the world are facing. Neither do older generations. By bringing together the vision of young people today, and the experience of older generations, new answers to challenges are created”.

#### **17. Promotion of development and peace through sport and the Olympic ideal**

The ancient Greek tradition of *ekecheiria* (“Olympic Truce”) advocated for a truce during the Olympic Games in order to encourage a peaceful environment, to ensure safe passage, access and participation for athletes and relevant persons at the Games and to mobilize the youth of the world to the cause of peace.

Modern Olympism was conceived by Pierre de Coubertin, on whose initiative the International Athletic Congress of Paris was held in June 1894. The International Olympic Committee (IOC) constituted itself on 23 June 1894. The first Olympic Games (Games of the Olympiad) of modern times were celebrated in Athens, Greece, in 1896. The first Olympic Winter Games were celebrated in Chamonix, France, in 1924.

The *Olympic Charter* of 2 August 2015 recognised that Olympism is a philosophy of life, which creates a way of life based on the joy of effort, the educational value of good example, social responsibility and respect for universal fundamental ethical principles. In this vein, the search for peace, the harmonious development of humankind, the mutual understanding, solidarity, friendship and the preservation of human dignity are objectives deeply rooted in the Olympic movement.

In order to pursue these goals, the International Olympic Committee encourages and supports initiatives blending sport with culture and education. In this context, the role played by UNESCO as the United Nations' lead agency for Physical Education and Sport (PES), is pivotal to attain these purposes. In fact, this UN specialized agency assists and advises Member States wishing to elaborate or strengthen their training system in physical education. In addition, UNESCO plays the secretariat role for the Intergovernmental Committee for Physical Education and Sport (CIGEPS).

Through the cooperation with UNESCO, the international community will interact with members of the CIGEPS Permanent Consultative Council, namely: the International Olympic Committee (IOC), the International Paralympic Committee (IPC), the UNICEF, the UNDP, the United Nations Environment Programme (UNEP), the United Nations Global Compact Office, UN-Women and the World Health Organization (WHO). Also UNESCO is part of the UN Task-Force on Non-Communicable Diseases, which is coordinated by WHO and UNDP.

In this context, we should pay attention that at its twenty-seventh session in September 2014, the HRC adopted resolution 27/8 (A/HRC/RES/27/8) wherein it requests the Human Rights Council Advisory Committee (AC) to finalize the study on the possibilities of using sport and the Olympic ideal to promote human rights for all and to strengthen universal respect for them. The report was submitted to this august body in its thirtieth session (September 2015).

In 2016, the HRC adopted resolution 31/23 by which it encourages States to combat discrimination on the sport, to facilitate barrier-free access

to sport for all, as well as, to cooperate with the International Olympic Committee and the International Paralympic Committee in their efforts to use sport as a tool to promote human rights, development, peace, dialogue and reconciliation. To fulfill these objectives, the resolution also encourages States and other relevant stakeholders to enhance human rights awareness and education.

On 16 November 2017, the UNGA adopted the resolution 72/6 entitled ***Building a peaceful and better world through sport and the Olympic ideal***, which welcomes the cooperation among Member States, the United Nations and the specialized agencies, funds and programmes to maximize the potential of sport to make a meaningful and sustainable contribution to the achievement of the SDGs within the 2030 Agenda for Sustainable Development.

The Olympism perfectly fits in the 2030 Vision of the Kingdom of Saudi Arabia, which included sport in the so-called pillar "The happiness and fulfillment of citizens and residents is important to us". After recognizing that a healthy and balanced lifestyle is an essential mainstay of a high quality of life and that opportunities for the regular practice of sports have often been limited, the 2030 Vision stressed that "We intend to encourage widespread and regular participation in sports and athletic activities, working in partnership with the private sector to establish additional dedicated facilities and programs. This will enable citizens and residents to engage in a wide variety of sports and leisure pursuits. We aspire to excel in sport and be among the leaders in selected sports regionally and globally".

The United Arab Emirates (UAE) also launched in 2010 the Vision 2021 by which the United Arab Emirates' Government calls for "a shift to a diversified and knowledge-based economy". Sport achievements in the Olympic and Paralympic championships is also targeted in the "UAE Vision 2021" as a national key performance indicator. This target has been included in the so-called pillar on "cohesive society and preserved identity", which overall coordination is under the leadership of the UAE General Authority for Youth and Sports.

The UAE's commitment in the conception of sport as powerful vehicle for social inclusion, gender equality and youth empowerment is absolutely firm. In this vein, UAE is one of the elected 18 Member States of CIGEPS. Additionally, the UAE Olympic National Committee announced that Abu Dhabi will bid to be the first country in the Middle East and MENA to host the Special Olympic World Summer Games in 2019.

The National Agenda developed in its Vision 2021 aims for the UAE to be among the best in the world in the Human Development Index and to be the happiest of all nations so that its citizens feel proud to belong to the UAE. The National Agenda also sets an ambitious plan to increase the UAE's achievements and medals won in international and Olympic Games.

UAE and Saudi Arabia conceived sport as a universal language and a powerful tool to promote peace, tolerance and understanding. Its intrinsic values such as teamwork, respect and fair play are understood all over the world and can harness the advancement of solidarity, social cohesion and peaceful coexistence. Sport has some unique and specific advantages to promote peace.

It is timely to explore new avenues in order to voice the specific interests and reduce through the sport the current differences among peoples, which are source of conflict and unnecessary tensions in our societies. To deliver this objective, the collaboration with UNESCO would be important in order to empower this noble message by identifying those good practices and lessons learnt in the field of sport, development and peace.

#### **18. Prevention and punishment of genocide**

The *Convention on the Prevention and Punishment of the Crime of Genocide* was adopted by the UNGA on 9 December 1948 in its Resolution 260. The Convention entered into force on 12 January 1951. This instrument is the culmination of years of campaigning by lawyer Raphael Lemkin. The number of states that have ratified or acceded the convention is currently 143.

The ICJ declared in its *Advisory Opinion on the Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide* of 1951 that the Convention was manifestly adopted for a purely humanitarian and civilizing purpose. It is indeed difficult to imagine a convention that might have this dual character to a greater degree, since its object on the one hand is to safeguard the very existence of certain human groups and on the other to confirm and endorse the most elementary principles of morality.

In this same case, the Court underscored that the origins of the Convention show that it was the intention of the United Nations to condemn and punish genocide as 'a crime under international law' involving a denial of the right of existence of entire human groups, a denial which shocks the conscience of mankind and results in great

losses to humanity, and which is contrary to moral law and the spirit and aims of the United Nations. The first consequence arising from this conception is that the principles underlying the Convention are principles which are recognized by civilized nations as binding on States, even without any conventional obligation. A second consequence is the universal character both of the condemnation of genocide and of the co-operation required 'in order to liberate mankind from such an odious scourge' (Preamble to the Convention).

That conclusion was reaffirmed by the Court in the *Judgment on Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (Bosnia and Herzegovina v. Serbia and Montenegro of 2007). In addition, the Court has made clear that the Genocide Convention contains obligations erga omnes. Finally, the Court has noted in the case on Armed Activities on the Territory of the Congo of 2002 that the prohibition of genocide has the character of a peremptory norm (jus cogens).

The Court notes that the Convention and international humanitarian law are two distinct bodies of rules, pursuing different aims. The Convention seeks to prevent and punish genocide as a crime under international law (Preamble), "whether committed in time of peace or in time of war" (Article I), whereas international humanitarian law governs the conduct of hostilities in an armed conflict and pursues the aim of protecting diverse categories of persons and objects. The Court recalls that it has jurisdiction to rule only on violations of the Genocide Convention and not on breaches of obligations under international humanitarian law.

Article I provides that "the Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law". The definition is followed by a series of acts representing serious violations of the right to life, and the physical or mental integrity of the members of the group. The Convention states that it is not just the acts of genocide themselves that are punishable, but also "conspiracy to commit genocide," "direct and public incitement to commit genocide," the "attempt to commit genocide" and "complicity in genocide." It is the specific intention to destroy an identified group either "in whole or in part" that distinguishes the crime of genocide from a crime against humanity.

In Article II, the Convention lists the acts which constitute the act of genocide. Although there is no disagreement between the Parties on

the definition of “killing members of the group”, the Parties disagree on whether causing serious bodily or mental harm to members of the group must contribute to the destruction of the group, in whole or in part, in order to constitute genocide. The Court concludes that the serious bodily or mental harm must be such as to contribute to the physical or biological destruction of the group, in whole or in part and that rape and other acts of sexual violence are capable of constituting the act of genocide.

The Parties also disagree on the meaning and scope of the notion of “causing serious mental harm to members of the group”. In the Court’s view, the persistent refusal of the competent authorities to provide relatives of individuals who disappeared in the context of an alleged genocide with information in their possession, which would enable the relatives to establish with certainty whether those individuals are dead, and if so, how they died, is capable of causing psychological suffering.

Deliberate infliction on the group of conditions of life calculated to bring about its physical destruction in whole or in part covers methods of physical destruction, other than killing, whereby the perpetrator ultimately seeks the death of the members of the group. Such methods of destruction include, notably, deprivation of food, medical care, shelter or clothing, as well as lack of hygiene, systematic expulsion from homes, or exhaustion as a result of excessive work or physical exertion. The Parties disagree, however, on whether forced displacement should be characterized as “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”.

The Court concludes that the intent that characterizes genocide is ‘to destroy, in whole or in part’ a particular group, and deportation or displacement of the members of a group, even if effected by force, is not necessarily equivalent to destruction of that group, nor is such destruction an automatic consequence of the displacement. Finally, the Court also considers that rape and other acts of sexual violence are capable of constituting the act of genocide provided that they are of kinds which prevent births within the group. In order for that to be the case, it is necessary that the circumstances of the commission of those acts, and their consequences, are such that the capacity of members of the group to procreate is affected.

In June 1998, the UNGA convened a conference in Rome, with the aim of finalizing the treaty to serve as the International Criminal Court’s

statute. On 17 July 1998, the Rome Statute of the International Criminal Court was adopted by a vote of 120 to 7, with 21 countries abstaining. Following 60 ratifications, the Rome Statute entered into force on 1 July 2002 and the International Criminal Court was formally established.

The jurisdiction of the International Criminal Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance with this Statute with respect to the following crimes: the crime of genocide; crimes against humanity; war crimes and the crime of aggression.

The term “war crimes” refers to serious breaches of international humanitarian law committed against civilians or enemy combatants during an international or domestic armed conflict, for which the perpetrators may be held criminally liable on an individual basis. Such crimes are derived primarily from the *Geneva Conventions* of 12 August 1949 and their *Additional Protocols I and II* of 1977, and the *Hague Conventions* of 1899 and 1907. Their most recent codification can be found in article 8 of the 1998 *Rome Statute for the International Criminal Court* (ICC).

On the other hand, the definition of ‘crimes against humanity’ is codified in article 7 of the *Rome Statute of the International Criminal Court* (ICC). “The notion encompasses crimes such as murder, extermination, rape, persecution and all other inhumane acts of a similar character (wilfully causing great suffering, or serious injury to body or to mental or physical health), committed ‘as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.’”

Finally, in the past years the HRC has been consensually working on the prevention of genocide, by which the Council has repeatedly underlined the important role of the United Nations human rights system, including that of the HRC, the OHCHR and relevant special procedures and treaty bodies in addressing the challenge of collating information on massive, serious and systematic violations of human rights, thereby contributing to a better understanding and early warning of complex situations that might lead to genocide.

#### **19. The General Assembly of the United Nations adopts a Declaration on the Right to Peace**

Since 2008 the HRC has been working on the *Promotion of the right of peoples to peace* inspired by previous resolutions on this issue approved by the UNGA and the former Human Rights Commission,

particularly the GA resolution 39/11 of 12 November 1984, entitled ***Declaration on the Right of Peoples to Peace*** and the ***United Nations Millennium Declaration***.

In 2010, the HRC also approved the resolution 14/3, requesting “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...”.

Therefore, the AC adopted on 6 August 2010 the recommendation 5/2 on the promotion of the right of peoples to peace, establishing a drafting group chaired by Mona Zulficar (Egypt) to prepare a draft declaration on the right of peoples to peace. In light of this mandate, the drafting group initially prepared a progress report on the right to peace, which was submitted to the HRC in its 16 regular session (June 2011).

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 group (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); and it welcomed “initiatives by civil society to organize discussions on progress reports of the AC with Member States and academic experts” (paragraph 3).

In accordance with HRC resolution 17/16 of 17 June 2011 and AC recommendation 8/4 of 24 February 2012, the AC submitted to the HRC its (third) draft declaration on the right to peace, which was really inspired by the different proposals of Declarations elaborated and advocated by some civil society organizations.

Pursuant to resolution 20/15 of 5 July 2012, the HRC decided to “establish an open-ended intergovernmental working group with the mandate of progressively negotiating a draft United Nations declaration on the right to peace, on the basis of the draft submitted by the AC, and without prejudging relevant past, present and future views.” Ambassador Christian Guillermet-Fernández (Costa Rica) was elected by the Working Group as its Chairperson-Rapporteur, by acclamation. He was nominated by the Group of Latin American and Caribbean Countries (GRULAC).

In the first session of the OEWG, held in Geneva from 18 to 21 February 2013, Mona Zulficar, Chairperson of the Drafting Group at the AC said that the right to peace includes not only negative peace, but also



positive peace which addresses the conditions for just and sustainable peace and enables building an environment conducive to social justice, respectful of human dignity and protective of all human rights. On the other hand, Ambassador Christian Guillermet underlined the basic principles, which should conduct the session of the Working Group (i.e. transparency, inclusiveness, consensus, objectivity and realism).

The AC's text identified, in cooperation with some civil society organizations, the main elements which should be part of the future Declaration (including issues such as migrants, refugees, conscientious objection to military service, disarmament, environment, rights of victims, development and human security). The great added value of the AC's text was its elaboration on all linkages between the notion of peace and human rights, its efforts to mobilize civil society organizations and also to create the notion of the human right to peace by putting together all these elements in the form of a Declaration. Afterwards, this enabled Member States to make a global assessment about this text and eventually accept or reject it as a good and useful basis to continue the work on this topic.

In the first session, the OEWG witnessed that the text presented by the AC was not properly supported by Member States, even by those countries that actively support the process within the HRC. Consequently, some delegations stated that the last phrase of the resolution 20/15, which indicates "and without prejudging relevant past, present and future views and proposals," opened the possibility to change it with new ideas and formulations. In addition, they added that a declaration should also be realistic, containing common denominators that are acceptable to all.

In order to keep the important work done by the AC in the drafting process of a Declaration, the Chairperson-Rapporteur decided to recuperate the spirit of the Council resolutions 14/3 of 2010 and 17/16 of 2011, which clearly invite all stakeholders to promote the effective implementation of the Declaration and Programme of Action on a Culture of Peace. It was noted that all the main elements on the right to peace identified by the AC had previously been elaborated by Member States, international organizations and Non- Governmental Organizations (NGOs) in the ***Programmes of Action on Vienna and Culture of Peace***. Consequently, the right to peace and culture of peace are different sides of the same coin. This approach was welcomed by different stakeholders, including many civil society organizations.

It should be recalled that in the line of the resolution 14/3, a brief history of the concept of culture of peace was included in the progress report on the right of peoples to peace prepared by the AC in 2011. In particular, this UN body had already focused its attention on the origin of the concept at UNESCO, the national programmes for culture of peace, UNESCO's medium-term strategy, transdisciplinary project, the relevant work at the UNGA and the meaning of culture of peace.

In light of resolution 32/28, the HRC adopted on 1 July 2016 the ***Declaration on the Right to Peace*** by a majority of its Member States and recommended its adoption by the UNGA, as contained in the annex to this resolution, which happened on 19 December 2016 in New York.

This Declaration is the result of three years of work (2013-2015) with all stakeholders led by Ambassador Christian Guillermet Fernández of Costa Rica. The resolution 32/28 was presented by the delegation of Cuba with the co-sponsorship, among others, of the Group of Arab States. In its presentation, Cuba emphasized that the adoption of this Declaration is framed in the context of the bilateral ceasefire and cessation of hostilities signed in Havana, between the Government of Colombia and the Revolutionary Armed forces of Colombia-People's Army (FARC-EP) on 23 June 2016.

Along all these years, the HRC's work was aided by the invaluable mobilization and leadership shown by public figures from the world of art, culture and sport, gathered around Peace Without Borders founded by Miguel Bose and Juanes. Furthermore, the wide-ranging civic engagement is reflected in the wording contained in the first article, which states that "everyone has the right to enjoy peace".

In light of this Declaration, the main elements of the right to peace agreed among the various international actors, including most of the civil society organizations which actively participated in the intergovernmental process, are the following:

the principles contained in the Charter of the United Nations; the absolute obligation to respect human rights in combating terrorism; the realization of the rights of all peoples, including those living under colonial or other forms of alien domination or foreign occupation; the recognition that development, peace, and security and human rights are interlinked and mutually reinforcing; the peaceful settlement and prevention of conflicts; the positive role of women; the eradication of poverty and sustainable development; the importance of moderation, dialogue, cooperation, education, tolerance and cultural diversity;

the protection of minorities and the fight against racism, racial discrimination, xenophobia and related intolerance.

In promoting the right to peace, it is imperative that we implement the ***Declaration and Programme of Action on a Culture of Peace***, which focuses its attention on human security and the eradication of poverty, disarmament, education, development, environment and protection of vulnerable groups, refugees, and migrants.

The Declaration invites all stakeholders to guide themselves in their activities by recognizing the great importance of practicing tolerance, dialogue, cooperation and solidarity among all peoples and nations of the world as a means to promote peace. To reach this end, the Declaration states that present generations should ensure that both they and future generations learn to live together in peace with the highest aspiration of sparing future generations the scourge of war.

At the level of implementation, the Declaration recognizes the crucial role of UNESCO, which together with the international and national institutions of education for peace, shall globally promote the spirit of tolerance, dialogue, cooperation, and solidarity. To this end, the Declaration recognises in its operative section that the "University for Peace should contribute to the great universal task of educating for peace by engaging in teaching, research, post-graduate training and dissemination of knowledge".

The adoption of the ***Declaration on the Right to Peace*** by the UNGA should be understood in the context of the initiative carried out by UNESCO in 1997, in which Member States were invited to discuss a ***draft Declaration on the Human Right to Peace*** in Paris. Despite enormous efforts displayed in that time, Member States never reached an agreement on this topic. However, this UNESCO aspiration will be soon realized within the framework of the UNGA. It means that after almost twenty years this matter comes again back to its starting-point, in which the original idea was born.

Thanks to research, the academic contribution and the trust of many people, governments and institutions, this joint adventure ended in New York. The Declaration will pass to the UN history for being the first peace Declaration adopted by the UNGA in this new Millennium. The last instrument on peace adopted by the UNGA was the ***Declaration and Programme of Action on a Culture of Peace*** in 1999.

The problem of the title of the Declaration for those States, which do not recognize the existence of the right to peace, leads us to the wise

reflection contained in William Shakespeare's play *Romeo and Juliet*, in which Juliet seems to argue that it does not matter that Romeo is from her rival's house of Montague and that he is named "Montague."

This reference of universal literature is often used to imply that the names of things do not affect what they really are. In the case of the Declaration on the Right to Peace, the name of this Declaration should not impede its adoption by broad agreements, taking into account that the full text was properly negotiated during three years and could obtain the support from all delegations. Therefore, in reference again to Romeo's house, Juliet said that the name of Montague means nothing and they should be together.

In the pursuit of future broad agreements on the ***Declaration on the Right to Peace***, we should recall that for this endeavor there is another personage in international literature, Moliere's bourgeois gentilhomme, who discovered too late that he was speaking prose without knowing. Let no one discover too late that we are making history without knowing it.

The Declaration is the result of the tireless efforts of many peace activists, human rights promoters as well as of the important role played by some sectors of civil society for years, which have shown that genuine dialogue among all stakeholders and regional groups is the foundation of peace and understanding in the world. An important group of these civil society organizations stressed in an open letter addressed to the diplomatic community that:

"in today's world, devastated by armed conflicts, hate and poverty, the recognition and declaration by an overwhelming majority of states that "Everyone has the right to enjoy peace", would send to Humanity, and in particular to young and future generations, a very much needed message of peace and hope. Our organizations cannot but recognize the great importance of such message. The adoption of the UN Declaration on the Right to Peace will represent a little step forward toward the fulfilment of the solemn promises we made in 1945".

## **PRESENTATIONS ON MULTILATERALISM, HUMAN RIGHTS AND PEACE**

General Framework / Historical approach

### **“Foundation and challenges of multilateralism in the XXI Century”**

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Introduction. I. Multilateralism and its roots. 1) The League of Nations: peace through law. 2) The theoretical bases of multilateralism: functionalism. II. The incorporation of civil society into the processes of creation and formation of international law, a challenge for multilateralism. 1) International civil society. 2) Kofi Anan and the challenge of the Global Compact. 3) Law in the face of technology. The Paris Agreement (2015). 4) Civil society in international organizations.

### **Introduction**

On June 26, 2020, the *UN Charter* turned 75 years old. On this occasion, UN Secretary-General António Guterres delivered a commemorative message. The Charter, he said, “continues to be our cornerstone for a world engulfed by pandemics, torn by discrimination, endangered by climate change and marked by poverty, inequality and war”. He added further, “Against this complicated backdrop,” we must do as the delegates gathered in San Francisco in 1945 “who seized their opportunity to plant the seeds of something better and new: reinvent multilateralism, empower it to function in the way the founders of the Accord intended, and ensure that effective global governance is a reality when it is needed.”<sup>15</sup>

This commemoration gives a singular topicality to the present work. Our contribution, in the spirit of the Secretary General’s words, will focus on two essential aspects of multilateralism: its foundations and its future, in other words, its roots and its challenges.

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<sup>15</sup> *Noticias ONU*, 26 de junio de 2020.

## **II. The society of nations: Peace through law**

During the years 1919-1921, international institutions were established, mainly the League of Nations and the Permanent Court of International Justice (PCIJ).

Indeed, in the final stages of the First World War, various plans were adopted to ensure that this would be the last war. Statesmen such as British Premier Lloyd George and especially U.S. President W. Wilson drew up catalogs for organizing the international community of the future. At the same time, private groups or individuals drew up documents in an attempt to influence governments to agree on a peaceful way of organizing international relations. This whole movement influenced the work of the Versailles Peace Conference, at which five important treaties were adopted on June 28, 1919. In addition to those concerning the legal status of the Rhineland, the defense of France in the event of aggression (two treaties) and the regime for the protection of minorities arising as a result of the changes in Europe's borders, the Peace Treaty was signed, the first part of which includes the Covenant of the League of Nations.

The Pact was intended to "promote cooperation among nations" and "ensure peace and security". To achieve this, the States parties undertook to:

- Accept certain commitments not to resort to war.
- Keep international relations as clear as daylight.
- Strictly observe the requirements of international law that are henceforth recognized as a rule of effective conduct for governments (with two ways of ensuring the sanctity of these rules: enforcement by the ICTJ and arbitral tribunals and the adoption of sanctions).
- To do justice and to respect scrupulously all treaty obligations in the mutual relations of organized peoples

The Covenant is also the constituent treaty of the League of Nations, which is composed of three organs: the Council, the Assembly and the General Secretariat, which are based in Geneva. All three bodies, but especially the first, are involved in the peaceful settlement of international disputes, in the preparation of plans for the reduction of national armaments and the supervision of their implementation, and in the adoption of sanctions which States may impose on others who disregard the obligation not to resort to force.

The Covenant also establishes the obligation of States to cooperate with one another in addressing the areas in which they are increasingly called upon to intervene at the international level (finance, transport, health, the fight against drugs and prostitution, etc.). Lastly, it reminds States of their social and humanitarian obligations and, to this end, brings together the international offices created for this purpose, notably the International Labor Organization (ILO), which are placed under the authority of the League of Nations.

For these reasons, 1) because it identifies the values that preside over international law, peace, 2) social justice, 3) because it establishes institutions that protect them through political action and the application and development of international law, and especially, and 4) because, by ratifying the Covenant, the States recognize their submission to international law, it can be maintained that the Covenant of the League of Nations constitutes the mandatory constitutive pact of public law, by means of which, in a lasting and organizational way, the legal will of the members (the States) of a community (the international community) affirm the existence of rules of law (public international law) contained in a universal will, of which they set themselves up as representatives.

However, in addition to providing the foundational bases of the international community, the League of Nations brought with it the identification of the means of action of public international law: 1) technical, economic and social cooperation between States, 2) the peaceful settlement of international disputes through arbitration and the International Court of Justice, and 3) the development of international law through an intense work of codification of international norms by the courts themselves, especially the organization itself.

In short, according to the Covenant, in order to ensure the absence of war (the main objective of the Organization)<sup>16</sup>, the States must resort to the following means of action: functional cooperation, settlement of disputes and development of international law.<sup>17</sup>

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16 "The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled" (art. 10).

17 "The High contracting parties, in order to promote international co-operation and to achieve international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honourable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another" (Preamble).

The *Charter of the United Nations* (UN Charter) (1945) took up the essential aspects of the Covenant of the League of Nations in an attempt to improve them. Indeed, in addition to identifying the values of international law, the Charter imposes on States the duty to cooperate with each other in the scientific, technical, economic and social fields, on the understanding that, thanks to this cooperation, an intense network of international interests will be woven between States, so that when a dispute arises between two or more States, it will not be worthwhile for them to break off relations between them. In the event of such disputes, the United Nations (UN) provides States with a range of means of resolving international conflicts. The Charter also constitutes a collective security treaty, by virtue of which the States renounce the use of armed force (with the exception of the right to legitimate self-defense), which they cede to the Security Council, the representative body of the international community as a whole, which has a monopoly on the use of force in the international sphere.

### **III. The theoretical foundations of multilateralism: functionalism**

How do we explain this continuity between the League of Nations and the United Nations if the former was a failure?

Some of the causes of the League's failure can be found in the very origin of the organization: the development of the Paris Peace Conference, in which the voice of the defeated States was not taken into consideration; the refusal of the US Senate to admit the United States, despite the leading role played by President W. Wilson in its creation; or the exclusion of Germany and the USSR, which did not join, respectively, until 1926 and 1934. With these original limitations, the League of Nations was unable to offer a response to the aggressions of the fascist and militarist powers of the 1930s. Germany and Japan left the League in 1933, and Italy in 1936. The USSR was expelled in 1939.

In the end, the failure of the League of Nations was not so much to be blamed on the League itself and the concept of international organization as on the States.

This is why the phenomenon of international organization took on special importance after the Second World War. The British author D. Mitrany (1888-1975), taking up the method bequeathed to us by the League of Nations (peace through law), developed an interesting thesis, functionalism, which would be at the basis of the international order created after the UNC.<sup>18</sup>

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18 Mitrany, D., "The functional approach to world organization", *International Affairs*, vol. 24, núm. 3 (July 1948), pp. 350-363.



According to it, the construction of a system that guarantees international peace and security should not be based so much on the prohibition of war as on international technical cooperation. This will be carried out through a network of international organizations which will progressively achieve harmonization between States in a wide variety of fields, preferably technical ones: means of transport, labor relations, agriculture, postal and telegraphic communications, etc. This internationalized action is also essential because the nature of the problems is such that they cannot be solved by individual States.

Gradually, an increasingly dense network of interests will be created among the States, which will not only make it more difficult to break off relations between them in the event of conflict, but will also bring their international action closer to their citizens, as their basic needs will be satisfied. It is on this theoretical basis that functional international organizations are constituted, the importance of which can be glimpsed when examining the United Nations system at the universal level.

These international organizations, whose activities are closely related to economic, social, technical and humanitarian issues and are immediately and explicitly committed to values such as prosperity, welfare, social justice, as well as the prevention of war and the elimination of social insecurity, have been referred to as functional international organizations. I. Claude<sup>19</sup>, from whom this name is taken, indicates that he uses it because these international organizations have important connections with the functionalist theory of international organizations developed by D. Mitrany after World War II. A. A. Fatouros further develops this line of argument by pointing out that functional international organizations share with this theory their commitment to technical cooperation and their welfare purpose, as well as their reformist nature, i.e., their willingness to progressively introduce small changes that will be gradually assimilated by the international community.<sup>20</sup> Two other elements should be added to this relationship of points of connection between functionalism and functional international organizations. First, the instrumental conception of cooperation, in other words, the idea, already expressed, that cooperation is not an end in itself but a means to ensure international peace and security. Second, the conception of cooperation as an irreversible reality: through it, States are weaving a dense network of common relations that will

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19 Claude, I. *Swords into plowshares. The problems and progress of international organizations*, 4<sup>th</sup> ed. New York: Random House, 1988, p. 378.

20 Fatouros, A.A., On the hegemonic role of international functional organizations», *German Yearbook of International Law*, 1980, pp. 9-36.

become ever wider and more intense. The law arising from the action of these organizations and, where appropriate, of the management bodies created by international cooperation treaties is therefore the functional international law referred to in the title of this section.

#### **IV. The incorporation of civil society into the processes of creation and formation of international law, a challenge for multilateralism**

##### **International civil society**

As part of the global fight against international terrorism, the Security Council has adopted sanctions specifically targeting Daesh (Islamic State), Al-Qaida and individuals, groups, business and entities associated with them. Indeed, some Security Council resolutions impose on States the obligation to: freeze the funds and other financial assets or economic resources of the persons and entities designated in the resolutions; prevent the entry into or transit through their territory of designated persons; prevent the supply, sale and transfer directly or indirectly, from their territory or by their nationals outside their territory, or using their flag vessels or aircraft, arms and related materiel of all types, spare parts and the provision of technical advice, assistance or training related to military activities to designated persons and entities.

The World Bank Group's website features the World Bank and Civil Society, which notes the importance of what it calls Civil Society Organizations (CSOs) among other things, "a wide variety of entities: community groups, NGOs, trade unions, indigenous groups, charities, religious organizations, professional associations and foundations." The World Bank recognizes that CSOs have become important channels for the provision of social services that complement government action and also highlights their "influence in terms of public policy formulation at the global level." Hence it is interested in establishing channels of cooperation with CSOs. The UN also draws on this same concept of civil society.

The World Court Project is an example of this influence. On December 15, 1994, the UN General Assembly passed Resolution 49/75 K, requesting the International Court of Justice (ICJ) to issue an advisory opinion on the following question: "Does international law in any circumstances authorize the threat or use of nuclear weapons?" (ICJ. Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, July 8, 1996). Well, in the separate opinion that Judge G. Guillaume formulated to the advisory opinion finally adopted by the Court, it can be read that

the adoption of Resolution 49/75 K had "its origin in an initiative of an association called International Association of Lawyers Against Nuclear Arms (IALANA) which, together with other groups, undertook in 1992, a project entitled 'World Court Project' aimed at having the Court proclaim the unlawfulness of the use or threat of use of nuclear weapons." These associations, continues G. Guillaume, "have been very active in lobbying for a vote on the resolutions calling for the opinion of the Court and for the appearance before the Court of States hostile to nuclear weapons," and have brought their pressure to bear on the judges of the Court through millions of letters "appealing both to their conscience and to the public conscience."<sup>21</sup>

Similarly, globalization has led to an increase in the weight of multinational companies in international life; an increase that has been expressly recognized by the Governing Body of the International Labor Office, which in 2006 adopted the *Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy* (amending two Declarations on the subject adopted in 1977 and 2000).

According to this Declaration, "Multinational enterprises play a very important role in the economies of most countries and in international economic relations, which is of growing interest to governments, as well as to employers, workers and their respective organizations. Through international direct investment and other means, these enterprises can bring substantial benefits to the host and home countries, contributing to a more efficient use of capital, technology and labor. Within the framework of the development policies established by governments, they can also make a very important contribution to the promotion of economic and social welfare; to the improvement of living standards and the satisfaction of basic needs; to the creation of employment opportunities, both directly and indirectly; and to the promotion of basic human rights, including freedom of association, throughout the world. On the other hand, the progress made by multinational enterprises in organizing their operations beyond the national framework can lead to an abusive concentration of economic power and to conflicts with national policy objectives and the interests of workers. The complexity of these enterprises and the difficulty of clearly perceiving their structures, operations and plans are also a cause for concern in the host country, the country of origin, or both."

These examples serve to highlight the important presence of non-state actors in the contemporary international community. S. Strange and D.

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21 Epígrafe 2. Véase también la opinión disidente del magistrado Oda: párrafos 6-14.

Held, among many other authors, have theorized on this issue. While the former emphasizes the fact that the State must share economic and financial international space with these new actors<sup>22</sup>, the latter sees the opportunity to create a "framework of democratic institutions and procedures in the international system."<sup>23</sup>

Regardless of these theoretical constructions, the fact is that, as we have seen, international institutions recognize the progressive incorporation of these actors into international life, note their importance as triggers for international political processes, and adopt declarations and norms addressed to them. International law now faces a new challenge: incorporating them into its rule-making processes.

In this regard, it is worth mentioning that such significant authors as D. Kennedy, Professor of International Law at Harvard University and Chairman of the Advisory Board of the Davos Forum, consider that a characterization of the international community centered on the public actions of States no longer corresponds to reality, in which private power occupies very important areas of influence and power. In his book *A World of Struggle: How Power, Law, and Expertise Shape Global Political Economy*<sup>24</sup>, he calls for international law to incorporate into global governance the expertise of experts (international lawyers, human rights lawyers, military legal advisors, political professionals, economic development specialists, etc.) who advise private institutions on a daily basis.

### **Kofi Anan and the challenge of the Global Compact**

Functional international cooperation allows for cooperation in technical fields and from this point of view they have not only acted as channels for new sources of international solidarity, but have also favored the process of humanization of public international law, now also concerned with regulating issues that directly affect the individual: the fight against terrorism and drug trafficking, the fight against illegal immigration and human trafficking, the fight against diseases or the spread of AIDS, etc.

In addition, functional international cooperation makes possible the incorporation of civil society into the processes of creation and application of international law.

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22 *La retirada del Estado*, Barcelona: Intermon-Oxfam- Icaria, 2001.

23 *La democracia y el orden global: del Estado moderno al gobierno cosmopolita*, Barcelona: Paidós, 1997, p. 317.

24 Oxford, UK: Princeton University Press, 2016.

K. Anan presented this as a challenge. For the former UN Secretary General, it is essential to strengthen the links between NGOs and other civil society actors on the one hand, and the United Nations on the other, and to this end he proposed various institutional reform measures to States to enable tripartite UN-Government-civil society action.<sup>25</sup> The Secretary General presented a similar project to the World Bank's global economic partnership. The project, known as the Global Compact, was presented to the Davos Forum in January 1999 as an effort to commit major international companies and the heads of the main labor organizations to the adoption of nine principles relating to the defense of human rights, the collective rights of workers and environmental protection.

Undoubtedly, a more pluralistic international community requires an international law open to all. The actors in international life (States, international organizations, NGOs, transnational corporations, minorities, peoples and individuals) are the addressees of international legal norms. Therefore, the effectiveness of these norms depends on having taken these actors into account when they are drafted. They must also be taken into account in the implementation phase of international law.

### **Law in the face of technology. The Paris Agreement (2015)**

To develop this point, it is useful to start from the notion of risk society, developed by the German sociologist Ulrich Bech who, in 1986, coinciding with the accident at the Chernobyl nuclear power plant, published a work that exerted great influence. The book entitled *The Risk Society: Towards a new modernity* (1998) is based on the observation that in the most industrialized societies it has been possible to "objectively reduce and socially exclude genuine material misery." But to the extent that this overcoming of the question of the distribution of wealth has taken place through recourse to technology, post-industrial societies have had to face a new question, perhaps even more pressing than the previous one: the distribution of risks, of the side effects caused by massive recourse to technology.

Unlike the dangers faced by industrial society, the risks now faced are characterized by their universal dimension, by their major scientific and technological complexity which makes it extremely difficult to determine their causes, and by the production of "systematic and often irreversible damage that often remains invisible." As a consequence of

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<sup>25</sup> *Renovación de las Naciones Unidas. Un programa de reforma.* Informe del secretario general, Doc. A/51/1950, de 14 de julio de 1997, párrafos 207-216.

all the above, the definition, measurement and management of risk is a task that falls to the political power insofar as it is in everyone's interest. Political power is often compelled to decide on very complex technical questions. Once again it is obliged to resort to the assessments of those who possess the scientific knowledge that has made possible the technology to be decided upon, which initially generated the risks.

This being the case, the law is not sufficient in itself to provide an adequate response to technological risk and must turn to scientific and technical experts, such as to those who have developed the devices and instruments that have given rise to the risk against which we are now fighting.

This has led to far-reaching changes in the process of adopting and implementing international treaties. On the one hand, it is essential to know the position of the scientific community during the normative drafting phase, for which purpose channels have been established to facilitate such participation. Similarly, given the nature of the issues to be regulated, the participation of all States is obligatory: recourse to consensus as a means of approving the treaty facilitates this maximum degree of participation. Finally, the need to constantly review the content of legal norms to ensure their adequacy to the development of science and technology calls for the creation of bodies responsible for the constant updating of the convention, a task that is often delegated to the bodies responsible for monitoring compliance by the States parties.

The ***Paris Agreement on Climate Change*** (2015) is a good illustration of this. The 21<sup>st</sup> session of the Conference of the Parties to the 1992 ***United Nations Framework Convention on Climate Change*** (UNFCCC) (and the 11<sup>th</sup> session of the COP serving as the meeting of the Parties to the Kyoto Protocol) took place from November 30 to December 12, 2015 in Paris, France. The conference concluded with the adoption of a historic agreement to combat climate change and drive action and investment for a low-carbon, resilient and sustainable future.

The ***Paris Agreement*** enhances the implementation of the UNFCCC by redefining its objective, which now specifies "to keep the global average temperature increase well below 2°C above pre-industrial levels, and to pursue efforts to limit this temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change" [Art. 2.1(a)].

Article 4 of the Accord provides that each State shall unilaterally determine its national effort to meet its emission reduction target (“domestic mitigation actions”). States shall report this commitment, which the Accord calls Intended Nationally Determined Contributions (INDCs), every five years (Art. 4.9). NDCs are to be recorded in a public register maintained by the Secretariat (Article 4.12). The Agreement distinguishes between obligations to be assumed by industrialized and developing countries (Art. 4.4 and 5). In addition, the Parties also assume obligations with respect to the global goal on adaptation, which is to enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change (Art. 7.1). To this end, each Party is required, where appropriate, to undertake adaptation planning processes (Art. 7.9), which it shall communicate and update periodically (Art. 7.9-12). The Agreement also provides for measures in the areas of technology development and transfer, and the improvement of institutional and technical capacity building.

At this point, it is worth noting that the Agreement establishes various mechanisms to support the States in their task of determining and complying with the NDCs. An example is the establishment of the Committee on Capacity Building, created “to address existing and emerging gaps and needs identified in the implementation of capacity-building measures in developing country Parties” (Explanatory Memorandum: paragraph 72). Article 15 refers to the establishment of a Committee “composed of experts and of a facilitative nature, which shall operate in a transparent, non-adversarial and non-punitive manner”, and which “shall pay particular attention to the respective national circumstances and capacities of the Parties” (explanatory memorandum: paragraph 72).<sup>26</sup>

Of interest in this regard are the study groups set up within ITU to enable telecommunication and ICT (Information and Communication Technology) organizations and administrations around the world to assist it in preparing the technical bases for radiocommunication conferences and in drafting ITU-R Recommendations (radiocommunication standards) and reports and compiling

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<sup>26</sup> Estos mecanismos se añaden a los ya creados en el marco del «proceso climático», como el Mecanismo Financiero de la Convención o el Mecanismo Internacional de Varsovia para las Pérdidas y los Daños relacionados con las Repercusiones del Cambio Climático o el Órgano Subsidiario de Asesoramiento Científico y Tecnológico. Por lo demás, el artículo 14 establece que la CP hará periódicamente un balance de la aplicación del Acuerdo para determinar el avance colectivo en el cumplimiento de su propósito y de sus objetivos a largo plazo. Este balance –que denomina «balance mundial»– se realizará por primera vez en 2023 y a partir de entonces, cada cinco años.

radiocommunication manuals. ITU has also developed a mechanism for direct participation by the “world’s manufacturers and operators down to the small innovative players working with new and emerging technologies, including major R&D (Research and Development) institutions and academic institutions” in the approval of its technical harmonization standards. This is the so-called alternative approval process, characterized by the short time involved (80-90% faster) and because it can be initiated as soon as a regulatory proposal is submitted by the manufacturers, operators and experts concerned.

Similarly, the International Dialogue on Migration, created by the International Organization for Migration (IOM) in 2001 to promote deliberations on migration policies, should also be highlighted. It is “a forum open to IOM Member States and Observers, as well as international and non-governmental organizations, migrants and representatives of the media, academia and the private sector” to discuss “current and topical issues in migration governance and to exchange experiences, policy perspectives and effective practices” ([www.iom.int/es/dialogo-internacional-sobre-la-migracion](http://www.iom.int/es/dialogo-internacional-sobre-la-migracion)).

In the field of law enforcement, we should take note of the role played by the Dispute Settlement Body of the World Intellectual Property Organization (WIPO) with respect to Internet domain name disputes. The Internet Corporation for Assigned Names and Numbers (ICANN) is a non-profit California law entity responsible for the global coordination of the Internet’s system of unique identifiers and its stable and secure operation. On October 24, 1999, it adopted the Uniform Domain Name Dispute Resolution Policy, which establishes the legal framework for resolving disputes between a domain name holder and a third party (i.e., between two individuals) over the abusive registration and use of an Internet domain name in the generic top-level domains or gTLDs (e.g., .biz, .com, .info, .mobi, .name, .net, .org). ICANN adopted this Policy based on a report prepared by the WIPO Arbitration and Mediation Center (WIPO Center), which currently serves as the dispute resolution body for this matter.



### **Final considerations**

Alongside the State, new actors have emerged and acquired a growing role in the international community: transnational corporations, NGOs and the individual. The interests of these actors must also be addressed by international law, not only as an object of regulation but also in the decision-making and rule-making processes. This need to allow for an adequate management of pluralism is the main challenge that globalization poses to international law and a unique challenge for multilateralism.



# **“The League of Nations’ multilateralism and developments in international law”**

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**Abstract:** The article deals with the origins of multilateralism around the League of Nations and the constitution of an international law with social content in the interwar period. It explores the thinking that informed the changes that took place in the twenties and thirties, and the principles and structures included in the League of Nations Pact. European and American jurists on law such as concepts of peace, justice and solidarity that were reflected in the Covenant of the League of Nations. Liberal politicians, diplomats and jurists tried to build a world system based on law. The League of Nations was not to survive. In its place, an oligarchic United Nations was created. Finally, it addresses the characteristics of institutionalized multilateralism and its effects on international law as a result of new technical and functional needs.

**Key Words:** Multilateralism, League of Nations, International law, Theory, History, Peace, Solidarity, Justice, United Nations

## **I. Introduction**

The article analyzes the origins of the multilateralism of the League of Nations and its influence on the changes in international law during the interwar period.<sup>27</sup> To achieve this, technical legal elements are taken into account, as well as political, economic and cultural ones, given that social conflicts are resolved not only by legal but also by political means. The aim is to examine the values that informed the *Covenant* of the League of Nations and the causes that led to its failure, making visible the efforts of politicians and jurists at the beginning of the 20th century to assert multilateralism over unilateralism. The work draws a series of lessons from the mistakes of past experiences in order to promote and strengthen multilateralism in the 21<sup>st</sup> century. Finally, it reflects on

<sup>27</sup> El multilateralismo consiste en la cooperación entre tres o más Estados para alcanzar un objetivo común, en este caso particular, en el marco de la Sociedad de Naciones. Sobre una clarificación conceptual en torno al multilateralismo véase la aportación de A. Remiro Brotóns, “Universalismo, multilateralismo, regionalismo y unilateralismo en el nuevo orden internacional”, *REDI*, 1999, pp. 12 a 15.

the functionality of multilateralism in a globalized international society and draws analogies between the past and the present with a view to perfecting the institutional architecture of the future.<sup>28</sup>

There is a growing complexity in the way in which actors interact and interrelate, further deepening the crisis of multilateralism.<sup>29</sup> International organizations, created after the Second World War, respond more to the inertia of the Cold War than to the needs demanded of them by international public opinion.<sup>30</sup> Civil society, companies and individuals are demanding a greater role in the framework of international organizations, although their constitutive charters limit this participation.

Globalization, in addition to encouraging a certain degree of regulatory deregulation in favor of the liberalization of markets and their operators, has generated an abundance of international regulation in certain areas, while at the same time blurring the power of the State.<sup>31</sup> There is a preference for informal forums, "soft law"<sup>32</sup> and technocratic decision-making procedures.<sup>33</sup> To some extent, the theory of the soft approach has gained wide acceptance in the international legal practice of institutionalized multilateralism.<sup>34</sup>

In a context of crisis of multilateralism and fragmentation and de-formalization of international law, the article comprises three sections. First, it delves into the doctrinal structure that informed the Covenant of the League of Nations and its projection in the substantive structures that consolidated the pillars of multilateralism in the 1920s.<sup>35</sup> Second,

28 J. Klabbers y G.F. Sinclair, "On Theorizing International Organizations Law: Editors' Introduction", *European Journal of International Law*, 2020, vol. 31, n° 2; E. David, *Droit des organisations internationales*, Brusleas, Bruylant, 2016, y R. Collins, *The Institutional Problem in Modern International Law*, Londres, Hart Publishing, 2016.

29 R. Wilkinson, "Global Governance: A Preliminary Interrogation", en S. Hughes, y R. Wilkinson, *Global Governance: Critical Perspectives*, Londres, Routledge, 2002, pp. 7 y ss.

30 Véase las Aproximaciones Críticas del Tercer Mundo sobre el modo de actuar de Naciones Unidas en B. S. Chimni, "The Past, Present and Future of International Law: A Critical Third World Approach", *Melbourne Journal of International Law*, 2007, n° 8/2, disponible en <http://www.law.unimelb.edu.au/files/dmfile/download56951.pdf> (consultado el 04/02/2021).

31 Véase sobre la incidencia de los procesos informales en la elaboración del Derecho internacional J. Pauwelyn, R. A. Wessel, y J. Wouters (eds.), *Informal International Lawmaking*, Oxford, Oxford University Press, 2012.

32 Ch. Brummer, "Why Soft Law Dominates International Finance and not Trade", *Journal of International Economic Law*, 2010, vol. 13, pp. 623 -643.

33 A.A. Jiménez Alemán, A., "Derecho Global", *Eunomia. Revista en Cultura de la Legalidad*, 2016, n°. 11, p. 241.

34 Como apunta J. d'Aspremont, S. Besson, y S. Kunchel, (eds.), *The Oxford Handbook of the Sources of International Law*, Oxford, Oxford University Press, 2017.

35 Sobre un análisis preciso de la evolución de la noción de multilateralismo en P. Reuter, *Introduction au droit des traités*. Revisada y aumentada por Ph. Cahier París, PUF, 3ª ed., 1995, pp. 2 y ss.

it examines the influence of liberalism in the creation of a universal system based on the principle of legality. The ideals of achieving “peace through law”, of creating an international society based on law, and of promoting human rights are discussed. The third section deals with the opportunity for Spain to incorporate into the organizational structures of the League of Nations, that is, the commitment to peace as an instrument to achieve democracy and to consolidate it, and the proscription of war.<sup>36</sup> The work closes with some reflections on the oligarchic system on which the United Nations organization is built and the effects that such characteristics have on contemporary international law.

## II. Doctrinal structures of multilateralism

### 1. The philosophical theories of the interwar period

In the social and legal sciences, the nineteenth-century confrontations between scholastic iusnaturalism and Krausist iusnaturalism were reproduced<sup>37</sup>, while a sociological approach and a legal doctrine described as “pure” made headway.<sup>38</sup> Legal positivism persisted but had lost its preponderance in favor of natural law,<sup>39</sup> and critical voices continued to deny the juridical nature of international law with different nuances.<sup>40</sup> The “discreet civilizers”,<sup>41</sup> in reference to the international jurists of that period, shared a discourse in favor of the establishment of an international community based on the fusion of the various currents of European and American thinking sustained, to a large extent, by natural law.

In response to the voluntarist positivism that predominated at the end of the 19<sup>th</sup> century, there exists the doctrine that considers that the basis of law is a factor extrinsic to the system, placing it in guidelines and

36 El trabajo se ha elaborado en buena medida tomando como referencia el capítulo de la autora titulado, “Los lenguajes del derecho internacional en la Constitución española de 1931”, en Y. Gamarra e I. De la Rasilla (eds.), *El pensamiento iusinternacionalista español del siglo XX. Estudios. En el umbral del 36*, vol. I, Madrid, Aranzadi, 2012, pp. 269 y ss

37 El krausismo fue considerado por Alfred Verdross (1890-1980), como “una corriente iusnaturalista secundaria”, véase A. Verdross, *La Filosofía del Derecho del mundo occidental*, traducción de M. de la Cuesta, México, UNAM, 1983 (2ª ed.), pp. 277 y ss. Véase asimismo R. Ago, “Science juridique et droit international”, *RCADI*, 1956 – II, vol. 90, pp. 857 y ss.

38 Véase A. Truyol y Serra, *Historia del derecho internacional público*, Madrid, Tecnos, 1998, p. 136.

39 Véase M. García-Salmones, “Early Twentieth Century Positivism Revisited”, en Orford, A. y Hoffmann (eds.), *The Oxford Handbook of the Theory of International Law*, Oxford, Oxford University Press, 2016, pp. 173 y ss.

40 J. A., Pastor Ridruejo, *Curso de Derecho internacional público y Organizaciones internacionales*, Madrid, Tecnos, 2015, pp. 36 y 37.

41 En la terminología empleada por M. Koskenniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law (1870-1960)*, Cambridge, CUP, 2001.

principles that are outside the will of the States, which entails a limit to sovereignty. This approach to law is characterized by the importance attributed to the norms and mechanisms of normative production, and a series of approaches can be distinguished.

First, there is an iusnaturalist current based on natural law.<sup>42</sup> The core of this doctrine is linked to Spanish scholasticism, that is, to the Salamanca School of the 16<sup>th</sup> century. Certain authors recovered the work of Francisco de Vitoria and his disciples in order to adapt the institution of the law of just war or cooperation among peoples to the problems of international organization.<sup>43</sup>

Second, a normativist current represented by the pure theory of law of Hans Kelsen (1881-1973), in which the legal character of norms does not depend on ethical, moral, political or sociological criteria, but on strictly technical legal considerations, given that the declaration of will is to be considered a legal norm if it has been dictated through the legally prescribed procedure and insofar as its validity is established on the basis of the superior or fundamental norm (*grundnorm*).<sup>44</sup>

The normativist conception does not deny the fundamental role of the will of States in the positivization of international legal norms, although the *raison d'être* of law transcends the unilateral will of the State. For the normativists, the classic function of coexistence is added to that of international cooperation in favor of security, economic, social and cultural development, promotion of respect for human rights and international peace. These new functions are promoted, to a large extent, within international organizations, the real driving force of a system of relations that is becoming increasingly institutionalized and organic, as well as humanized.<sup>45</sup>

Third, a scientific current that considers that the legality of law is not at the origin, it is not a mark, a quality attributed by the State, by society or by any other creative being, real or fictitious, but a category created by human thought and legal science that reflects on social phenomena. For these authors, legality resides in certain objective aspects of the rules of law that are manifested in their structure and in their overall action.<sup>46</sup>

42 A. Verdross, "Le fondement du Droit International", *RCADI*, 1927-I, vol. 16, pp. 247-323.

43 Véase Y. De la Brière, *La conception du droit international chez les théologiens catholiques*, Paris, Centre européen de la Dotation Carnegie pour la paix internationale, 1930, o *Le droit de juste guerre: tradition théologique, adaptations contemporaines*, Paris, Pedone, 1938.

44 H. Kelsen, "Theorie général du Droit international public. Problemes choisis", *RCADI*, 1932-IV, vol. 42, pp. 121 - 351.

45 J.A. Pastor Ridruejo, *Curso de Derecho internacional público y Organizaciones internacionales*, Madrid, Tecnos, 2015, p. 64.

46 R. Ago, "Science juridique et droit International", *RCADI*, 1956-II, pp. 873-945.

For these authors, moral and political considerations are not alien to law, but rather are part of it.<sup>47</sup> The formal sources of law-making remain the hallmark (core element) of international legal discourse. Without them one could not properly speak of law, and only when formal sources are accepted as binding by the international community can law provide the necessary balance between idealism and realism, between shared values and ideological neutrality, between apologia and utopia.<sup>48</sup>

And finally, a sociological current that conceives law not only as a set of rules but basically as a social phenomenon.<sup>49</sup> In this paper, I focus on analyzing French solidarism,<sup>50</sup> since it largely informed the Covenant of the League of Nations.

## 2. French solidarism in international law

The League of Nations, wrote René Brunet (1882-1951), was a product of French policy.<sup>51</sup> By supporting the creation of the League of Nations, the French government and publicists were being loyal to their own humanist ideals. French internationalist jurists were inclined to conceive of the international sphere as one of gradually increasing economic and cultural solidarity.<sup>52</sup> That set of ideas informed the Covenant of the League of Nations based on the concept of *societas internationalis* devised by Francisco de Vitoria (1483(6)-1546) around principles such as universality, cooperation, justice or just war.<sup>53</sup>

For Émile Durkheim (1858-1917), the state became an instrument for the development of social collectivity encompassing all aspects of life.<sup>54</sup> Undoubtedly, classical and revolutionary political theory in France had had an individualistic approach.<sup>55</sup> This current saw the state as an

47 M. Koskeniemi, *The Politics of International Law*, Oxford, Hart Publishing, 2011, pp. 112 y ss.

48 B. Simma, B. y A. L. Paulus, "The responsibility of individuals for human rights abuses in international conflicts: A positivista review", *AJIL*, 1999/2, pp. 302-316.

49 G. Scelle, *Précis de Droit de Gens*, Paris, 1932,

50 Sobre los primeros pasos de esta doctrina de la mano de L. Duguit véanse M. Régla, M., "Perspectives qu'ouvrent les doctrines objectivistes du Doyen Duguit pour un renouvellement de l'étude du Droit International Public", *RGDIP*, 1930, pp. 381 y ss.; A. Truyol y Serra, A., "Doctrines contemporaines du droit des gens (Suite)", *RGDIP*, 1951/1, pp. 33 y ss., y M. McDougal, H. D. Lasswell, y W. M. Reisman, "Theories About International Law: Prologue to a Configurative Jurisprudence", *Virginia Journal of International Law*, 1968, pp. 188 y ss.

51 R. Brunet, *La société des nations et la France*, Paris, 1921, p. 266.

52 I. Richefort (ed.), *Aux sources de la paix. Les Archives du Service français de la SDN* (int. M. Vaisse), Paris, CTHS, 2020.

53 A. Miaja de la Muela, "El derecho *totius orbis* en el pensamiento de Francisco de Vitoria", *REDI*, 1965, III, pp. 341 y ss.

54 E. Durkheim, *Las reglas del método sociológico*, 1895. Véase además M. Koskeniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law*, cit., pp. 297-301.

55 P. Mesnard *L'Essor de la Philosophie Politique au XVII<sup>e</sup> siècle*, Paris, Librairie Philosophique, 1951, pp. 4 y ss.

effect of the social contract, the product or sum of citizens' activities, in other words, it was a utilitarian idea. Meanwhile, classical political theory and the civilists had considered individuals as indeterminate and autonomous.

Since the end of the 19<sup>th</sup> century, a large number of politicians and jurists have spoken out against laissez-faire liberalism, but also in anticipation of the advance of socialism.<sup>56</sup> From a traditionalist communitarianism and sociological naturalism, Léon Duguit (1859-1928),<sup>57</sup> Hugo Krabbe (1857-1936) or Georges Scelle (1878-1961) put forward arguments that reduced formal states to instruments for external purposes and led to one type of federalism or another.<sup>58</sup> The result was a liberal monism that conceived of human collectivities as the sum of their individuals, albeit authoritarian, since it sought to reconcile the conflicting wills and interests of individuals by referring to the essential solidarity deriving from a natural morality or from a more or less mechanical theory of social determination.<sup>59</sup>

The origin of such ideas rested on the ground of Saint-Simon's (1760-1825) optimism about social and economic progress, as well as the positivism of Auguste Comte (1798-1857) and Durkheim,<sup>60</sup> in the liberal or Catholic nationalisms of Ernest Renan (1823-1892) or, later, of Maurice Barrés (1862-1923), and in the civic republicanism that (in France) departed from the exaggerated individualism and rationalism of the eighteenth century.<sup>61</sup> Such diverse branches of thinking were united by these authors' views of the state and positive law as indicators or functions of the objective norms of the social sphere, industrial and economic development, division of labor, intellectual development, the common good and social solidarity. By themselves, the combination of such ideas could have led to many different types of international norms or policies. While the influence of the French publicists of the 1920s and 1930s led to federalism, the emphasis on growing integration, economic

56 Véase R.L. Meek, *Los orígenes de la ciencia social. El desarrollo de la teoría de los cuatro estadios*, Barcelona, Siglo XXI, 1981.

57 Véase sobre la aportación de Duguit los trabajos de M. Réglade, "Perspectives qu'ouvrent les doctrines objectivistes du Doyen Duguit pour un renouvellement de l'étude du Droit International Public", *RGDIP*, 1930, pp. 381 y ss.; A. Truyol y Serra, A., "Doctrines contemporaines du droit des gens (Suite)", *RGDIP*, 1951/1, pp. 33 y ss., y M. McDougal, H.D. Lasswell y W. M. Reisman, "Theories About International Law: Prologue to a Configurative Jurisprudence", *Virginia Journal of International Law*, 1968, pp. 188 y ss.

58 P. Salvucci, *Adam Ferguson, Sociología e filosofía política*, Urbano, 1977.

59 Así se expresa M. Koskenniemi, *The Gentle Civilizer of Nations...* cit., pp. 330-338.

60 Sobre el positivismo de Comte o Durkheim véase J.J. Carreras, *Razones de Historia. Estudios de historiografía*, Madrid, Marcial Pons/Prensas Universitarias de Zaragoza, 2000, pp. 142 y ss.

61 G.G. Iggers, *New Directions in European Historiography*, 2<sup>a</sup> ed., Middletown (Conn.), 1984.



interdependence, and the League of Nations or the International Labor Organization (ILO), as well as the various integration projects of what is the European Union now.<sup>62</sup>

The Spanish doctrines that received the French theories assumed the essential determination of individuals (what they desire, the power they possess, etc.) through the social or moral laws of their collectivities.<sup>63</sup> In clear consonance with European theories, the thinking of authors such as Rafael Altamira (1866-1951)<sup>64</sup> was expressed in the phrase: "the unity of life in the social organism".<sup>65</sup>

Spanish jurists followed the postulates, at least in part, of Scelle inspired by Duguit. For Duguit (with his theory of solidarity) and Scelle (with his biological theory), law was based on the fact of solidarity which implies a natural, biological coercion that individuals are obliged to accept in order not to endanger social cohesion.<sup>66</sup> Law emerges as a social imperative that interprets a necessity resulting from human solidarity to which are added elements of justice and morality.<sup>67</sup>

Scelle argued that international law could, in principle, govern the conduct of individuals. The State, for this author, was the most integrated society, albeit a society with its limits that established relations beyond its borders, constituting partial international societies that culminated in a global society whose normative regulation was international law.<sup>68</sup> For Scelle, unlike Duguit, "the social fact is a biological fact",<sup>69</sup> the foundation of law is in (human) biology. These authors identified international society as a machine in movement and in continuous

62 G. Scelle, "Essai relatif a l'Union européenne", *RGDIP*, XXXVIII, 1931, p. 528.

63 Véase A. Truyol y Serra, *Fundamentos de Derecho internacional público*, Madrid, Tecnos, 1977, 4ª ed. (1ª ed. Barcelona, Seix Barral, 1950), pp. 69 y ss.

64 Y. Gamarra, "Rafael Altamira y Crevea (1866-1951). The International Judge as 'Gentle Civilizer'", *Journal of the History of International Law*, 2012, vol. 14/1, 1-49; Idem, "De la Conciencia Jurídica del Mundo Civilizado. Rafael Altamira como Juez Internacional", *Canelobre*, nº 59, 2012, pp. 55-67, y "Rafael Altamira, un historiador del Derecho en el Tribunal Permanente de Justicia Internacional", *Revista Internacional de Pensamiento Politico*, 2011, pp. 303-326.

65 Véase sobre este autor el trabajo de Y. Gamarra, "Rafael Altamira y Crevea (1866-1951): un divulgador del pacifismo". Estudio Preliminar al libro de R. Altamira, *La guerra actual y la opinión pública española*, Pamplona, Editorial Analecta/Centro de Estudios Políticos y Constitucionales, 2014, pp. 1 - LXXXII.

66 Más ampliamente tratado por J.L. Monereo y J. Calvo González, "Léon Duguit (1859-1928): Jurista de una sociedad en transformación", *Revista de Derecho Constitucional Europeo*, 2005, nº 4, pp. 483-551.

67 Véase el trabajo de L. García Arias, *Las concepciones iusnaturalistas sobre la fundamentación del derecho internacional*, Zaragoza, 1960, p. 123.

68 A. Truyol, *Historia del derecho internacional público*, Madrid, Tecnos, 1998.

69 G. Scelle, "La doctrine de Léon Duguit et les fondements du Droit des Gens", *Archives de Philosophie du Droit et de Sociologie juridique*, 1932, p. 102.

evolution, similar to the natural world, in which all orders of life had a place: work, health, culture, education and justice. In order to legally articulate the relations of the members of international society, they advocated the creation of the League of Nations or the ILO, organizations that were structured along the lines of the three constituent elements of the State (as described by Montesquieu): a Parliament (Assembly), an Executive (Council) and a Court of Justice. In short, these ideas inspired by solidarism informed the Covenant of the League of Nations and the other instruments elaborated within the societal framework.<sup>70</sup>

### III. Liberalism and Idealism in times of Covenants.

#### 1. From ideas to ideals: the organization of peace

The disastrous four-year war (1914-1918) on the European continent gave way, among politicians, to an idea previously put forward by philosophers such as Immanuel Kant (1724-1804) two centuries earlier, or Kelsen in the 20th century itself: to lay the necessary foundations to achieve "perpetual peace".<sup>71</sup> The ideas of the philosophers were to be followed by the construction of a system based on the ideals of the politicians. The purpose was to organize the members of that society by means of legal norms, following channels different from those of the past.

In the years leading up to the Great War, a series of private movements overlapped, articulated through pacifist associations that sought, among other objectives, to organize peace.<sup>72</sup> In some cases, the aim was to achieve peace by creating permanent international structures the "new" conception of peace or official peace and, in others, to seek the eradication of the right of war as the prerogative of the state the "old" conception of peace.<sup>73</sup> These movements preceded the creation of the League of Nations at the end of the First World War, facilitating the rise of multilateralism.<sup>74</sup> The joint activity of States on how to organize peace, or limit the right of war, or the protection of minorities is at the origin of the League of Nations.

70 Véase sobre la influencia del derecho natural en el pensamiento jurídico internacional el trabajo de G. Gordon, "Natural law in International Legal Theory: Linear and Dialectical Presentations", en Orford, A. y Hoffmann, F. (eds.), *The Oxford Handbook of the Theory of International Law*, Oxford, Oxford University Press, 2016, pp. 279 y ss.

71 H. Kelsen, "La técnica del Derecho internacional y la organización de la paz", *RGLJ*, 1935, vol 6, pp. 769-789.

72 Sobre este fenómeno la obra de Altamira, R., *La Sociedad de Naciones y el Tribunal Permanente de Justicia Internacional*, Madrid, 1931.

73 P. Brock, *Pacifism in Europe to 1914*, Princeton, Princeton University Press, 1927.

74 Sin olvidar los primeros gérmenes de organizaciones internacionales, caso de las comisiones fluviales y las uniones administrativas. Sobre este fenómeno véase E. Díaz Galán, *La conformación jurídica de las Organizaciones internacionales: de las conferencias internacionales a las uniones administrativas*, Cizur Menor (Navarra), Aranzadi, 2018.

This explains why the League of Nations was rooted in the idea of maintaining and ordering the coexistence of peoples, that is, in the adoption of an "ideal order" and in cooperation so that other peoples in a worse situation "inferior" could be incorporated into the model created in 1919, thus banishing the idea of confrontation. This thinking was somewhat idealistic, optimistic and full of good intentions, given that in the vision of bourgeois liberal jurists it would make it possible to put an end to war, develop the culture of peace or improve people's living conditions. These idealistic positions were far removed from the international reality, an element that leads one to think that the liberal authors had not mastered the techniques of power games typical of international relations in the 1920s.

A new language and new international institutions were driven by the liberal airs of men like James Brown Scott (1866-1943), assistant to U.S. Secretary of State Elihu Root (1845-1937),<sup>75</sup> who, inspired by the Spanish theologians and jurists of the 16th century, proposed the creation of an ideal system in which individual rights would be protected on a universal basis.<sup>76</sup>

With the colonial conquests of the late 19th century, the United States of America emerged as the hegemonic power in the Americas and became an active force at the international level under the presidency (1901-1909) of Theodore Roosevelt (1858-1919), when it began to play a leading role in international politics.

With the arrival of the Democrats to the U.S. Administration, the new president, Woodrow Wilson (1856-1924)<sup>77</sup> and his Secretary of State, William Jennings Bryan (1860-1925), tried to imbue their political actions with a moral conviction aimed at serving humanity with a sense of destiny and obligation. This moral commitment also extended to their foreign policy, categorized as "missionary diplomacy".<sup>78</sup> Wilson and Bryan wanted to replace the interventionism of "big stick and dollar diplomacy"<sup>79</sup> with a commitment to extend democracy and welfare to other regions of the world a policy that would provoke more interference in the internal affairs of other states than in any previous period.

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75 J. Brown Scott, "Elihu Root' Services to International Law", *Int'l Conciliation*, 1924-1925, vol. 10, pp. 22 y ss.

76 G. A. Finch, *Adventures in internationalism: a biography of James Brown Scott*, Clark, New Jersey, The Lawbook Exchange, 2012.

77 J.M. Cooper, *Woodrow Wilson: a biography*, New York, Alfred A. Knopf, 2009.

78 A. Bosch, *Historia de Estados Unidos, 1776-1945*, Barcelona, Crítica, 2005, pp. 351 y ss.

79 Ibid.

In 1913 and 1914, the Wilson Administration negotiated treaties of Conciliation, with at least thirty States, including the Great Powers except Germany, whereby they undertook to submit all disputes to international arbitration and to observe a one-year truce before resorting to arms.<sup>80</sup> It soon became clear that good words were not enough to resolve complex diplomatic issues, such as relations with Japan, the Caribbean for example, the Dominican Republic and Latin America. Therefore, the U.S. Administration found itself embroiled in Caribbean and Mexican affairs when World War I broke out in 1914. The United States quickly proclaimed its neutrality in the conflict. This decision corresponded to the logic of American foreign policy more focused on the Pacific and, more especially, on the Western Hemisphere, and connected with the majority of public opinion that considered the conflict to be an exclusively European affair. In the end, the interwar period became a transitional period of Anglo-American condominium.<sup>81</sup>

Wilson's idealism was reflected both in his Fourteen Points Speech of 1918 and in the creation of the League of Nations.<sup>82</sup> Wilson's peace proposals were initially greeted with skepticism by the European Allies who suspected a certain Germanophilia.<sup>83</sup> In 1919, however, Wilson was a key figure in the materialization of the Covenants of Paris and the League of Nations, despite the fact that the United States was not a member and the initiative to join the organization did not prosper.<sup>84</sup> Wilson tried to reorganize the European map by protecting minorities and keeping them in their territories, and working to avoid their extermination or expulsion.<sup>85</sup>

In the 1920s and 1930s,<sup>86</sup> a new international institutional architecture was designed; systems for the peaceful settlement of disputes were devised as an alternative to the use of force, and the emergence of an interdependent universal structure of private rights and economic

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80 Ibid., p. 352.

81 W. G. Grewe, *The Epochs of International Law* (Translated and revised by Michael Byers), Berlin/nueva York, Walter de Gruyter, 2000, pp. 575 y ss.

82 Casanovas y La Rosa, "En el Centenario del Tratado de Versalles", *cit.*, pp. 19 y 20.

83 P. S. Reinsch, "American Love of Peace and European Skepticism", *Int'l Conciliation*, 1912-1916, pp. 3 y ss.

84 N. A. Graebner, *The Versailles Treaty and its legacy: the failure of the Wilsonian Vision*, New York, Cambridge University Press, 2011.

85 Sobre el tratamiento de las minorías en el sistema de la Sociedad de Naciones véase C. M<sup>a</sup> Díaz Barrado, C. R. Fernández Liesa, y F. Mariño Menéndez, F., *La protección internacional de las minorías*, Ministerio de Trabajo y Asuntos Sociales, Madrid, 2001.

86 De 1919 a 1939 fueron los veinte años de crisis como tituló a ese período H. E. Carr, E. H., *La crisis de los veinte años, 1919-1939: una introducción al estudio de las relaciones internacionales*. Prólogo de Esther Barbé, Madrid, Los Libros de la Catarata, 2004.

exchanges was promoted. The ideal revolved around a united world in which the equality of states, “peace through law” and prosperity would prevail.<sup>87</sup> The instrument for achieving this centered on the League of Nations as guarantor, among other functions, of compliance with international peace treaties (Treaty of Saint-Germain, Treaty of Neuilly, Treaty of Trianon, among others), in which respect for national minorities was enshrined in the new states born of the breakup of the old empires.<sup>88</sup>

The project of organizing peace around the League of Nations was marked by inconsistencies and shortcomings. Over the years it ended in failure not only because of its limitations, but also because jurists and politicians deviated from it.

## 2. Law as a culture of multilateralism

The trauma of the First World War prompted the search for legal instruments to channel international conflicts by peaceful means.<sup>89</sup> A new attempt was thus being made to bring relations between states out of the state of nature and under the rule of law.<sup>90</sup> The aim was to build an international society based on law and with increasingly effective instruments for enforcing it.

In the 1920s and 1930s and around the League of Nations, liberal jurists sought to make the State subject to publicly adopted international laws, equally and independently of them.<sup>91</sup> At the same time, jurists strove to set up an international court of justice that would guarantee respect for international norms and obligations, equality before the law, non-arbitrariness and procedural and legal transparency.<sup>92</sup>

The representatives of the governments assembled at the Paris conference accepted as a solution the Covenant that constituted the League of Nations with the ideal of “promoting cooperation among nations, guaranteeing peace and security”.<sup>93</sup> The right of war as an

87 Ese ideal fue atinadamente explicado por C. Barcia Trelles, *El imperialismo del petróleo y la paz mundial*, 1925.

88 J.U. Martínez Carreras, “La década de los Pactos, 1920-1929», *Historia 16. Siglo XX. Historia Universal*, n. 11, 1983, pp. 7-47. De las minorías en el sistema de la Sociedad de Naciones véase C. M<sup>a</sup> Díaz Barrado, C. R. Fernández Liesa, y F. Mariño Menéndez, F., *La protección internacional de las minorías*, cit.

89 Véase, F. Delaisi, *Les contradictions du monde moderne*, París, Payot, 1925.

90 En ese mismo sentido se expresa O. Casanovas y La Rosa, “En el Centenario del Tratado de Versalles”, *Revista Española de Derecho Internacional*, 2019, vol. 71, p. 19.

91 Sobre esta idea de lucha por el imperio de la ley véase M. Koskenniemi, *La política del derecho internacional*. Introducción de Carolina García Pascual, Madrid, Trotta, 2020, pp. 38 y 39.

92 Ibid.

93 Preámbulo del Pacto de la Sociedad de Naciones en L. García Arias, *Corpus Iuris Gentium*, Zaragoza, Octavio y Paz, 1968, pp. 13 y ss.

instrument of national policy was intended to be restricted in the Covenant of the League of Nations and, more explicitly, in the Briand-Kellogg Pact (1928).<sup>94</sup> The words of the English delegate, Harold Nicolson (1886-1968) at the Paris Conference at least shed light on the important moment that the diplomats and jurists present in Paris were going through, and the responsibility that fell on them in the design of a “new” international system based on cooperation and not on confrontation. Diplomat Nicolson expressed that sentiment in the following reflection: “we were traveling to Paris not only to liquidate the war, but to found a new European order. We were not preparing peace for the sake of peace, but peace forever”.<sup>95</sup>

In the same vein, Stephan Zweig (1881-1942) described very graphically the idealism that pervaded the thinking of Wilson and the other diplomats and jurists who designed the international institutional architecture after the First World War.<sup>96</sup> Both were faced with a new experience of organizing peace based on the rule of law. The ideal of building a more humanized world faded, however, as the months and years went by. Wilson’s disenchantment as described by Zweig was largely due to the lack of realism and knowledge of the dynamics of the European states on the part of the politicians in the 1920s.

With this first attempt to organize international society, with tints of universality, post-classical international law began to develop, based on a new concept of the nation state. In this new concept of State, certain sovereign rights were limited, while at the same time rights were recognized for individuals who were given legal protection, as in the case of minorities, a permanent system for the peaceful settlement of disputes was designed with a universal vocation: the Permanent Court of International Justice (PCIJ), and the prerogative of the law of war was limited.<sup>97</sup>

In the 1920s, autocratic and imperial regimes were succeeded by an era of parliamentary democracies and liberal and republican constitutions that facilitated the construction of the institutional architecture of

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94 Un comentario documentado y preciso en J. T. Shotwell, “The Pact of Paris with Historical Commentary”, *Int'l Conciliation*, 1928-1929, pp. 443 y ss., y D. R. Paxton, *Europe in the Twentieth Century*, New Cork, 1975. En el caso particular de España, A. M<sup>a</sup> Tamayo Barrera, “España ante el Pacto Briand-Kellogg”, *Cuadernos de Historia Moderna y Contemporánea*, 1984, 187 y ss.

95 H. Nicolson, *La Diplomacia*, México, Fondo de Cultura Económica, 1975.

96 S. Zweig, *Momentos estelares de la humanidad. Catorce miniaturas históricas*, Barcelona,, Acantilado, 2002, pp. 287 y ss.

97 M. Koskenniemi, “History of the Law of Nations World War I to World War II”, 1999, cit., pp. 839 y ss.

the League of Nations. The principles enshrined in the constitutions of democratic systems informed the essential values of international society and favored cooperation and the rule of law in the international legal order, while promoting the freedoms of individuals and peoples, social development and international peace and security.

The European system, sealed in the weak *Treaty of Paris* of 1919, survived a decade without serious incident. The situation changed, however, with the economic crisis of 1929, the emergence of the Soviet Union as a military and industrial power under Iósif Stalin (1878-1953), and the appointment of Adolf Hitler (1889-1945) as German chancellor in 1933. The inability of the liberal, bourgeois capitalist system to avert economic disaster led to the rise of political extremism, violent nationalism and hostility to the parliamentary system.<sup>98</sup> This explosive mixture of elements predisposed the European continent towards the Second World War. Ultimately, the triumph of nationalism in Europe led to violent struggles and the emergence of minorities as a contemporary political problem.<sup>99</sup>

### 1. The rights of man: from theories to institutions

International law prior to the *Charter of the United Nations* (1945) did not recognize what are often described as inalienable, fundamental or natural rights of man, despite the progress made in this direction in the preceding decades and even centuries, particularly in the context of the League of Nations.<sup>100</sup> Multilateralism was a lever for the development of a system for the protection of human and minority rights which, after the Second World War, acquired a universal dimension.<sup>101</sup>

The *Virginia Declaration of Rights* of 1776, the Declaration of Independence of the United States of America and its proclamation of rights in the first ten amendments to the Constitution, and the *Declaration of the Rights of Man and of the Citizen* made by the French National Assembly in 1789, helped to enshrine in the Constitutions of several States the explicit recognition and special protection of the fundamental rights of man as a general principle of the constitutional

98 Ante el avance del nacionalsocialismo afloraron movimientos "ultraliberales" (como apuntó Posada), y relacionados con la crisis de la democracia. Véase más ampliamente sobre estas cuestiones el estudio de J. J. Gil Cremades, "Filosofía del Derecho y Compromiso político: Alfredo Mendizábal (1897-1981)", *Anuario de Filosofía del Derecho*, 1987, n<sup>o</sup> 4, p. 567.

99 El período de entreguerras está espléndidamente tratado, desde el punto de vista histórico, por J. Casanova, *Europa contra Europa, 1914 -1945*, Barcelona, Crítica, 2011, pp. 8 y ss.

100 C. R. Fernández Liesa, *El Derecho internacional de los derechos humanos en perspectiva histórica*, Madrid, Thomson-Reuters, 2013.

101 Y que como apunta Antonio Truyol y Serra, "una protección que, como condición previa a escala universal, implicará, con todo, el derecho de los pueblos a disponer de sí mismos", A. Truyol y Serra, *Historia del Derecho internacional*, cit., p. 132.

law of "civilized States". These instruments paved the way for the recognition of the international protection of human rights.

It was not possible to adopt a Declaration on human rights within the League of Nations, but the work carried out on the rights of minorities, the rights of the child, the right to self-determination, the white slave trade, among others, facilitated the development of legal instruments for the protection of human rights.<sup>102</sup> Labor rights were developed within the ILO, thus facilitating an international law with social content.<sup>103</sup> The ILO worked to regulate working hours, the payment of wages, workers' right of association and equality among all workers.<sup>104</sup> In short, certain civil, political, economic, social and cultural rights began to be regulated, and the foundations were laid for the drafting of a universal declaration of human rights.

The first declaration with a universal vocation that brings together human rights from a global perspective was drafted by a private body. In 1929, the IDI adopted a Declaration of International Human Rights,<sup>105</sup> laying the foundation for the subsequent *American Declaration of the Rights and Duties of Man* and the *Universal Declaration of Human Rights*, both in 1948. In the effort to provide protection for human rights, the work of international judges in the ICTJ was not ephemeral; on the contrary, it contributed to the internationalization of the protection of human rights through general principles of law.<sup>106</sup>

In 1921, the IDI created a Commission chaired by André Mandelstam (1869-1949) to study the protection of minorities and human rights.<sup>107</sup>

102 Véase más ampliamente tratado el trabajo de C. R. Fernández Liesa, "La Sociedad de Naciones y los Derechos Humanos", en V. Gamarra Chopo y C.R. Fernández Liesa, *Los orígenes del Derecho internacional contemporáneo. Estudios conmemorativos del Centenario de la Primera Guerra Mundial*, Zaragoza, Institución Fernando el Católico, 2015, pp. 191-194.

103 Véase, entre otros, B. Raynaud, *Droit international ouvrier*, 1906 (ed. Hachette Livre-BNF, 2018).

104 E. Mahaim, "L'organisation permanente du travail", *RCADI*, 1924, vol. 4, pp. 65 - 224; E. Hitonen, *La compétence de l'Organisation internationale du Travail*, Paris, Librairie A. Rousseau, 1929, y A. Thomas, *International Labour Organization: The first decade*, Londres, George Allen and Unwin, 1931.

105 *Annuaire de l'Institut de Droit International*, Sesión de Nueva York, octubre 1929, vol. I, (35) 2, pp. 298 - 300.

106 Para la elaboración de este apartado se ha tenido en cuenta el trabajo de la autora: "Rafael Altamira (1866-1951), un defensor de los derechos humanos en el Tribunal Permanente de Justicia Internacional", en *Los orígenes del derecho internacional contemporáneo. Estudios conmemorativos del centenario de la Primera Guerra Mundial*, Zaragoza, Institución Fernando el Católico, 2015, pp. 327-342.

107 H.P. Aust, "From Diplomat to Academic Activist: André Mandelstam and the History of Human Rights", *EJIL*, vol. 25, n° 4, 2014, pp. 1105-1121.



The result of this Commission's work was the presentation of a draft Declaration of Human Rights to the IDI session held in New York in 1929. Finally, after several discussions, the **Declaration of International Human Rights**<sup>108</sup> was approved on October 12, 1929, with 45 votes in favor, 11 abstentions and only one vote against. In this important and transcendental Declaration, the IDI considered that.

"The legal conscience of the civilized world demands the recognition of the rights of the individual, excluded from any infringement by the State" and that "it is necessary to extend to the whole world the international recognition of human rights".<sup>109</sup>

The **Declaration** reflected the set of ideals pursued by the bourgeois liberals of the late nineteenth century and the first decades of the twentieth century. The operative part of the Declaration, not very extensive, established the right to life, liberty and property and the principle of non-discrimination (Article 1); freedom of belief (Article 2) and the right to nationality (Article 6). In the words of its main mentor, the diplomat Mandelstam, this Declaration of International Human Rights was "the starting point of a new era (...), a solemn challenge to the idea of the absolute sovereignty of States and, at the same time, the consecration of the legal equality of all members of the international community".<sup>110</sup> However, the really relevant element of this Declaration was not its content, which was certainly not revolutionary, but the fact that it opened the door to an irreversible process of internationalization of the protection of human rights. From that moment on, and on the basis of the New York Declaration, various initiatives arose with a single objective: to remove the protection of rights and freedoms from the sovereignty of States.<sup>111</sup> In 1945, with the adoption of the Charter of the United Nations, the protection of human rights was internationalized.

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108 *Annuaire de l'Institut de Droit International*, Sesión de Nueva York, *cit.*, pp. 730-732.

109 Esta misma idea había sido defendida un año antes, en 1928, por la Academia Diplomática Internacional, presidida por un ardiente defensor de la internacionalización de los derechos humanos, A.F. Frangulis. En una resolución aprobada el 8 de noviembre de 1928, la Academia señaló que la protección internacional de los derechos humanos "responde al sentimiento jurídico del mundo contemporáneo" y que, por lo tanto, "una generalización de la protección de los derechos del hombre y del ciudadano es altamente deseable". El texto de esta resolución figura en A. Mandelstam, "La protection internationale des droits de l'homme", *Recueil des Cours de l'Académie de Droit International de La Haye*, IV, 1931, p. 218.

110 A. Mandelstam, « La protection internationale des droits de l'homme », *cit.*, p. 206

111 Algunas de estas iniciativas se pueden consultar en J.H. Burgers, "The road to San Francisco: the Revival of the Human Rights Idea in the Twentieth Century", *Human Rights Quarterly*, Vol. 14, 1992, pp. 453 y ss.

These ideas were shared by European and American internationalists as part of the "legal conscience" of the civilized world.<sup>112</sup> Altamira defended, together with other jurists, the idea of protecting civil, political and social rights, as can be inferred from his brief commentary entitled *A New Declaration of the Rights of Man* published in 1929. In this brief study he echoed one of the most solid and interesting initiatives launched by the IDI in the 1920s. In the study published in the Almanaque of El Socialista he inserted the text of the Declaration, not without denouncing the existing gaps in the successive declarations, for example, failing to contemplating, among others, the rights of workers. Altamira's thoughts on the protection of human rights and the limits to State sovereignty were reflected in his nine dissenting opinions as judge of the ICJ.<sup>113</sup> The limit to the exclusive exercise of the State's territorial jurisdiction was reflected both in the rights recognized to minorities and in the extraterritorial jurisdiction in criminal matters or in the defense of a fair trial.<sup>114</sup>

The legacy of the IDI or the ICTY was reflected in the *Universal Declaration of Human Rights* adopted on December 10, 1948, in Paris. The *Declaration* is an instrument of a declaratory nature, drawn up in the name of humanity,<sup>115</sup> which contains a set of basic rights in thirty articles.<sup>116</sup> With this and other international instruments for the protection of human rights, not only was international law humanized, but also the national protection of human rights was internationalized through the incorporation into domestic law of human rights treaties

112 G.D. Tassitchi, "La conscience juridique internationale", *RCADI*, vol. 65, 1938, pp. 305 – 394.

113 Op. dis., R. Altamira, *Affaire du 'Lotus'*, PCIJ, Series A, no. 10, Leiden, 1927, pp. 95-107; Op. dis., R. Altamira, *Affaire des Concessions Mavrommatis à Jérusalem (Réadaptation) (Compétence)*, PCIJ, Series A, no. 11, Leiden, 1927, pp. 33-46; Op. dis., Nyholm, Altamira, Hurst, Vovanovitch, Negulesco, and Dreyfus, *Affaire des Zones Franches de la Haute-Savoie et du Pays de Gex*, Decree of 6 December 1930, PCIJ, Series A, no. 24, Leiden, 1930, pp. 20-28; Op. dis., Adachi, Rostworowski, Altamira, Anzilotti, and Wang Chung-Hui, *Régime douanier entre l'Allemagne et l'Autriche, Protocole du 19 Mars 1931*, PCIJ, Series A/B, no. 41, Leiden, 1931, p. 91; Op. dis., R. Altamira and Sir Cecil Hurst, *Affaire des Zones Franches de la Haute Savoie et du Pays de Gex*, PCIJ, Series A/B, no. 46, Leiden, 1932, pp. 174-185; Op. dis., A. Sánchez de Bustamante, R. Altamira, W. Schücking and W. van Eysinga in *Interprétation du Statut du territoire de Memel*, PCIJ, , Series A/B, no. 49, Leiden, 1932, pp. 340-348; Op. dis., R. Altamira, *Affaire 'Oscar Chinn'*, PCIJ, Series A/B, no. 63, Leiden, 1934, pp. 91-106, y Op. dis., R. Altamira, *Affaire des Prizes d'eau à la Meuse*, PCIJ, Series A/B, no. 70, Leiden, 1937, pp. 38-44. Brief statement by R. Altamira in *Affaire de l'usine de Chorow (Demande en indemnité-fond)*, PCIJ, Series A, no. 17, Leiden, 1928. Mas información en Y. Gamarra, "En torno a las Opiniones del juez Rafael Altamira y Crevea en el Tribunal Permanente de Justicia Internacional", *Anuario de Derecho internacional*, 1994, pp. 138 y ss.

114 R. Altamira, *Observaciones sobre el sujeto de los derechos humanos*, México, 1948.

115 Como expresase P. M. Kennedy, *El Parlamento de la Humanidad, la historia de las Naciones Unidas*, Barcelona, Debate, 2007.

116 Véase, entre la abundante bibliografía, J.O. Oraá y F. Isa, *La declaración universal de derechos humanos*, Universidad de Deusto, 2002.

concluded by States, as well as the jurisprudence of the various international supervisory bodies.<sup>117</sup> Past and current trends show that the protection of human rights is an indisputable achievement for each and every one of us.

#### IV. Commitment to peace

##### 1. The illusion of the League of Nations

In a context in which democratic and liberal principles, inherited from the ideology of the Enlightenment, prevailed, Spanish politicians, diplomats and jurists seized the opportunity to integrate Spain into the new European institutional architecture.<sup>118</sup> This opportunity and affinity with the new international system enabled Spain, immersed in a process of internal regeneration, to participate in international forums and to contribute with the legacy of the 16th century School of Salamanca to the establishment of a new institutional system with a universal vocation - external regeneration.

Spain shared the “Wilsonian euphoria” that flooded Europe at the end of 1918.<sup>119</sup> On November 15 of that year, the Government presented in Congress a proposal requesting authorization for Spain’s adherence to the “League of Nations” and the appointment of a Commission to study the implications for Spain of both the creation and the adherence to the aforementioned Organization.<sup>120</sup> Finally, on July 29, 1919, the Minister of State presented in the Senate the bill authorizing the Government to adhere to the League of Nations,<sup>121</sup> and to create a specialized commission to study the effects of the obligations contracted as members of the new Organization.

Neutrality was an essential element of the international system of the 19th century and a valuable instrument used by large, medium and small powers to resolve disputes, stabilize international relations and promote a variety of interests within and outside the continent.<sup>122</sup>

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117 Véase B. G. Cárdenas Velasquez, *El control de las normas internas en la jurisprudencia del Tribunal Europeo de Derechos Humanos y la Corte Interamericana de Derechos Humanos. Especial consideración de su aplicación en España y Nicaragua*, Barcelona, Bosch, 2018.

118 El estudio que aborda esta trayectoria fue coordinado por J. C. Pereira, *La política exterior de España (1800-2003)*, Barcelona, Ariel, 2003.

119 Véase N.A. Graebner, *The Versailles Treaty and its legacy: the failure of the Wilsonian Vision*, New York, CUP., 2011.

120 *Gaceta de Madrid*, nº 344, de 10 de diciembre de 1918.

121 Real Decreto de 21 de julio de 1919 por el cual se autorizaba al Ministro de Estado para que presentase a las Cortes un proyecto de Ley facilitando al Gobierno para adherirse al Pacto de la Sociedad de Naciones, *Gaceta de Madrid*, nº 212, 31 de julio de 1919.

122 Véase la aportación de M. Abbenhuis, *An Age of Neutrals: Great Power Politics 1815-1914*, Cambridge, Cambridge University Press, 2014.

Likewise, neutrality served as a means of access to the organic structure of the League of Nations. Thus, Spain's neutrality and that of other surrounding states during the First World War was rewarded with a non-permanent seat on the Council of the League of Nations.<sup>123</sup>

After intense diplomatic negotiations, Spain was invited to join the *Covenant of the League of Nations* as a founding member and designated as a non-permanent member of the Council, as stated in article 4.1 of the Covenant, together with Belgium, Brazil and Greece. This fact marked, to a large extent, Spain's foreign policy in the League of Nations.<sup>124</sup> As a non-permanent member of the Council, Spain became, through its own aspirations and the tacit agreement of the great powers, a "semi-permanent" member. This de facto situation generated quite a few tensions with the members of the Council, to the point of threatening withdrawal and even announcing Spain's withdrawal from the League of Nations when it requested and did not obtain a permanent seat in 1926.

The utilitarian idea of the League of Nations followed during the dictatorship of General Primo de Rivera changed with the arrival of the Republic in 1931. For the government and republican publicists such as Salvador de Madariaga (1886-1978), Julio Álvarez del Vayo (1891-1975), or Pablo de Azcárate (1890-1971)-, the League of Nations was presented as a permanent necessity that was above all internal contingencies. The thinking of these authors was centered on the insertion of Spain into international institutions, and more particularly on the "Europeanization" of Spain. Hence, the government of the Republic promoted the discourse of Europe as a necessity.<sup>125</sup>

From the negative analysis of past experiences, a positive lesson was drawn for the future and a hope for the government of the Republic,

123 En realidad se trató de una neutralidad impuesta por las potencias aliadas, véase, Y. Gamarra, *Rafael Altamira (1866-1951), un divulgador del pacifismo*, Estudio preliminar a la obra de Rafael Altamira y Crevea, *La guerra actual y la opinión pública española*, Madrid, Analecta/Centro de Estudios Políticos y Constitucionales, 2014.

124 Véase G. Solé, "La incorporación de España a la Sociedad de Naciones", *Hispania. Revista española de Historia*, vol. 36, n° 132, 1976, pp. 131-174.

125 Entre otros trabajos, véase R. Altamira, "Les répercussions internationales du changement de régime en Espagne", *L'Esprit international*, París, octubre de 1931, pp. 578 y ss. En la evolución hacia la República de 1931, el liderato de la generación de sus autores se polarizó en tres direcciones. Una, que mantuvo cierto carácter elitista y universitario, materializada en la Agrupación al Servicio de la República y liderada por José Ortega y Gasset. Una segunda, representó una ideología socialista de carácter obrerista, cuya cabeza visible fue Fernando de los Ríos (1879-1949), aglutinada en torno al Partido Socialista. Y, por último, una tercera vía, intermedia, que propendía a la formación de un partido sustentado por las clases medias, con amplio programa social, encabezada por Manuel Azaña y plasmada en el partido Acción Republicana.

given that, as the expression of a “national ideal” it was in a position to materialize the “international ideal” to which Spaniards aspired.<sup>126</sup> The conception of foreign policy was an extension of domestic policy, that is, the “international ideal” was linked to the “national ideal”, and supranational cooperation to internal reconstruction as two aspects of the same project: one that aspired to build a “new” international society and a “new” Spain.<sup>127</sup>

To achieve this, Spain had, as a first step, to rethink its foreign policy. Republican politicians were clear that an active commitment to European peace required a “new” foreign policy. Hence, the commitment to peace became the main objective of Spanish foreign policy during the Republic, and not only out of illusion or desire, but rather out of necessity out of “national interest”. It was thought that Spain’s decisive contribution to the stabilization of peace would make it more respected on the international level. In Madariaga’s words, it would be in a position to “conquer a position of great moral power”.<sup>128</sup> It was also a matter of consolidating Spanish democracy. From such approaches, we can infer the idealism and political interests that surrounded the project of “renovation” that the 1931 Constitution implied for the modernization of the State and that would end up being one of the reasons for its failure.<sup>129</sup>

The discourse justifying the pacifist commitment of the Republic was reinforced with the appeal to the “singular circumstances” that concurred in the case of Spain. Among them, a past rich in history and civilization that provided it with an unquestionable “moral force” when it came to understanding and mediating in European and American conflicts. Spanish legal culture, inherited from the scholastic tradition of the 16th century, contained positive elements that had to be taken advantage of in the projection of foreign policy: universalism, cooperation, “just war”, peace and justice.<sup>130</sup>

126 La consulta obligada del estudio bibliográfico de España y la Sociedad de Naciones y, en particular, del debate entre idealistas y realistas que también subyace en este estudio, en Neila Hernández, J. L., “España y la Sociedad de Naciones: Un tránsito historiográfico inacabado”, *Cuadernos de Historia Contemporánea*, Nº Extraordinario, 2003, pp. 49-67.

127 Ortega y Gasset, J., “Vieja y nueva política”, *Obras Completas*, vol I, Madrid, Alianza, 1989-94, pp. 267 – 299.

128 Madariaga, S. de, “Nota sobre política exterior de España”, 27 de mayo de 1932 recogido en su libro *Memorias (1921-1936): Amanecer sin mediodía*, Madrid, Espasa-Calpe, 1974, p. 610.

129 Véase sobre este particular la perspectiva de J.-F. Berdah, *La democracia asesinada. La República española y las grandes potencias, 1931-1939*, Barcelona, Crítica, 2002, pp. 172-183.

130 En ese empeño de promoción de los principios de la cultura jurídica española, Camilo Barcia Trelles (1888-1977) fue el iusinternacionalista español que mayor proyección internacional alcanzó en la recuperación de la obra de Vitoria, Suárez, o Vázquez de Menchaca con sus tres Cursos de la Academia de Derecho internacional de La Haya, C. Barcia Trelles, “F. de Vitoria et

The reasons for giving priority to multilateral diplomacy over any other form of diplomacy responded to an ideology, criticized by contemporaries such as Barcia Trelles, as excessive philo-societarism.<sup>131</sup> The first reason had to do with paying the utmost attention to the construction of European peace. Second, the League of Nations embodied the continuation of the universal principles proclaimed by the Spanish legal culture of the 16th century: universalism, justice, "just war" and cooperation. A third was due to the "leading role" that Spain, as an independent state without imperialist ambitions, could play within an international organization that represented "a marvelous resonator of moral authority, prestige and propaganda"<sup>132</sup> for the Republican government. And, lastly, it had to do with the possibilities that the League of Nations awakened as a forum in which to gain sympathy and expand its economic and cultural influence in the world, particularly with the Latin American republics.<sup>133</sup>

As time went by, the events that followed invited more skepticism and disenchantment. The League of Nations offered a transitory, imperfect, immature and very fragile solution, at the same time as it lacked substantive will and organized power. Despite all its limitations and the idealism for which it was characterized, however, the League of Nations was the main instrument of peace policy in the 1920s and 1930s and Spain could not miss the opportunity to join the international structures.

## 2. The proscription of war

The first challenge for the victorious Allies in the First World War was to establish a system of collective security. The objective of the Covenant of the League of Nations was to guarantee international peace and security without managing to articulate a real control mechanism. The **Briand-Kellogg Pact** (signed in 1928), which placed war outside the law, was negotiated to fill this gap.<sup>134</sup> Against this background, the

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l'École moderne du Droit International », *RCADI*, 1928, vol. 27 ; idem, « Francisco Suárez (1548-1617) : les théologiens espagnols u XVIe siècle et l'école moderne du droit international », *RCADI*, I, vol. 43, 1933, e idem, « Fernando Vázquez de Menchaca. L'école espagnole du Droit international du XVIe siècle, *RCADI*, vol 67, 1939.

131 C. Barcia Trelles, "Fijando posiciones. España ante la realidad europea", *La Libertad*, 2 de noviembre de 1932.

132 F. Quintana Navarro, *España en Europa, 1931-1936: del compromiso por la paz a la huida de la guerra*, Madrid, Nerea, 1993, p. 44.

133 Ibid.

134 Véase R. Bermejo García, "El uso de la fuerza, la Sociedad de Naciones y el Pacto Briand-Kellogg", en Y. Gamarra y C.R. Fernández Liesa (coords.), *Los orígenes del Derecho internacional contemporáneo*, cit., pp. 217 y ss.

problem that arose for Spain was how to accommodate the institution of neutrality in the system of collective security.

In Spain, the express renunciation of war was enshrined in Article 6 of the 1931 Constitution in the following terms: "the renunciation of war as an instrument of general policy".<sup>135</sup> From a broad interpretation, Spain only renounced those wars that could become an "instrument of international policy" driven by clearly illicit motives. This article clearly showed the pacifist influence of the Hague Conventions of 1907 particularly the III Convention-, the Covenant of the League of Nations and the Briand-Kellogg Pact, by materializing the constitutional limitation of the possibility of resorting to the declaration of war.

The Constitution subordinated the declaration of war to the mechanisms of arbitration and conciliation as set out in Article 77. This subordination was in line with the provisions of Articles 11 to 17 of the Covenant of the League of Nations. Even before a hypothetical exit from the League of Nations, after the precedent of the withdrawal of Spain ordered by General Miguel Primo de Rivera, Spain could not withdraw except by means of the promulgation of a special law voted by absolute majority and after announcing it with the advance notice required by the norms, article 1 of the Covenant of the League of Nations, and article 78 of the Constitution.

Thus, the declaration of war was conditioned, firstly, to fulfill the conditions foreseen in the *Covenant of the League of Nations* and, obviously, after qualification either by the Council or by the Assembly.<sup>136</sup> Second, the exhaustion of defensive procedures not of a warlike nature, i.e., the application of lesser uses of force such as retaliation, reprisals, embargo or blockade. Thirdly, that the judicial or conciliation and arbitration procedures established in the international conventions signed by Spain and registered in the League of Nations should be exhausted. In the words of José Ramón de Orúe (1894-1953), professor of public and private international law at the University of Valencia, this would be the preventive law of war made up of the international

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135 Siguiendo muy de cerca el Pacto Briand-Kellogg del que España era parte desde 1929. En efecto, como recoge Nicolás Pérez Serrano, "cábenos probablemente la honra de ser los primeros en dar carácter constitucional a los acuerdos que, casi concebidos en los mismos términos, consagra el artículo 1 del Pacto Briand-Kellogg firmado el 27 de agosto de 1928", Pérez Serrano, N., "La Constitución española de 1931. Antecedentes, texto y comentarios", *Revista de Derecho Privado*, 1932, p. 73.

136 Sobre el trabajo realizado por ambos órganos, de sus coincidencias o disidencias, Zimmern, A.E., *The League of Nations and the rule of law, 1918-1935*, Holmes Beach, Gaun. 1998, y Howard-Ellis, Ch. H., *The origin, structure & working of the League of Nations*, Clark, N.J, The Lawbook Exchange, 2003.

commissions of investigation, good offices, mediation, arbitration, conciliation and recourse to the International Court of Justice.<sup>137</sup> Thus, the presidential power to declare war was delegated to international law and the provisions of the **Covenant of the League of Nations**. To this general limitation of the presidential power was added a fourth condition: to be authorized by a law. In Article 76 of the Constitution, it was contemplated that the President of the Republic could 'declare war', provided that, as contemplated in Article 77, paragraph 3, he was authorized by law to sign such a declaration. The President of the Republic was thus conditioned to the authorization by the Cortes Generales of the prerogative to declare war.

The limitation of the declaration of war and, in particular, the control of the adoption of emergency measures were a significant step ahead of the prohibition of the use of force contained in Article 2, paragraph 4, of the **United Nations Charter**.<sup>138</sup> In particular, insofar as the Constitution itself does not state, not even cryptically, the renunciation of wars of aggression, but establishes an appropriate procedure of internal execution to materialize such a renunciation. In the end, it was a rather rhetorical figure, given that war still retained, and still retains today, its character as an international legal institution. Nor did the renunciation of war as an instrument of national policy (wars of aggression) imply Spain's renunciation of the principle of self-defense.

**The Covenant of the League of Nations** did not question that States had a right to resort to armed force as recognized by international law, but it did consider it a "crime" to wage a war of aggression against another State without first attempting to reach a peaceful solution to the dispute through diplomatic negotiation, an arbitration procedure, or through the procedure before the Council provided for in Article 15 of the **Covenant**. In the case of a State which used force against another State without having attempted to resolve its dispute peacefully with the latter or which, in any case, did so against a State which had accepted and implemented the arbitral resolution or the decision of the Council, the **Covenant** established the obligation of the member States to collaborate, to the extent of their possibilities, in the application of the economic, diplomatic and military sanctions decided by the Council: collective security.<sup>139</sup>

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137 Orúe y Arregui, J. R., Preceptos internacionales en la Constitución de la República española (9 de diciembre de 1931)», en *R.G.L y J*, 1932, tomo 160, núm. IV, p. 405.

138 Véase Oliver Araujo, J., *El sistema político de la Constitución española de 1931*, Palma de Mallorca, Universidad de las Islas Baleares 1991.

139 See the view of W. G. Grewe, *The Epochs of International Law*, cit., pp. 592 et seq.



The *Covenant of the League of Nations* sought to delegitimize recourse to war in certain circumstances and to offer all States, not only the member States of the League of Nations, institutionalized dispute settlement mechanisms other than diplomatic negotiation and arbitration treaties.<sup>140</sup> The Covenant did not question that States had a right to resort to armed force recognized by international law, but it did consider it a crime to wage a war of aggression against another State without first attempting to reach a peaceful settlement of the dispute through diplomatic negotiation, an arbitration procedure, or through the procedure before the Council provided for in Article 15 of the *Covenant*. In the case of a State which used force against another State without having attempted to settle its dispute peacefully with the latter or, in any case, did so against a State which had accepted and implemented the arbitral resolution or the decision of the Council, the Covenant established the obligation of member States to cooperate, to the best of their ability, in the application of such economic, diplomatic and military sanctions as the Council might decide: collective security.

The League of Nations provided a "security guarantee" to "small" and defenseless states, as in the case of Spain. Article 10 of the Covenant incorporated the Wilsonian principle whereby the associated States had undertaken "to respect and to maintain against all external aggression their territorial integrity and political independence. This principle was intended to link national interest to the policy of commitment to peace. The reasoning was impeccable, in theory, and its formulation meant that Spain, with no military capacity with which to repel aggression and no material possibility of defending its national independence by its own means, could only guarantee its security by resorting to international norms, the institutionalized framework of the League of Nations."<sup>141</sup>

However, membership of the League of Nations entailed not only the enjoyment of rights, but also the fulfillment of a series of obligations.<sup>142</sup> Article 16 of the *Covenant*, which covers sanctions, establishes that "if a Member of the League resorts to war (...), it shall ipso facto be considered as having committed an act of war against all the other Members of the League". This article established a series of not insignificant obligations:

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140 De claras raíces católicas como se recoge en Verly, F., "Les catholiques et la Société des Nations: l'exemple de l'Union Catholique d'Études Internationales », en Cholvy, G. (dir.), *L'éveil des catholiques français à la dimension internationale de leur foi, XIXe et XXe siècles*, Montpellier, ed. du Centre Regional d'Histoire des Mentalités, 1996.

141 VV.AA., *The League of Nations in retrospect*, Berlin-New York, Gruyter ed., 1983.

142 Como bien entendió y expresó C. Barcia Trelles en Barcia Trelles, C., "Fijando posiciones. España ante la realidad europea", *cit.*

economic and financial, in the first place, and military assistance, if necessary, in the second place. According to the **Covenant**, each member of the League of Nations enjoyed the guarantee of security provided by the other members, but was also co-guarantor of the security of the others, committing itself to adopt collective sanctions against the aggressor State and thus to support, de jure and de facto, the aggressed State.

This commitment to collective security had “relevant” consequences for Spain. On the one hand, acceptance of the Pact implied a theoretical renunciation of the traditional policy of neutrality. On the other, its participation in the multilateral forum of the League of Nations and the growing interest in European and American nations led it to deploy an increasingly active and vigilant foreign policy in order to avoid any possibility of confrontation. Of the two effects, the questioning of neutrality undoubtedly unleashed many fears and raised a major question: how to articulate the alleged neutrality within the fulfillment of the commitments derived from the **Covenant of the League of Nations**?

There was a certain contradiction in the redefinition of neutrality, given that there was, on the one hand, the commitment to collective security contained in the Covenant of the League of Nations and, on the other, the pretension of considering peace the backbone of Spain’s domestic and foreign policy. In this framework, notions such as “positive neutrality” or “active neutrality” emerged, understood as “permanent efforts for the maintenance and organization of peace in the world”. In spite of this, the Republicans were unable to clarify their final intentions in this matter, since the contradiction of neutrality versus Pact was inherent to the system itself.

In this defense of the League of Nations as an example of fusion and concord, to which Madariaga aspired for both Europe and Spain, based on the ideas of Vitoria<sup>143</sup>, the dichotomy of the “just war” and its place in the Covenant of the League of Nations appeared. Nicolas Politis (1872-1942) stated in his work *La neutralité et la paix* that the assumption of the modern concept of neutrality represented nothing more than a return to Vitoria’s conceptions, in other words, the overcoming of the classical concept of neutrality, which was characterized by the combination of two principles: abstention and impartiality. However,

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143 Egidio León, M<sup>o</sup> A., “Madariaga reivindicador de la figura de Vitoria como fundador del Derecho internacional”, en *Salvador de Madariaga, 1886-1986. Libro-Homenaje con motivo de su centenario*, Ayuntamiento de La Coruña, 1986., pp. 106 y ss.

what for some meant the confirmation of their position, neutrality without conditions, for others meant putting into practice the concept based on Vitoria's idea of active neutrality.

The spirit of the Pact was to prevent war, to try to avoid it, but once it was unleashed, to apply the mechanisms in order not to abandon the attacked State, provided, of course, that it was a "just war"<sup>144</sup>. It is here that the reference to the Spanish legal tradition of the 16th century and the figure of Vitoria makes sense, and this is how it was understood by Spanish liberal republicanism. The theory differed, of course, from the practice both nationally and internationally.<sup>145</sup>

It was not an evil exclusive to Spain neutral ad hoc, other small European democracies also had to face this contradiction as they found themselves trapped between the loss of their traditional neutrality and the evident risk of war.<sup>146</sup> Both the Covenant of the League of Nations and the Briand-Kellogg Pact introduced a new element: the inconsistency of traditional neutrality, or the immorality of impartiality in the face of the "crime" of war, raising the question of the obligatory partiality of neutral states against the offender.

Participating in the argument of William Rappard (1883-1958), the weak states agreed to consider the League of Nations "primarily as an instrument for the promotion of peace through justice",<sup>147</sup> whereby they could consider themselves as the most loyal champions of the League of Nations. and could thus consider themselves the most loyal champions of the League of Nations. This was due, according to Rappard, less to their superior virtue than to their inferior power given that:

"by serving the League of Nations, they were not only defending justice, they were also more effectively promoting their national interests."<sup>148</sup>

## V. In the end ... an oligocratic system

Multilateralism, apart from previous experiences, developed with the creation of the League of Nations. The jurists who participated in the establishment of the League of Nations opted for public and

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144 Politis, N., *La neutralité et la paix*, Paris, Libraire Hachette, 1935

145 Véase V. Gamarra, "The neutrals and Spanish neutrality. A legal approach to international peace in constitutional texts", en Abbenhuis, M., Barber, Ch.E. y Higgins, A.R. (eds.), *War, Peace and International Order? The Legacies of the Hague Conferences of 1899 and 1907*, Londres/Nueva York, Routledge, 2017, pp. 207 y ss.

146 Véase K. Wani, *Neutrality in International Law, From the sixteenth century to 1945*, Routledge, 2017.

147 Rappard, W.E. (1935), "Small States in the League of Nations", *Problems of Peace*, 9ª Series, 1934, Londres, pp. 49 y ss.

148 Ibid., p. 50.

collective diplomacy to organize the definitive peace. Institutionalized international cooperation was extended to different areas such as peace, justice, labor and culture. In the end, the League of Nations' multilateralism project found its *raison d'être*, despite its failure, in the usefulness of its functionality.

The years of the League of Nations' life were marked by a mixed record of successes and disappointments. To some extent, there were successes in terms of creating a formal forum for cooperation between States, limiting secret diplomacy, implementing the protection of minorities, or attempting to establish an international society based on law and with increasingly effective instruments for enforcing it. At the same time, the conflicts in Manchuria, Abyssinia and the Spanish Civil War were notorious failures due to the inability to resolve them peacefully. At that time, the multilateralism of the League of Nations ceased to be useful when it proved incapable of resolving conflicts between States by peaceful means and curbing the nationalism of the 1930s. This sum of factors led to the crisis of League of Nations multilateralism.

The failed experience of the League of Nations left a deep imprint on international language and institutions.<sup>149</sup> With the creation of the League of Nations, substantial changes began to be detected in the international society of the interwar period, which led to the realization that it was necessary to create norms that would regulate the principles of a genuine international law with social content superior to the will of the States. Thus, the international protection of human rights found a foothold in instruments promoted within the framework of international organizations. The humanization of international law, although it did not imply the recognition of the full subjectivity of the individual, has placed the individual and his rights in a privileged position that did not exist in traditional or modern international law, or at least with recognition as such.

The illusion of the League of Nations was postponed. It was not the time for the societal project to prosper. This organization gave way to an international organization of oligarchic character: The United Nations organization.<sup>150</sup> This character was reflected in the special regime recognized for the victorious states of the Second World War

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149 Véase N. A. Graebner, *The Versailles Treaty and its legacy: the failure of the Wilsonian Vision*, New York, CUP, 2011.

150 Es una idea del J.J. Gil Cremades recogida en M., Elósegui, "La influencia de Kelsen y Verdross en el pensamiento jurídico de Legaz Lacambra sobre el Derecho internacional en el período e entreguerras", en V. Gamarra e I. De la Rasilla (eds.), *Historia del pensamiento lusinternacionalista español del siglo XXI*, cit., pp. 294 y ss.

in the United Nations Security Council. It was a regime with political and legal differences between States, which is still in place today. The creation of the United Nations organization ushered in an era of hope for international peace and security.

The constitution of new States during the decades of decolonization ran parallel to a new doctrinal current in the Third World that facilitated the universalization of international society<sup>151</sup> and, by extension, of international law. This new current channeled a reformist project of the international legal system based on international organizations and the defense of the principle of sovereign equality in international law. This development was associated with the doctrinal project of international constitutionalism initiated in the interwar period and revitalized around the *Charter of the United Nations*.<sup>152</sup> The work and efforts of the first generation of Third World authors focused on reforming the structures of the United Nations organization led them to believe that they could contribute to creating an international system that was fairer and more in line with their interests. Attempts to create a new international economic order, to promote the right to development, or to protect human rights responded to this.<sup>153</sup> However, these attempts to correct imbalances and inequalities evanesced over the years, leading to the crisis of multilateralism.<sup>154</sup>

It is true that we are closer to constituting an “international community” than at any time in the past. Out of a total of more than two hundred States, the number of members of the United Nations stands at one hundred and ninety-three. In addition, today’s international society is home to other manifestations of international subjectivity and multilevel representation in defense of different and diverse interests

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151 Véanse H. Bull, Henri y A. Watson, (ed.), *The Expansion of International Society*, Oxford, 1984 (reimpreso en 1992), y los estudios de A. Truyol y Serra, “L’expansion de la société

152 J. Crawford, “The Charter of the United Nations as a Constitution”, en G. Abi – Saab, y H. Fox (eds.), *The Changing Constitution of the United Nations*, The British Institute of International Law and Comparative Law, Londres, 1997, pp. 3 y ss., y P.-M. Dupuy, “The Constitutional Dimension of the Charter of the United Nations Revisited”, *Max Planck United Nations Yearbook*, 1997, pp. 1 y ss.

153 Véase, entre otros, el trabajo de H. Gros Espiell, *Derecho internacional del desarrollo*, Universidad de Valladolid, Cuadernos de la Cátedra J. Brown Scott, 1975.

154 Los esfuerzos de esta primera generación de autores del Tercer Mundo están siendo reconocidos por los autores de las aproximaciones críticas del Tercer Mundo, si bien no dejan de apuntar su complicidad con el colonialismo. Sobre este pensamiento véase B.S. Chimni, “The Past, Present and Future of International Law: A Critical Third World Approach”, *Melbourne Journal of International Law*, 2007, n° 8/2, disponible en (<http://www.law.unimelb.edu.au/files/dmfile/download56951.pdf>) (consultado el 15/01/2021).

and values.<sup>155</sup> It is not a material universality but a fragmented and unequal one, to the point that some authors question not so much whether international law is in fact law, but rather whether it is truly international.<sup>156</sup>

Globalization and the technological revolution are giving rise to various phenomena that have had a significant impact on international law and multilateralism.<sup>157</sup> The response to a globalized society is an international law marked by fragmentation, de-formalization and politicization.<sup>158</sup> International law is fragmented by the creation of special regimes, such as the Statute of the International Criminal Court, European Union law or the World Trade Organization system, among others. Likewise, international law is de-formalized as we are faced with the growing recourse to non-subjects and non-law to advance in the international handling of problems.<sup>159</sup> It is also politicized,<sup>160</sup> because in the field of public international law we cannot ignore the possibilities of the strong to put pressure on the weak when drafting norms, nor to what extent the judge can be independent in international criminal proceedings, among other cases.

The centers of international decision-making do not represent universality to the extent that the United Nations system continues to be indebted to the oligocratic and liberal scheme that existed prior to the Second World War,<sup>161</sup> without the establishment of conferences of the most powerful States, in political and economic terms (from the G7 to the G20) contributing to moving away from the selective directorates of the nineteenth century, which were responsible for international relations and the destiny of subjects and actors. Moreover, the tension between formal universality and real inequality appears in the

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155 Véanse sobre este particular H. Bull y A. Watson (ed.), *The Expansion of International Society*, Oxford, 1984, y los estudios de A. Truyol y Serra, "L'expansion de la société internationale au XIXe et XXe siècles", *RCADI*, 1965 – III, vol. 116, pp. 89 y ss., y de este último autor, *La sociedad internacional*, Alianza Editorial, Madrid, 1974.

156 A. Roberts, *Is International Law International?*, Oxford, Oxford University Press, 2017.

157 M. Koskenniemi, *International law and the Far Right: Reflections on Law and Cynicism*, Fourth Annual T.M.C. Asser Lecture, Asser Press, 2019, pp. 3 y ss.

158 Véase la Introducción de J. E. Nijman, al trabajo de M. Koskenniemi, *International law and the Far Right: Reflections on Law and Cynicism*, cit., p. VIII.

159 Y un desplazamiento del poder de decisión de órganos plenarios a comités especializados. Véase más ampliamente M. Koskenniemi, "Constitutionalism as mindset: Reflections on kantian themes about international law and globalization", *Theories Inquiries in Law*, 2006, 8(1), pp. 9 y ss.

160 Véase la versión española de M. Koskenniemi, *La política del derecho internacional*, Introducción de C. García Pascual, Madrid, Trotta, 2020.

161 J.A. Pastor Ridruejo, *Curso de Derecho internacional público y Organizaciones internacionales*, cit., pp. 62 y 63.

background of the desirable goals of the **2030 Agenda** and the **United Nations Sustainable Development Goals** (17 SDGs), where universal objectives are established outside the legal structures of obligation and responsibility.<sup>162</sup>

There is no doubt that we are facing a globalized society that is increasingly interrelated and interdependent, and this interrelationship is caused by the growing internationalization of economic, commercial and financial exchanges and, above all, by the progress of information and communication technologies, and by migratory movements. The rapid spread of the pandemic is a good illustration of this interrelationship. And it is economic and technological factors that have also generated significant inequalities between the various players in international society.<sup>163</sup> The European Union and certain states, among others, are calling for a return to "effective" multilateralism. There is no doubt that in order to meet the challenges of migration, technology, health, the environment, peace and security, among others, a useful multilateralism is needed.<sup>164</sup> The functionality of institutionalized multilateralism should serve as a corrective factor for the existing inequalities in contemporary international law. In the end, the responsibility of internationalists lies in promoting a multilateralism capable of addressing and providing solutions to contemporary problems and in supporting a more objective international law.

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162 Véase la aportación de C. Díaz Barrado, C.R. Fernández Liesa y D. M. Verdiales (eds.), *Objetivos de desarrollo sostenible y derechos humanos: Paz, justicia e instituciones sólidas*, Madrid, Universidad Carlos III/Instituto Universitario de Estudios Internacionales y Europeos "Francisco de Vitoria", 2018.

163 Véase W. Twining, "Implicaciones de la globalización para el derecho como disciplina", *Anales de la Cátedra Francisco Suárez*, 2010, n° 44, pp. 341 y ss.

164 Así y a modo de ejemplo, Eric Posner argumenta que a pesar de los avances logrados en la protección de los derechos humanos, lejos de avanzar hacia un sistema cada vez más humanizado, nos encontramos con un elevado número de instrumentos y mecanismos internacionales que terminan por resultar inútiles, E. Posner, *The Twilight of Human Rights Law*, Oxford, Oxford University Press, 2014.





# **“Human Rights’ multilateral system commitment index”**

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## **Summary**

Although there are numerous indexes on different aspects of human rights, there is no such one which would measure States’ commitment to the multilateral system. Through the means of the “International Human Rights Commitment Index” proposed in this work, a ranking of States will be carried out by virtue of their openness (understood as the number of obligations they have entered into), and trust in the system (understood as the quality of those obligations). The work focuses on a field of international public law, i.e. multilateral human rights conventions; uses a statistical methodology, and its purpose is both political and diplomatic. As it shall be seen, Spain has a leading role within this system, and European countries, excluding Portugal, Italy and Spain, are not exactly the best off.

Multilateralism, Human Rights, Ranking, Conventions, United Nations.

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In Geneva, 7 May 2020.

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## **I. Introduction**

There is a widespread notion, at least in Europe, that European countries are the countries that have implemented the most robust human rights guarantees. Really? Does this idea respond to a subjective impression, or to true information? Have all European countries assumed the same human rights obligations at the multilateral level? And Spain, how does it behave vis-a-vis other States, and specifically with regard to its European peers?

Though there is currently a race to develop different types of Indexes, there is no one which, on statistical and objective grounds, would rank countries by their level of obligations and commitments to the multilateral human rights system.

It is not the point of this paper to conceive an index that would try to classify States by the actual enjoyment of human rights in their territories. That would be a titanic task, which results would always be haunted by qualitative factors and indicators, and it would always be subject to interpretation. The truth is that the experience of human rights is hardly measurable, and any metric that can be made available to any attempt in classifying States may always be incomplete.

On the one hand, this stems from the fact that human rights cover a large number of issues that are constantly expanding: civil, political, economic, social and cultural rights. On the other, no matter how much we may want to measure them, many human rights are intangible experiences, and this falls within the field of subjectivity.

Finally, human rights are indivisible, interdependent and mutually reinforcing. In fact, a high level of realization of economic rights affects the enjoyment of political ones. That is, meeting basic needs will lead to a higher level of education and community participation. And vice versa, a high level of enjoyment of political rights can have an impact, through criticism and political reforms, on the improvement of the enjoyment of economic rights. This means that even if we can find a homogeneous and acceptable way to measure the experience of human rights, we do not know in what proportion and to what extent they affect and impact each other, and yet this is a reality.

We could therefore say that a mathematical index compounding different indicators of human rights (in addition to many of them being subjective), would have a high entropy and uncertainty. That is, seeking an index of enjoyment of human rights is not only a titanic task, but eventually, its results would be unreliable. For these reasons, there is no internationally recognized index in this regard.

Unlike other areas, such as human development, in which the United Nations Development Program (UNDP) conducts a Human Development Index (HDI) every year; unfortunately the UN human rights counterpart, the UN High Commissioner's Office for Human Rights (OHCHR), does not have a similar tool.<sup>165</sup>

What OHCHR has done is a remarkable work on indicators with the aim of advising Governments, should there be appetite from their side to undertake political reforms that would have an impact on Fundamental and/or Economic and Social Rights. Manuals that have been prepared are available<sup>166</sup> at the Office's website.

In these manuals, you can find, for example, "information sheets" for the preparation of indicators relating to a certain right/freedom etc. However, as the Office itself recognizes on its website, the objective of these tools is not to develop an international comparison, but to provide States with elements for the implementation of legal and public human rights-friendly frameworks.

OHCHR also has another interesting tool called the Universal Human Rights Index (UHRI). This index is nothing but a compilation of recommendations issued to each State by the various multilateral mechanisms for the promotion and protection of human rights (Treaty Bodies, Special Procedures and the Universal Periodic Review). This UHRI, however, tells us nothing about the actual situation of human rights in a given country, but an indication of those areas in which a particular State could benefit from the implementation of the recommendations issued by the above-mentioned mechanisms.<sup>167</sup>

Even if we are devoid of human rights International Indexes, which would have a broad recognition and prestige, it is still interesting to seek some form of classification of countries to compare their human rights situation. Thomas Hammarberg, Council of Europe former Commissioner for Human Rights, in his speech to the Montreux Conference on "Statistics, Development and Human Rights" (September 2000) said: "Human rights can never be fully measured by statistics, qualitative aspects matter too much. The bottom line, however, is not that the human rights community should avoid the use of quantitative data, but rather that it must learn to use it."

<sup>165</sup> <http://hdr.undp.org/en/content/human-development-index-hdi>

<sup>166</sup> Human Rights Indicators-Guide for measurement and implementation. [https://www.ohchr.org/Documents/Publications/Human\\_rights\\_indicators\\_en.pdf](https://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf)  
A Human Rights-Based approach to data-Leaving no one behind in the 2030 agenda for Sustainable development. <https://www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf>

<sup>167</sup> <https://uhri.ohchr.org/es/>

Therefore what we intend to do in this paper is precisely that, to use the quantitative data that is available in the United Nations (UN) databases<sup>168</sup>, to develop an International Human Rights Commitment Index. For the above-mentioned ideas, we will discard qualitative variables that could lead us through the path of subjectivity and politicization.

To do this, we will propose the following postulate:

**“The greater the openness and trust of the State in the multilateral system of promotion and protection of human rights, the greater the commitment and willingness in that State to respect the human rights of its citizens.”**

Before commenting on the postulate, as a preliminary matter, we need to examine the expression “openness and trust” (which will be studied in length later). For the purposes of this paper, we will focus only on the ratification of “legally binding” mechanisms, avoiding mixing the “declarative” dimension of the UN human rights framework.

Therefore, returning to the postulate, if a State ratifies international monitoring and control mechanisms, that is, that it has a greater degree of openness to them, and if it does so as unconditionally as possible (that is, with trust), that State will most likely make greater efforts to meet international standards.

It is still a risky postulate for, it could encourage States to adhere to this kind of mechanisms for the sake of it, but ultimately they could deliberately neglect and disobey their recommendations.

The other limitation of this metric is that it could lead to the conclusion that in a particular State there is a high level of enjoyment of human rights simply because the State has ratified such instruments. This could lead to paradoxical conclusions. In other words, countries that have a democratic rule of law, but for different reasons, do not accede to UN mechanisms, could be worse off than authoritarian States. There is no evidence however, that by ratifying human rights Treaties there is a higher level of enjoyment of human rights. But as stated earlier, this is not the purpose of this paper.

The aim is to demonstrate which States are most open to international monitoring and are therefore not only open to international criticism, but to improving their human rights situation on the basis of the recommendations they receive. Rather, it would be an indirect

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<sup>168</sup> <https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>

indication of the actual situation of enjoyment of human rights in a given State.

Indeed, as mentioned above, it is difficult to measure the degree of enjoyment of some human rights, let alone the interaction between them. Nevertheless, States, by submitting to international monitoring procedures, give an indication of their will to comply with human rights.

This affirmation seems indisputable: “no State likes to be criticized by an international stakeholder for possible or alleged human rights violations”. And yet, as it will be seen in the paper, there are countries much more inclined to receive such criticism (based on recommendations) than others. Indeed, the most refractory States to the system are those that invoke national sovereignty and legislation in international negotiations. They turn inwards upon themselves, and rely less on the international architecture. In their turn, other countries are much more willing to participate in such international processes.

Once the purpose of this work is framed, it is time to translate the postulate into something quantifiable. Indeed, how can the level of openness and trust be assessed quantitatively? Let us answer this question in the forthcoming heading.

## II. **Methodology**

The international system for the promotion and protection of human rights has numerous mechanisms.

On the one hand, there is the Human Rights Council mechanisms, namely its “Special Procedures (SP’s)”. These SP’s are either “thematic” (which focus on a specific human rights issue), or geographical (created because of alleged systematic human rights violations in a given country). Although all States of the International Community have an obligation to cooperate with these mandates of the Council, there is no obligation to comply with them. Therefore, their communications, or opinions are not binding.<sup>169</sup>

On the other, there is the Universal Periodic Review (UPR), which is an intergovernmental peer review<sup>170</sup> examination on the situation of all human rights in a State during a given period. Under this mechanism, each State prepares and submits its national report to the UPR Working Group (i.e. all UN Member States), which considers the report (along with the reports prepared by the OHCHR -compilation of UN human rights Recommendations-, and other stakeholders -NGO’s-), and issues

<sup>169</sup> <https://www.ohchr.org/SP/HRBodies/SP/Pages/Welcomepage.aspx>

<sup>170</sup> <https://www.ohchr.org/en/hrbodies/upr/pages/basicfacts.aspx>

its recommendations. This exercise is of fundamental importance, but both the acceptance and implementation of the recommendations received are under the sole discretion of the State under review.

Finally, there is the Human Rights Council Investigation Procedure, which is, in principle, confidential and with little practical results.<sup>171</sup>

In this work we will ignore all the human rights mechanisms referred to so far (Special Procedures, UPR and HRC Investigation Procedure), and will only focus on the human rights Treaty Bodies system, as it is the only one with a legal binding nature for States.

## II.1. Ratification and degree of openness

We will therefore focus only on the 9 human rights International Conventions, which created the corresponding Committees (or Treaty Bodies), and their eventual additional optional protocols. In total, 17 international treaties of a legal binding nature, totaling 591 articles.

Namely:

- *International Covenant on Civil and Political Rights* (ICCPR -53 articles-), its Additional Protocol (ICCPR-OP -14 articles-), and its *Second Optional Protocol to Abolish the Death Penalty* (ICCPR-OP2 -11 articles-).
- *International Covenant on Economic, Social and Cultural Rights* (ICESCR -31 articles); together with its *Additional Protocol* (ICESCR -OP -22 articles-).
- *International Convention on the Elimination of All Forms of Racial Discrimination* (CERD -25 articles)
- *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) and its *Additional Protocol* (CEDAW-OP -21 articles).
- The *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT) and its *Additional Protocol on the Establishment of the Committee on the Prevention of Torture* (OPCAT) -37 articles).
- *Convention on the Rights of the Child* (CRC -54 articles-), its *Additional Optional Protocol* (CRC-OP-24 articles-), as well as that *relating to the participation of children in armed conflict* (CRC-OP-AC -13 articles-), and that *relating to the sale of children, child prostitution and the use of children in pornography* (CRC-OP-SC 24 articles-).

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171 <https://www.ohchr.org/en/hrbodies/hrc/complaintprocedure/pages/hrcomplaintprocedureindex.aspx>

- *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (CMW -93 Articles-).
- *International Convention for the Protection of All Persons from Enforced Disappearance* (CED, 45 Articles).
- *Convention on the Rights of Persons with Disabilities* (CRPD, 50 Articles-) and its *Additional Optional Protocol* (CRPD-OP -18 Articles-).

Though there are 17 “Instruments”, understood as a legal synonym for “Treaties and Protocols”, the truth is that the world of the binding multilateral system of human rights is actually a framework of monitoring “mechanisms” that those instruments created.

Indeed, if we were to consult the level of ratification of mechanisms at the OHCHR website, one may verify that the following categories are open for each State:<sup>172</sup>

- **State of Ratification:** which simply refers to whether or not the State has ratified the Instrument (Convention or Protocol).
- **Acceptance of the individual communications procedure:** These procedures allow citizens of a State party to use treaty bodies if they understand that their authorities have violated a right under a Convention, and if a number of requirements are met. In most cases, States enter into these procedures upon ratification of the Additional Protocols that create these mechanisms. This is the case of additional protocols to the ICCPR, ICESCR, CRPD, CRC and CEDAW. On the other hand, CAT (Article 22), CERD (Article 14), and the CED (Article 32), include this kind of procedures within the articulation of their respective convention, but require a formal declaration of the State for their entry into force (we will talk about the particularity of these articles later). Finally, the CMW establishes an original mechanism, which has not yet entered into force. This mechanism, which also requires a formal statement by States and provided for in article 77, enables a State to lodge a complaint against another State for the systematic violation of the rights of migrant workers referred to in the Convention.
- **Acceptance of the investigation procedure.** If a Treaty Body suspects of a possible systematic violation of one or more rights under a Convention, a confidential investigative procedure may be brought before a given State party. Once the mechanism is activated,

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<sup>172</sup> [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=1&Lang=SP](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=1&Lang=SP)

a fact-finding mission to the country is usually carried out by the Treaty Body. Not all Conventions have foreseen it. Currently CAT (art. 20), CED (art. 33), CEDAW-OP (arts. 8-9), CRC-OP (art. 13) and CRPD-OP (arts. 6-7), have foreseen it in their respective articulation. By contrast, Article 11 ICESCR-OP has done so on the basis of an enabling formal declaration.

Therefore, in total, conventions and additional protocols, including individual communications systems and the possibility of carrying out investigative missions, amount to 28 possible universal human rights monitoring **tools, which we will now on simply call "mechanisms"**.

According to this criterion Spain, for example, has ratified 25 out of 28 mechanisms, i.e. nearly 90%.

The first thing we did was to review and inventory how many, out of those 28 possible mechanisms, have been ratified and entered into force in a given State. However, this ranking, which we can refer to as **"Openness Index"** can mask and conceal important information.

Indeed, human rights remain a specific field of international law, in which States can decide and select which part of the Treaties they sign become actually legally binding to them. These exceptions are made through "reservations", a concept to which we will refer to in length later on.

The methodological question before us at this moment in time is: how can we objectively quantify States if some ratify the Conventions in their entirety and others do so in part, through reservations?

The problem is that *prima facie*, the variable "Ratified mechanisms" does not co-relate with the variable "number of reservations". What we can do, is to represent both variables through the means of a scatter plot (which we will use in the third part of the paper). For these reasons, and in order to relate the Treaties that are ratified to the reservations that are issued, we will break up human rights instruments into a number of articles. Therefore, we will add up the articles that are ratified by each State, and take away those that are reserved from the total.

As stated above, there are currently 591 articles of the cited Conventions and Protocols. For the purposes of this work, all human rights conventions and protocols have the same value. They are all equally important. As we want to work on objective grounds, and in order to avoid any possible politicization, we must not weigh some Conventions on top of others. Therefore, as a result, all articles of the Conventions



also have the same statistical weight. It does not matter whether they recognize rights, establish mechanisms, or they lay down principles.

Indeed, this may involve some statistical bias. For example, those countries that have ratified the most lengthy instruments (conventions), such as the CMW, which boasts 93 articles (i.e. 15% of the total), will receive a favourable bias, counting all those 93 items equally. Conversely, those who have signed the shortest conventions, such as CERD (which has only 25 articles), will receive a negative bias. We will try, in due course, to mitigate such a bias.

Out of those 591 articles there are 5 special ones, which we have already mentioned. That is, there are articles for which they require an additional formal declaration from States, in order to enter into force. These articles, as has been said, enable the Committees to carry out specific investigative activities in respect of State Parties. Well understood, when a State ratifies all instruments, it ratifies a total of 591 articles, but also has the power to extend an additional formal statement on 5 more, i.e. in total 596 possibilities or for simplicity, 596 articles.

Therefore, for the purposes of this work, we will consider that the States that make up the International Community face the possibility of "ratifying" 28 binding human rights mechanisms or 596 articles. The percentage of ratification of these 28 instruments or 596 articles therefore speaks of the **"openness of States"**.

Indeed, "openness" means that a State is subject to a kind of "supranational legal order" in so far as those instruments explain and develop individual principles and rights that have not been promulgated by the Legislative Branch of the said State. It therefore implies a certain subordination of the State to supranational bodies. Let us recall, once again, that these instruments are binding and have created "Treaty Bodies" (i.e. Committees) that have a mandate to "monitor" State Parties compliance with the conventions. It certainly takes "openness" to ratify these Instruments and voluntarily submit to the "control" (you cannot speak of jurisdiction, as they do not a judicial nature) of the Committees.

## **II.2. Reservations, declarations, and trust.**

We need to be cautious about the ratification of international instruments. A given State may exclude the application of an article if it makes a reservation at the time of becoming a Party. That is, a State may decide to ratify all existing instruments, but through reservations, it can reduce either the material, temporal or geographical scope of

application of said instruments, which would undoubtedly diminish their actual commitment. We will consider this in our study. For this reason, we decided to analyze the reservations after taking stock of the instruments and mechanisms ratified by States.

Before commenting on further issues relating to reservations in this section, it is appropriate to pause for a moment to define and explain what a reservation is.

A rather plausible definition, which paraphrases the definition of the Vienna Convention on the Law of the Treaties, is:

***“A unilateral declaration of will, whatever its name, expressed by a subject of international public law who is to be a party to a multilateral treaty, formulated in writing at the time<sup>173</sup> of signature, ratification, accession, acceptance, or approval; for the purpose of not fully accepting the general regime of the treaty, excluding or modifying the legal effects of certain clauses of the treaty in its application”.***

As well established in the definition above, a part of a Treaty can “be reserved” through any declaration whose object is to modify the original legal effects of a Treaty. Indeed, this is stated in the ***Practical Guide on Reservations to Treaties*** (2011) that considers this type of declarations as reservations.<sup>174</sup>

In fact, a huge number of reservations and restrictive declarations have been registered in the field of human rights. At the time of drafting this project (May 2020), there were 1,003 reservations and declarations issued by different States to the instruments set out earlier.<sup>175</sup>

The in-detail study and analysis of this data could lead to the publication of another study, but what should be highlighted here is that there are many articles that have been reserved by States, for which such articles or clauses have not (entirely) entered into force. This is a clear symptom of primacy of National Law.

Indeed, from a legal perspective, if a State has an interest in becoming a Party to a Convention that is contrary to the domestic order, legislative reform should be carried out first to harmonize its legislation with the Convention, and not to reserve a particular provision. If this prior

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173 Article 2(d) and 19 and ss. Vienna Convention on the Law of Treaties.

174 Guide to the Practice on Treaty Reserves, approvinga by the United Nations International Law Commission at its 63rd session (2011).

175 <https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en> It is have accounted one by one for each of the instruments for the reservations and declarations issued by each State.

harmonization was done the task of implementing the Conventions by all the actors involved: Committees, States and civil society, would be much easier.

Reserving or interpreting a provision of an international human rights convention implies that a contracting party, within its jurisdiction, lowers the bar of a particular human right. That is, it favors the dispersion and the elasticity of a human rights standard. Such an act is not trivial, since it implies that the International Community is allowing a human rights standard to be diminished in a particular State. Notwithstanding, this is legally possible. Hence, the importance of this study, which will not only enable us to rank States by their degree of commitment towards the multilateral human rights system, but also because casts public light on the reservations, and here the word "reservations" is used in its full meaning, made by States to international human rights standards.

For the purposes of this study, the reservations and declarations issued, whatever their formal name, have been analyzed one by one. Some are called "reservations" other "declarations" and other "interpretations". Some tend to restrict the material, others the geographical, and others the temporal scope of a given provision. Some of them are interpretative, and others condition their application to national practice or legislation. The latter type of "vague" and "crosscutting" reservations are certainly very problematic. For example, this would be the case for States that only undertake to comply with a Convention, provided that it does not contradict its Constitution or religious law. Such reservation could diminish the application of a Treaty to a handful of articles.

As the aim is to discover the "relative trust" of a State Party with respect to its peers when it comes to ratifying an instrument, the criteria used for the counting of reservations has necessarily been strict. Obviously, this harms the more cautious States. Nevertheless, it was necessary to positively discriminate those States that do not make any reservations at all, from those that do.

Therefore, when a State makes a reservation or issues a restrictive interpretation of an article, a negative point has been assigned to it. Likewise, when a State issues a crosscutting or a general reservation (which conditions compliance with its public order), it has also been assigned the value /1/, since it is unknown which articles of their respective Constitutions or religious laws may collide with a convention. Of course, these countries will be represented with an asterisk to distinguish them from the rest.

Thus, reservations and declarations have generally been accounted for negatively, except for those in which a State declares to submit to a stricter regime than that provided for in the Convention itself. An example of this can be found in the CRC-OP-AC, to which many States have stated that, for the purposes of that Protocol, they consider children to be under the age of 16 and not under 18, as stipulated in the Protocol. Other ones that have not been counted as “reservations” refer to political statements about the negotiation process or its background. Of course, the formal enabling statements (the special articles referred to above) have not been counted as reservations.

Therefore, we mean “**trust**” as the absence of reservations. It is the way in which a given State approaches and adheres to International Instruments. “Trust in the system” qualifies the degree of “openness” of a State. In other words, how a State approaches to this “order”, whether it does so unreservedly (with trust) or if it does so with reservations (with distrust).

We might therefore think that by calculating the ratified articles minus the reservations divided by the total of the articles, we could find a valid criterion for carrying out the world ranking in terms of commitment.

However, this would only be feasible at the cost of assuming the significant statistical bias of some instruments being much lengthier (in terms of articles) than others. In other words, it might give the false impression that by ratifying the longer conventions or protocols, but ratifying relatively fewer instruments, one State has more “commitment” to the system than another that has ratified more mechanisms but fewer articles.

We are therefore at a crucial moment in this methodological explanation of this Index, as we will have to solve the following methodological difficulty: How to relate instruments to ratified articles and reservations, avoiding, as far as possible, statistical biases?

### **II.3. Synthesis: Human Rights Commitment Index**

***Based on the number of articles of the international human rights instruments ratified by a given State (“openness”), taking away the number of reservations made (“trust”), “commitment” can be measured, as long as we relate said result to the total number of mechanisms ratified by that State, according to the following mathematical formulation:***

$$HRCI = [(x-y) \times (z/a)] \div b$$

Being:

**HRCI = Normalized Human Rights Commitment Index, commitment of a State with the multilateral human rights system expressed in%**

**x = independent variable, number of articles ratified**

**y = independent variable, number of reservations issued**

**z = independent variable, number of instruments ratified**

**a = 28; constant that amounts to the total number of mechanisms.**

**b = 596; constant that amounts to the total number of articles.**

The formulation proposed above “normalizes” the number of total ratified articles (excluding reservations) with respect to the total number of instruments ratified by the State. Therefore, its aim is to cushion the statistical bias derived from the fact that some instruments are “worth” from 93 to a single article. In other words, what has been done is to put the ratified articles in front of the number of ratified instruments. Once the statistical bias has been diluted, we can discriminate practically between equals, that is, classify the States that have the same number of instruments in relation to the reserves they have issued. This Index can be characterized as follows:

- **It is quantitative and objective.** The formulation allows us to know which States are under international scrutiny, or better, under what type of scrutiny they are. Thanks to the UN databases, already referred to, this information is public and verifiable.
- **Non-politicization.** The classification criteria in this Index are based on two premises: all instruments are equally important, i.e. there is no hierarchy between them; and second, there is no political judgement on the acts of States, which have been annotated as mere data (ratification, non-ratification, and issuance of reservations).
- **It is measurable.** Based on the available information and after the mathematical operations are carried out according to the proposed formulation, an Index can be indeed calculated, ranking States from best to worst, in terms of Commitment.

Therefore, the “**Normalized Human Rights Commitment Index to the Multilateral System (HRCI®)**” proposed hereunder, allows a State to be ranked by the number of articles ratified, discounting its reservations, in relation to the total number of instruments it has ratified. Although it is merely indicative of the actual situation of

human rights in a country, it not only testifies to the multilateralism of a State, but to their Commitment to the system, which in the long run may result in a higher level of compliance with human rights.

This Index could eventually be improved in the future, should we include other variables.

For example, the ratification indicators, discounting reservations, could be related to the degree of compliance with the recommendations issued by said Committees and compiled in the aforementioned Universal Human Rights Index. In other words, the classification of a State could be qualified according to whether or not it complies with the recommendations received by Treaty Bodies. However, this is contentious. Some States do not agree that the proposed measures are necessary or a priority, or think that there is no room for improvement in these areas. Other States that accept them may implement measures that the Treaty Bodies may consider insufficient. This is the classic conundrum of “dialogues” between States and Treaty Bodies.

Another possibility would be to include in this study the punctuality of the States when submitting their periodic reports on the status of compliance with a specific Convention. Indeed, as we have said, each Convention creates a Committee that is empowered to examine in the State Party the state of compliance with said Convention. Obviously, for this to happen, States must first submit a national report. In many cases, states are in default. However, we have not used this criterion to classify States for it may hinder the performance of developing ones in the Index, as they may lack solid structures to carry out this work periodically.

It could also include aspects of other human rights multilateral mechanisms, such as the possibility for a State to extend or not a permanent invitation to the Special Procedures to visit its country. However, no matter how much such an invitation may be extended, a State may subsequently veto it or call off a visit of a particular Special Procedure. Once again, such invitations are merely declaratory.

Finally, this Index could be related to existing indexes that are in line with the subject-matter of the investigation: for example, the “Press Freedom Index” or the “Corruption Perception Index”, which could lead to correlations between openness and trust in the United Nations system and press freedom or transparency/corruption in the management of public affairs.<sup>176,177</sup>

176 <https://rsf.org/es/clasificacion>

177 <https://www.transparency.org/cpi2018>

However, in this first presentation of the project, it is appropriate to avoid introducing subjective elements or making inferences that may not be practical at this stage.

### III. Human Rights Commitment Index (HRCI): Top 20.

#### III.1 Index of the 20 States with the highest Openness to the multilateral human rights system.

To calculate the “Openness” of States with respect to the system, it suffices to analyse which countries in the world have ratified the highest number of instruments.

**TABLE 1. Top-10 Openness ranking States.**

RANK	STATE	NUMBER OF RATIFIED MECHANISMS(1)	OPENESS INDEX TO THE MULTILATERAL HR SYSTEM (%)
1	URUGUAY	26	92,85
1	ARGENTINA	26	92,85
1	PORTUGAL	26	92,85
2	BELGIUM	25	89,2
2	BOLIVIA	25	89,2
2	ECUADOR	25	89,2
2	SPAIN	25	89,2
3	GERMANY	24	85,71
3	SLOVAKA	24	85,71
3	FRANCE	24	85,71
3	ITALY	24	85,71
3	MONTENEGRO	24	85,71
4	BOSNIA HERZEGOVINA	23	82,14
4	COSTA RICA	23	82,14
4	FINLAND	23	82,14
4	MEXICO	23	82,14
4	PERU	23	82,14
5	CHILE	22	78,57
5	CZECH REPUBLIC	22	78,57
5	SERBIA	22	78,57
5	UKRAINE	22	78,57

Source: Elaborated by the author. (1) Out of 28.

According to the table above (1), the Ibero-American, European countries (especially the Southern and the former communist ones) have shown greater openness in becoming a Party to these mechanisms. Uruguay, Argentina and Portugal are the States with the most comprehensive

ratification framework in the world, followed by four other countries that share the second place, including Spain.

There is no country in the world that has ratified all mechanisms.

These 21 States include 8 from South America, 9 from the EU, and other 4 from the EU's Eastern neighborhood.

This classification gives an overview of which countries and regions have undertaken the highest number of international obligations, but presents several problems:

- 5 values (26, 25, 24, 23 and 22 ratified instruments and mechanisms) receive very high frequencies. That is, we face a high concentration of data that does not allow us to discriminate well between States. That is, the table above barely speaks of States' openness.
- It does not take into account the effect of reservations, as described earlier, so the table is somehow concealing the genuine trust of States with regard to the Treaties.

### III.2 Human Rights Commitment Index (HRCI): Top 20.

In view of this situation, table 2 hereunder was elaborated according to the methodology discussed above in order to conceive the Human Rights Commitment Index (HRCI):

Therefore, the classification of the 20 most committed States to the system is:

**TABLE 2. Human Rights Commitment Index (HRCI).**

POSITION	STATE	RATIFIED MECHANISMS (1)	RATIFIED ARTICLES (2)	PERCENTAGE OF RATIFICATION	NUMBER OF RESERVATIONS	PERCENTAGE OF TEXT WHICH HAS BEEN RESERVED (%)	HUMAN RIGHTS COMMITMENT INDEX (HRCI%)
1	URUGUAY	26	594	99,66	1	0,17	92,39
2	ARGENTINA	26	594	99,66	7	1,17	91,45
3	BOLIVIA	25	593	99,5	0	0	88,84
4	ECUADOR	25	594	99,66	1	0,17	88,84
5	PORTUGAL	26	502	84,23	0	0	78,21
6	BOSNIA HERZEGOVINA	23	560	93,96	1	0,17	77,04
7	PERU	23	549	92,11	0	0	75,67
8	SPAIN	25	501	84,06	2	0,34	74,75
9	ITALY	24	499	83,72	6	1,01	71,19
10	COSTA RICA	23	500	83,89	0	0	68,91
11	BELGIUM	25	464	77,85	13	2,18	68,76



**TABLE 2. Human Rights Commitment Index (HRCI).**

POSITION	STATE	RATIFIED MECHANISMS (1)	RATIFIED ARTICLES (2)	PERCENTAGE OF RATIFICATION	NUMBER OF RESERVATIONS	PERCENTAGE OF TEXT WHICH HAS BEEN RESERVED (%)	HUMAN RIGHTS COMMITMENT INDEX (HRCI%)
12	MONTENEGRO	24	479	80,37	1	0,17	68,74
13	MEXICO	23	502	84,23	4	0,67	68,64
14	GERMANY	24	479	80,37	8	1,34	68,17
15	SLOVAKIA	24	459	77,01	1	0,17	66,59
16	CHILE	22	501	84,06	5	0,84	65,39
17	FRANCE	24	479	80,37	25	4,19	65,29
18	SERBIA	22	465	78,02	0	0	61,3
19	CZECH REPUBLIC	22	454	76,17	0	0	60,77
20	UKRAINE	22	454	76,17	3	0,5	59,46

Source: Elaborated by the author.  
 (1) Out of 28 mechanisms. (2) Out of 596 articles

**TABLE 3. Human Rights Commitment Index (HRCI). Top 20.**

POSITION	STATE	POSITION	STATE	POSITION	STATE	POSITION	STATE
1	URUGUAY	6	BOSNIA HERZEGOVINA	11	BELGIUM	16	CHILE
2	ARGENTINA	7	PERU	12	MONTENEGRO	17	FRANCE
3	BOLIVIA	8	SPAIN	13	MEXICO	18	SERBIA
4	ECUADOR	9	ITALY	14	GERMANY	19	CZECH REPUBLIC
5	PORTUGAL	10	COSTA RICA	15	SLOVAKIA	20	UKRAINE

Source: Elaborated by the author.

### Remarks from a static perspective

We can make the following observations in the light of the tables above.

- The best represented region in this top-20 Index of in terms of commitment is Ibero-America. Of the top-10, 8 come from that region: Uruguay, Argentina, Bolivia, Ecuador, Portugal, Peru, Spain and Costa Rica. Of the top-20, 10 are Ibero-American.
- The two EU countries that do best are Portugal and Spain.
- Of the top 20, less than half are from the EU, namely 8: Portugal, Spain, Slovakia, Italy, Germany, Belgium, France, and the Czech Republic.
- The Eastern European region is one of best ranked with 6 representatives in the list: Bosnia & Herzegovina, Montenegro, Slovakia, the Czech Republic, Serbia and Ukraine.

- There is not a single Anglo-Saxon State in the top 20.
- There is neither a Scandinavian nor a Nordic State in the top 20.
- From a multilateral perspective, it is important to note that there are two regions absent in the top 20: Africa and Asia.

Observations from a dynamic perspective

- Uruguay remains in the first place. Not only does it have one of the most comprehensive ratification frameworks in the world, but also it only issues one single reservation. Uruguay is therefore the country with the highest commitment in the world with regard to the multilateral human rights system. Argentina, with a similar ratification framework, is penalized by the relatively high number of reservations issued (7), losing the first position and passing to the 2nd.
- Portugal and Spain fell several positions (from the theoretical first and second, to the fifth and eighth respectively) in the HRCI. This is not due to the effect of reservations (Portugal does not issue any, and Spain only 2), but because of the fact not having ratified the CMW.
- Now, although this perspective has allowed us to take into account the total quantitative level of the articles actually in force, we may be losing some qualitative information since several of the countries that have overtaken Spain and Portugal in the SHRCI, have ratified fewer monitoring mechanisms. That is, the statistical bias has not been completely eliminated.
- The country worst off in a dynamic comparison is France, which goes from a theoretical third place to the 17th. This is not only because its 24/28 ratifications add up to relatively fewer articles, but because it also subtracts 25 reservations. Germany and Belgium follow suit falling from the 3<sup>rd</sup> and 2<sup>nd</sup> places respectively, to the 14<sup>th</sup> and 11<sup>th</sup> places. On the other hand, the "dynamic" outcome of Italy is less heavy, falling from the 3<sup>rd</sup> to the 9<sup>th</sup> place.

#### **IV. HRCI of a random sample of UN Member States.**

Once the best countries in the world have been classified according to the Index we are developing, it is important to pose the question of how other countries, not included in the top-20, are doing in the Index.

Therefore, in this part of the project, we will calculate the HRCI for a number of countries and we will represent their performance in a heat map to show their openness and trust.

The sample consists of 40 States selected from the 5 UN geographic groups: WEOG (Western States and Others), GRULAC (Latin American and Caribbean States), African Group, Group of Eastern European States, and Asian Group. 8 countries per group. The criteria that have prevailed in this selection are both their political importance within their regional group, as well as their prominence or pro-activism at the UN human rights fora, notably in Geneva, the seat of the Human Rights Council.

Let's first present Table 4, with the data for each State (including their HRCI) and then the mentioned diagram.

#### IV.1 Heat map

The heat map has two axes: the abscissa axis (X), whose variable is the number of total reservations made to the Conventions (in absolute value) to which it is a Party to; and the ordinate axis (Y), for which the variable is the number of ratified instruments. Therefore:

X= number of reservations made, in absolute value.

Y= % of ratified mechanisms, out of 28 possible.

The plane enclosed between the two axes has been divided into four quartiles: "**Commitment**", "**Commitment with reservations**", "**Moderate commitment**" and "**Low commitment**". In order to draw up the diagram we have taken two "cut-off scores": 15 mechanisms on the one hand, and 20 reservations on the other.

In relation to the first value, the arithmetic average of the countries in the sample gives precisely a value close to 15, which is the one chosen. The problem with the "cut-off score" for reservations is that there is an enormous dispersion in the distribution, since there is a significant number of States with 0 reservations, and few ones with more than 20. Thus, neither the average nor the Statistical median are very representative. Therefore, the value "20" has been chosen at our discretion, to discriminate those States that have issued a handful of reserves, with respect to those that exceed the 20-bar.

Thus, countries that have ratified more than 15 mechanisms and made fewer than 20 reservations are shown in the "**commitment**" section. Countries that we have analyzed in the previous section of this work, would have been represented as well in the upper left quartile of the diagram.

Multilateralism, Human Rights and Diplomacy:

**TABLE 4. HRCI for a random sample of 40 Member States of the UN.**

STATE	RATIFIED MECHANISMS(1)	RATIFIED ARTICLES (2)	NUMBER OF RESERVATIONS	NORMALIZED HUMAN RIGHTS COMMITMENT INDEX (HRCI%)
URUGUAY	26	594	1	92,39
PORTUGAL	26	502	0	78,21
SPAIN	25	501	2	74,75
MEXICO	23	502	4	68,64
FRANCE	24	479	25	65,29
BRASIL	22	478	2	62,75
SENEGAL	19	518	0	58,98
NIGERIA	18	520	0	56,09
THE NETHERLANDS	20	437	11	51,05
MOROCCO	18	501	7	53,28
SOUTH AFRICA	19	409	2	46,34
AUSTRALIA	19	409	11	45,31
NEW ZEALAND	17	408	9	40,65
ISLAND	17	391	4	39,42
POLAND*	17	388	11	38,71
IRELAND	17	354	9	35,86
UNITED KINGDOM	16	393	36	34,23
ALGERIA	14	415	15	33,56
CANADA	15	353	4	31,37
RUSSIAN FEDERATION	15	343	0	30,83
INDONESIA	11	413	4	26,96
EGYPT	11	399	7	25,84
JAPAN	12	351	8	24,66
FIJI*	9	414	4	22,11
ETHIOPIA	10	306	1	18,28
VANUATU	10	271	0	16,24
PAKISTAN*	9	306	5	16,23
CUBA	10	267	7	15,58
KENYA	9	289	1	15,53
SAUDI ARABIA*	9	240	8	12,51
INDIA	8	273	16	12,32
CHINA	8	253	6	11,84
TRINIDAD & TOBAGO	7	257	11	10,32
PAPUA NEW GUINEA*	6	243	2	8,66
SALOMON ISLANDS	6	161	0	5,79
SINGAPORE*	5	172	22	4,49
MALAYSIA*	5	164	15	4,46
UNITED STATES	6	141	35	3,81

(1) Out of 28 mechanics. (2) Out of 596 articles

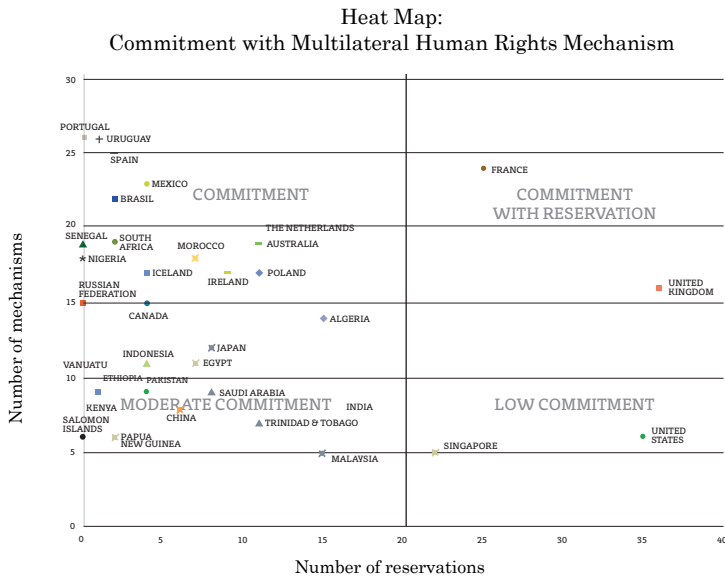
(\*) Issuance of general or crosscutting reservations.

Those countries that have ratified more than 15 mechanisms and made 20 or more reservations are in the part called **“commitment with reservations”**, which implies that the countries have declared adherence to many of the UN binding Human Rights instruments, but at the same time, they have disassociated themselves from many of the articles of the said instruments.

Countries that have ratified 15 or fewer mechanisms, which have issued less than 20 reservations, are countries defined as **“moderate commitment”**. This means that they have not ratified most of the instruments, but once they do, they adhere to all or at least most of its provisions.

Those countries that have ratified less than 15 mechanisms, and have made 20 or more reservations are in the **“Low commitment”** section. Not only have these countries not ratified most of UN binding human rights instruments, but also have reserved much of their content.

**Chart 1: HRCI Heat map**



An assessment of this chart leads to the following conclusions:

- Portugal and Spain, together with other South American countries, clearly take the lead in the chart, obtaining the highest net ratification values in the HRCI, something that is consistent with the previous section. It must therefore be affirmed that leadership in terms of commitment to the human rights system, and therefore to multilateralism in general, does not fall on some States that declare themselves as human rights standard-bearers.

- There are non-European countries that obtain a better rating than some European States, excluding Spain and Portugal. For example, Senegal outdoes Iceland, Poland or Ireland. Therefore, the Eurocentric idea that European countries are the ones with the highest commitment to these mechanisms must be discarded. In fact, in this European group, we find certain dispersion, each State behaving individually.
- Countries with a “Common Law” tradition are characterized as having a discreet level of ratification.
- The U.S. with 3.18% in the HRCI (the lowest in the world), is the worst country ranked in that group. This study confirms US lack of interest in the multilateral system of human rights. The US is the country that has ratified fewer instruments and has issued most reservations. The study highlights America’s “Isolationist” tradition, epitomized by the Trump administration, which decided to leave the Human Rights Council. However, in the field of human rights, such a policy may lead to paradox. The US justifies some of its foreign policy decisions on human rights grounds, but does not allow to be monitored by human rights mechanisms.
- The United Kingdom is located in the “commitment with reservations” quartile. Although it has ratified more than 15 mechanisms, it is the second country to have issued most reservations in the world. In fact, it is not far from the “Low commitment” quartile. The United Kingdom likes to boast an “autonomous” foreign policy in the international arena, as “Brexit” has demonstrated. For the UK, human rights is also one of its fundamental foreign policy pillars. Again, although some of its foreign policy decisions are inspired in human rights, it has got a modest commitment to the human rights binding mechanisms. We will come back to the United Kingdom at a later stage. However, it can be advanced that the explanation of this “commitment with reservations” may be due to its legal tradition of “Common Law”, which distrusts legislation codes, notably if they are originated in international fora, which lack the participation of the National sovereignty.
- Canada is located, by the narrowest of margins, in the “moderate commitment” quartile (15 mechanisms). Paradoxically, Russia, represented in the same quartile, is better off, insofar as it has not issued any reservation. The situation of Canada has little explanation. Although it is a country of “Common Law”, it is not less

true that the inspiration of the successive governments and their respective policies have been very much human rights-driven, and very little political cost should be expected from the public if it underwent international control.

- The case of France shows that a high level of openness (ICDH 65.29% and 17th place in the top 20), can also be accompanied by a high number of reservations (25), being one of the world's largest reservation issuers.
- Developing countries (except some cases) are more likely to be located in the "moderate commitment" quartile, while middle-income and developed countries are more likely to be in the "Commitment" quartile.
- In this sense, it is interesting to see "intruders" in both quartiles: for example, while Japan and Canada, are surrounded by developing countries; Senegal and Nigeria appear in the "Commitment" quartile.
- In the United Nations, specifically in the field of human rights, there is an informal group of States called the "Like-minded Group". This heterogeneous group of countries has a "relativist" approach to human rights, that is to say, they place human rights standards in subordination to their socio-religious or political systems. These countries systematically resort to the concept of "national sovereignty". Among the most active countries in this group we find: Cuba, Egypt, Russia, China, Saudi Arabia and Pakistan. As can be seen, all of them, except Russia, move in the upper central part of the quartile "moderate commitment".
- This leads to the interesting conclusion that these countries maintain a coherent political position: their rhetoric is not favorable to human rights and they confirm this with deeds, not assuming most of the possible commitments.
- Russia is placed in a central position in the chart (HRCI 38.18%. 15 ratified mechanisms and 0 reservations).
- All in all, it can be concluded that there is a greater propensity among UN Members not to make reservations than to make them. Indeed, the level of concentration of States in the two left quartiles is higher than in the two right ones. Only 10% of the States (that is, four of the forty) have made more than 20 reservations.
- It should also be noted that this system of conventions is an asymmetric system, it is a kind of "UN à la carte". The dispersion

between Uruguay and the US is almost 90 percentage points according the HRCI. One is tempted to pose the following question: Should all countries be treated with the same administrative standard? If we treat Uruguay the same as the US in as far as their administrative obligations to the system, there might be an injustice, insofar as the obligations derived from these mechanisms would be much higher for the latter than for the former.

- Finally, it should be noted that there is not a single Asian country in the "Commitment" quartile. These countries are located between "Moderate commitment" and "Low commitment.
- Six countries in the sample have issued general or crosscutting reservations, that is to say, that they make application of the Conventions conditional to compliance with their legal system or public order. Those countries are mostly from the Asian Group: **Saudi Arabia, Malaysia, Papua New Guinea, Singapore and Fiji, except Poland.** These type of reservations are very problematic for the purposes of the work, as it is not possible to know exactly how many articles have actually been reserved (or even the opposite, how many articles have actually been ratified). In any case, they have been marked with an asterisk in the table, which is indicative of their distrust when ratifying.

#### **IV.2 Detailed study of the "Commitment" quartile**

Let us now comment in more detail those States that are located in the "Commitment" quartile. As a reminder, these States have ratified more than 15 mechanisms and have made less than 20 reservations.

- It can be observed that not all those who belong to the "Commitment" quartile have a similar level of commitment and openness.
- Once again, Portugal, Spain and the countries of the Ibero-American Community, collected in the sample, are in the upper left area of the quartile: that is, greater openness and greater trust, meaning greater commitment.
- Poland (HRCI 38.71%), is the country of the quartile that is located closest to the borders of "Commitment with reservations" and "moderate commitment", since it has ratified 17 mechanisms with 11 reservations. On top of this, we need to recollect that Poland issued a crosscutting reservation.
- It is worth noting that countries that are commonly known as to be the most progressive in human rights: the Netherlands (HRCI 53.69%)



and Iceland (HRCI 39.42%), in fact are very far from Uruguay's (HRCI 92.39%), Portugal's (HRCI 78.21%), or Spain's (74.75%) commitment. Though the former countries, as well as other Nordic countries that have not been collected in the sample (for example, Sweden with an ICDH of 46%, or Finland ICDH 62.57%), boast a human rights policy, we may infer from these results that there are some practical areas in which these countries can improve.

- Again, "Common Law" countries (Australia, Ireland, New Zealand), are in the lower central part of the quartile.

#### **V. HRCI for EU member States and the United Kingdom.**

So far, we have analyzed the countries with highest Commitment in the world, and then we have focused on a sample of UN Member States that have a particular regional importance that boast a pro-active role in UN human rights fora. Even though the methodology we have followed allows for an objective and measurable comparison of countries, the truth is that the very comparison may not be especially relevant.

For this reason, it is convenient to study those countries belonging to the same region, such as Europe, as they are more homogeneous, both from a political and from an economic point of view. For these purposes, we have analyzed the 27 European Union Member States plus the United Kingdom.

In the field of human rights, it should be recollected that all countries under our analysis have accepted the jurisdiction of the European Court of Human Rights. We are therefore setting out to study a group of countries whose level of openness to international monitoring is already very high.

However, when we juxtapose the European framework with the multilateral one, we will see that there are countries that, despite their commitment to the European system, do not behave in the same way when it comes to the he multilateral one.

In relation to the previous sections of this work, in which we pointed out that the fact of ratifying or not the CMW entailed statistical bias in the results, in this section we will get rid of it, for no EU Member State or the United Kingdom have ratified it. This group of countries reached a common agreement not to ratify that Convention for they understand that the rights of migrants are already included in the other International Instruments, and that said instrument, contributes to fragmenting and diluting the international human rights system.

Fortunately, when getting rid of that bias, we set out to carry out this section with common premises for our distribution.

Hereunder there are three tables. The first one (Table 5.) explains EU and UK's "Openness". The second one talks about their "Commitment" (Table 6.). The third and last (Table 7) is a comparison of both. As an epilogue, we will show a map of Europe colored according to HRCI results.

**TABLE 5. RANKING OF EU MEMBER STATES AND THE UK ACCORDING TO THEIR OPENESS.**

POSITION	EUROPEAN UNION MEMBER STATES AND UK	RATIFIED MECHANISMS(1)	RATIFIED ARTICLES(2)	HUMAN RIGHTS OPENNESS INDEX (%)
1	PORTUGAL	26	502	84,23
2	SPAIN	25	501	84,06
3	ITALY	24	500	83,89
4	GERMANY	24	479	80,37
5	FRANCE	24	479	80,37
6	BELGIUM	25	465	78,02
7	SLOVAKIA	24	464	77,85
8	CZECH REPUBLIC	22	461	77,18
9	THE NETHERLANDS	20	459	77,01
10	FINLAND	23	456	76,34
11	AUSTRIA	22	455	76,17
12	LITHUANIA	20	453	75,84
13	GREECE	20	453	75,84
14	MALTA	19	454	75,67
15	DENMARK	21	433	72,48
16	LUXEMBOURG	19	433	72,48
17	CYPRUS	20	433	72,32
18	CROATIA	19	432	72,15
19	SLOVENIA	19	409	68,29
20	SWEEDEN	19	409	68,29
21	HUNGARY	19	409	68,29
22	UNITED KINGDOM	16	393	65,94
23	BULGARIA	17	391	65,10
24	POLAND	17	391	65,10
25	ROMANIA	16	390	64,93
26	ESTONIA	16	387	64,43
27	IRELAND	17	361	59,40
28	LATVIA	14	349	58,05

Source: Elaborated by the author.  
 (1) Out of 28 mechanics. (2) Out of 596 articles

**TABLE 6. HRCI for EU member States and the UK.**

POSITION	EU MEMBER STATES AND UK	RATIFIED MECHANISMS (1)	RATIFIED ARTICLES (2)	RESERVATIONS	HUMAN RIGHTS COMMITMENT INDEX (HRCI %)
1	PORTUGAL	26	502	0	78,21
2	SPAIN	25	501	2	74,75
3	ITALY	24	500	5	71,19
4	BELGIUM	25	465	6	68,76
5	GERMANY	24	479	5	68,17
6	SLOVAKIA	24	464	1	66,59
7	FRANCE	24	479	25	65,29
8	FINLAND	23	456	2	62,57
9	CZECH REPUBLIC	22	461	0	60,77
10	AUSTRIA	22	455	6	59,19
12	LITHUANIA	20	453	0	54,29
13	GREECE	20	453	2	54,05
11	THE NETHERLANDS	20	459	11	53,69
14	DENMARK	21	433	8	53,48
15	CYPRUS	20	433	1	51,77
16	MALTA	19	454	19	49,53
17	CROATIA	19	432	3	48,84
18	LUXEMBOURG	19	433	7	48,50
19	HUNGARY	19	409	1	46,45
20	SLOVENIA	19	409	2	46,34
21	SWEEDEN	19	409	3	46,22
22	BULGARIA	17	391	0	39,83
23	POLAND	17	391	11	38,71
24	ROMANIA	16	390	2	37,20
25	ESTONIA	16	387	1	37,01
26	IRELAND	17	361	9	35,86
27	UNITED KINGDOM	16	393	36	34,23
28	LATVIA	14	349	0	29,28

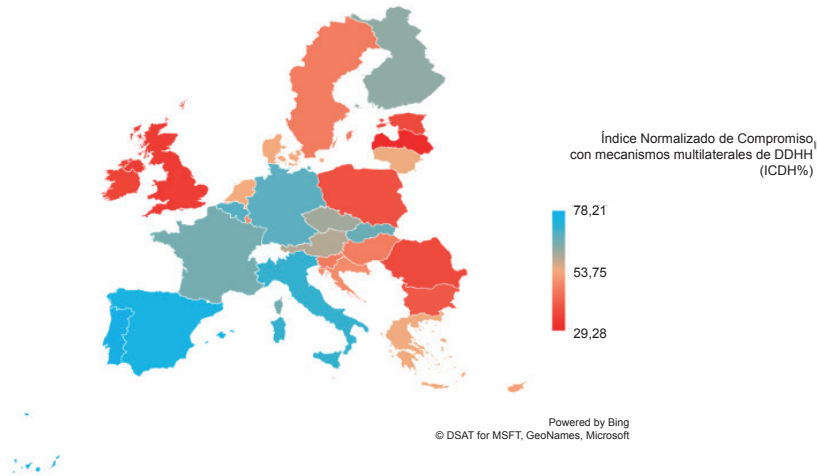
Source: Elaborated by the author.  
 (1) Out of 28 mechanics. (2) Out of 596 articles

**TABLE 7. COMPARATIVE RANKING OF  
EU MEMBER STATES AND THE UK**

POSITION	OPENEX INDEX	COMMITMENT INDEX (HRCI)
1	PORTUGAL	PORTUGAL
2	SPAIN	SPAIN
3	ITALY	ITALY
4	GERMANY	BELGIUM
5	FRANCE	GERMANY
6	BELGIUM	SLOVAKIA
7	SLOVAKIA	FRANCE
8	CZECH REPUBLIC	FINLAND
9	THE NETHERLANDS	CZECH REPUBLIC
10	FINLAND	AUSTRIA
11	AUSTRIA	LITHUANIA
12	LITHUANIA	GREECE
13	GREECE	THE NETHERLANDS
14	MALTA	DENMARK
15	DENMARK	CYPRUS
16	LUXEMBOURG	MALTA
17	CYPRUS	CROATIA
18	CROATIA	LUXEMBOURG
19	SLOVENIA	HUNGARY
20	SWEEDEN	SLOVENIA
21	HUNGARY	SWEEDEN
22	UNITED KINGDOM	BULGARIA
23	BULGARIA	POLAND
24	POLAND	ROMANIA
25	ROMANIA	ESTONIA
26	ESTONIA	IRELAND
27	IRELAND	UNITED KINGDOM
28	LATVIA	LATVIA

Source: Elaborated by the author.  
(1) Out of 28 mechanics. (2) Out of 596 articles

Figure 2: Member States of the European Union and the United Kingdom according to the ICHR



## V.1 Observations and conclusions.

From a static perspective

- Portugal, Spain and Italy, who have ratified more than 80% of the instruments in force, lead the EU and the UK ranking both in terms of openness and Commitment.
- There is significant dispersion between the first country (Portugal) and the last one (Latvia) in the Index. No less than 26 percentage points separate them. Portugal has pledged 26 commitments out of 28, whereas Latvia has pledged half of them (14). If we had selected Latvia in the UN Member States (table 4) sample, Latvia would be located in the "Moderate Engagement" quartile, next to Russia.
- One conclusion that must be drawn at this point is that European countries cannot present themselves as a homogenous bloc in front of the system. There is no doubt that the ratification of this type of instruments is the sovereign prerogative of EU States, and proof of this, as has just been said, is that there is much dispersion among them.
- Therefore, there is no such a thing as an EU commitment to the human rights binding instruments. It will be necessary to individually analyze each Member State's compliance with the system.

- Among HRCI top ten European countries, we see a majority (7/10) of Western European countries, with continental legal culture: Portugal, Germany, Belgium, France, Italy, Austria and Spain.

From a dynamic perspective (going from "Openness to Commitment"):

- The country that worsens its results the most due to the effect of the reservations is the UK, which loses 5 places (from 22nd to 27th) due to the 36 reservations it has issued. The UK is the European country in the study that makes the most reservations in the system. Not surprisingly, in previous parts of this paper, the UK had been relegated to the "commitment with reservations" quartile.
- It can be concluded, therefore, that the UK is the most suspicious European country regarding the system. This mistrust may stem from its common law legal system and its adherence to the principle of national sovereignty (as has also been proven by its departure from the EU). For these reasons, it is reluctant to accept Treaties -which are at the end of day "legal codes", which on top of that, have been negotiated at the international level. It must be said, that in the legal and political culture of Anglo-Saxon countries there is a certain tendency to prioritize certain categories of rights over others (relegating some economic, social and cultural rights to oblivion). This may be due to a certain political tradition, which materialized during the Cold War. Back then, whereas communist countries emphasized the importance of economic, social and cultural over civil and political rights; western countries did quite the opposite.
- The second European country to have issued most reservations is France, which has been penalized for this in the HRCI, going from fifth to seventh.
- The third country with the most reservations is Malta (19), which falls two places in the ranking.
- The Netherlands comes next with the highest number of reservations, losing two positions in the Commitment Index.
- The map with color scales from dark blue to red does not allow for dividing EU states and the UK into geographical subgroups.
- Portugal, Spain and Italy, in dark blue, with more than 70% in their HRCI, lead the map.
- In general, Western European countries with a continental legal culture: Spain, Portugal, France, Italy, Belgium, and Germany are colored in different shades of blue.

- The countries in the geographical periphery: UK and Ireland, Baltic and some Eastern countries are colored in shades of red.
- Nordic countries and the Netherlands, human rights champions, achieve mediocre results.
- o The Netherlands appears in the 11<sup>th</sup> position (pastel shade).
- o The first Nordic country in the ranking is Finland (8th / gray), the second is Denmark (14th / pastel shade). Sweden comes in the twenty-first place -light red- The reservations of Norway, a non-EU Nordic State, have not been studied in this paper, but the country has ratified 18 out of 28 mechanisms. Iceland was studied in previous parts of this paper, presenting a HRCI 39.42%, equaling Poland (red).
- o Nordic countries present a curious segmentation among themselves, as each one has a particular ratification pattern.
- There is also a considerable level of segmentation among Visegrad countries, so subregional conclusions cannot be drawn. Whereas Slovakia and the Czech Republic are among the top 10 (blue), Poland, Romania, Bulgaria, Hungary are among the least well ranked.
- Mediterranean countries: Malta, the subgroup's last country, comes in the 16<sup>th</sup> position, which already speaks about the subgroup's high commitment level. Among the 15 best ranked in Europe, 7 countries (including France) belong to the subgroup. One should bear in mind that the leaders of the European classification are Portugal, Spain and Italy.
- However, it is clear from this analysis that there are no clear patterns from a subregional perspective. In virtually every group there are exceptions, so each country has a particular pattern of "commitment". Clearly, this is derived from the legal and political tradition of each one of them.
- Spain's high level of commitment derives from its impetus for international integration following the reestablishment of Democracy in the late 70's. This prompted political leaders, ranging from all types of administrations, to further integrate into international organizations and to ratify human rights international instruments. This was not only done to seek recognition and legitimacy in the International Community, but to provide the highest levels of human rights protection to Spaniards, and to consolidate the political and social project that emerged from the political transition and the 1978 Constitution.

Something similar could be said from the ratifying activity of Portugal and other Ibero-American countries. It should be recollected here that Portugal, Uruguay, Peru, Argentina, among others, are ranked among the top ten countries of the HRCI and the Openness Index.

## VI. **Final Conclusions. A Spanish Perspective.**

This work had tasked itself to rank States by their degree of openness and trust, i.e. their Commitment as defined earlier, with the multilateral human rights system. This has been possible thanks to a purely statistical methodology based on OHCHR's databases. OHCHR, as the specialized Department of the UN Secretary General, is the depositary of the ratification instruments of UN human rights treaties.

The results cannot be taken as an explanation of the actual situation of human rights in countries. As discussed earlier, the actual enjoyment of human rights is a complex qualitative experience, full of intersections, nuances, which cannot be translated into a statistical calculation. However, from a political and diplomatic perspective it is interesting to have been able to demonstrate that there are certain premises that need to be revisited.

Indeed, neither the Nordic nor the Anglo-Saxon nor the central European countries lead in commitment towards the UN human rights system. However surprising, it is the Ibero-American countries, including Portugal and Spain; who have undertaken the most comprehensive human rights frameworks.

Therefore there are no more "multilateralist" countries than these ones. This should shift some of the political and diplomatic paradigms in place. Indeed, their high level of commitment and responsibility should be tantamount to their leadership when discussing the future course of the UN. Undoubtedly, they have "*auctoritas*" based on facts to do so.

Although the political development of these countries, with a recent and profound democratization, have facilitated the establishment of modern constitutional frameworks and therefore have greater ease to ratify new mechanisms, the truth is that their deep involvement in the multilateral human rights system has been a courageous step forward. Other countries however, with excellent human rights records have preferred not to be as bold.

One of the partial conclusions reached in this paper is that there is not a single State to have ratified 100% of the mechanisms. In addition to the ability to assess where everyone stands in absolute terms (i.e. vis-à-vis



the whole system), and in relative terms (in relation to regional peers), the truth is that this paper should encourage all States to continue on the path of ratification of the remaining mechanisms.

From a European perspective, it should be noted that there is a lot of dispersion within the bloc. Some members do outstandingly well, whereas others obtain poor results. Again, to the reader's surprise, it is not the Nordics, but the Mediterranean countries who have a higher level of Commitment to the UN. The "*potestas*" of the latter, obtained through powerful declaratory, human resources and funding policies, cannot justify a purported human rights superiority over the former.

For example, a resolution for the strengthening of the Treaty Bodies (as a revision to Resolution 68/268), which are currently undergoing difficulties of all kinds (organizational, financial, but also in the procedural order), is currently being discussed at the United Nations General Assembly. In this process, Spain can provide a sincere and complete view of the situation of these Bodies thanks to its experience gained in recent years.

From a national perspective, it is interesting to note that Spain's multilateral vocation is much more than a Foreign Policy motto. It is a complex set of commitments and responsibilities that entails implications not only for the Central Government, but also for the Autonomous Communities and the Judiciary. In fact, this global leadership comes at the expense of a huge joint effort by the Ministry of Foreign Affairs, the State Attorney's Office of the Ministry of Justice, the General Council of the Judiciary, Sectoral Ministries, Autonomous Communities and Municipalities throughout Spain, who receive and implement requirements and decisions from UN Committees on a daily basis.

As mentioned above, this effort has been consciously built since the political transition, not only to break isolation and gain international recognition, but also to complete a new political model in which all citizens would have their rights protected. In addition, such a protection would not only be with the highest constitutional guarantees, but completed by supranational mechanisms.

In conclusion, and as has been said throughout this paper, the ratification pattern of Spain and Portugal (and Italy) rather aligns with Ibero-American countries (typically more committed) than with most Europeans. The Ibero-American Community of Nations, founded after the end of military dictatorships in the second half of the twentieth

century, seizes this multilateralist and humanist aspiration towards the full realization of human rights, which entitles these countries to gain leadership in UN multilateral negotiations.

## **Permanent Observers Representatives “EPLO’s contribution to Multilateralism-the Rule of Law (ROL)”**

**H.E. Mr. Spyridon Flogaitis**

*Director, European Public Law Organization and President of its Board of Directors*

“Multilateralism is on a decline” is a familiar sentence echoed in many UN speeches and in numerous articles. The decline has been attributed to the rise of populism and to some world leaders who have been openly disavowing or contesting the underpinnings of the system while the world is experiencing a Covid 19 economic downturn, rising protectionism, sanctions, and increased global tensions. It is happening at a time when collective solutions are needed to world problem major conflicts, climate change, migration flows, global economic shocks, arms control, and cybersecurity. At the same time, the UN and its agencies have been criticized as inefficient and suffering from ideological infighting.

The contribution of IGOs (Intergovernmental Organizations) to multilateralism has not been adequately explored and small kernels of truth in theoretical articles rarely came to the attention of UN staff, members of diplomatic missions, and the international public opinion. The plethora of IGOs and their different mandates and objectives makes any generalization difficult and confusing. However, it is possible by looking into the diverse activities of IGOs, free from ideological constraints, to draw conclusions as to how ideas and solutions can help solve problems at the global, regional, and country-level.

IGOs, the private sector, civil society, advocacy groups, and others have eroded the exclusive competence of member states on global governance; it is now driven by many actors. Ideas and policy prescriptions are getting across in a host of venues, forums, summits, and platforms and produce a number of standards, norms, regulations, and public-private partnerships (PPPs).

International intergovernmental organizations (IGOs) with a constitution representing a collection of states and established by

States are becoming increasingly more influential. The practices of international organizations influence the law and politics. The European Court of Human Rights in Strasbourg established that minors have a right to legal aid immediately following an arrest and that a lawyer must be present at all times during police interrogations. The UN Security Council can impose a travel ban on anyone suspected of terrorism. There is a strong connection between IGOs and the rule of law as they can “interpret” and “apply” the rule of law, at times turning treaties and the standards that they promote into dynamic instruments that evolve as needs and interests change. The impact could be on people, states, multinational corporations, and even individuals.

EPLO throughout its existence promoted the rule of law and respect of fundamental rights which are EU core values. It did so through open dialogue conferences between various stakeholders, projects, and educational programs. EPLO has provided legal support to rule of law projects and initiatives in many European and other countries while committed to a position of neutrality in the countries in which it operated. Its mission is to promote and disseminate knowledge among members of the international legal community, to promote the rule of law worldwide, and to assist governments, non-governmental organizations, and other institutions working to build legal capacity and to advance the rights and well-being of their citizens.

It is in this context that the contribution of the European Public Law Organization will be noted. One of the most recent and significant undertakings of EPLO is the “New Global Rule-of-Law Initiative in UN New York” launched at the UN Headquarters in New York on November 20, 2019, with the active substantial and organizational assistance, in cooperation with the co-sponsoring states of Armenia, Georgia, India, Angola, Argentina and the support of the Member States of EPLO.

Its main objective is to develop the concept of the Rule of Law within the context of a dialogue of civilizations with special emphasis on equality and respect of all. The Global Rule of Law Initiative is a project designed to provide, on a voluntary basis, through eminent personalities from all geographical regions, technical assistance, and expertise on issues pertaining to the rule of law to all states, regardless of whether they are members of the EPLO.

Prof. Giuliano Amato, constitutional judge and former Prime Minister of the Italian Republic was the keynote speaker. Ambassador Maria Theofili, Permanent Representative of Greece to the United Nations

delivered welcoming remarks and spoke about the fruitful cooperation between Greece and the EPLO. João Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs also intervened at length at the meeting, whereas H.E. Dr. Barbara Faedda, EPLO Permanent Observer to the United Nations and Executive Director of the Italian Academy for Advanced Studies in America at Columbia University moderated the panel discussion. In a full room, many state representatives attended, took the floor, and praised the organization for this initiative.



# **“The Rule of Law and Access to Justice: Foundations of Peace, Stability, and Development”**

**H.E. Mr. Mark Cassayre**

*Permanent Observer of the International Development Law Organization to the United Nations Office and other international organizations in Geneva*

## **Introduction - Why the rule of law matters and why we need multilateralism to promote it**

The rule of law and access to justice underpin the legitimacy of institutions, faith in government, equality, dispute resolution, investment, development, and more. The rule of law is central to responding to the dramatic challenges the international community faces today, including a global health crisis, its attendant economic crisis, the climate crisis, and trust gaps between citizens and their governments. Justice provides redress and resolution for discrimination and marginalization, lack of respect for human rights, corruption and impunity – the root causes of conflict and insecurity. The **United Nations Agenda 2030 for Sustainable Development**, and in particular Sustainable Development Goal 16 (SDG16) on peace, justice, and strong institutions, underscores the centrality of the rule of law in sustaining peace and development.

The International Development Law Organization (IDLO) is the only global, intergovernmental organization exclusively devoted to promoting access to justice and the rule of law to advance sustainable development and help build more peaceful, just, inclusive and resilient societies<sup>178</sup>. With its headquarters in Rome, Permanent Observers in Geneva and New York, a branch office in The Hague, and field offices globally, IDLO works to empower justice seekers, make laws and institutions work for people, reduce the justice gap for women and girls, drive inclusive economic development, promote climate justice, and advance healthy lives and well-being for all.

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<sup>178</sup> IDLO's 2021-2024 strategic goals are: 1) Justice systems are more effective and responsive to peoples' needs; 2) Rule of Law drives peace and sustainable development. IDLO's Strategic Plan 2021-2024 is available at: [https://www.idlo.int/sites/default/files/documents/idlo\\_strategic-plan-2021-2024\\_english\\_web.pdf](https://www.idlo.int/sites/default/files/documents/idlo_strategic-plan-2021-2024_english_web.pdf).

As an intergovernmental organization that promotes people-centered justice, we work “top-down” with governments to help them build institutions and improve laws and legal structures, as well as “bottom-up” with civil society and the legal community so that justice systems are more effective and responsive to people’s needs. IDLO has programmatic experience in over 90 countries, including in fragile and post-conflict situations. IDLO taps that experience to produce research and learning products for the benefit of all stakeholders. We use our Observer status at the United Nations to place the rule of law and access to justice at the center of global discussions. Along with other international actors, IDLO is committed to supporting good governance and strong institutions, bring decision-making and service delivery closer to the people, and work with communities to increase inter-communal dialogues.

Within this framework, multilateralism represents an essential tool. Because the rule of law can be hard to establish and sustain, it requires attentive governance and an engaged citizenry. Multilateralism provides the framework for governments to learn from each other about the effectiveness of actions, to share data and analyses of impact, and to support each other along the way. It provides the confidence of stepping together with partners that face the same challenges. Shared commitments help provide the space governments need to undertake the necessary steps to improve the rule of law.

Partnership also implies engagement with international actors, governments, donors, civil society, the private sector and others. IDLO has to date concluded over 100 Memoranda of Understanding with UN agencies, governments, national and regional bodies, and educational institutions. These agreements provide a framework for us to work in collaboration with governments, even while supporting justice seekers to demand better services and equality before the law. IDLO also works on a global policy level. For example, IDLO co-organized with the Italian Government and UNDESA a global multi-stakeholder conference on SDG16 held both in 2019 and 2021 to share knowledge, success stories and good practices, and to suggest policies that transform governance and improve COVID-19 pandemic responses.

IDLO is determined to expand its efforts to promote peaceful, just and inclusive societies and make access to justice for all a reality by 2030. The rule of law, and therefore SDG 16, is the enabler that provides the foundation for success in all the SDG categories. The following



examples provide evidence of the critical linkages between the rule of law, peace, stability, and sustainable development, and the value of multilateral approaches.

### **Building Strong Institutions that work for People**

A key element of SDG 16 is a call for strong institutions. Strong institutions are ones that work for people. IDLO has had this concept at its core since its inception. We have supported criminal justice reform in Rwanda, the Sahel, and other countries. The development of eJustice programs in Kyrgyzstan have improved the responsiveness of justice systems to meet people's needs. IDLO's judicial training in Tunisia improved capacity to address intellectual property issues, while IDLO's work in Indonesia integrated case law into education so judges can better consider relevant cases when making their decisions. IDLO is working with the Bahamas and Ukraine on anti-corruption programs with a view to improve the fair delivery of justice. These are just a small sampling of initiatives that promote the fundamental principles of access to justice and the rule of law, creating the necessary space for people to claim their rights. When people trust their institutions they have greater confidence in government and the systems in which they live, which supports the goals of peace and stability.

In a similar vein, the most vulnerable equally require access to justice and strong institutions. Refugees, migrants, displaced and stateless people are frequently confronted with legal challenges. IDLO is committed to empowering vulnerable populations. In Somalia, IDLO, supported by the European Union, is reviewing existing legislation and policies concerning IDPs, returnees and refugees, giving special attention to the concerns of women and youth. In consultation with the Office Prime Minister, the Federal Ministry of Interior, Commission for Refugees and IDPs, and other relevant actors, IDLO is developing communications strategies to increase public awareness of migration issues, including those specifically affecting women and youth.

On a multilateral policy level, IDLO entered a formal inter-organizational agreement with UNHCR in May 2018 which sets out a framework for cooperation including a wide range of possible rule of law and justice-related activities. IDLO has formal Observer status and has participated in the UNHCR Executive Committee's annual governing body meetings since 2017. In December 2019, IDLO participated in the first Global Refugee Forum (GRF) and submitted four pledges focused on protection capacity, prevention and addressing root causes, jobs and livelihoods,

and solutions.<sup>179</sup> Since 2016, IDLO has been an active member of the Global Protection Cluster's Task Team on IDP Law and Policy.

### **Customary and informal justice to strengthen the rule of law**

Customary and informal justice (CIJ) systems are most commonly used by people seeking to assert their rights and resolve disputes. These systems take on added significance in fragile contexts where state institutions are weak, absent or lack legitimacy and capacity. From the *Akhsakals* of Kyrgyzstan to the *kadhi* courts of Kenya to the *xeer* system in Somalia, IDLO engages with CIJ actors in an effort to improve access to justice, promote peace and stability and ensure respect for human rights.

Estimates are that, globally, more than 80% of justice problems are resolved outside of statutory courts through CIJ systems<sup>180</sup>. The majority of these justice seekers are women, poor people, and members of minority groups and marginalized communities. While widespread and critically important to many individuals and communities, CIJ systems are often left out of discussions on justice at the international level. In 2019, IDLO launched global consultations on CIJ with the aim of advancing policy dialogue and distilling lessons from programming and research to make justice accessible for all. Several IDLO partners participated in these consultations, such as the Office of the High Commissioner for Human Rights, the UN Special Rapporteur on the rights of indigenous people, the International Commission of Jurists (ICJ), the Overseas Development Institute (ODI), and the Graduate Institute's Albert Hirschman Centre on Democracy. The consultations were backed by a series of publications, including a Policy and Issues Brief and a Practitioner Brief on CIJ generally, and an Issue Brief focused on women and CIJ.

IDLO's dialogue with stakeholders throughout 2019 confirmed that meeting the SDG16+ target of ensuring justice for all is not viable without recognition that the state is not the sole justice provider. It is crucial to engage with and strengthen the variety of justice actors and mechanisms used by individuals to address everyday justice problems

179 They are entitled as follows: 1) Reforming legal frameworks to promote women's rights and inclusion, including economic empowerment: identification and repeal of gender-discriminatory laws affecting refugees and displacement; 2) Addressing root causes and obstacles to return: building trust in rule of law institutions, preventing violence, sustaining peace; 3) Access to justice and legal remedies for refugees and other populations of concern; 4) Fighting Trafficking in Persons: reducing the vulnerabilities of persons in need of international protection and trafficking victims within national borders.

180 See, for example, E. Wojkowska (2006), *Doing Justice: How informal justice systems can contribute*, Oslo: UNDP

through context-specific, inclusive and innovative means. As the international community races to realize the 2030 Agenda, continuing the conversation around CIJ systems – their value added, tensions and complexities – will be critical to ensuring no one is left behind. In 2020, IDLO joined Cordaid, ODI, ICJ, the Pathfinders Taskforce on Justice, and other partners to constitute a Working Group on Customary and Informal Justice and SDG16+, whose main aims are to seek consensus on the role of CIJ in building more effective and inclusive justice systems that respond to people’s justice needs, and report key findings on the contributions of CIJ systems towards access to justice for all.

Several CIJ-focused projects implemented in recent years include IDLO supported alternative dispute resolution (ADR) in Somalia. IDLO set up ADR centers around the country to strengthen the linkages between formal and informal justice, improve the compliance of ADR justice mechanisms with Somali law and international human rights standards, and enhance knowledge of ADR processes and practices across Somalia. In Uganda, IDLO’s Community Justice Program (CJP) supports both state and non-state legal aid, legal empowerment and other justice delivery interventions. A major component of the program is enhancing the capacity of justice actors at the national, district and community levels to provide the most vulnerable and marginalized citizens - particularly those living in rural, poor and other disadvantaged communities - with quality and equitable legal knowledge, aid and redress. In Peru, IDLO and the EU’s EUROsociAL program, in partnership with the Peruvian justice ministry and judiciary, created a model for legal orientation and institutional coordination on intercultural justice in the district of San Martín. The intervention sought to strengthen orientation services and legal aid, establishing a model for intercultural justice.

### **Public health in the COVID-19 era and beyond**

The pandemic has exposed, and in turn has been aggravated by, the fragility and inequalities to which no country, irrespective of its stage of development, is wholly immune. Quarantines and lockdowns have meant people lack access to public services, education, and even health care. Many countries found their legal structures inadequate to meet the demands created by the pandemic. In this situation, the rule of law is critical to successfully managing the crisis by protecting the vulnerable, and giving them a voice in the debate, by enabling decision makers to balance competing interests fairly, and by enhancing their ability to act decisively through effective laws and institutions.

IDLO's contribution to the global response to COVID-19 has been focused on three strategic areas: enabling legal and policy frameworks; mitigating impact on justice systems and justice seekers; and continued investment in a culture of justice. In this context, IDLO developed two innovative projects to help countries strengthen their response to COVID-19.

The first, developed in collaboration with WHO, supports countries to strengthen their legal and policy frameworks to prevent, detect and promptly respond to public health emergencies and other public health risks, including COVID-19. IDLO is carrying out programs in Africa to support governments in Pandemic Preparedness and Response and specifically to help strengthen legal frameworks related to the International Health Regulations.

The second, developed in partnership with the Food and Agriculture Organization of the United Nations (FAO), aims to enhance food security and nutrition for vulnerable groups, particularly women and girls in the context of a COVID-19 emergency response and recovery in Honduras and Uganda. IDLO is working to assess the impact of national emergency laws and regulations on access to affordable and nutritious food. Based on the outcomes of the assessment, IDLO, in collaboration with FAO, is developing specific and tailored briefs and guidance documents to support access to affordable and nutritious food for the most vulnerable in times of emergency.

The COVID-19 pandemic has also reminded all humanity of how deeply connected we are. The virus knows no borders and has become a global challenge, putting at serious risk the achievements of Agenda 2030. Consequently, the fight against COVID-19 must be global and therefore, multilateral. With this in mind, IDLO launched a Crisis Governance Forum, a series of online dialogues uniting ministers and senior representatives from the judiciary, international organizations - such as UNDP, UNFPA, and UNDESA - and civil society. In August 2020, IDLO published a Policy Brief on Rule of Law and COVID-19. The brief recommends eight forward-looking actions to help policymakers at national, regional, and global levels to formulate rule of law responses to the pandemic, supporting pathways to Build Back Better. These eight rule of law actions focus on the protection of the most vulnerable in managing the immediate consequences of the crisis and moving towards an effective and sustainable recovery.

COVID-19 has not stopped other diseases, such as HIV, Ebola, and non-communicable diseases (NCDs), from affecting entire communities all around the world, especially those most vulnerable and marginalized within societies. For the reason that health is strongly dependent on the quality of legal frameworks and justice systems, IDLO has continued to work tirelessly on projects focused on public health.

### **Gender equality and multilateral action**

Access to justice is critical to women's empowerment and ensuring gender equality and nondiscrimination. Gender equality, including the ability of women and girls to enjoy the full range of their human rights and meaningfully participate in all aspects of society is a necessary condition for progress towards the entire 2030 Agenda. Justice for women requires greater political commitment and financial investment. That is why IDLO joined with UN Women, the World Bank and the Pathfinders Taskforce on Justice to convene a High-level Group on Justice for Women. The Report of the Group, published in 2019,<sup>181</sup> elaborates the investment case for women's access to justice and highlights women's justice needs and the justice gap. The "Call to action" of the report focuses on concerted action to advance justice for women and appeals to countries to accelerate implementation of the global goals for gender equality (Goal 5) and equal access to justice for all (Goal 16). Moreover, along with UN Women, UNODC, UNDP and other partners, IDLO released a report in 2020 on "Justice for Women Amidst Covid-19"<sup>182</sup>. This report illustrates how the pandemic has created new challenges and exacerbated existing inequalities for women and girls' access to justice and offers concrete recommendations to policymakers and practitioners to address them. Additionally, IDLO is part of the International Gender Champions (IGC),<sup>183</sup> the leadership network that

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181 Justice for women: High-level Group Report, 2020: <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/justice-for-women-high-level-group-report-en.pdf?la=en&vs=4044>.

182 Available at <https://www.idlo.int/publications/justice-women-amidst-covid-19>.

183 IDLO's Commitments are: 1) IDLO will improve gender mainstreaming in its programmes by institutionalizing gender expertise and a gender perspective in throughout its policy advocacy, research and learning, and field-based programming and work. IDLO will ensure the full implementation of its Gender Strategy. In particular, it will: Build program staff expertise and capacity to integrate gender in their work (at least 3 workshops/training a year); Develop an issue paper on a priority gender and justice concern (women and customary and informal justice); Organize policy events on justice for women at the global and country levels, including processes relating to the 25th anniversary of the Beijing Platform for Action (at least 2 events a year); 2) IDLO will strengthen the recruitment of women in the judiciary and legal professions, including by strengthening knowledge on the barriers and pathways for women in the justice sector and by enhancing the capacity of women justice actors. Specifically, it will: Disseminate the findings of its global research on enhancing participation

brings together female and male decision-makers determined to break down gender barriers and make gender equality a working reality in their spheres of influence. IDLO's current Strategic Plan prioritizes reducing the justice gap for women, with a focus on three strategic objectives: (a) advancing the elimination of discriminatory laws and practices and building gender-responsive legal, regulatory and policy frameworks; (b) combatting gender-based violence against women and girls; and c) promoting women's participation and leadership, especially in the justice sector.

In countries including Afghanistan, Kenya, Honduras, Liberia, Mali, Mongolia, Myanmar and Uganda, IDLO is working with judges, prosecutors and lawyers as well as with women's groups and community leaders, to prevent gender based violence (GBV), strengthen the ability to investigate and adjudicate these offenses, and support survivors. Through the Supporting Access to Justice in Afghanistan (SAJA) program, IDLO strengthened the Elimination of Violence Against Women (EVAW) units within the Attorney General's Office (AGO), Women's Protection Centers (WPCs), and legal aid providers across the country. IDLO also worked with the Ministry of Women's Affairs and the AGO to assist victims and witnesses of crimes of violence against women. Assistance includes referrals for medical, counseling and legal defense services for victims and witnesses, as well as to the specialized EVAW units for prosecution. In Honduras, IDLO worked to enhance access to justice for women and other survivors of domestic and intra-familial violence. The project, supported by the U.S. Department of State, aimed to improve capacity of justice providers and increase legal awareness of communities, with a focus on vulnerable groups.

IDLO strongly believes that gender responsive laws and legal frameworks are vital in dismantling discriminatory structures and creating equal opportunities for women. Thus, we work in partnership with UN Women in implementing the *Equality in Law for Women and Girl by 2030: A Multistakeholder Strategy for Accelerated Action* to assist governments to reform gender discriminatory laws, policies and institutions. Together with UN Women and national partners, IDLO is undertaking a comprehensive legal assessment in Kenya, the Philippines, and Sierra Leone, aimed at repealing discriminatory laws<sup>184</sup>.

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of women justice professionals by organizing policy events at global or local levels (2 per year); Launch country-specific studies on contributions and barriers women justice professionals face when delivering justice (2).

184 <https://www.idlo.int/publications/women-delivering-justice-contributions-barriers-paths-ways>

In Tunisia, IDLO, with support from the Government of the Netherlands, is working to develop an integrated legal aid scheme for women in order to promote better access to socio-economic rights for women survivors of gender-based violence. In addition, IDLO supported the development of the first national procedure manual for women's shelters. The manual outlines uniform guidelines for shelters in the country as they deliver legal services to women and children survivors of violence, and was endorsed by Tunisia's Ministry of Women, Children and Family (MoWFC) in August 2020 as an official legal text.<sup>185</sup>

Partnering with professional associations of women judges and lawyers, IDLO is advocating for greater women's participation in the justice sector at global and national levels. In Uganda, IDLO is supporting the National Association of Women Judges in advocating for gender-responsive justice in the courts. In Kenya, IDLO partnered with the National Gender and Equality Commission, and the International Association of Women Judges, to conduct a "gender audit" of the judiciary. It analyzed the judiciary's legal, policy and institutional framework and made several recommendations to promote gender inclusion, equity and equality. In Somalia, where IDLO is promoting access to justice through Alternative Dispute Resolution centres that use the customary Xeer system to resolve disputes, IDLO supported women as adjudicators, counsellors and advisors. To spotlight the barriers faced and contributions made by women justice and legal professionals, IDLO published a global report on Women Delivering Justice: Contributions, Barriers, Pathways as well specific country research on the experiences of women justice professionals in Afghanistan, Kenya and Tunisia.<sup>186</sup>

### **Climate justice and sustainable use of natural resources**

Climate change is a common concern of humankind, a defining challenge of our age, and an urgent and potentially irreversible threat. As recognized by the 2030 Agenda, climate change is not just about the environment – it is also a development problem that threatens the livelihoods of millions of people and the stability of the economy worldwide, including the achievement of peaceful and inclusive societies. Lower-income countries and fragile states will face the most catastrophic effects of climate change, as they will be less able to

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185 [Manual for women's shelters in Tunisia becomes law | IDLO - International Development Law Organization](#)

186 <https://www.idlo.int/publications/womens-professional-participation-afghanistans-justice-sector-challenges-and> <https://www.idlo.int/publications/womens-professional-participation-kenyas-justice-sector-barriers-and-pathways> <https://www.idlo.int/publications/womens-professional-participation-tunisiast-justice-sector-pathways-and-opportunities>

adapt to the increasing number and severity of climate-related crises. Women and girls are more vulnerable to climate change-related disasters as they often have more limited access to resources, more restricted rights, and more limited mobility relative to men. The rights and livelihoods of indigenous peoples, local and rural communities, and smallholder producers and family farmers are threatened by the changes to land and weather systems. Existing inequalities are stressed and exacerbated, vulnerable and marginalized groups are increasingly at risk, and progress towards realizing the targets and indicators of both SDG 16 and the wider 2030 Agenda is inhibited.

Yet the rule of law and access to justice are also vital tools for addressing the significant impact of climate change and creating the necessary conditions for peaceful and inclusive societies, and climate-resilient development towards all 17 SDGs. IDLO recognizes the role that a rights-based, rule of law approach can bring to the overarching objectives of SDG 13 on Climate Action, and its key contribution will be to implement programs, conduct research, and engage in policy advocacy to enhance access to climate justice, preserve biodiversity, reduce fragility, and advance peace and security. A specific focus on climate adaptation measures will seek to ensure that vulnerable populations already suffering the consequences of climate change will be at the heart of local, regional, and international climate responses.

In order to work towards a peaceful and just climate-secure future, IDLO's Climate Justice Strategy will approach climate and environmental issues from a range of perspectives, in order to create the necessary conditions for sustainable development to flourish. A bottom-up approach to empowering justice seekers will aim to safeguard the rights and interests of climate-vulnerable groups, including indigenous communities and climate-displaced populations, while marginalized groups, such as women and girls and youth organizations, will be supported to claim their rights and more actively participate in decision-making processes at all levels. Creating and strengthening mechanisms for inclusive and participatory dialogues, in particular for women and girls, will increase participation and leadership roles on environmental governance and climate-related actions.

Simultaneously, in supporting climate-resilient development, IDLO will take a top-down approach to institutional reform and capacity-strengthening to ensure that local, national and regional frameworks are robust enough to implement rights-based approaches for environmental action. Regulatory frameworks need review and



revision to ensure that laws, policies and processes can accommodate effective stakeholder engagement and promote an inclusive, human rights-centered approach to climate justice. This will involve assisting countries with the preparation of national adaptation plans and nationally determined contributions, and providing technical assistance to confirm that existing frameworks are compliant with recognized international human rights norms and environmental rights and objectives. Justice sector organizations, both formal and informal, will have enhanced capacity to deliver fair and equitable justice in climate-related disputes through programming that promotes legal education on climate and environment-related laws. The ability of existing formal and informal justice institutions to effectively enforce the rule of law as it pertains to climate should be strengthened, and in some instances the establishment or enhancement of specialized environmental courts need to be supported.

Finally, by working to improve governance of land and natural resources, IDLO will aim to reduce some of the key drivers of conflict and migration and contribute to securing the necessary conditions for peace and sustainable development. A combination of legal empowerment and institutional development approaches will focus on improving the customary and non-customary rights of climate-vulnerable groups to land and other natural resources, and ensure that they can participate in and benefit from their natural surroundings. IDLO's Climate Justice program will provide legal assistance or subject matter expertise on regional or inter-state projects at the nexus of climate, security and sustainable development by promoting the rule of law and adherence to good governance principles in order to support the inclusion of marginalized groups, mainstream the positions and opportunities for women and girls, drive inclusive economic growth, and increase food security – with the goal of diminishing the destabilizing impacts of conflict or climate-migration.

Integrating a rule of law and access to justice approach into the Climate Action agenda is integral for just and inclusive solutions to the climate crisis. Viewing the justice and rule of law agenda through a climate perspective is crucial to securing peace, sustainability, and the realization of the 2030 Agenda. IDLO's Climate Justice Strategy will bridge the gap between these two parallel streams and give those who are most susceptible to the worsening consequences of climate change the opportunity to be at the heart of the transition to a peaceful, inclusive and climate-secure future.

## **Economic growth through the rule of law**

The rule of law encourages economic growth by providing stability and certainty for businesses, ensuring protection of investment and property, and resolving disputes fairly and expeditiously. IDLO provides programmatic support on commercial and economic law, helping stakeholders to address the capacity constraints that they face when negotiating trade and investment terms and solving commercial disputes with foreign counterparts. To achieve this goal, in cooperation with the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (OHRLLS), IDLO launched its Investment Support Program for Least Developed Countries (ISP/LDCs). Funded through a generous contribution by the European Union and the Kuwait Fund for Arab Economic Development, the Program provides technical and legal assistance to LDC governments and private sector entities on investment-related matters, including negotiations and dispute settlement, as well as complementary capacity-building. Assistance under ISP/LDCs is provided at no cost to the beneficiaries, by harnessing the expertise of lawyers and experts on a “pro bono” basis.

Since the launch of the program in 2019, LDC governments and state-owned entities have requested and received critical assistance. In Ethiopia, IDLO is implementing a capacity-building project to support the Ethiopian Investment Commission’s ability to retain and manage foreign direct investment. The project aims to deliver trainings focused on the negotiation and drafting of investment contracts with foreign investors and capacity-building on international investment law and arbitration. In The Gambia, between 2019 and 2020, IDLO provided capacity-building support to the Ministry of Justice on the negotiation of commercial and investment contracts with foreign investors. IDLO supported 30 State Counsels from the Ministry of Justice on the fundamentals of commercial and investment contracts and the practical tools and strategies for negotiations. In Malawi, IDLO is assisting a state-owned enterprise of the Government seeking legal assistance for the preparation of a model joint venture agreement to be used in the negotiation of agricultural investment projects with foreign investors.

In Jordan, IDLO implemented the project “Commercial Mediation Action Plan” between June 2019 and December 2020 that aimed to build consensus among national stakeholders to enhance commercial mediation as an effective dispute resolution mechanism used

nationwide. For this purpose, IDLO sought to promote international best practices, identify the main sectors of the economy for which mediation would constitute a significant advantage to resolve disputes and promote mediation amongst women professionals and entrepreneurs. Under the project “Commercial Mediation and Arbitration”, IDLO is assessing the use and implementation of commercial mediation in Moldova, including the expansion and understanding of arbitration and alternative dispute resolution in business. The project’s main aim is to develop the legislative and regulatory framework for alternative dispute resolution.

### **Conclusion**

Declining trust in public institutions, economic upheavals accompanying the COVID-19 pandemic, accelerating climate change, rising authoritarianism, and deepening inequalities are all factors of instability and social tension that tend to reinforce each other and can easily turn into violent conflict. However, there is at the same time, within and across societies, an increasingly strong and loud call for justice and change that, if actively responded to, can help set the world on a new and more hopeful course. The rule of law and access to justice can create a virtuous cycle to reverse those trends.

IDLO is engaged in advancing the rule of law as a principle of governance and as a foundation to build more peaceful, just, and inclusive societies at all levels, from the community to the national and global levels. Building more peaceful societies requires addressing the root causes of conflict, many of which are linked to injustice and exclusion. Moreover, global problems are best tackled through multilateral cooperation and in the full respect for human rights and international law. Access to justice and the rule of law are at the heart of peace, stability, and development.



# **“The University for Peace: towards an innovative conceptualization of peace”**

**H.E. Mr. David Fernández Puyana**

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1) Introduction. 2) Intergovernmental organizations. 2.1) League of Nations. 2.2) United Nations. 2.3) Educational Scientific and Cultural Organization. 2.4) University for Peace. 3) Subsidiary organs of the United Nations. 3.1) Analysis. 3.2) Training and research institutions. 3.3) Types. 3.3.1) United Nations Institute for Training and Research; 3.3.2) United Nations University. 3.3.3) United Nations Institute for Disarmament Research. 3.3.4) United Nations System Staff College. 4) Conclusions

## **1. Introduction**

The term of intergovernmental organization (IGO) refers to an organization composed primarily of sovereign states. IGOs are established by treaty or other agreement that acts as a charter creating the group. In the absence of a treaty an IGO does not exist in the legal sense<sup>187</sup>. IGOs are distinguishable from nongovernmental organizations (NGOs) in that NGOs are formed by two or more individuals rather than by nations.

The main purposes of IGOs is to create a mechanism for the global community to work more successfully together in the areas of peace and security<sup>188</sup>, trade<sup>189</sup>, economic questions<sup>190</sup>, development or social justice<sup>191</sup>, among others. In light of the increasing globalization and interdependence of nations, IGOs play a very significant role in international political systems and global governance.

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187 Yearbook of International Organizations

188 North Atlantic Treaty Organization (NATO)

189 World Trade Organization (WTO)

190 Organization of Petroleum Exporting Countries (OPEC)

191 African Development Bank (ADB)

Alongside the Universal Postal Union, one of the oldest universal IGOs is the League of Nations which was founded by the Treaty of Versailles as a conclusion of World War I on 28 June 1919. The birth of the new world order will be recorded in history, because the League of Nations substituted the reign of force by the rule of law.<sup>192</sup>.

In substitution of the League of Nations and founded in 1945, the United Nations is the single largest IGOs in the world. The *UN Charter*, the treaty establishing the United Nations and signed in San Francisco, is a response to the two world wars and the intention of the member States "to save succeeding generations from the scourge of war..."<sup>193</sup>. The *Charter* established the "Purposes and Principles"<sup>194</sup> of the new international order, which still constitutes today the basic foundational principles of the whole body of international law.

Although the number of IGOs is really high<sup>195</sup>, the number of IGOs having received a standing invitation to participate as Observers in the sessions and the work of the General Assembly and maintaining Permanent Offices at Headquarters in New York or UN Office in Geneva is very limited. Some IGOs, such as the Organization of the Islamic Cooperation (OIC) and the European Union (EU), have the ability to make rules and exercise power within their member countries, their global impact continues to increase.

Created in 1945 by another international treaty, the United Nations Educational Scientific and Cultural Organization (UNESCO) is an IGOs which purpose is to avoid wars by eradicating ignorance, mistrust and prejudice among peoples. Apart from education, the most important activities of UNESCO are the areas of the protection of cultural goods, mass media, promotion of peace and help for developing countries.

Established in 1980 by an international treaty, the University for Peace (UPEACE) is the only IGOs which participates as Observer in the UN headquarters in New York and UN Office in Geneva, with the specific purpose of promoting the education for peace. Its specificity also resides in the fact that it is the only University in the world created through a UN

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192 Leon Bourgeois, *L'OEuvre de la Societe des Nations (1920–1923)* 10–11 (Payot 1923)

193 U.N. Charter, Preamble, para. 1

194 The prohibition of acts of aggression or other breaches of the peace, the development of friendly relations among nations, the self-determination of peoples, the enhancement of international co-operation, the promotion of human rights and fundamental freedoms, the settlement of international disputes by peaceful means, the prohibition of threat or use of force against the territorial integrity or political independence of any state

195 For a more complete listing, see the *Yearbook of International Organizations*, which includes about 5,000 IGOs (figures as of the 400th edition, 2012/13)

General Assembly Resolution with the specific mandate of “engaging in teaching, research, post-graduate training and dissemination of knowledge fundamental to the full development of the human person and societies through the interdisciplinary study of all matters relating to peace”<sup>196</sup>. The International Treaty of UPEACE is deposited in the Secretariat of the UN headquarters in New York, to which 41 Member States of the United Nations have acceded.

Although there exists a similar legal status between UPEACE and UNESCO, the former is only an IGO while that the latter has made the transition from an IGO to Specialized Agency in light of the UN Charter. Unlike UNESCO, those IGOs also created by an international treaty which do not fulfill the specific procedure included in the UN Charter for its recognition by the United Nations, it will not be considered a Specialized Agency, such as the case of UPEACE. Nevertheless, this situation does not prevent that UPEACE enjoys a special relations with the United Nations as an UN affiliated organization.

In line of UNESCO and UPEACE, the International Organization for Migration (IOM) was also established by a treaty in 1953, which made it an IGO composed by nations. In 1996, IOM and UN signed a cooperation agreement, by which they established a more formal basis for a closer collaboration between the two secretariats. Later in 2016, IOM became a related organization in 2016<sup>197</sup>, by which they decided to strengthen their cooperation and enhance their ability to fulfill their respective mandates in the interest of migrants and their Member States. The particularity of IOM is that it has been the most recent case of an IGO which has become part of the UN family.

This paper will analyze the role played by the most relevant intergovernmental organizations created by an international treaty within the United Nations, which purpose is the promotion of peace and security. In particular, the paper will focus its attention on the League of Nations, the United Nations, UNESCO and UPEACE. In parallel, it will be also studied how the General Assembly of the United Nations has created some subsidiary organs dedicated to the training and research. In this sense, the article will analyze the United Nations Institute for Training and Research (UNITAR), United Nations University (UNU), the United Nations Institute for Disarmament Research (UNIDIR) and the United Nations System Staff College (UNSSC). The linkage of

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<sup>196</sup> Resolution 35/55 of 5 December 1980

<sup>197</sup> UNGA Res. 70/296, Agreement concerning the Relationship between the United Nations and the International Organization for Migration, 5 August 2016

these subsidiary bodies with UPEACE will be also studied. Unlike the legal status of UPEACE and UNESCO, the above-mentioned subsidiary organs are not considered IGOs.

## 2. Intergovernmental organizations

### 2.1. League of Nations

On June 28, 1919, the *Peace Treaty of Versailles* was signed as a conclusion of World War I. The birth of the new world will be recorded in history, because the League of Nations held its first session and definitively substituted the reign of force by the rule of law. The fathers of the new political and juridical structure, among them President Woodrow Wilson, wanted to construe the architecture of the future humankind over the accumulated ruins derived from war<sup>198</sup>.

In accordance with its Preamble, the promotion of international co-operation and the achievement of peace and security in the world should be achieved by the following means: firstly, the acceptance of obligations not to resort to war; secondly, the prescription of open, just and honorable relations between nations; thirdly, the firm establishment of the understandings of international law as the actual rule of conduct among Governments; and fourthly, the maintenance of justice and a scrupulous respect for all treaty obligations.

On September 24, 1927, the VIII Assembly of the League of Nations adopted a resolution by which Member States banned all wars of aggression and recalled their obligation to settle the disputes by peaceful means<sup>199</sup>.

### 2.2. United Nations

On 25 April 1945, the United Nations Conference on International Organization took place in San Francisco with 50 nations represented. Signed on 26 June, the Charter called for the United Nations to maintain international peace and security, promote social progress and better standards of life, strengthen international law and promote the expansion of human rights. Finally, on 24 October 1945, the UN Charter came into force upon its ratification by the five permanent members of the Security Council and a majority of other signatories.

Along with the peace treaties of Augsburg (1555), Westphalia (1648), Paris (1814) and Versailles (1919), the UN *Charter* was, and is, the most important international peace treaty adopted in the modern history of

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198 Leon Bourgeois, *L'OEuvre de la Societe des Nations (1920–1923)* 10–11 (Payot 1923)

199 Heinrich Rauchberg, *Les obligations juridiques des membres de la societe des nations pour le maintien de la paix* (= 37 *Recueil des cours*) 66–67 (Academie de droit international 1932)



humanity, laying the foundations for modern multilateralism based on transparency and equality. In a shift from the time of the League of Nations, the UN thus recognised that peace was more than the absence of war and also affirmed that efforts should no longer be limited to stopping direct threats of war. Indeed, they should also attempt to fight against its roots causes, including poverty, disease, ignorance, insecurity, unemployment, inequality and lack of human dignity<sup>200</sup>.

In order to create a more peaceful world, the Charter of the United Nations established in its Arts. 1 and 2 the following 'Purposes and Principles,' *inter alia*: the prohibition of acts of aggression or other breaches of the peace, the development of friendly relations among nations, the self-determination of peoples, the enhancement of international co-operation, the promotion of human rights and fundamental freedoms, the settlement of international disputes by peaceful means, the prohibition of threat or use of force against the territorial integrity or political independence of any state.

The Purposes and Principles of the UN Charter have been expressly included in the *Declaration on Preparation of Societies for Life in Peace* of 1978, the *Declaration on the Right of Peoples to Peace* of 1984, the *Declaration on a Culture of Peace* of 1999 and the *Declaration on the Right to Peace* of 2016. In addition, all these peace laws strongly demanded that the policies of States be directed toward the elimination and eradication of war, the prohibition of propaganda for war and moral disarmament.

The principal organs of the United Nations, as specified in the Charter, are the Secretariat, the General Assembly, the Security Council, the Economic and Social Council, the International Court of Justice and the Trusteeship Council<sup>201</sup>.

The *Charter* decided to have a decentralized but coordinated structure in creating a network of relationship agreements between the UN and important global organizations. This created a system of international organizations, which is often known as the "UN family". The decentralization is the result of the acknowledgement by the forces that were responsible of the failure of the attempts of the League to consolidate its system. The main goal was to avoid a politicization of the economic and social cooperation and to focus more on the technical aspects, in order not to endanger effective and universal activities<sup>202</sup>.

200 UNESCO, *Long Walk of Peace: Towards a Culture of Prevention*, 231 pages

201 Art. 7.1, UN Charter

202 Bruno Sima (ed.), "The Charter of the United Nations: a Commentary", Volume II, Verlag C.H. Beck, Oxford University Press, New York, 2002, p. 953

This decentralized structure does not bring about a specific dependent status between the organizations of the UN family. The system offers organizations a wide scope of flexibility and autonomy concerning the degree of their independence, but it was intended at the same time to secure effective coordination between them. The concept of decentralization has provided positive results despite the natural difficulties of the UN family. In this sense, it avoids the emergence of a giant but inflexible organizational structure<sup>203</sup>.

However, in view of the discordant actions taken by the organizations, the UNGA “urges the competent authorities of all organizations of the United Nations common system to refrain from actions which do not contribute to the strengthening and development of the common system”<sup>204</sup>. There has been always a concern that the inconsistent behavior of States in different organizations concerning the same question endangers the coordination within the UN family.

### **2.3. United Nations Educational Scientific and Cultural Organization**

In the general discussion on the purposes and principal functions of the Organisation held on November 7, 1945 in London, members of the Committee<sup>205</sup> concluded that the new Constitution should postulate basic principles for education, including freedom of the mind and expression, and a specific reference to freedom from ignorance. It follows that education is conceived within a framework of ethics and equality of opportunity, irrespective of race and sex, with a special reference to the education of women and its pacific influence on future generations.

On November 16, 1945, Ms Ellen Wilkinson, Minister of Education of Great Britain, closed the tenth and last plenary meeting of the Conference with a moving statement, after recalling the intellectuals who had lost their lives in war:

“We who are carrying on their work and who are starting this night to carry on their work are doing it in the hope that we shall carry on the flame of their souls and spirits in the children and young people are committed to our care. Also at this solemn moment we say to the teachers of the world that those who fight

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203 Bruno Sima (ed.), *op. cit.* 202, p. 954

204 UNGA Res. 33/119, Report of the International Civil Service Commission, 19 December 1978, para. 1.

205 The Committee was composed by Mr Cassin (France), Mr Jha (India), Mr Bodet (Mexico), Drzewieski (Poland), Mrs Bosanquet (UK) and Ms MacLeish (US)

in the struggle against ignorance and illiteracy do not fight alone; they fight with us behind them, with this great international Organization for them to appeal to.”

On 4 November 1946 marks the birth of UNESCO’s anniversary as it is the day the Constitution came into force after ratification by 20 signatories<sup>206</sup>. UNESCO was created in order to respond to the firm belief of nations, forged by two world wars in less than a generation that political and economic agreements are not enough to build a lasting peace. Peace must be established on the basis of humanity’s moral and intellectual solidarity.

UNESCO was incepted to promote peace and security through education, science and culture. It follows that these three pillars are not to be ends in themselves, but a means of engaging in a spiritual undertaking and moral effort or mode of moral conduct<sup>207</sup>.

The first preambular paragraph of the **UNESCO Constitution** contains one of the main objectives of the organisation by declaring “that since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed”. This inspiring sentence is the work of Mr Clement Attlee, Prime Minister of the UK, and the American poet and Librarian of Congress, Archibald MacLeish<sup>208</sup>.

As indicated by the delegate of France at the Conference of Allied Ministers of Education held in London in 1945, the “Preamble must embody a statement of principles and give a proper place to spiritual values; it must take account of the immediate aims of reconstruction and provide for backwards countries”<sup>209</sup>. Additionally, Mr Aghnides (Greece) stated in this Conference that the Preamble, along with art.1 of the Constitution, should help the professors, the teachers, the writers and the academicians to find their inspiration and to guide the younger generations in accordance with these high, moral and social principles<sup>210</sup>.

The idea of peace as “inner state of being” corresponds to the contents of the preamble to **UNESCO’s Constitution**. Although this idea is often quoted, the preamble is rarely put into practice in real life. Therefore, it is completely justifiable that the programmes dedicated to education

206 Australia, Brazil, Canada, China, Czechoslovakia, Denmark, Dominican Republic, Egypt, France, Greece, India, Lebanon, Mexico, New Zealand, Norway, Saudi Arabia, South Africa, Turkey, United Kingdom, United States.

207 F. Valderrama, *A History of UNESCO* (Paris: UNESCO Reference Books, 1995), p.25.

208 Valderrama, *A History of UNESCO* (1995), p.24.

209 On November 12, 1945 the Commission unanimously adopted the text of the Preamble.

210 Speech delivered on November 16, 1945.

and research on peace should include a specific programme devoted to “peace in the minds of men”. Since wars begin “in the minds of men”, it is up to UNESCO and the schools all over the world to put an end to the beginning of war<sup>211</sup>.

Article 57 of the *Charter of the United Nations* provides that specialized agencies established by inter-governmental agreement and having wide international responsibilities as defined in their basic instruments in economic, social, cultural, educational, health and related fields shall be brought into relationship with the United Nations<sup>212</sup>. Only those organizations which have entered into a formal relationship with the UN by concluding a relationship agreement are called specialized agency.

Article X of the *UNESCO Constitution* provides that the Organization shall be brought into relation with the United Nations. The Executive Committee of the Preparatory Commission of the UNESCO agreed at its meeting in London on 19 March 1946 to appoint four representatives of the Executive Committee as a Delegation to negotiate an Agreement bringing the UNESCO into relationship with the United Nations. Negotiations between the Committee on Negotiations with Specialized Agencies of the Economic and Social Council (ECOSOC) and the Negotiating Delegation of the UNESCO took place in New York on 3 June 1946 and resulted in an Agreement.

The Agreement as a whole was approved by the General Assembly of the United Nations on 14 December 1946 and by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 6 December 1946. The Agreement, which accordingly came into force on 14 December 1946, recognized in its art. 1:

“The United Nations recognizes the United Nations Educational, Scientific and Cultural Organization (UNESCO) as a specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein”<sup>213</sup>

This relationship was effected through an agreement with the United Nations under Article 63 of the *Charter*, which is considered an agreement under public international law between international

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211 P. Weil, *The Art of Living in Peace. Guide to Education for a Culture of Peace* (Paris: UNESCO Publishing, Unipaix, 2002), pp.29–30.

212 Bruno Sima (ed.), op. cit. 202, p. 948

213 Art. I, No. II. Protocol concerning the entry into force of the agreement between the United Nations and the United Nations Educational, Scientific and Cultural Organization. Signed in New York on 3 February 1946. United Nations — Treaty Series 1946-1947.

organizations. The form of an international agreement shows the basic equality of the partners, such as UNESCO and UN. The agreement provides a effective cooperation between the two Organizations in the pursuit of their common purposes, and at the same time recognizes the autonomy of this Organization. The different duties and obligations were negotiated and thus approved by the UN and the specialized agency.

The UNESCO agreed to co-operate with the ECOSOC in furnishing information and rendering assistance to the Security Council as that Council may request, including assistance in carrying out decisions of the Security Council for the maintenance or restoration of international peace and security<sup>214</sup>.

#### 2.4. **University for Peace**

In the 1970s during the context of the Cold War, the idea of creating a center dedicated to studies for peace circulated in different international seminars, forums and conferences<sup>215</sup>. However, the idea of UPEACE was raised for the first time in the UN context in a speech delivered to the UN General Assembly on 27 September 1978 by then President of Costa Rica Rodrigo Carazo, when he submitted for the consideration of the General Assembly a proposal for the establishment in Costa Rica of an University for Peace<sup>216</sup>, as follows:

“I therefore propose to this thirty-third session of the United Nations General Assembly the creation of a university, for peace, within the framework of the United Nations University network, as a concrete expression of this new vision of a triumphant and dynamic peace, this new vision of peace as a result of education and consciousness”<sup>217</sup>

The President of Costa Rica Carazo referred to the situation in Central America, as well as the relationship between the West and the Middle East with special emphasis on the Arab-Israeli conflict<sup>218</sup>. He also added

214 Art. VIII, No. II. Protocol concerning the entry into force of the agreement between the United Nations and the United Nations Educational, Scientific and Cultural Organization. Signed in New York on 3 February 1946. United Nations — Treaty Series 1946-1947.

215 From here on, read the bibliographic references of the United Nations General Assembly, 1980.

216 Eiriksson, G., “Legal questions relating to the functioning of the Council of the University for Peace”, Council of the University for Peace, Thirtieth session, Shanghai, China, 21-22 June 2018, p. 216

217 Official Records of the General Assembly, Thirty-third session, Plenary Meetings, 11<sup>th</sup> meeting, 27 September 1978, par. 106-122

218 Fonseca, D., “University for Peace: 40 years fostering a culture of peace”, p. 440, in Fernández Puyana, D. (Editor), “Promoting peace, human rights and dialogue among civilizations”, UPEACE Publishing, November 2020, Costa Rica

in his speech delivered to the General Assembly the following

“The United Nations has created various bodies to perform specific tasks in economic, social and cultural development. However, it lacks the supreme institution, that from which it derives its essence and its reason for being—the institution of peace. The United Nations was created to safeguard peace and the entire Organization is oriented towards that central goal. Nevertheless, for historical reasons, its concept of peace has been closer to the notion of peace as the absence of war than to that of peace as the supreme achievement of man as a continuing task in the domain of learning. Accordingly, I propose the creation of an institution to prepare men and nations for peace”<sup>219</sup>

The General Assembly expressed its appreciation of the proposal and asked the UN Secretary-General to request Member States and various agencies of the UN system to communicate their views to him<sup>220</sup>. The Executive Board of UNESCO adopted at its 107th session (April 1979), the initiative of the president of Costa Rica and thanking him for his proposal, stated that it should offer to him its moral support and its technical- assistance so that the lofty aim referred to in that proposal might be achieved<sup>221</sup>.

Later, the General Assembly approved in 1979 the idea of establishing a university for peace and established an international commission to prepare, in collaboration with the government of Costa Rica, the organization, structure and setting in motion of the university<sup>222</sup>.

In the report prepared by the Commission, they outlined that the Commission at its first session, saw two possibilities. The first would be if the General Assembly greeted the creation of the University and looked forward to the early conclusion of an agreement with the United Nations University. The alternative could be to create the University as a subsidiary organ of the Assembly. The Commission at its second session agreed to recommend to the General Assembly that it should decide that the University for Peace should be established in accordance with the terms of an international agreement to be open to signature by all States<sup>223</sup>.

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219 Official Records of the General Assembly, Thirty-third session, Plenary Meetings, 11th meeting, 27 September 1978, par. 106-122

220 UNGA Res. 33/109, 18 December 1978

221 Report of the Secretary-General: Training and Research: University for Peace, UN Document A/35/468, 9 October 1980, p. 64

222 UNGA Res. 34/111, 14 December 1979

223 Report of the Secretary-General: Training and Research: University for Peace, UN Document A/35/468, 9 October 1980, p. 61-62

Under the leadership of the Carazo's vision, UPEACE was established by treaty at the United Nations General Assembly in 1980<sup>224</sup> with its main campus in Costa Rica. Based on this treaty, UPEACE is an IGO with university status, which mission is "to provide humanity with an international institution of higher education for peace with the aim of promoting among all human beings the spirit of understanding, tolerance and peaceful coexistence, to stimulate cooperation among peoples and to help lessen obstacles and threats to world peace and progress, in keeping with the noble aspirations proclaimed in the Charter of the United Nations".

The University was created within the framework of the United Nations (UN) System and emerged in an international context marked by the effects of the World War II, the Cold War and the Hydrocarbon Crisis of the decade of 1970<sup>225</sup>. In accordance with the Charter of UPEACE, the University established a close relationship with the United Nations University and UNESCO in view of its special responsibilities in the field of education<sup>226</sup>. Additionally, UPEACE consists at the organizational level of the Council of UPEACE, Rector, Chancellor and Honorary President –Secretary-General of the United Nations-. The Council is the supreme authority of the University.

The UPEACE agreement was opened for signature by the UN Secretary-General<sup>227</sup>. The adoption of the resolution had the effect, in the context of article 9 of the Vienna Convention on the Law of Treaties<sup>228</sup>, of adopting the text of the Agreement<sup>229</sup>. The General Assembly has adopted the practice of including a discussion on UPEACE in its agenda on a regular basis, initially biennially and now triennially. Forty-one (41) countries have become Signatory States to the UPEACE Charter.

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224 UNGA Res. 35/55, 5 December 1980

225 Fonseca, D., "University for Peace: 40 years fostering a culture of peace", p. 440, in Fernández Puyana, D. (Editor), "Promoting peace, human rights and dialogue among civilizations", UPEACE Publishing, November 2020, Costa Rica

226 UNGA Res. 35/55, 5 December 1980, art. 4

227 Art. 8: "The present Agreement, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations who shall perform the functions of Depositary". International Agreement for the Establishment of the University for Peace and the Charter of the University for Peace, UNGA Resolution 35/55, 5 December 1980

228 "1. The adoption of the text of a treaty takes place by the consent of all the States participating in its drawing up except as provided in paragraph 2. 2. The adoption of the text of a treaty at an international conference takes place by the vote of two thirds of the States present and voting, unless by the same majority they shall decide to apply a different rule".

229 Eiriksson, G., "Legal questions relating to the functioning of the Council of the University for Peace", Council of the University for Peace, Thirtieth session, Shanghai, China, 21-22 June 2018, p. 219

In accordance with the report on the findings of the Commission on the University for Peace as requested by the General Assembly<sup>230</sup>, the Secretary-General of the United Nations outlined in his report the specificity of UPEACE in light of the other research and training institutions established by the United Nations, such as UNU, UNITAR or UNIDIR, namely:

Firstly, the specificity of UPEACE will lay in research, teaching and dissemination of information in education for peace with special regard to its teaching function<sup>231</sup>. UPEACE shall grant masters' degrees and doctorates under terms and conditions established by the council. The university may also grant honorary doctorates<sup>232</sup>.

Secondly, UPEACE will enjoy independence in its teaching and research. Consequently, "the Commission considers that it would not be consistent with the autonomous character of the University - which the Commission advocates- to submit a detailed organization plan. Similarly, the commission takes the position that it would be overstepping its mandate if it went into detail regarding curricula"<sup>233</sup>. "UPEACE will gradually expand at its own rate of growth while at the same time remaining rooted in the Costa Rican environment and sensitive to all the trends of the world"<sup>234</sup>.

Thirdly, UPEACE will enjoy the academic freedom. The secretary-General "concurs with the commission in its findings in these matters, not only in the interest of academic freedom, but also because he considers that, on the basis of the Commission's findings and recommendations, the university bodies concerned should feel free to elaborate further on them"<sup>235</sup>. Consequently, "an institution placed outside the organizational framework of the United Nations, but at the same time not simply a national project, would be particularly suited, because of the academic freedom it would enjoy, to set out and to deal with the problems of survival and of the many facets of human progress through justice and peace"<sup>236</sup>.

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230 UNGA Res. 34/111, 14 December 1979

231 Report of the Secretary-General: Training and Research: University for Peace, UN Document A/35/468, 9 October 1980, para. 7, p. 4

232 Report of the Secretary-General: Training and Research: University for Peace, op. cit. 231, para. 29, p. 11

233 Report of the Secretary-General: Training and Research: University for Peace, op. cit. 231, para. 8, p. 4

234 Report of the Secretary-General: Training and Research: University for Peace, op. cit. 231, para. 39, p. 13

235 Report of the Secretary-General: Training and Research: University for Peace, op. cit. 231, para. 9, p. 4

236 Report of the Secretary-General: Training and Research: University for Peace, op. cit. 231, para. 27, p. 11



Fourthly, the constitution and operation of UPEACE will not have any financial implications for the budget of the United Nations.

Fifthly, the creation of UPEACE is a modest undertaking within the vast size and complexity of the problems which the issue of peace is implied, "taking into account that since the end of the Second World a military conflict had, on the average, broken out every three months, and knowing that the existing nuclear arsenal has capable of destroying eight times the present population of the world, the creation of a University for peace was indeed a modest undertaking"<sup>237</sup>.

Sixthly, the uniqueness of UPEACE will lay primarily in that it will perform a teaching function - at the graduate level - and that it will grant master's degrees and doctorates<sup>238</sup>. In this sense, "the work of UPEACE will be unique because it will attempt, through research, to achieve a twofold integration - conceptual and operational - of the idea of peace. UPEACE will be able to carve out a new space and open up a new frontier for international law"<sup>239</sup>. Degrees issued by UPEACE are recognized by the Ministry of Education of Costa Rica.

Seventhly, UPEACE will define new rights and promote other rights that may now be seen as fundamental. Therefore, "within such a constellation of human rights, those rights of the first magnitude include the right to life, to dignity, to moral and physical integrity, to peace, to development, to communications, to technology, to cultural differences, to the development of intelligence and other rights without which mankind will inevitably be led into conflict and possible self-destruction"<sup>240</sup>.

Eighthly, UPEACE will capitalize on the accumulated wisdom and also on the arts - so varied yet intermingling of all human cultures. "Thus, it will be possible to reveal man to himself in his fullest dimensions and with the deepest secrets of his personality, thus raising his consciousness, both individual] and collective, and building it on a coherent system of humanistic values that are acceptable to all. It will then be possible to shed light on the origin and the destiny of the entire human family"<sup>241</sup>.

237 Report of the Secretary-General: Training and Research: University for Peace, op. cit. 231, para. 25, p. 11

238 Report of the Secretary-General: Training and Research: University for Peace, op. cit. 231, para. 29, p. 11

239 Report of the Secretary-General: Training and Research: University for Peace, op. cit. 231 para. 31, p. 11

240 Report of the Secretary-General: Training and Research: University for Peace, op. cit. 231, para. 32, p. 12

241 Report of the Secretary-General: Training and Research: University for Peace, op. cit. 231, para. 33, p. 12

Nightly, UPEACE will involve in its research "the underprivileged and silent groups who suffer most from the status quo or those organizations which show the greatest interest in peace (those of youth, women, migrant, workers, refugees, racial groups, religious groups, etc.)" <sup>242</sup>.

Tenthly, UPEACE will be gradually "to assist in the promotion of changes in national and international life through better understanding between individuals, groups and countries who, without concealing their differences or their conflicts, would stress their similarities and the aspects in which they might complement each other, distinguish between struggles that are necessary for the sake of mankind and, those which are destructive and inhuman" <sup>243</sup>.

Eleventh, the "Commission did not see that the existence of other bodies with similar objectives represented necessarily - UNU, UNITAR or UNIDIR- a duplication of responsibilities, given the range of tasks involved" <sup>244</sup>. "The Commission saw a difference between replication and duplication. The reproduction or echoing of activities of one organization by another was too often wasteful and unnecessary and must be resisted. But differences of approach of UPEACE to the same broad collection of problems were to be welcomed especially if they are innovative" <sup>245</sup>.

Twelfth, "UPEACE will achieve and ensure through education the most valuable and most effective resource that man possesses. Although peace is the primary and irrevocable obligation of a nation and the fundamental objective of the United Nations, the best tool for achieving this supreme good for humankind, namely education has not been used" <sup>246</sup>. The establishment of UPEACE by UNGA comes to fill this important gap in the promotion and enforcement of peace worldwide.

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242 Report of the Secretary-General: Training and Research: University for Peace, op. cit. 231, para. 35, p. 12

243 Report of the Secretary-General: Training and Research: University for Peace, op. cit. 231, para. 38, p. 13

244 Report of the Secretary-General: Training and Research: University for Peace, op. cit. 231, para. 50, p. 14

245 Report of the Secretary-General: Training and Research: University for Peace, op. cit. 231, para. 51, p. 14

246 General principles formulated by the Commission on the University for Peace established by the General Assembly pursuant to its resolution 34/111 of 14 December 1979

### 3. **Subsidiary organs of the United Nations**

#### 3.1. **Analysis**

Although there exists a clear reference about the possibility to establish subsidiary organs in the Charter<sup>247</sup>, the term has not been defined in the relevant articles of the Charter. In the report prepared by the Secretary-General entitled *Summary of Internal Studies of Constitutional Questions relating to Agencies within the Framework of the United Nations*<sup>248</sup>, subsidiary organ is defined as follows:

“A subsidiary organ is one which is established by or under the authority of a principal organ of the United Nations in accordance with Article 7(2) of the Charter by resolution of the appropriate body. Such an organ is an integral part of the Organization”<sup>249</sup>

Consequently, a subsidiary organ is any organ that has been established or otherwise recognized as a UN organ by one of the principal organs of the United Nations<sup>250</sup>. The **Charter** does not indicate where the competence lies for establishing subsidiary organs of the United Nations, nor does it specify the procedure for their establishment; it merely prescribes that such organs may be established “in accordance with the present Charter”<sup>251</sup>. However, five of the principal organs listed in Art. 7 para. 1 can establish subsidiary organs.

In this sense, “the power of a principal organ to establish a subsidiary organ entails the power to determine and to change its structure and composition, the nature and scope of its functions and powers, the measure of its autonomy and the power to dissolve it”. Its existence would remain at the disposition of the principal organ that established it<sup>252</sup>.

In general terms, the initiative for establishing subsidiary comes from the General Assembly. The decision adopted by the GA is important, in which case it requires a two-third majority. In practice, in most cases, the GA decides by consensus and without a roll-call vote. The participation of other main organs in the founding of subsidiary organs may occur

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247 Art. 7.2: “Such subsidiary organs as may be found necessary may be established in accordance with the present Charter”. Art. 22: “The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions”

248 UN Doc. A/C.1/758, 15 November 1954

249 UN Doc. A/C.1/758, 15 November 1954, p. 2

250 Bruno Sima (ed.), “The Charter of the United Nations: a Commentary”, Volume II, Verlag C.H. Beck, Oxford University Press, New York, 2002, p. 218

251 Bruno Sima (ed.), op. cit. 202, p. 224

252 Bruno Sima (ed.), op. cit. 202, p. 219

when ECOSOC or the SG establishes a subsidiary organ at the express request of the GA<sup>253</sup>.

On the other hand, the question of whether and to what extent subsidiary organs may be authorized to take autonomous decisions within the sphere of their functions became controversial on the occasion of the establishment of the United Nations Administrative Tribunal by the General Assembly in 1950<sup>254</sup>. It had been argued that the General Assembly was not legal capable of conferring on the Tribunal the power to pronounce binding judgments affecting the United Nations, because, as subsidiary organ, the Tribunal was subordinated to the General Assembly.

Although subsidiary organs can enjoy a considerable degree of autonomy from their parent organs, they can never be completely independent, because they are not established by a treaty but a resolution of a principal organ (mostly GA), and that organ can alter the resolution. They lack independent legal personality, but partake of that of the United Nations<sup>255</sup>. The subordination of the subsidiary organs is especially visible in the area of budget and personnel. These organs are subject to the general rules which govern the GA as well as the UN as a whole<sup>256</sup>.

In view of the wide spectrum of functions entrusted to subsidiary organs, there is a specific category for those institutions devoted to training and research, such as UNITAR, UN University and UNIDIR<sup>257</sup>. Their executive heads are appointed by some device requiring the Secretary-General to secure the approval of or at least to consult with some other organs<sup>258</sup>. Their staffs are appointed by their executive heads. Each of the above mentioned organs have one or sometimes two political bodies, technically subsidiary organs of either the GA or of ECOSOC<sup>259</sup>.

### **3.2. Training and research institutions**

By resolution 51/188 of 16 December 1996, the General Assembly requested the Joint Inspection Unit, in close cooperation with UNITAR and relevant United Nations bodies, to prepare a study on the training institution programmes and activities of the United Nations system, and

253 Bruno Sima (ed.), op. cit. 202, p. 431

254 UNGA Res. 351 (IV), 24 Nov. 1949.

255 Szasz, P., The complexification of the United Nations system, Max Plank UNYB 3, 1999, p. 6

256 Bruno Sima (ed.), op. cit. 202, p. 431

257 Bruno Sima (ed.), op. cit. 202, p. 223

258 Szasz, P., The complexification of the United Nations system, Max Plank UNYB 3, 1999, p. 8

259 Szasz, P., op. cit. 258, p. 11

to submit a report thereon for consideration by the General Assembly at its fifty-second session.

In these times, the United Nations system organizations is investing in training with the objective of enhancing their staff's ability to cope with new legislative mandates and preparing them to adapt to change and to assume new tasks. The Joint Inspection Unit stated that "Staff who fail to acquire the necessary knowledge and skills may contribute to a regrettable situation both for themselves, who become unable to assume their proper share of the organizations' work, and for the organizations, whose ability to operate in an effective manner is adversely affected"<sup>260</sup>.

Accordingly, the Joint Inspection Unit proposed to the organizations the following definition "A training institution of the United Nations system is a structurally and identifiably distinct, and separately budgeted entity, established by any United Nations system legislative organ for the promotion of training of staff and/or representatives of the Member States and/or other partners". The United Nations system organizations and training institutions have generally agreed with this definition"<sup>261</sup>.

At present, United Nations system organizations use several training modalities: (a) internally, that is, using in-house expertise and resources; (b) externally, that is, using expertise external to the United Nations system; (c) jointly with other system organizations; and (d) through United Nations system training institutions. Joint Inspection Unit concluded that most training provided by the organizations is internal.

Over the years, the United Nations system has created or has contributed to create a diverse and largely of training institutions. As indicated by the Joint Inspection Unit, "the efficiency of this myriad of institutions is adversely affected by their lack of visibility, due partly to their reporting to different United Nations system bodies where their activities are discussed and acted upon in isolation from one another".

In this sense, there are four main United Nations training and research institutions, namely, UNITAR, UNU, UNIDIR and UNSCP, which is a United Nations Secretariat venture and not a subsidiary body of the General Assembly<sup>262</sup>.

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<sup>260</sup> Joint Inspection Unit, Training and Research: UNITAR, Doc. A/52/559, 3 November 1997, para.

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<sup>261</sup> Joint Inspection Unit, op. cit. 260, para. 22

<sup>262</sup> Joint Inspection Unit, op. cit. 260, para. 39

### 3.3. **Types**

#### 3.3.1. **United Nations Institute for Training and Research**

On 18 December 1962, the UNGA recognized the close interrelationship between economic and social development and the achievement of peace and security and requested the Secretary General to study the desirability and feasibility of establishing a United Nations institute or a training programme under the auspices of the United Nations.<sup>263</sup>

On 11 December 1963, the General Assembly requested the Secretary-General to take the necessary steps to establish the United Nations Institute for Training and Research (UNITAR)<sup>264</sup>. Later at its thirty-seventh session, the ECOSOC welcomed the pledge already made to the Institute<sup>265</sup>. Although both the UNGA and the ECOSOC expressed the hope that the Secretary-General would be in a position to establish the institute during 1964, the organizational arrangements took longer<sup>266</sup>.

Toward the end of 1964, the Secretary-General U-Thant had begun consultations with the Presidents of the UNGA and the ECOSOC regarding the appointment to the Institute's Board of Trustees of persons of international reputation and leadership in fields of interest to the United Nations. By March 1965, the Secretary-General had appointed to UNITAR's Board of Trustees. The Board of Trustees is the responsible for determining the basic policies of the institute and for adopting the budget of the institute on the basis of proposals submitted by the Executive Director<sup>267</sup>.

Later the General Assembly expressed its hopes that UNITAR begins its regular operations no later than the end of 1965<sup>268</sup>, which happened under the leadership of Mr. Gabriel d'Arboussier<sup>269</sup>. The Executive Director of UNITAR presents annually its reports to the General Assembly and ECOSOC on the activities of the Institute.

At the Board first session, the Secretary-General pointed out, in his opening statement the following elements: (1) the institute has the unique purpose of enhancing the effectiveness of the United Nations itself in pursuing its two major objectives, namely, the maintenance of peace and security and the promotion of economic and social

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263 A/RES/1827(XVII), 18 December 1962

264 A/RES/1934(XVIII), 11 Dec. 1963

265 ECOSOC Resolution 1037 (XXXVII) of 15 August 1964

266 Report of the Secretary-General on UNITAR, Doc. A/6027, 5 October 1965, p. 1

267 Report of the Secretary-General on UNITAR, op. cit. 266, p. 2 and 4

268 A/RES/2044(XX), 08 Dec. 1965

269 Executive Director of the Research Institute of the United Nations (1965-1967)

development and (2) the Institute's facilities for research, study and consultation, as well as for training, should be available to the whole United Nations family<sup>270</sup>.

Consequently, "the mandate of UNITAR is to enhance the efficiency of the United Nations, or to respond to specific needs expressed by Member States, through training and research in the areas of peace and security, and social and economic development .... While the former requires more emphasis and effort from UNITAR in the follow-up of ongoing discussions, debates and processes within the United Nations system per se, the latter demands that the Institute have more flexibility and resources to adapt to the needs of specific countries and regions in addressing particular problems"<sup>271</sup>.

The first report on the work of the UNITAR covered the period from March 1965, when the Institute's Board of Trustees held its first session. The report concluded that "both training and research are regarded as mutually reinforcing activities; some of the research will be devoted to content and methods of training and the training programmes will be utilized in various ways to support Research. In undertaking its research, the Institute will seek ways to serve as a medium of communication between the academic community and the United Nations"<sup>272</sup>. On the basis of this report, submitted by the Secretary-General, the UNGA adopted a resolution without vote<sup>273</sup>.

The special role and importance of UNITAR in the United Nations system are particularly stressed by two significant elements: one is the fact that the Board of Trustees of UNITAR, includes the Secretary-General, the President of the UNGA and the President of the ECOSOC; the other element is that the Executive Director of UNITAR is a full member of the Administrative Committee on Co-ordination (ACC), which is chaired by the Secretary-General and in which matters of concern to the United Nations system are discussed by the Executive Heads of all the major organizations of the United Nations system. No one among the directors of the other United Nations institutes, including the Rector of the United Nations University and the Rector of the University for Peace, is a member of ACC<sup>274</sup>.

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270 Full statement in Doc. UNITAR/BT/2

271 Note of the Secretary General, Training and Research: UNITAR, Doc. A/50/539, 10 October 1995, p. 59

272 Report of the Executive Director of UNITAR, Doc. A/6500, 8 November 1966, p. 2

273 A/RES/2044(XX), 08 Dec. 1965

274 Report of the Executive Director of UNITAR, Doc. A/39/14, 21 August 1984, p. 13

There are statutory connexions between UNITAR with the organizations of the United Nations family. In addition to having senior officials of the Secretariat on its staff, UNITAR is in touch with the departments and divisions of the Secretariat. The Institute has been invited to participate in the work of the committees and advisory bodies functioning within the United Nations, and a wide and effective connexion is sustained with the administrative and policy-making organs<sup>275</sup>.

In the sense the UNGA reaffirmed "the importance of cooperation and coordination between the Institute and the United Nations Secretariat, the specialized agencies, the regional economic commissions and other United Nations bodies –including the other institutes within the United Nations family–"<sup>276</sup>. In particular, UNGA welcomed the efforts of UNITAR to strengthen the coordination and cooperation with relevant organs and organizations within the United Nations system, such as the United Nations University<sup>277</sup>.

In order to strengthen the co-ordination of activities in the field of training among the various parts of the United Nations system, and to avoid duplication among the various training programmes under way in the United Nations, the Secretary-General has convened several meetings with the Executive Director of UNITAR, the Rector of the United Nations University, the Director-General for Development and International Economic Co-operation and the Assistant Secretary-General for Personnel Services<sup>278</sup>.

The year 1988 was essentially a year of transition for UNITAR. Initiated in response to the General Assembly<sup>279</sup>, the restructuring of the Institute was intensified and accelerated in the due course<sup>280</sup>. The UNGA requested the Secretary General to restructure the Institute in the areas of programme, finance and administration and budget. In this vein, "the responding organizations (UNU, UNRISD and UNIDIR) stressed that all voluntary-funded, autonomous institutions within the framework of the United Nations. Their financial resources were limited and their resulting budgetary constraints precluded their providing any financial support to the research activities of UNITAR"<sup>281</sup>.

In 1993 the UNGA requested to the Secretary General of the United Nations some proposals for "the enhancement of the research capacity

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275 Report of the Executive Director of UNITAR, Doc. A/6875, 25 October 1967, p. 16

276 A/RES/2388(XXIII), 19 Nov. 1968

277 A/RES/37/142, 17 Dec. 1982

278 Report of the Executive Director of UNITAR, Doc. A/37/14, 30 August 1982, p. 96

279 A/RES/341/172, 5 Dec. 1986

280 A/RES/42/197, 11 Dec. 1987

281 Report of the Executive Director of UNITAR, Doc. A/43/697, 12 October 1988, p. 8



of the United Nations system, including the possibility of transferring the non-training related research functions of the Institute to other appropriate United Nations bodies, such as the United Nations University, and the possibility of promoting cooperation mechanism with other relevant national and international research institutes”<sup>282</sup>.

Recently, the UNGA welcomed the progress made in building partnerships between UNITAR and other organizations and bodies of the United Nations system with respect to their training and capacity-development programmes. However, UNGA underlined the need to develop further and to expand the scope of those partnerships, in particular at the country level<sup>283</sup>.

The secretary-General also welcomes the link between the UNITAR and UPEACE proposed by the Commission<sup>284</sup>. The Commission outlined that “close links should be established between UNITAR and UPEACE, so that the latter, particularly in its initial period, might draw on the accumulated experience of the former and the education and research programmes of both might develop in concert”<sup>285</sup>.

Finally, on 24 April 2018, UPEACE and UNITAR signed an MoU to create academic programmes of mutual interest. Furthermore, both institutions promote the exchange of qualified students, promote the exchange of faculty for joint research and teaching and promote academic areas of mutual interest. UPEACE celebrated this opportunity to reaffirm its commitment to the work of the United Nations and its involvement with other UN and UN-affiliated institutions<sup>286</sup>.

In light of this MoU, UPEACE and UNITAR launched a joint programme - consisting of a face-to-face M.A., an online M.A., and a Certificate - on Development Studies and Diplomacy. The Master of Arts in Development Studies and Diplomacy is an interdisciplinary and holistic programme that will not only broaden student’s knowledge in the field of development studies, sustainability and diplomacy but it will also equip them with the required soft skills for a successful international career in any of these areas of expertise<sup>287</sup>.

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282 A/RES/48/207, 21 Dec. 1993

283 A/RES/62/210, 19 Dec. 2007

284 Report of the Secretary-General: Training and Research: University for Peace, UN Document A/35/468, 9 October 1980, p. 64

285 Report of the Secretary-General: Training and Research: University for Peace, UN Document A/35/468, 9 October 1980, para. 69, p. 18

286 <https://www.upeace.org/noticias/upeace-and-unitar-sign-mou>

287 <https://www.upeace.org/noticias/upeace-and-unitar-launch-joint-ma-programme-in-development-studies-and-diplomacy>

### 3.3.2. **United Nations University (UNU)**

In paragraph 7 of resolution 2691 (XXV) of 11 December 1970, the Secretary General was requested to submit to the General Assembly at its twenty-sixth session, through the ECOSOC, a report on the studies undertaken in pursuance of that resolution, together with any recommendations, so that the Assembly might take decisions on the question of the establishment of an international university at the earliest possible date.

In paragraph 2 of the above-mentioned resolution, the General Assembly invited "UNESCO to undertake, in co-operation with the United Nations organizations concerned and the university community throughout the world, studies of the educational, financial and organizational aspects of an international university, as recommended in General Conference resolution 1.242".

The Secretary-General called special attention to the following comments by the Director-General on the UNESCO feasibility study:

"The Director-General approves the fundamental aim assigned to the United Nations university in this study: he feels that the world does indeed stand in need of an institution for reflection, research and higher studies to deal, at a very high scientific level, with the problems which concern the whole of mankind and whose solution would help to achieve the ideals contained in the United Nations Charter."

In paragraph 3 of resolution 2691 (XXV) the Secretary-General was requested "to continue his consultations and studies, in close co-operation with the UNESCO and the UNITAR, relating to the problems which are primarily of concern to the United Nations in the context of the establishment of an international university".

On 11 December 1972, the UNGA decided "to establish an international university under the auspices of the United Nations to be known as the United Nations University". UNGA also decided that UNU should be conceived as part of the United Nations system and not of an intergovernmental organization, and that UNU should establish close relationship with UNESCO and UNITAR<sup>288</sup>.

On 6 December 1973, at its 28th session, the UNGA formally adopted the Charter of UNU<sup>289</sup>, by which outlined the following purposes in its article 1:

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<sup>288</sup> A/RES/2951(XXVII), 11 Dec. 1972

<sup>289</sup> A/9149/Add.2, resolution 3081 (XXVIII)

Firstly, "the United Nations University shall be an international community of scholars, engaged in research, post-graduate training and dissemination of knowledge in furtherance of the purposes and principles of the Charter of the United Nations. In achieving its stated objectives, it shall function under the joint sponsorship of the United Nations and the UNESCO, through a central programming and co-ordinating body and a network of research and post-graduated training centers and programmes located in the developed and developing countries"<sup>290</sup>

Secondly, "the University shall devote its work to research into the pressing global problems of human survival, development and welfare that are the concern of the United Nations and its agencies, with due attention to the social sciences and the humanities as well as natural sciences, pure and applied"<sup>291</sup>

Thirdly, "the research programmes of the institutions of the University shall include, among other subjects, co-existence between peoples having different cultures, languages and social systems; peaceful relations between States and the maintenance of peace and security; human rights; economic and social change and development; the environment and the proper use of resources; basic scientific research and the application of the results of science and technology in the interests of development and universal human values related to the improvement of the quality of life"<sup>292</sup>

In December 2008, the Council of the United Nations University adopted a proposal at its fifty-fifth session to build upon its existing joint graduate programmes and to develop and implement its own postgraduate degree programmes. In this sense, on 21 December 2009, the UNGA approved an amendments to the UNU Charter explicitly authorizing UNU to "grant and confer master's degrees and doctorates, diplomas, certificates and other academic distinctions under conditions laid down for that purpose in the statutes by the Council"<sup>293</sup>.

The Director-General of UNESCO concluded in his report about the results of the feasibility study concerning the UNU the following:

Firstly, although originally the terminology used was "international university", it was finally proposed the title of "United Nations University"

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<sup>290</sup> A/9149/Add.2, resolution 3081 (XXVIII), art. 1.1

<sup>291</sup> A/9149/Add.2, resolution 3081 (XXVIII), art. 1.2

<sup>292</sup> A/9149/Add.2, resolution 3081 (XXVIII), art. 1.3

<sup>293</sup> A/RES/64/225, Amendments to the Charter of the United Nations University, 25 March 2010, art. 1

due to many misunderstandings in the course of the discussions and consultations. Universities and university people protested against the use of the word "international", pointing out that the major universities of the world are international both in their outlook and in their intellectual mission. Also this title emphasized the links, which exist between this establishment and the United Nations system<sup>294</sup>.

Secondly, "the word "university" in itself should not immediately suggest a post-secondary educational establishment, like most existing universities for instance, but rather a composite body, a group of research workers performing functions which combine research, teaching and community service"<sup>295</sup>.

Thirdly, "the main purpose of a UNU could be to provide a centre - or, later, a network of centers - where problems of vital importance for the existence and survival of mankind could be examined<sup>296</sup>... the UNU might, in certain cases, be in a position to supply the organizations of the United Nations with data and findings which would assist them in reaching their decisions"<sup>297</sup>.

Fourthly, "the UNU should be planned as a centre, or network of centers, for co-ordination and discussion, where research workers from many different backgrounds could compare and analyze the results of their own work and that of their colleagues, with a view to finding new solutions by means of such co-operation. The United Nations university would therefore not be provided with complex and costly laboratories or scientific equipment for its day-to-day work: it is considered rather that the university or its various centres would establish affiliation arrangements with national universities and research institutes"<sup>298</sup>.

Fifthly, "the UNU functions would not include university teaching in the ordinary sense of the term, what is known as the "undergraduate" level in English terminology... This kind of teaching would duplicate the work already being done by existing institutions and, moreover, to organize such teaching would raise innumerable technical, political

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294 Report and comments of the Director General on the Results on the Feasibility Study concerning the International University, Doc. 88 EX/6, 3 September 1973, in Report of the Secretary-General, Question on the Establishment of an International University, Doc. A/8510, 11 November 1971, para. 7

295 Report and comments of the Director General on the Results on the Feasibility Study concerning the International University, Op. cit. 294, para. 7

296 Report and comments of the Director General on the Results on the Feasibility Study concerning the International University, Op. cit. 294, para. 10

297 Report and comments of the Director General on the Results on the Feasibility Study concerning the International University, Op. cit. 294, para. 11

298 Report and comments of the Director General on the Results on the Feasibility Study concerning the International University, Op. cit. 294, para. 13

and financial problems. The UNU could have affiliation arrangements with universities which do provide such teaching"<sup>299</sup>.

Sixthly, "the relations of the UNU with existing universities and research institutes outside the United Nations system would be of fundamental importance. The UNU would be a "brain bank", a centre for discussion and exchange of ideas. The UNU would differ fundamentally from nearly all existing universities"<sup>300</sup>.

Seventhly, "a decentralized model, but one including a co-coordinating and programming centre, seems preferable. "Decentralized" model should be taken to imply not only administrative but also geographical decentralization, involving different units in different parts of the world"<sup>301</sup>.

Seventhly, "the UNU and its various centres would be a meeting point for research workers from different countries and regions. It would permit cooperation not only between research workers from industrialized and developing countries, but it would be also provide opportunities for contacts and exchanges of ideas"<sup>302</sup>.

In the establishment of UPEACE, the Commission at its first session saw two possibilities: one would be an early conclusion of an agreement with UNU and the other would be to create UPEACE as subsidiary organ of the General Assembly<sup>303</sup>. In this sense, one of the conditions that the General Assembly asked the Commission was that UPEACE should be international in character and should be part of the UNU, and that the association which might link UPEACE with the UNU should be determined by common agreement between both institutions<sup>304</sup>. In that time, the Secretary-General hopes that a relationship agreement should be negotiated as soon as possible after the UPEACE legally comes into existence<sup>305</sup>.

UPEACE was not designed to compete with the already established UNU. On the contrary, UPEACE sought to be part of the UNU system,

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299 Report and comments of the Director General on the Results on the Feasibility Study concerning the International University, Op. cit. 294, para. 14

300 Report and comments of the Director General on the Results on the Feasibility Study concerning the International University, Op. cit. 294, para. 18

301 Report and comments of the Director General on the Results on the Feasibility Study concerning the International University, Op. cit. 294, para. 35

302 Report and comments of the Director General on the Results on the Feasibility Study concerning the International University, Op. cit. 294, para. 19

303 Report of the Secretary-General: Training and Research: University for Peace, op. cit. 231, para. 14, p. 5

304 UNGA Res. 34/111, Establishment of a University for Peace, 14 December 1979, para. 2

305 Report of the Secretary-General: Training and Research: University for Peace, op. cit. 231, para. 14, p. 21

and, on that point, reference was made to UNGA resolution establishing UNU by which outlines that the "structure of UNU should consist of a programming and coordinating central organ and a decentralized system of affiliated institutions"<sup>306</sup>. However, while there were support in varying degrees for the proposed UPEACE, several Governments<sup>307</sup> felt that it was not appropriate, at that stage, to take a decision towards establishing the proposed institution within UNU system<sup>308</sup>.

In view of this situation, at its twelfth session, held in Tokyo from 25 to 29 June 1979, the Council of the UNU welcomed the initiative taken by the President of Costa Rica to establish UPEACE and included in its opinion the following statement:

"Since the bold idea of the University for Peace is still in the first stage of its formulation, the Council cannot determine at this point in time how and whether the UNU could include the proposed university within its system. Concerned as it is with the difficult problem of the financing of that system, it stresses that the financing of the proposed new university should be planned and organized in such a manner that it involves no diversion of financial resources for the UNU"

"The Council would give the fullest consideration in the future, however, to including UPEACE as an associated institution if, as an autonomous body, it establishes programmes which contribute to the effective operation of the network of collaborating institutions within the UNU system"<sup>309</sup>.

Finally, it was agreed that UPEACE shall have the legal status necessary to enable it to fulfill its purpose. It may enter into association with or conclude agreements with similar organizations, governments, international or private organizations and in particular, with the UNU. After the UPEACE has been established the association which may link it with the UNU, should be determined by common agreement between the two institutions<sup>310</sup>.

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306 UNGA Res. 2951 (XXVII), Establishment of a United Nations University, 11 December 1972, para. 2.e

307 Australia, Canada, Cyprus, France, Ghana, Guatemala, Indonesia, Japan, Mauritius and Niger.  
308 Report of the Secretary General on the question of the establishment of UPEACE, A/34/496, 1 October 1979

309 Opinion of the Council of UNU on the proposal of the Republic of Costa Rica for the establishment of UPEACE, Doc. Official Records of the General Assembly, Thirty-fourth session, Supplement No. 31 (A/34/31), annex VII

310 Report of the Secretary-General: Training and Research: University for Peace, op. cit. 231, para. 3, p. 24

The Secretary-General of the United Nations also believed that it is important that the Council of the UNU expedite completion of its consultation with the Costa Rican Government on the proposed UPEACE. The Secretary-General also believed that such consultations should be greatly facilitated if the General Assembly were to provide further guidance on ways and means of ensuring further elaboration of the proposal submitted by the Government of Costa Rica<sup>311</sup>.

To reach this future agreement between UPEACE and UNU under the leadership of the Costa Rican Government, there are three main questions which require careful consideration and clarification: (a) the relation of the new institution to the UNU; (b) possible duplication between the activities of the UPEACE and those of other existing institutions; and (c) provision of the necessary financial resources<sup>312</sup>.

In regards to the relationship between UPEACE and UNU, the Executive Board of UNESCO outlined that there could exist two possible options: "firstly, the feasibility and the desirability of the proposal to make the University for Peace a part of the system of the UNU; and, alternatively, a co-operation scheme whereby only certain institutes of the UPEACE would be associated with the work of the UNU in accordance with procedures to be determined by the Council of the UNU, in line with the provisions of its Charter"<sup>313</sup>.

UNESCO also commended that Costa Rica's long peace-loving and democratic tradition and its exemplary efforts and achievements in the field of education give to that country a moral authority that makes it particularly well-placed to host an international institution dedicated to peace.

### **3.3.3. United Nations Institute for Disarmament Research**

The United Nations Institute for Disarmament Research (UNIDIR), which had been established pursuant to General Assembly resolution 34/83 M of 11 December 1979 within the framework of UNITAR as an interim arrangement, became an autonomous institution within the United Nations in January 1983.

In adopting resolution 37/99 K section IV, on 13 December 1982, the Assembly recognized that, in order to facilitate progress through

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311 Report of the Secretary General on the question of the establishment of UPEACE, A/34/496, 1 October 1979, para. 15

312 Report of the Secretary General on the question of the establishment of UPEACE, A/34/496, 1 October 1979, para. 14

313 Decision 5.1.2 of the Executive Board of UNESCO concerning the proposal for the establishment of UPEACE, para. 7.1

negotiations towards greater security for all States, the international community required more diversified and complete data on problems relating to international security, the armaments race and disarmament. Sustained research and study of these problems in greater depth and with scientific rigor would, furthermore, enhance negotiations and the efforts to attain greater security at a lower level of armaments.

As a result, while expressing its gratitude to the Board of Trustees of UNITAR for its contribution to the establishment and development of UNIDIR, and noting with satisfaction the activities which it had already carried out, the Assembly decided that the UNITAR would henceforth function as an autonomous body working in close cooperation with the Department for Disarmament Affairs and would be organized in a manner to ensure participation on an equitable political and geographical basis. The secretary-General's Advisory Board on Disarmament Studies would function as the Board of Trustees of the Institute and this Board would draft a statute of UNIDIR to be submitted to the Assembly at its thirty-eighth session along the lines of the Institute's current mandate. The UNIDIR would be funded by voluntary contributions from Member States and public and private organizations, and the Assembly called upon Government to consider offering contributions to the Institute.

A number of significant studies were issued during the work continued on the projects begun in 1982, including studies on the lowering of the level of armaments, on disarmament as a vehicle for achieving a new international security order and on science and technology for disarmament. The Director of UNIDIR reports to the General Assembly on the activities carried out by the Institute.

On 18 December 2020, the UNGA adopted a resolution on the "Fortieth anniversary of the UNIDIR" by which "welcomes the fortieth anniversary of the establishment of the United Nations Institute for Disarmament Research" (para. 1); "recognizes the importance, the timeliness and the high quality of the work of the Institute" (para. 2) and "reiterates its conviction that the Institute should continue to conduct independent research on problems relating to disarmament and security and to undertake specialized research requiring a high degree of expertise" (para. 3)<sup>314</sup>.

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314 UNGA Res. 75/82, Fortieth anniversary of the UNIDIR, 18 December 2020



### 3.3.4. **United Nations System Staff College**

At the beginning of the 1970s, it was suggested to organize training programmes of the “staff college” type to provide United Nations system staff with the skills, knowledge and techniques necessary to respond efficiently and effectively to the requirements of the Member States. UNITAR, the Administrative Committee on Coordination and, to a certain extent, the Fifth Committee of the General Assembly supported the initiative. The idea was later dropped because of financial complications. But the need for a staff college continued to be felt<sup>315</sup>.

Following the positive findings of a 1995 feasibility study undertaken by the United Nations in collaboration with the International Training Center/ILO, the United Nations Secretary-General established United Nations Staff College Project (UNSCP) on 8 January 1996 in his capacity as Chairman of Administrative Committee on Co-ordination (ACC). The project, received the support of the executive heads of the United Nations system organizations<sup>316</sup>.

The Secretary-General opened UNSCP officially in April 1997. The Office of Legal Affairs replied that UNSCP is a United Nations project initiated by the Secretary-General and under its overall guidance. The United Nations has entrusted the implementation of UNSCP and its overall management to the ILO International Training Centre at Turin<sup>317</sup>.

UNSCP is a system-wide training and learning venture executed by International Training Center /ILO on behalf of the United Nations system. It is conceived as an interconnected, system-wide network of learning programmes and opportunities, which offers the interorganizational dimension and cooperation with the public and private sectors. The main objective of UNSCP is to design and deliver system-wide training for both United Nations staff and national partners in order to (a) strengthen management capacities and promote a more cohesive management culture; and (b) build more effective cross-programme linkages and support cross-sectoral integration in the major areas of activity of the United Nations<sup>318</sup>.

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315 Joint Inspection Unit, Training and Research: UNITAR, Doc. A/52/559, 3 November 1997, para. 77

316 Joint Inspection Unit, Training and Research: UNITAR, Doc. A/52/559, 3 November 1997, para. 78

317 Joint Inspection Unit, Training and Research: UNITAR, Doc. A/52/559, 3 November 1997, para. 79

318 Joint Inspection Unit, Training and Research: UNITAR, Doc. A/52/559, 3 November 1997, para. 80

According to the UNSCP architects, the additionality will be achieved through (a) building on shared experiences and lessons learned to strengthen coordination and collaboration among partners in endeavours that cut across traditional lines of organizational responsibility; (b) building a shared vision for the future and finding commonalities of approach and opportunities to increase effectiveness; and (c) building a shared management philosophy and approach to form a United Nations system management culture<sup>319</sup>.

The declared aim of UNSCP is not only to supplement and expand training in areas of common concern but also to pool resources and share experiences as appropriate. In his July 1997 report, entitled "Renewing the United Nations: a programme for reform", the Secretary-General observed that "the United Nations Staff College will be requested, in preparing programmes for international civil servants throughout the United Nations system, to make full use of the research and capacity-building experience of the research institutes"<sup>320</sup>

UNSCP work areas are as follows: (a) support of peacekeeping, peacemaking and peace-building and management of complex emergencies and post-conflict recovery, representing a combination of joint training and shared reflection on key aspects of field operations in those areas and their cross-sectoral and inter-institutional dimensions; (b) support of management development, organizational learning and change in the United Nations system; and (c) support of economic and social development, development management and development studies<sup>321</sup>.

Mr. Fernando Blasco has served as Vice-President of the Council of the University for Peace (UPEACE) since October 2015 and he teaches on Conflict Resolution, as well as Peace and Development for the University's Master Program. He consults to the United Nations System Staff College (UNSSC) and teaches in several programs of the UNSSC.

## **Conclusions**

1. The term of intergovernmental organization (IGO) refers to an organization composed primarily of sovereign states. IGOs are established by treaty or other agreement that acts as a charter creating the group.

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319 Joint Inspection Unit, Training and Research: UNITAR, Doc. A/52/559, 3 November 1997, para. 81

320 UNGA Res. A/51/950, action 29 (b)

321 Joint Inspection Unit, Training and Research: UNITAR, Doc. A/52/559, 3 November 1997, para. 84

2. Alongside the Universal Postal Union, one of the oldest universal IGOs is the League of Nations which was founded by the Treaty of Versailles as a conclusion of World War I on 28 June 1919. In substitution of the League of Nations and founded in 1945, the United Nations is the single largest IGOs in the world after the adoption of the UN Charter in San Francisco.

3. Although the number of IGOs is really high, the number of IGOs having received a standing invitation to participate as Observers in the sessions and the work of the General Assembly and maintaining Permanent Offices at Headquarters is very limited.

4. Created in 1945 by another international treaty, the UNESCO is an IGOs which purpose is to avoid wars. In this line and established in 1980 by another international treaty, UPEACE is the only IGOs which participates as Observer in the UN headquarters in New York and UN Office in Geneva. The International Treaty of UPEACE is deposited in the Secretariat of the UN headquarters in New York, to which 41 Member States of the United Nations have acceded.

5. UNESCO is an IGOs while that has made the transition from an IGOs to Specialized Agency. Article X of the UNESCO Constitution provides that the Organization shall be brought into relation with the United Nations. This relationship was effected through an agreement, which is considered an agreement under public international law between international organizations. The International Organization for Migration (IOM) is the most recent case of an IGOs which has become part of the UN family. Only IGOs can become a Specialized Agency of the United Nations.

6. The General Assembly approved in 1979 the idea of establishing a university for peace. The Commission agreed to recommend to the General Assembly that it should be established in accordance with the terms of an international agreement to be open to signature by all States, and by not an agreement with UNU or as a UN subsidiary organ.

7. The Commission established by UNGA outlined the specificity of UPEACE, such as: it shall grant masters' degrees and doctorates recognised by the Ministry of Education of Costa Rica; it will enjoy independence in its teaching, research and academic freedom; it will not have any financial implications for the budget of the United Nations; it will perform a teaching function; it will define new rights and promote other rights that may now be seen as fundamental; it will capitalize on the accumulated wisdom and also on the arts - so varied

yet intermingling of all human cultures; it will involve in its research the underprivileged and silent groups; it will be gradually to assist in the promotion of changes in national and international life; it will achieve and ensure through education the most valuable and most effective resource that man possesses.

8. A subsidiary organ is one which is established by or under the authority of a principal organ of the United Nations. Such an organ is an integral part of the Organization. In general terms, the initiative for establishing subsidiary comes from the General Assembly. Although subsidiary organs can enjoy a considerable degree of autonomy from their parent organs, they can never be completely independent. In view of the wide spectrum of functions entrusted to subsidiary organs, there is a specific category for those institutions devoted to training and research, such as UNITAR, UNU and UNIDIR.

9. The mandate of UNITAR is to enhance the efficiency of the United Nations, or to respond to specific needs expressed by Member States, through training and research in the areas of peace and security, and social and economic development. There are statutory connexions between UNITAR with the organizations of the United Nations family. UNGA welcomed the efforts of UNITAR to strengthen the coordination and cooperation with relevant organs and organizations within the United Nations system, such as the UNU. The secretary-General also welcomes the link between the UNITAR and UPEACE proposed by the Commission. On 24 April 2018, UPEACE and UNITAR signed an MoU to create academic programmes of mutual interest.

10. In 1972, the UNGA decided to establish an international university under the auspices of the United Nations to be known as the United Nations University. In accordance with its Charter, UNU shall be an international community of scholars, engaged in research, post-graduate training and dissemination of knowledge. The Director-General of UNESCO concluded in his report about the results of the feasibility study concerning the UNU the following: although originally the terminology used was "international university", it was finally proposed the title of "United Nations University" for the complaint and misunderstanding of the university community; the word "university" in itself should not immediately suggest a post-secondary educational establishment for UNU, like most existing universities; its main purpose could be to provide a centre - or, later, a network of centers; its functions would not include university teaching in the ordinary sense of the term;

it would be a “brain bank”, a centre for discussion and exchange of ideas and not a regular University.

11. The Secretary-General hoped that a relationship agreement between UNU and UPEACE should be negotiated as soon as possible after the UPEACE legally comes into existence. Several Governments felt that it was not appropriate to take a decision towards establishing UPEACE within UNU system. To reach this future agreement between UPEACE and UNU under the leadership of the Costa Rican Government, there are three main questions: (a) the relation of the new institution to the UNU; (b) possible duplication between the activities of the UPEACE and those of other existing institutions; and (c) provision of the necessary financial resources. The Executive Board of UNESCO outlined that there could exist two possible options: to make the UPEACE a part of the system of the UNU or to associate only certain institutes of the UPEACE with the work of the UNU.

12. UNIDIR became an autonomous institution within the United Nations in January 1983. In 2020, the UNGA adopted a resolution on the “Fortieth anniversary of the UNIDIR” by which “welcomes the fortieth anniversary of the establishment of the UNIDIR”. On the other side, UNSCP is a system-wide training and learning venture executed by International Training Center /ILO on behalf of the United Nations system. It is conceived as an interconnected, system-wide network of learning programmes and opportunities, which offers the interorganizational dimension and cooperation with the public and private sectors.



# **“Multilateralism, human rights and peace. The Order of Malta’s approach to multilateralism”**

**H.E. Mrs. Marie-Thérèse Pictet-Althann**

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## **Introduction**

During its 970-year history, the Sovereign Order of Malta experienced several phases in its relationships with the political actors of the time. Thanks to papal deeds, the Order’s independence from other nations constituted the grounds for its **international sovereignty**. This included the universally recognized right to maintain and deploy armed forces and to appoint ambassadors. During the 17th and 18th centuries, no nation with political, military or commercial interests in the Mediterranean could avoid dealing with the Knights of the Order reigning over Malta. After the loss of its Maltese territory, the Order settled in Italy in 1834, establishing its headquarters in Rome where they are to this day. In the second half of the 19th century, the Order’s original mission of medical and social assistance again became its main focus, intensifying with large-scale hospitaller and charitable works during the two World Wars. While, in the 20<sup>th</sup> century, the Order’s activities reached the furthestmost regions of the world, it adapted at the same time to the new emerging global order.

As a lay religious order of the Catholic Church, subject sui generis of international law and a humanitarian institution, the Order of Malta occupies a unique position within the community of nations. Its increasing involvement during recent years in multilateral diplomacy is closely linked to its spiritual and humanitarian mission - ***Tuitio fidei et obsequium pauperum - protect the faith and serve the sick and the poor.***

The Order of Malta’s multilateral engagement began with its participation as an observer to the 1929, 1949 and 1974-1977 Diplomatic Conferences that adopted the Geneva Conventions and their Additional Protocols which form the core of International Humanitarian Law.

From 1958 to 1994 the Order was represented by an official delegate to several international institutions in Geneva and New York.

On 30th August 1994, the United Nations General Assembly adopted resolution A/RES/48/265 granting **Permanent Observer status** to the Sovereign Order of Malta, thereby recognizing the Order's "long-standing dedication in providing humanitarian assistance and its special role in international humanitarian relations". This development was of great significance to the Order's multilateral and bilateral diplomacy to the point that it generated a large increase in diplomatic relations. Since then, the Order has maintained Permanent Missions to the United Nations and other international organizations in New York, Geneva, Vienna, Rome, Paris, and more recently in Nairobi and Bangkok. At the same time its bilateral relations have increased to 110 States and the European Union.

### **Humanitarian diplomacy**

The diplomatic activity of the Sovereign Order of Malta is distinct from that of nation States. It has another dimension and other aims: having no longer a territory to defend, economic or trade interests to promote, the Order of Malta does not position itself in international conflicts. It acts to promote ethical and spiritual values, through its medical, social and humanitarian action, and in emergency situations. It does not pursue any economic or political goal nor depend on any other State or government.

The humanitarian activities of the Order of Malta around the world are largely facilitated by the existence of its diplomatic network, which strengthens the relationships with the governments of the countries in which it operates, thus offering direct access to national authorities and international organisations. They provide a channel which helps the entities of the Order in developing medical and humanitarian projects in accordance with local needs. The Order's sovereignty, together with its diplomatic status, plays a pivotal role in its ability to help people in need, creating an asset for the Catholic Church and for the countries where it works. On the international political stage, the Order of Malta is **neutral, impartial and non-political**, which allows it to provide assistance in situations where other organisations have difficulty of access. Because of these characteristics, it can act as a mediator whenever a State requests its intervention to help settle a dispute.

Through its humanitarian diplomacy, the Order of Malta engages in multilateralism on different levels. It aims to fully recognize the diversity



and the equal value of all partners so as to uphold human dignity and care for those in need. Through its National Associations and its worldwide relief agency, Malteser International, it provides medical and social assistance in 120 countries. Its diversified programmes are run independently or in partnership with governments and international agencies. Malteser International operates in areas affected by natural disasters, conflicts and massive displacement. It focuses on delivering emergency relief, medical and social assistance, humanitarian supplies, shelter, food and clean water. At the same time, it implements rehabilitation, reconstruction and disaster risk reduction measures.

Thanks to international **cooperation agreements** signed with more than 50 States the organisations of the Order on the ground have an operating framework that favours the efficacy and the durability of its actions.

### **Multilateral background**

The core of humanitarian operations is multilateral cooperation to assist and protect victims of natural disasters, armed conflicts and other emergencies. The Order of Malta has a policy of forging active relationships with the major international organisations involved in humanitarian work, seeking to work in partnership with key international players as well as governmental and non-governmental organisations.

The main organizations with which the Order of Malta cooperates in its global activities have their headquarters in Geneva. Areas of expertise of particular interest to the Order are peace and security, humanitarian action, international humanitarian and human rights law, migration, refugees, health, human trafficking, the environment, and sustainable development.

Considered the global hub of human rights and humanitarian affairs, "**International Geneva**" comprises the United Nations, 40 International Organizations and some 750 registered NGOs.

Bringing together thousands of delegations, it is the largest centre for multilateral diplomacy and one of the foremost centres of global governance in the world. In 2019 more than 12,300 meetings, conferences and events were hosted at the Palais des Nations alone, with the attendance of around 4'700 VIPs, including 97 heads of state.

"International Geneva" thus offers a unique platform for the Order of Malta to engage actively in international affairs through the United

Nations and its agencies, inter-governmental and non-governmental organizations, academia, think tanks, private sector, and civil society.

### **Multilateral activities**

The principal task of the Order of Malta's multilateral diplomacy is to develop and strengthen its relations, promote cooperation and forge partnerships with the **United Nations** and other international organisations, to inform the community of nations on its actions worldwide, as well as to promote its ideals which are closely linked to the UN Charter's principles and the **Sustainable Development Goals** adopted by all Member States in 2015.

The objectives of the Order's humanitarian multilateralism are to foster the exchange of information and best practices while contributing and sharing its expertise in the following fields:

Global displacement – refugees, migrants, internally displaced and stateless persons;

Humanitarian assistance – emergency, armed conflicts, natural disasters and risk reduction;

Global health – water, sanitation and hygiene, WHO health cluster, universal health coverage, medical care for vulnerable populations;

Human rights – thematic issues such as freedom of religion or belief, human trafficking, violence against women and children, rights to food, water and sanitation, rights of minorities, persons with disabilities, older persons;

Social justice and integration – reduction of inequalities and poverty, peacebuilding and resilience, capacity building and social support, development.

### **Entities and actors**

UN Office Geneva: diplomatic, political, cultural, and social activities;

UN High Commissioner for Refugees: refugee policy and facilitation for cooperation in the field;

International Organisation for Migration: cooperation agreement in the areas of medical, social, and emergency assistance;

World Health Organisation: partnership in the Global Health Cluster;

UN Office for the Coordination of Humanitarian Affairs: coordination during crisis situations;

UN Human Rights Council: participation in debates on thematic and certain country-specific issues regarding human rights violations.

A concrete example of the Order of Malta's active participation in the work of these organizations were the consultations leading up to the adoption by the UN General Assembly of the Global Compacts on Refugees & for Safe, orderly and regular Migration in 2018 and the first Global Refugee Forum in 2019.

The Order of Malta also cooperates with other institutions, such as the Geneva Centre for Human Rights Advancement and Global Dialogue, the World Council Churches, the International Committee of the Red Cross, the International Federation of the Red Cross and Red Crescent Societies, the Geneva Peacebuilding Platform, the International Catholic Migration Commission.

### **Religious dimension**

Multilateralism and religion are complementary in the sense that they have common values and share the aims for peace, protection of human dignity and diversity in all its forms. Mutual respect and a balance between Religion and State are necessary to build inclusive societies that observe religious beliefs and cultural identities which are inextricably connected. This reflects the 84% of the world's population that identifies itself with a faith or belief. Thus, religion has become a **central topic** on to-day's international policy agenda. Governments need to take into account the return of religion in public life and its growing importance on the multilateral stage. In parallel we are witnessing the gaining of strength and visibility of the role of religious institutions and faith-based organisations in this global architecture.

It is generally recognized that religious traditions can have a strong impact on foreign affairs, in particular in the context of conflict and peace. Decision makers need to recognize religion's contribution to conflict prevention and peacebuilding.

**Interfaith dialogue**, as well as cooperation between multireligious actors plants seeds of peace, creating a bond of mutual trust and confidence among people of different faiths and religions. They are often trusted first responders and long-term community partners in crisis situations.

It is therefore our experience that genuine multilateralism needs to integrate the religious dimension so as to be directly connected to the communities we serve.

## Challenges

The present crisis of politics in many parts of the world has repercussions on the entire multilateral system. In our fast-moving world, multilateral cooperation will only achieve its goals, if it becomes more flexible and inclusive through reform, regardless of dominant political interests.

The multi-actor approach to collective responses has evolved from finding solutions based on country perspectives to integrating civil society, private companies and local authorities. As a result, the international community has for some years been calling for an in-depth **reform** from inside and outside of the United Nations and its specialized agencies. The objective is to create global momentum and political determination in order to deliver better for people across the world. However, such reforms are slow moving and require a change in our thinking. In this sense it was encouraging to witness the dynamics initiated by the 2016 UN World Humanitarian Summit in Istanbul with its inclusive participation of all stakeholders, their diversity of voices, and their convergence around key issues and ideas. The realization that existing barriers needed to be broken down by ensuring full cooperation with and representation of those concerned at all levels including that of decision-making. The Summit generated over 3,000 commitments to action, and over 2,500 alignments with the core commitments to deliver the Agenda for Humanity. Despite these successes, numerous challenges remain with regard to their implementation on the ground.

Regarding the **2030 Agenda**, multilateralism is key to achieving the **Sustainable Development Goals**, many of which are still far from being met. Insufficient progress is being made in the fight against poverty, hunger, climate change and persistent inequalities, resulting in conflict and displacement.

Further fields in which the role of multilateralism has become essential are global health, science and technology. The worldwide Covid-19 pandemic illustrates this clearly, as well as the necessity to implement structural reforms in all related areas. The Order of Malta's contribution to fight the virus included different approaches such as adapting its medico-social projects to the crisis. Right from the beginning of this ambitious endeavour, it was clear that the Covid 19 pandemic represented a common threat, and that any proposal addressing the challenges it posed was doomed to fail without a global and transnational approach. While the scientific community has made incredible leaps in the research and development of multiple

effective vaccines, it is obvious that a full understanding of the virus and its effects is still far away. To this end, the mechanism of regular discussions between medical experts represents an essential tool for progress towards effective responses. In contribution to these efforts, the Order of Malta initiated the “Doctor to Doctor” project bringing together expertise on a virtual platform to facilitate a better understanding of the Covid-19 pandemic. It was developed precisely to allow medical personnel, scientists and health authorities of different countries, confronting the same unprecedented grave health hazard - with its far-reaching social implications -, to learn from one another. They share knowledge on the latest medical advances and protocols in the treatment of Covid 19 patients, and on containment strategies.

### **Perspectives**

Throughout the years, multilateralism has proven to be the most appropriate tool by which the international community can face the tasks of our times.

The world faces unprecedented crises which call for a truly **universal approach** and the development of global strategies to contain them. In addition to man-made and natural disasters, a number of wide spread trends such as demographic growth, increasing urbanization, poverty, food security, water scarcity and climate change trigger major population movements leading to new crisis situations. Furthermore, development, employment, health emergencies, terrorism, asymmetric threats, organised crimes, radicalism and cybersecurity can only be addressed successfully by all actors working together in a spirit of solidarity, cooperation and burden sharing. Climate change is presently considered the most overwhelming long-term issue requiring unprecedented efforts by all parties. It has become a top priority on the multilateral agenda that is being addressed by concerted action for universal application.

The **renewal of multilateral cooperation** in the 21st century requires new tools to strengthen its diversity and ensure that forward looking players are part of an inclusive global approach. Strategic reforms within the United Nations and its agencies need to be pursued and adequate funding guaranteed by Member States and the private sector. This entails a shift in the UN's organizational culture and mentalities at all levels.

In this framework the “Geneva Science and Diplomacy Foundation” is a perfect example. Its aim is to bring science and diplomacy together

by identifying tomorrow's scientific innovations, anticipating their impact on our societies and integrating them into the international ecosystem. A further multi-stakeholder initiative is the "SDG Lab" which was launched to contribute to the implementation of the Sustainable Development Goals. It creates space for interdisciplinary and multisectoral collaboration providing a platform to innovate and experiment.

**Humanitarian law** is an essential element to limit the devastating effects of armed conflicts and ensure protection of innocent civilians and forcibly displaced persons. The Order of Malta is ready to support global efforts to further develop tools adapted to modern crisis situations so as to alleviate physical, moral and spiritual sufferings and reduce the risks of conflicts. No country has enough influence to pursue such ambitious aims alone. Furthermore, we need to pursue our endeavours with regard to promoting respect and achieving the worldwide fulfilment of human rights, thereby advocating for the rights of the most vulnerable.

Through its contribution to the strengthening of multilateralism, the Order of Malta aims to consolidate the protection of all persons and the promotion of human dignity and **freedom of religion**. In this spirit the Order of Malta is about to launch "Religions in action – Compact for religious communities and faith-based organizations responding to conflict situations and humanitarian emergencies." This document will be presented at the upcoming G20 Interfaith Forum scheduled to be held during the G20 Italian Presidency. The Compact aims to provide a reference framework for religious communities and FBOs, as they strive to de-escalate tensions, build bridges of dialogue, and deliver humanitarian relief and assistance. It appeals to the moral values that are universally shared, by those with faith and other persons of good will, and which are committed to the protection of human life and dignity. The Compact has a special focus on the relation between Islam and Christianity with inputs from both faith groups. It contains principles and guidelines on the role of religious communities and institutions in resolving crises.

Today, more than ever before, every person of good will must raise her/his voice to guarantee the rights of all human beings, protect human dignity and foster international cooperation and solidarity. Multilateralism allows all parties to participate in the decision-making process. A new impetus in favour of the multilateral option can only be generated by a strong political will based on mutual respect and

understanding between all members of the international community. The responsibility of multilateral action must be to address growing and ever more complex local and global challenges through dialogue, persuasion and in accordance with international legal standards and norms. When countries seek collegial agreements in multilateral negotiations, there is a strong probability of achieving settlements of disputes, thereby ensuring progress towards the ultimate goal of international peace and security.

The Sovereign Order of Malta shares and is fully committed to these objectives by serving persons in need and promoting better mutual understanding within the community of nations. Its diplomatic network aims to contribute to peace among peoples in the interest of the common good of all humankind.





**UNITED NATIONS HUMAN RIGHTS ARCHITECTURE**  
**United Nations bodies and processes**  
**“Special Procedures of the Human Rights Council”**

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**Introduction**

One of the main tenets of the United Nations is to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to that end, to work in unison to maintain international peace and security. The purpose of the Organization to maintain international peace and security and to bring about by peaceful means the settlement of international disputes or situations which might lead to a breach of the peace, in conformity with the principles of justice and international law.

In 1945, the *UN Charter* established the three founding pillars of the UN system: human rights, peace and security, and development. In 2005, the *World Summit Outcome Document* 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”. Since then, these pillars have provided the framework for the UN to tackle global challenges and crises.

At the 2005 World Summit the world leaders reaffirmed their commitment to the universal and indivisible nature of human rights. The increasing importance attributed to human rights within the constitutional structure of the United Nations is evidenced by the creation of the Human Rights Council (HRC) in 2008 alongside the Security Council and Economic and Social Council. Although the HRC was not elevated to a principal organ, its status was raised by establishing it as a subsidiary organ of the United Nations General Assembly (UNGA).

### **Special procedures in conflict situation**

In accordance to the Preamble of Resolution 60/251 of UNGA, which created the HRC, the three UN pillars were again recognized as interlinked and mutually reinforcing. The UNGA clearly decided that the Council should address situations of gross and systematic violations of human rights and also contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies.

The special procedures of the HRC are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. There are 44 thematic and 11 country mandates. With the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR), special procedures undertake country visits; act on individual cases of reported violations; conduct annual thematic studies; contribute to the development of international human rights standards and provide advice for technical cooperation.

On 24 February 2020, Mrs. Michelle Bachelet, United Nations High Commissioner for Human Rights outlined in the context of the workshop on ***Strengthening the Prevention Mandate of the HRC*** that the Council and its mechanisms have contributed to the prevention. She added that “experience demonstrates that the implementation of detailed, expert human rights recommendations and guidance, including from Special Procedures and mandated investigative bodies, has an important preventive role”.

In response of human rights violations in conflict situation, the HRC has convened several special sessions. Most of them have finished with the adoption of a resolution, by which the HRC decided to dispatch a fact-finding mission or independent commission of inquiry with the mandate to assess the human rights situation of the specific country upon review. These missions are usually comprised by one or several highly qualified persons, whose are appointed by the President of the HRC, after consulting with the members of the HRC.

The positive added value of the HRC, and in particular its special sessions, is to focus on those who truly suffer in a conflict: human beings and peoples. It is a forum for dialogue, not confrontation, which always works by and for the victims. Its primary objective is to safeguard the human rights of all persons and to address the desperate human rights crisis.

It follows that the obligation of the HRC is to respond, examine, denounce, intervene and react to egregious human rights violations in concert with other UN bodies, putting an immediate end to ongoing violence and finding a peaceful and durable solution to the specific conflict. Furthermore, it is imperative of the HRC to have a greater understanding of the causes and consequences of conflict in order to decrease and alleviate the suffering of victims through the adoption of particular recommendations.

As indicated by the special procedures, in a context of an armed conflict there is always a gross and systematic violation of all human rights and fundamental freedoms, such as extrajudicial killings, summary executions, sexual violence, looting, forced displacement, large-scale of arrest, abductions, forced recruitment of children, beatings, disappearance, torture, arbitrary detention, forced labour practices or lack of fundamental economic rights (*i.e.* food, water, medicines).

To achieve a genuine peace and stability, the special procedures suggest that a country in conflict should firstly cease all type of violence (*i.e.* cease-fire). Secondly, States should re-establish again the full respect and implementation of fundamental rights and freedoms and thirdly, to identify the most appropriate solutions for a peaceful settlement of the crisis and to promote a national dialogue and reconciliation.

Additionally, the special procedures have stressed that the roots of conflicts which have recently shaken some specific countries, where population live below poverty, are not new. In accordance with the statements delivered by the different stakeholders during the Special Sessions, States should apply long-term strategies for development, reduce poverty, finish with the impunity/rule of law and strengthen international.

### **Special procedures and prevention**

On 31 January 1992, the first ever Summit Meeting of the Security Council was convened at the Headquarters of the United Nations in New York. As indicated by Boutros Boutros-Ghali, former Secretary-General of the United Nations, in his report on the Agenda for Peace, '[t]he January 1992 Summit therefore represented an unprecedented recommitment, at the highest level, to the Purposes and Principles of the *Charter*.' He also stressed that the sources of conflict and war are pervasive and deep and that to eliminate them will require efforts to enhance respect of human rights and fundamental freedoms and

also to promote the sustainable economic and social development for wider prosperity.

Pursuant to the UNGA Resolution 47/120 ***An Agenda for Peace: Preventive Diplomacy and Related Matters*** of 1993, the building of peace and security can be only construed within the United Nations. As indicated in the report 'Prevention of Armed Conflict' of 2001, the Secretary-General stressed that the Charter provides the United Nations with a strong mandate for preventing armed conflict. He added that the prevention is more desirable to ensure lasting peace and security than trying to stop it or alleviate its symptoms. It follows that conflict prevention becomes the cornerstone of the UN collective security system.

The Secretary-General also stated that in the twenty-first century, collective security should imply an obligation to address tensions, grievances, inequality, injustice, intolerance and hostilities at the earliest stage possible, before the conflict erupts. He also indicated that this understanding brings the United Nations back to its roots as the Charter, and in particular Art. 55, creates the basis for elaborating a more comprehensive and long-term approach to conflict prevention.

Both the ***United Nations Millennium Declaration*** adopted by the UNGA in its Resolution 55/2 (2000) and Resolution 1318 (2000) adopted by the Security Council recognized the vital role of all parts of the United Nations system in conflict prevention, peaceful resolution of disputes, peacekeeping, post-conflict peace-building and reconstruction and also pledged to enhance the effectiveness of the United Nations in this field. As recognised by the Secretary General, the promotion and protection of all human rights is an important legal tool aimed at preventing armed conflicts in the world.

Sustainable and long-term prevention of armed conflict must include a focus on strengthening respect for human rights and addressing core issues of human rights violations, wherever these occur. Efforts to prevent armed conflict should promote a broad range of human rights, including not only civil and political rights but also economic, social and cultural rights, including the right to development.

In the report on the follow-up to the World Conference on Human Rights presented before the Commission on Human Rights [hereinafter CHR], the High Commissioner stressed the importance of strengthening preventive strategies in many different areas of human rights (*i.e.* genocide, racism and racial discrimination, development,

civil and political rights, slavery, impunity, women and children). In its concluding observations, the High Commissioner stated that '[t]he universal implementation of human rights, economic, social and cultural as well as civil and political, is the surest preventive strategy and the most effective way of avoiding the emergence of conflict.'

Among the possible preventive measures in the field of human rights, the High Commissioner highlighted the following: urgent appeals by special Rapporteurs and thematic mechanisms; requests by treaty bodies for emergency reports; the indication of interim measures of protection under petition procedures for which treaty bodies are responsible; the urgent dispatch of personal envoys of the Secretary-General, the High Commissioner for Human Rights, or of other organizations; the urgent dispatch of human rights and humanitarian observers or fact-finders; the establishment of international courts; and proposals for the establishment of a rapid reaction force.

On 20 January 2014, Mr. Chaloka Beyani, Chairperson of the Coordination Committee of Special Procedures, delivered a statement in the Twentieth Special Session of the Human Rights Council on the Situation of Human Rights in the Central African Republic in which he said that the special procedures of the Council are a useful way to monitor the human rights situation in the countries and take all action to avoid a repetition of past patterns when conflicts ravaging a country have made international headlines, only to be forgotten until a new crisis emerges.

On 28 November 2008, Mrs. Manuela Carmena Castrillo, Chairperson of the Coordination Committee of Special Procedures said at the Eight Special Session of the Human Rights Council on the Situation of Human Rights in the East of the Democratic Republic of Congo that Human rights violations are often a root cause of conflict and human rights are always an indispensable element in achieving peace and reconciliation. It follows that the failure to adequately address the root causes of the conflict will risk leading to further outbreaks of large-scale violence. The priority of the special procedures is that the interests of justice are served and to assist in ensuring that all human rights are protected.

By virtue of their independence and the nature of their mandates, the different mandate holders are 'well placed to function as early warning mechanisms, as alarm bells,' according to the former High Commissioner for Human Rights, Mrs. Navi Pillay. Since those special procedures cover all types of human rights, they are able to help defuse

tensions at an early stage. The mandates focus on specific situations and make recommendations to governments to address problems, wherever they occur in the world.

## **“Some considerations on the Human Rights Council achievements fifteen years after its establishment”**

**Mr. Eric Tistoune<sup>322</sup>**

***Chief, Human Rights Council Branch***

***Office of the High Commissioner for Human Rights (OHCHR)***

The United Nations Human Rights Council (the Council) was established in 2006 in replacement of the Commission on Human Rights. It is the main UN intergovernmental body dealing with human rights with a very high degree of visibility. Its three annual regular sessions as well as its special sessions organized to deal with a human rights emergency are attended – in-persons or virtually - by thousands of participants representing a broad range of stakeholders including Member States, Observer States, non-governmental organizations with ECOSOC status, and national human rights institutions. Most importantly, the Council attracts a considerable level of interest in the media and far beyond given the nature of its work.

Given its high-level prominence in the intergovernmental world, its numerous activities as well as the importance of human rights in our contemporary world, it is the subject of intense coverage prior, during and after its consideration of country or thematic issues. Since during any of its regular sessions it organizes more than 50 segments of discussion on numerous country or thematic topics, it is often said that there is no human rights issue which avoids its scrutiny.

This being said, in contrast to the Commission, the Council is an extremely flexible body, which rules, regulations and broadly speaking its *modus operandi*, are often not codified and left to references to precedents or interpretations stemming out of the institutions-building package which was adopted in the early years of its existence.

Unfortunately, the combination of a high-level profile body with highly flexible, complex and sophisticated working methods engenders serious difficulties for laypersons to grasp fully the magnitude of its

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<sup>322</sup> The views and recommendations expressed in this text are solely those of the author and do not necessarily reflect those of the United Nations or the Office of the High Commissioner for Human Rights

work as well as the depth of its substantive work. This is all the more regrettable that the topics that it is dealing with are of the utmost importance for all those interested with human rights and fundamental freedoms, particularly societal or country issues. Consequently, the difficulty to grasp fully the magnitude and depth of the Council work makes it very easy to jump to hasty conclusion without the benefit of a thorough analysis.

The social network or blogosphere are full of references to the Council, generally with a rather negative tone. Many politically oriented commentators are prompt to reach conclusions, which are often suggesting hasty and subjective moves based on perceived 'biases' or 'failures'. What is certainly not shared with the readers is that the arguments advanced and the findings reached are systematically similar or at least largely comparable to those offered by some at key junctures of the Council's and the Commission's history. It is unfortunately often 'forgotten' that when these repetitive recommendations were proposed they had to be rejected in a spirit of compromise or because they were deemed impracticable or of little added value or because in order to be agreed they would have implied agreement on a series of other measures deemed totally unacceptable.

In this regard, one of the main considerations often echoed in the generalized or specialized media is thus that the Council is an overly 'politicized' and 'polarized' body. It is generally followed with interesting assertions on how it could or should be reorganized. In considering this important matter against the background of the Council's achievements and weaknesses, it may be somewhat useful to busting the myths and remember that human rights are by essence politicized. It is probably sufficient in the context of this brief contribution to emphasize that any discussion of societal issues in an enlarged social group quasi-automatically attracts interest and trigger the expression of diverging views and opinions. Unfortunately, far too often this degenerates into bitter and sharp exchanges. What is true at the level of a family dinner or in the deliberations of a small town's municipal council is surely truer at the national level and even truer at the international level.

Divergences between key stakeholders as well as segments of society on human rights issues, be them of a thematic or country-specific nature, are quite striking and obviously unavoidable. Additionally, politicization and polarization are inevitable factors underlying the work of any intergovernmental body since they do reflect the antagonisms that prevails in our imperfect international order. What



matters is the ability to manage politicization and polarization in an international context, or to put it otherwise, to find ways and means to 'agree to disagree' and consequently delineate a modus operandi which upholds the notions of efficiency and effectiveness.

Whatever the differences views and opinions between the members of the concerned intergovernmental body, should they agree to follow flexible rules and guidelines, respect the rights of everyone to contribute to the conversation in a constructive manner even when this is to express disagreement, adhere to the wish to make a difference and implement agreed norms and standards at the domestic level, and conversely decide not to be brought down by blockages on certain specific topics, then this body will be in position to impact positively on the lives of all human beings. In this regard, it is fair to state that since its establishment the Council has become a forum where such principles were quite astutely implemented.

Analysing a body so complex as the Human Rights Council, requires in the opinion of the author, a careful but honest consideration of its strengths and added value, rather than a pavlovian focus on anything that is deemed problematic, unwarranted or useless. Unfortunately, for the above-mentioned reasons, far too often in a world which vision is obliterated by the social network and related inconsistencies and marked by fake news, human nature focusses on what does not work rather than what is working well and does so without any nuance.

The brief contribution that follows aims at envisaging the extent to which the Council has been in a position to contribute positively to the human rights conversation and the implementation of human rights norms throughout the world. It is thus underlying the Council's success stories since its establishment fifteen years ago.

Nevertheless, at the outset, it is of importance to acknowledge that gauging the activity of a body such as the Human Rights Council is a complex matter. Any human rights progress at the domestic level is the result of a combination of elements, the outcome of deliberations at the international level being only one of them. The latter may be minimized or maximized by the authorities - or commentators - at their own convenience. They may, at time, find it helpful to describe a given measure as the direct result of their desire to implement a recommendation by the Council, for instance under the Universal Periodic Review mechanism (UPR). Conversely, they may prefer to hide any role played by the same Council in comparable circumstances

simply to overemphasize the importance of deliberations by the legislative or executive power or, why not, the public opinion or the justice system.

Even more delicate is the assessment of the role that the possibility for the Council to take action may have on the adoption of a set of measures. For instance, in order to avoid a country resolution to be adopted or to limit its scope and nature, a government may agree with some measures while abstaining to refer to them in a public manner as the result of the direct or indirect pressure of the human rights intergovernmental process.

This may very well be the litmus but invisible test of the Council's role: indeed, should a government avoid taking action limiting freedom of expression, protecting the environment, arresting political opponents, fighting discrimination, mistreating people in police custody, censoring action by the opposition or civil society, promoting social justice or prohibiting public demonstration or gatherings, because of a possible public response by the Council or its mechanisms, this would be the ideal but undetectable sign of the Council's success. Although there are reasons to believe that this happened in many situations, there is no possibility to document it and even if such data were easily available, their publication would be counterproductive and potentially weaken future action by the Council.

A possible way to measure the Council's success would be to consider to what extent its action led to the end of a particularly unsatisfactory situation, especially in extreme circumstances when gross and massive human rights violations are taking place. But, there again, caution must be exercised since in most cases, ending or mitigating such situations require action by a multiplicity of tools, mechanisms and player at the international and national levels.

Accordingly, in the below assessment of the role played by the Council, it is the author's belief that an empirical method should be used decrypting or dissecting its manifold activities in a practical manner. Such a method infers the contribution of the Council in promoting and protecting human rights as well as preventing the occurrence of human rights violations from a body of convergent evidence.

**Firstly**, surrounded by a myriad of tools, procedures and mechanisms, the Council has been in a position to consider most if not all human rights situations, whether country or thematic specific, developing an understanding of what these situations were all about and proposing

ways forward both conceptually and practically. It is fair to state that since its establishment there was indeed no human rights situation, which avoided its scrutiny.

During any given session, hundreds of such situations are dealt with either in the context of presentations by the High Commissioner, dialogues with the special procedures and investigatory mechanisms, panels' interaction, or adoption of the UPR outcomes. This is complemented by general debates when hundreds of statements are delivered either by Member or Observer States, representatives of international organizations and civil society through a strong presence of ECOSOC accredited NGOs. The official human rights position of UN member States on the state of human rights at the domestic and international levels is made clear during the high-level segment with the participation of an average of 100 dignitaries<sup>323</sup>. The sessional human rights discourse is stemming out of a vast and comprehensive documentation from the Office of the High Commissioner for Human Rights (OHCHR), special mechanisms and investigation bodies as well as statements by all relevant stakeholders. At the end of the session resolutions, presidential statements, and decisions are adopted on some of the many issues which were dealt with during the session. When it is deemed that an issue is not ripe for a resolution, joint statements are often delivered which reflect the position of groups of States the composition of which may vary from a handful to more than one hundred States<sup>324</sup>.

This rich in-session work is complemented by the possibility for the Council to organize special sessions or urgent debates when emergencies arise<sup>325</sup>. While the former are organized inter-sessionally and in line with the provisions contained in the institutions-building package<sup>326</sup> (IBP) the latter is an empirical tool requiring the agreement of the Council to set aside some time during a session to consider an urgent matter. Recently, despite the heavy constraints posed by the COVID-19 restrictions, the Council managed to organize an urgent debate on racially inspired human rights violations, systemic racism, police brutality and violence against peaceful protests on 15 June 2020; another urgent debate on the situation of human rights in Belarus

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323 130 during the March 2021 virtual session

324 Up to 100 at the March 2021 session

325 As of March 2021, 29 special sessions and 8 urgent debates have been organized by the Council. Most of the topics considered during these events were country related and it is of interest to note that only two special sessions and one urgent debate were of a thematic nature.

326 UNGA resolution 60/251 and HRC resolutions 5/1, 5/2 and 16/21.

on 14 September 2020; and a Special Session on the human rights implications of the crisis in Myanmar on 12 February 2021.

In a number of circumstances, the consideration of such situations leads to the creation of specific mandates or investigation mechanisms. In some cases, this served as an early warning system by sounding alarm bells ahead of impending or worsening crises. In most other cases, the action by such mechanisms served a variety of purposes from the collection of numerous testimonies from witnesses and victims, collecting and preparing information for a criminal investigation, shedding light on widespread atrocities committed in the concerned countries, or naming the perpetrators of gross and massive human rights violations. In one occasion, the Council, acted swiftly to request the General Assembly to suspend the rights of membership of one its members in the wake of atrocities committed in the context of an internal conflict<sup>327</sup>.

These examples show that the Council has been eager to respond to some of the emergencies faced in the past fifteen years. This was particularly the case insofar its responses to crisis in the wake of the so-called Arab Spring were concerned. As a caveat, it may be argued that broadening the scope of its responses to include a larger variety of country situations from all regions of the world as well as an increasing number of thematic crisis would enable the Council to tackle the roots of human rights violations worldwide.

Additionally, given its growing workload, the Council is increasingly resorting to organizing panels, seminars or meetings inter-sessionally, thus translating partly into deeds the wishes of some of those who negotiated the establishment of the Council for it to be a permanent body similar to the Security Council or the General Assembly.

Beyond the Council, mechanisms such as the UPR and special procedures have expanded dramatically the possibilities for the Council to contribute to the consideration of thematic or country issues. Not least than 42 States have their human rights situations reviewed under the UPR every year while the special procedures' mandates holders are contributing numerous reports to the Council either on substantive thematic matters or on their missions in the field (an average of two per year) and contribute to the consideration of urgent matters via the issuing of media statements or press releases.

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<sup>327</sup> See Resolution A/HRC/RES/S-15/1 adopted at the conclusion of the 15th Special Session on the situation of human rights in the Libyan Arab Jamahiriya on 25 February 2011.

**Secondly**, thanks to the establishment of the UPR mechanism, the Council has translated into deeds the notion that human rights are universal, both geographically and substantively speaking. Throughout the eighties and nineties concerns had been expressed at the level of the Commission that far too often the focus of attention was on very few countries only with overwhelming attention to civil and political rights. This was somewhat summarized by constant references to double standards and finger pointing at the time of the negotiations of what would become resolution 60/251. The setting up of the UPR was based on the philosophical assumption that human rights violations happened everywhere – although their degrees varied considerably from one country to the other – and that it was pointless and counterproductive to try to hierarchized between the various sets of rights – which had become by then increasingly difficult to categorize.

The greatest success of the Council undoubtedly lies with the operationalizing of the UPR, which after the completion of three cycles, has witnessed the participation of ALL member States in a fair and equal manner. The UPR *modus operandi* provides absolutely no ground for any distinction between countries, whatever their size and economic or political power. Often forgotten, the fact that an average of two thirds of all recommendations made by peers is supported by reviewed States – a political and symbolic act – implies that all those acting in the field of human rights at the domestic level benefit from an incredibly powerful entry point in discussing human rights with the authorities.

The UPR has thus led to changes at the national level that were probably unexpected at the time of its conceptualization, from the abolishment of the death penalty to new pieces of legislation on issues relating to gender, domestic violence, poverty, housing or else. In many cases, it has empowered and legitimized the contribution of civil society in shaping up various aspects of human rights strategies. The UPR has also led to significant and practical changes in a variety of situations. A large number of examples may thus be provided of changes and reforms achieved or initiated further to UPR reviews. For instance, the Indonesian National Commission on Violence Against Women achieved meaningful results in rehabilitating victims, providing psychological support and redress to victims as a result of UPR recommendations addressing impunity and justice for women victims of violence; Same-sex marriages were legalised in several countries including Finland, Malta, Germany, Australia, Bhutan or Botswana as a follow up to UPR

recommendations.; And, in a comparable manner, Austria did initiate a reform of its prison system further to recommendations made during its second UPR review.

**Thirdly**, the very dense network of special procedures has had a tremendous impact on the situation of human rights at the domestic level. Their numerous reports to the Council, including mission reports, have shed light on a large variety of country and thematic issues and thereby triggered action at the domestic and international levels. They have also helped in shaping up the understanding of challenging new human rights matters. A striking example of such action was the call by the Special Rapporteur on the right to food for a special session to be held on the global food crisis in 2008.

In particular, specific action was taken following visits of or the consideration of reports by special procedure mandate-holders. Among many examples that may be shared, Brazil adopted a national plan of action to improve access to safe drinking water and sanitation further to the visit of the Special Rapporteur in 2013. Similarly, following a visit to Malawi in 2016 a National Technical Committee on Albinism was established to implement the response plan for attacks against persons with albinism and both the Penal Code and the Anatomy Act were amended to address concerns raised during the visit. In Moldova, recommendations by the Special Rapporteur concerning the registration of religious minorities and ensuring religious tolerance led the government enacting a new law on freedom of conscience, religion and thought which helped pave the way for the registration of hundreds of new cultural and religious communities. The groundbreaking work and longstanding attention by the Working Group on Enforced Disappearances was instrumental in supporting families of people who disappeared during the military dictatorship in Argentina as well as the organizations working on their behalf in their decades-long efforts at obtaining the truth.

In a strikingly less visible manner, the Council's confidential Complaint Procedure led to concrete action taken at the domestic level such as releasing detainees, adopting amnesty laws, reducing prison sentences and granting compensations.

**Fourthly**, the Council has been very active since its inception in paving the ground for the substantive analysis of complex legal and policy issues. Over the past fifteen years, the Council studied a number of issues that were initially considered as deprived of systemic links

with human rights and their strong and underlining human rights components were thus revealed. This work encompassed such matters as albinism or leprosy, which the Advisory Committee analysed, and led to the establishment of new mandates. The Council's 22<sup>nd</sup> and 23<sup>rd</sup> Special Sessions on the terrorist attacks and human rights abuses and violations committed by the terrorist group Boko Haram and on the human rights situation in Iraq in the light of abuses committed by the Islamic State in Iraq and the Levant and associated groups, held on 1 September 2014 and 1 April 2015 respectively, addressed the manifold challenges of human rights violations originating in non-state actors' action. Together with the reports of the Working Group on mercenaries they expanded the work already carried on the human rights implications of the recruitment of children in armed conflicts. In an unrelated area, the activities by the Council's Working Group on human rights and transnational corporations and business enterprises increased attention on the human rights issues arising as a result of the activities of such corporations and enabled advancement to be made in drafting a legally binding instrument. Special Rapporteurs also produced pioneering reports on merging issues such as lethal autonomous weapons (aka 'killer robots'), the use of drones in combat, the right to privacy and freedom of expression on line as well as access to the internet. The consideration of the considerable impact of climate change on human rights was enabled thanks to the participation of the Heads of States of Tuvalu and Kiribati in a relevant Council's panel discussion. This work was expanded and accelerated with the increased presence and activity of representatives of small islands developing States and least developed countries (SIDS/LDCs) thanks to the establishment of the relevant Trust Fund.

Whenever it deemed it necessary and possible the Council went one step further and adopted new legal instruments such as the *International Convention for the Protection of All Persons from Enforced Disappearances*, the *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*, and the *Optional Protocol to the Convention on the Rights of the Child*. It also adopted instruments of a declaratory nature such as the *Declaration on the Rights of Indigenous Peoples*, the *Declaration on Human Rights Education and Training*, the *Declaration on the Right to Peace* and the *Declaration on the Rights of Peasants*. In this standard-setting work, the Advisory Committee often assisted the Council in its deliberations by submitting preliminary studies and drafts.

As may be deduced from these examples, shedding light on some complex human rights issues, analysing them thoroughly, proposing ways to move forward, codifying new standards or establishing relevant mechanisms was made possible by resorting to a variety of means or tools, all established by the Council to support its work. A striking example of resorting to various and parallel means to reach a concrete and positive outcome may be testified by the progress made by States in either abolishing the death penalty or introducing moratoria as a result of numerous UPR and special procedure mandate holders' recommendations, four panels and numerous High Commissioner's reports and statements.

**Lastly**, it is worth recalling that the Council does not operate in a vacuum and interact with a large variety of stakeholders. First and foremost, it interacts frequently with its parent's body, the General Assembly, but also the other UN Charter main bodies as well as special agencies and UN departments. This is particularly visible on issues relating to the SDGs, the right to development, the situation of human rights in armed conflicts or the rights of women. Beyond UN actors, the Council's deliberations have been considerably upheld by the contribution of civil society via the large network of non-governmental organizations (NGOs) with Ecosoc status which benefit from a unique opportunity to participate in almost all aspects of the Council's work in a manner comparable to Observer States.

Representatives of NGOs may participate in the Council's main features from the general debates to the interactive dialogues or the panels in a manner that is unprecedented in an intergovernmental setting. Although the presence of an increasing number of entities that are not necessarily representing civil society per se or are closer to lobbies is to be regretted, in most cases their statements and testimonies, as well as the side-events they do organize or their participation in the informal consultations on draft resolutions, energised and diversified the scope of the Council's activities. Conversely, the successive Council's Presidents have had to increase their vigilance and action regarding cases of reprisals against those cooperating with the Council and its mechanisms.

This incomplete listing of the numerous achievements of the Council must be balanced with the observation that the complexity of the Council's procedure and architecture and the ensuing lack of visibility it suffers from, prevent it from being more effective and efficient. When authorities and civil society alike, especially those operating far away



from the Geneva, do consider that the Council and its mechanisms operate in a 'mysterious' way, it becomes clear that whatever the nature and extent of the Council's activities, their impact in the field will be limited. The Council needs to continue and accelerate its work aiming at clarifying and why not rationalizing its working methods in order to be considered as fully accessible to all concerned.

Another caveat resides in the somewhat utopian expectation by many commentators that the Council may be in a position to seize itself of all human rights situations arising at any point in time and remedy them in a fully effective manner immediately. As the author had the opportunity to mention it in another context, it is quite clearly inappropriate to consider that all is well in the best of all possible worlds<sup>328</sup>. Any action in the human rights area requires the support of a combination of actors at the national and/or international levels. Far too often, the urgent requests of the Council have remained unheard or unimplemented by others or its role unduly neglected. Accordingly, the Council may need to strengthen its efforts aiming at outreaching with a large variety of stakeholders, from UN main bodies to other international organizations, to domestic actors, civil society, the judicial and legislative powers etc. Conversely, its role needs to be fully appreciated and recognized by the same. It is quite puzzling indeed that the role that the Council and its mechanisms play in the prevention of conflicts or in the recognition of new human rights challenges remains far too often a blind spot of the international community.

A final caveat is the increasing frustration of the public at large vis-à-vis national and international institutions and mechanisms. When the Council rings the alarm bell, when the reports of its mechanisms pile up, when its recommendations accumulate, when those that may be in a position to translate the Council's findings and deliberations into deeds remain unable to act, the sense of frustration on the part of a large segment of the population tend to grow. Criticizing the Council for something that it cannot achieve by itself alone may be a human reflex but it should not replace a deep introspection into the collective responsibility of all concerned at all levels of the international community.

In the years to come, the Council will have to expand its work, deal with an increasingly large number of human rights situations and societal challenges and address the above-mentioned expectations and frustrations. In doing so, it will have to constantly reinvent itself,

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<sup>328</sup> The UN Human Rights Council: A Practical Anatomy at Elgar Publishing, 2020, page 316.

revigorate its toolbox of mechanisms, develop even further its flexibility and inventiveness while avoiding complexity and bureaucracy. Given the above mentioned good practices and positive outcomes at a time when the international community is facing daunting challenges, it is fair to conclude that there are reasons to be optimistic.

# **The Advisory Committee's Contribution to Advancing the Human Rights Agenda: Achievements and perspectives**

**Milena Costas Trascasas**<sup>329</sup>

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## **1. Introduction**

The Advisory Committee (the Committee) is probably one of the least known human rights bodies of the UN system. Established in 2008 to advise the Human Rights Council (the Council), the Committee succeeded the famous Sub-commission on the Promotion and Protection of Human Rights which was in turn the advisory body of the former Commission on Human Rights. The new subsidiary body was created to function as the Council's "think tank" by providing expertise through research-based advice and studies on specific human rights topics.<sup>330</sup>

Its action is implementation-oriented, meaning that it can only provide advice on issues falling under the Council's mandate, namely, pertaining to the promotion and protection of human rights and fundamental freedoms. The Committee is made up of eighteen experts, professionals with different backgrounds, who serve for a period of three years, renewable to six. Eligible candidates must demonstrate having an expertise on human rights and be committed to perform their duties with independence, impartiality and integrity. They are elected by the Council, in secret ballot, from the list of candidates presented. Even if they are nominated by their Governments, members of the Committee are expected to act in their own personal capacity and be free of any conflict of interest

<sup>329</sup> From 2015 to 2019 Milena worked as a consultant for the United Nations Office of the High Commissioner for Human Rights providing technical support to the experts of the Advisory Committee and its Secretariat. In October 2019 she was elected as a new member of this body.

<sup>330</sup> For the official web-site of the Advisory Committee see: <https://www.ohchr.org/EN/HRBodies/HRC/advisorycommittee/Pages/HRCACIndex.aspx>

that may hinder the proper execution of their functions.<sup>331</sup> Seats are geographically distributed among the five regional groups.<sup>332</sup> Currently, one third of the Committee's members are women (seven out of eighteen), the highest level of female representation since the Committee was formed.

The Committee meets in Geneva and holds two annual sessions (in February and August), immediately before the sessions of the Human Rights Council. Meetings are mainly committed to the discussion of ongoing studies and are held in public, even if experts also meet in private.<sup>333</sup> All UN Member States, including those that are not members of the Council, International Organisations, National Human Rights Institutions and NGOs with ECOSOC *status* may attend and participate as observers in the public meetings. This includes the possibility of taking the floor during the discussion of the different items of the agenda to make statements in accordance with the Committee's rules of procedure.

## **2. Competences and functioning**

The role of the Advisory Committee was shaped during the process of institutional building that ended with the establishment of the Human Rights Council.<sup>334</sup> The competences and functions of the new subsidiary body were remodelled from those of its predecessor but with a view to restricting the great capacity of initiative that the former Sub-commission deployed in practice.<sup>335</sup> As a result, the Advisory Committee no longer has the power to take initiatives on its own. It can only act upon the request of the Council and "in compliance with its resolutions and under its guidance".<sup>336</sup> Moreover, unlike the Sub-Commission, it cannot address country-specific

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331 See: Decision 6/ 102 of the Human Rights (27 September 2007) on "Follow-up to the Human Rights Council resolution 5/1".

332 The geographic distribution is: African States (5); Asian States (5); Eastern European States (2); Latin American and Caribbean States (3); Western European and other States (3)

333 The Committee forms thematic drafting groups for each study and appoints a Rapporteur which takes the lead in the drafting process. Members of each drafting group work closely and meet in private during the session and continue their work during the intersessional period.

334 The competences and functioning of the Advisory Committee are regulated in Sections III and IV of the Human Rights Council Resolution 5/1, of 18 June 2007, and the rules of procedure that the Committee adopted on 6 August 2009 (UN Doc. A/HRC/AC/3/2, Annex III).

335 For further information on the work of the Sub-Commission on the Promotion and Protection of Human Rights, see: [https://www.ohchr.org/Documents/HRBodies/SC/Leaflet2005\\_En.pdf](https://www.ohchr.org/Documents/HRBodies/SC/Leaflet2005_En.pdf)

336 UN Doc. A/HRC/RES/5/1, par. 75.

situations.<sup>337</sup> The new body is also explicitly banned from taking decisions or resolutions, meaning that it cannot move forward its agenda and develop its work autonomously.<sup>338</sup> Instead, it can only adopt “actions” which are simply operational decisions by means of which the Committee makes public the steps it will undertake with a view to finalizing the pending studies.

In practice, this means that the content of the studies, as well as the scope of its substantive advice not only has to remain within the framework of the Council’s mandate but also has to strictly adhere to the terms specified in the resolution requesting the study. In 2011, the Council committed to clarify its mandates by indicating the thematic priorities to be addressed and by providing the Committee with more specific guidelines. It also addressed the need to strengthen interactions between them and engage more systematically with the Committee’s work through working formats (panels or seminars), all with a view to triggering implementation-oriented outputs.<sup>339</sup>

### ***2.1. Elaboration of research-based studies at the request of the Human Rights Council***

As mentioned earlier, the main function performed by the Advisory Committee consists in elaborating research-based studies on specific thematic issues. The process towards the finalization of a study requires the development of several versions that are progressively improved by the rapporteur specially appointed for its elaboration. On average, this requires a two-year process, in the course of which he or she carries out in-depth research, undertakes consultations, gathers information from several sources and, finally, processes all comments and inputs received from members of the Committee as well as from other relevant experts. By means of a questionnaire, the Advisory Committee collects further information, along with experiences and practices from States and other stakeholders, such as human rights institutions, relevant UN agencies, international organizations, civil society and academia.

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337 See: B.G. Ramcharan, *The UN Human Rights Council*, Routledge, 2011, p. 107. This does not mean that it cannot address particular situations of human rights violations or singling out national practices, policies or laws that are not human rights compliant.

338 UN Doc. A/HRC/RES/5/1, par. 77.

339 See: UN Doc. A/HRC/RES/16/21, pars. 35-39.

Further close exchanges with experts from the relevant human rights specialized treaty bodies or special procedures may be undertaken in order to get updated information on the main elements to be included in the report. During the Committee's Session officers from the Office of the United Nations High Commissioner for Human Rights (OHCHR) are often invited to deliver presentations on new developments as well as the policy and actions undertaken by the Office in relation to the different thematic mandates.

Expert meetings and (High Level) Panels have also been organized to gather specialized inputs or, at a later stage, to help in the process of polishing the final recommendations.<sup>340</sup> Such recommendations are normally addressed to the Council, OHCHR, States, members of civil society or other relevant stakeholders, and seek to strengthen human-rights approaches in policies, indicating actions oriented towards the implementation or enhancement of the protection due to certain groups.<sup>341</sup> At the end of this process, the final studies are adopted by consensus by all members of the Committee, which operates as a collegial body, before being submitted to the Council. Information about developments in the Committee's work, together with the "actions" adopted, is made available in the Session's reports. Each year the current President of the Committee engages in an interactive dialogue with the Council during its September Session, which also gives States and observers the opportunity to share their views on the various studies and the work carried out by the Committee.

## ***2.2. Submission of research proposals to the Human Rights Council***

The Committee also has a role to play in the Council's agenda-setting process by identifying new thematic human rights issues.<sup>342</sup> This may be done by calling the Council's attention on human rights topics that, in its opinion, deserve more in-depth analysis through

<sup>340</sup> The format of these meetings may vary. Certain studies such as the one on levels of women representation or new and emerging technologies required the organization of several regional meetings, while in other cases, (e.g. the one on the non-repatriation of illicit funds) it may be organized as a closed-door expert meeting with relevant UN Special Rapporteurs and targeted experts.

<sup>341</sup> The Committee's recommendations seek therefore to help the Council and Member States to adopt common actions or underlining good practices and model legislation that may contribute to fostering a more human-rights oriented approach.

<sup>342</sup> See in this regard, C. Soh, R. Yooneui, H.J. Kim, "The Human Rights Council Advisory Committee's Contribution to Global Human Rights", *Korea Observer*, 46 (1) Spring 2015, pp. 7-9.

a new study.<sup>343</sup> The Committee has made a number of interesting research proposals, some of which have been endorsed by a Council resolution.<sup>344</sup> Examples relate to regional human rights regimes: youth human rights and social cohesion and its effects on the enjoyment of economic, social and cultural rights; climate-induced displacement and human rights; the digital transformation and the impact of new technologies on human rights; the promotion of economic, social and cultural rights through jurisdictional means; the destruction of cultural heritage and its effects on the enjoyment of economic, social and cultural rights; the economic, social and cultural rights on the agenda of international jurisdiction and practices negatively affecting the human rights of migrants, among many others.

### **2.3. Complaints procedure**

Five members of the Advisory Committee (one per each regional group) are also members of the Working Group on Communications which, together with the Working Group on Situations, make up the "Complaints Procedure". In 2007, this procedure replaced the former "1503 procedure" to address consistent patterns of gross human rights violations when reliably attested by the communications submitted by victims. The Working Group on Communications intervenes in this confidential process to decide on the admissibility of the complaints received from individuals, groups or non-governmental organizations.<sup>345</sup>

## **3. Achievements and developments**

The Advisory Committee's activity gained its greatest visibility in 2018, on the occasion of its 10<sup>th</sup> anniversary.<sup>346</sup> While its main achievements were highlighted through various publications and commemorative events, a process of internal reflection on the

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343 UN Doc. A/HRC/RES/5/1, par. 77 and Rule 17 (A/HRC/AC/3/2, Annex III).

344 The more recent cases have been the studies on new and emerging digital technologies and human rights and on current levels of representation of women in human rights organs and mechanisms.

345 <https://www.ohchr.org/EN/HRBodies/HRC/ComplaintProcedure/Pages/WGCommunications.aspx>

346 See in this regard: "How research leads to action. Celebrating the 10th anniversary of the Advisory Committee of the Human Rights Council"; <https://www.ohchr.org/Documents/HRBodies/HRCouncil/AdvisoryCom/HowResearchLeadsAction.pdf>

impacts of the Advisory Committee's work, including its challenges, achievements and prospects, was also triggered.<sup>347</sup>

As of June 2021, the Committee had produced a total of 33 studies and is currently in the process of finalizing another four.<sup>348</sup> The topics addressed are quite varied and range from the need to undertake stronger action to advance certain rights, such as the right to food or the right to development, to the need to enhance the protection of certain groups of people suffering discrimination, such as persons affected by leprosy or persons with albinism; collected best practices on the matter of missing persons and the global issue of unaccompanied migrant children and adolescents. More recently the Committee has been called to deal with quite complex topics, such as the impact of the activities of "vulture funds" on the enjoyment of the economic, social and cultural rights and the right to development, as well as others of high political sensitivity, such as the question of the non-repatriation of funds of illicit origin. An attempt to classify the various thematic studies and outcomes of the Committee's work is made below.

### **3.1. Main outcomes of the Committee's studies**

A first classification relates to the specific outcomes of the Committee's studies, namely: a) the triggering of a standard-setting process leading to the adoption of a new international agreement; b) the establishment of a new special procedures mandate; c) the development of principles and guidelines to improve the protection of specific groups; d) the organization of promotional activities.

#### **a) Triggering of a standard-setting process**

The Committee has undertaken a leading role in drafting instruments later revisited and adopted or considered by the Council.<sup>349</sup> Actually, some of its reports have identified applicable

<sup>347</sup> On 10 August 2018, the Member of the Advisory Committee Mr. Kaoru Obata (Japan) presented a reflection paper entitled "Impacts of the Works of the UN Human Rights Council Advisory Committee: Challenges, Achievements and Prospects". The paper was updated in June 2019 and discussed by the Committee during its sessions.

<sup>348</sup> These studies are: 1) Negative effects of terrorism on the enjoyment of human rights; 2) New and emerging digital technologies and human rights 3) Current levels of representation of women in human rights organs and mechanisms; 4) Ways and means of assessing the situation of racial equality in the world. For the previous thematic reports see: <https://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/ThematicReports.aspx>

<sup>349</sup> E. Tistounet, *The UN Human Rights Council : a Practical Anatomy*, Edward Elgar Publishers, 2020, p.20.



principles and included guidelines or models of declarations that have paved the way for the adoption of at least three specific human rights agreements, namely: the Declaration on human rights education and training (2010),<sup>350</sup> the Declaration on the right to Peace (2016)<sup>351</sup> and, more recently, the Declaration of the Rights of Peasants (2018).<sup>352</sup> The triggering of some of these standard-setting processes was the result of a successful interaction with civil society, which played a leading role in pushing forward these initiatives before both the Council and the Committee.<sup>353</sup>

A good example is provided in the process that ended with the adoption of the Declaration on the Rights of Peasants by the General Assembly on 17 December 2018. Under the impulse of a well-organized social movement gathering a total of 182 organisations from 81 countries (*La Via Campesina*), the Council adopted in 2010 a resolution requesting the Committee to study, in the context of the right to food, the discrimination of vulnerable groups working in rural areas.<sup>354</sup> The research of the Committee concluded that the multiple human rights violations affecting peasants and other people working in such areas were instrumental in explaining their extreme vulnerability to hunger and poverty. The drafting of a new legal instrument was, in its opinion, crucial to advance the rights pertaining to these persons, to address existing gaps and to help them overcome their current situation. This was the main recommendation the Committee addressed in its final study to the Council, which also included a model of a draft declaration.<sup>355</sup> The work of the Committee became the baseline for the negotiations of the open-ended intergovernmental working group that was established in 2012 with the specific mandate of finalizing and

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350 UN Doc. A/HRC/AC/4/4. On 23 March 2011, the Human Rights Council adopted the declaration in March 2011 and on 19 December the Declaration was adopted, without a vote, by the General Assembly's (Resolution 66/137)

351 See: UN Doc. A/RES/71/189, annex. Report of the Human Rights Council Advisory Committee on the right of peoples to peace (including the draft declaration on the right to peace) (2012); A/HRC/20/31.

352 Adopted by the General Assembly on 17 December 2018 (A/RES/73/165). The final document elaborated in 2021 by an open-ended intergovernmental working group builds on the draft included the final report of the Committee; See: A/HRC/19/75.

353 In its resolution 20/15 (2012) on "Promotion of the right to peace", the Council welcomed "the important work being carried out by civil society organizations for the promotion of the right to peace and their contribution to the development of this issue."

354 A/HRC/RES/13/4, par. 44.

355 UN Doc. A/HRC/19/75, par. 74.

submitting a new declaration.<sup>356</sup> The new instrument was adopted by the General Assembly six years later.

***b) Establishment of a new special procedures mandate***

In other studies, the research carried out by the Committee has put the spotlight on the discrimination affecting certain groups of people, such as persons with albinism and leprosy. Their particular vulnerability and needs required that States take a more active role in protecting them and in promoting their rights through comprehensive strategies. The Committee therefore recommended the establishment of a specific monitoring mechanism to assess progress made by States and guide them in this regard. This particular recommendation was actually implemented by the Council, which decided to create two new mandates, namely, the Independent Expert on the enjoyment of human rights by persons with albinism, in 2015,<sup>357</sup> and the Special Rapporteur on the elimination of discrimination against leprosy-affected persons and their family members, in 2017.<sup>358</sup> The latter was further tasked with monitoring the effective implementation of the principles and guidelines that were annexed to the Committee's final study.<sup>359</sup>

***c) Development of principles and guidelines to improve the protection of specific groups***

Some of the Committee's studies have included a set of principles and guidelines intended to guide States. An example can be found in the study it submitted to the Council in 2012 in relation to the situation of children affected by the noma.<sup>360</sup> In this case, research was oriented to show how extreme poverty and malnutrition are at the origin of this neglected disease that kills, disfigures and destroys the lives of children worldwide.<sup>361</sup> The substantive work done by

356 UN Doc. A/HRC/RES/21/19, par. 1.

357 A/HRC/28/75, pars. 75-76 and A/HRC/RES/28/6.

358 A/HRC/RES/35/9, op. 1 (a) and A/HRC/AC/17/CRP.1, pars. 86-87.

359 See: UN Doc. A/HRC/15/30.

360 According to the World Health Organization, the noma is "a severe gangrenous process occurring predominantly in debilitated and malnourished children, especially in underdeveloped countries. It typically begins as a small vesicle or ulcer on the gingiva that rapidly becomes necrotic and spreads to produce extensive destruction of the buccal and labial mucosa and tissues of the face, which may result in severe disfigurement and even death"; <https://www.who.int/topics/noma/en/>

361 The existing intersection between malnutrition, childhood diseases and human rights, underlines the importance of socio-economic conditions in which children are born, grow up and live as a determining factor to their right to health.

the Committee on this issue was subsequently acknowledged by the Council who encouraged States to implement the principles and guidelines annexed to the study with a view to improving the protection of children specifically at risk of or affected by noma.<sup>362</sup> The findings of this study have been echoed by scientific publications which have also endorsed the Committee's recommendation of including the noma within the WHO list of neglected tropical diseases.<sup>363</sup>

#### ***d) Organization of promotional activities***

Other studies have finally led the Council to convene promotional activities, such as panel discussions, which have served to ensure a minimum follow-up to topics that had been previously treated by the Committee. This was the case of three studies it concluded in 2015 (on corruption and human rights, on local government and on human rights promotion through sport).

### **3.2. Substantive contribution to advancing the human rights agenda**

The substantive research produced by the Committee can be classified in second place according to the content of the subject-matter and the intended purpose sought with the report: a) fostering human rights implementation at the different levels; b) raising awareness on the impact of certain issues on human rights enjoyment; c) providing recommendations to foster common understanding on a certain issue; d) addressing pressing contemporary human rights issues.

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<sup>362</sup> UN Doc. A/HRC/RES/19/7, par. 50.

<sup>363</sup> See: UN Doc. A/HRC/19/73, par. 67 (d). The inclusion on this list is a requirement for the WHO to adopt policies and strategies and to enhance global access to interventions for the prevention, control, elimination and eradication of this disease. The list is made up of a diverse set of 20 diseases and disease groups with a singular commonality: their impact on impoverished communities. See: WHO, "Ending the neglect to attain the Sustainable Development Goals. A road map for neglected tropical diseases 2021–2030. Overview", 2020. Srour, M Leila ; Marck, Klaas ; Baratti-Mayer, Denise, "Noma: Overview of a Neglected Disease and Human Rights Violation", *The American Society of Tropical Medicine and Hygiene*, *The American journal of tropical medicine and hygiene*, 2017-02-08, Vol.96 (2), pp.268-274; Srour, M.L, Marck K.W, Baratti-Mayer D., "Noma: neglected, forgotten and a human right issue", *International Health*, 2015 (7), p. 150.

**a) Fostering human rights implementation at the different levels**

Three main studies have contributed to this objective; the study on the role of local government in the promotion and protection of human rights (2015), the one on regional arrangements for the promotion and the protection of human rights (2018) and, finally, the more recent study on national policies and human rights (2020). Also in this group may be included the Committee's study on the role of technical assistance and capacity building (2020).

**b) Raising awareness on the impact of certain issues on human rights enjoyment**

The Council has also requested the Committee to address the human rights impact of questions of an overarching nature, such as corruption, terrorism, international investments, and movements of illicit funds. Examples of this kind include the reports on unilateral coercive measures (2015), corruption and human rights (2015), the flow of funds of illicit origin and the non-repatriation thereof to the countries of origin (2017), the activities of vulture funds (2019) and the impact of terrorism activities on economic, social and cultural rights (2021). In most of these cases, the Committee was requested to build the linkage between those questions and human rights by specifically assessing the negative impact on the enjoyment of economic, social and cultural rights and the right to development.<sup>364</sup>

The added value of the research developed by the Committee in all these studies has consisted in bringing human rights approaches and perspectives into the different policies and strategies developed to address these issues as to allow progress towards its realization. Studies thus provide evidence-based research, through case-studies and examples of national good practices, particularly legislation, as well as other tools. Recommendations are addressed to States and other stakeholders and seek to assist them in addressing these complex issues from a more coherent, comprehensive and human-rights oriented perspective.

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<sup>364</sup> G. Raúl Moreno, "Entrevista a la Licenciada Ana Antonia Reyes Prado y al Dr. Mario Coriolano", *Revista Derechos en Acción*, 2016-09-01 (1), pp. 192-200.

Few of these studies to our knowledge have led to any concrete outcomes or follow-up from the Council.<sup>365</sup> Lack of agreement among States around the appropriate approaches to tackle these issues, as well as political interests surrounding these matters, are apparently the reasons why the Council refrains from taking further measures or acting in a more concrete and decisive manner with regard to these files, as recommended by the Committee.<sup>366</sup> This lack of action cannot, however, obscure the contribution the Committee has made through its research. These studies have sought to build an adequate conceptual framework under which assessing when and how the State's capacity to fulfil economic, social and cultural rights and the realization of the right to development may be hindered or jeopardized by the absence of political will (and action). They have thus helped to solve structural problems, or lack of agreement or understanding on certain particularly important issues.<sup>367</sup>

***c) Providing recommendations to foster common understanding on certain issues***

In fact, the studies prepared by the Committee in other cases have sought to foster a common understanding and approach regarding particularly controversial issues in order to facilitate the development of international policies and strategies for furthering its implementation. By means of two studies devoted to the right to development, the Committee has contributed to developing the conceptual basis and interpretation of this right, as well as to identify its contribution to the enjoyment of all human rights (2019). It also analysed the importance of adopting a legally binding instrument (2020). The latest study framed the long-standing debate regarding the best way and approaches to implement the right to development, by providing arguments for and against the elaboration of such an instrument and reflecting on the added value of this course of action.

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365 The study on the unilateral coercive measures may be an exception as the Committee's recommendation included in the preliminary report on this topic might have influenced the Council's decision of establishing the mandate of a Special Rapporteur.

366 The Committee has in some cases explicitly required to be given a follow-up mandate from the Council. This is the case of the report on the activities of "vulture funds" where it requested the Council to "maintain the issue of vulture funds and human rights on its agenda in order to assess the impact of their activities on economic, social and cultural rights and the right to development, and support further initiatives aimed at identifying and curtailing illegitimate activities by vulture funds"; A/HRC/41/51 (2019), par. 89 (a).

367 See, for example, A/HRC/41/51 (2019)

#### **d) Studies on pressing contemporary human rights issues**

Some of the past and pending mandates refer to contemporary issues of global scope, such as the situation of migrant children and adolescents (2017), the impact of new and emerging technologies on human rights (2021) and identified means and methods to assess the situation of racial equality in the world (2021). In another ground-breaking study, the Committee analysed the current levels of women representation in human rights organs and mechanisms and made a number of specific proposals to ensure gender balance in these fora (2021).

Under this category it can also be included in the research proposal submitted to the Council in February 2020 to develop a “Study on practices negatively affecting the human rights of migrants”.<sup>368</sup> The study intends to analyse from a human rights perspective some of the most worrying contemporary trends, such as the criminalization of solidarity, the push-back policies and migrant’s collective expulsions, in order to assess to what extent certain national laws, policies and practices are leading or facilitating the occurrence of human rights violations.<sup>369</sup> The lack of reaction from the Council to this important request provides a good example of the challenges and difficulties the Committee faces in pushing forward its work and expertise.

#### **4. Challenges and potentialities**

The Advisory Committee needs to continue working in order to foster the efficacy and visibility of its work. It must find new ways to enhance the perception of its studies as being authoritative. Finding a way to ensure the follow-up of the outcomes and recommendations made by the Advisory Committee in its studies is perhaps one of the issues that need to be addressed sooner rather than later.

Means for improving interaction with the Council and its Bureau need to be urgently found as the studies the Committee produces should lead to an outcome, or at least trigger a reaction from the

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<sup>368</sup> UN Doc. A/HRC/AC/24/2, Annex III, p. 16. This proposal mainly builds on a previous draft presented by a former member of the Committee (Mr. Jean Ziegler) under the title: “Possible human rights violations in the European Union hotspots camps”. See also from the same author, *Lesbos, la honte de l’Europe*, Seuil, 2020.

<sup>369</sup> See: Report of the Advisory Committee on its twenty-fourth session; RC/AC/24/2, Annex III.

Council.<sup>370</sup> The very valuable research proposals the Committee submits or its requests to continue working on a topic should not be ignored.

The capacity of the Committee to fully develop its potential rests on a number of factors that sometimes fall outside the margin of manoeuvre available to its experts, but that nevertheless have an impact on their work. No doubt, the lack of financial and human resources affects the ability of this body to function as a proper think tank.<sup>371</sup> Other challenges of a practical and operational nature may be resolved only with commitment, strategic vision and creativity.

The Committee's working methods can be improved, as well as the interaction among experts, who only meet during two weeks per year. The definition of an intersessional programme of work, for example, could help them to engage more actively. Developing a standard operating procedure would also contribute to ensure effective interaction with the Council and its Bureau and internal mechanisms designed to follow up the outcomes of the Committee's studies, research proposals and recommendations may also be envisaged. Finally, more creative ways to integrate civil society and academia in the Committee's work may be found.

## **5. Concluding remarks**

The Advisory Committee has a marked identity which makes it unique in the human rights system. This body is designed to support the Human Rights Council by providing expertise and contributing to advancing the human rights cause in a highly politicized playing field. In this context, the importance and impact of its work needs to be acknowledged. Its research-based studies have laid the basis for negotiations on new human rights agreements and have contributed to the development or improvement of policies and to

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<sup>370</sup> This was the case of the report on vulture funds where the Committee explicitly recommended that the Council "Adopt a new resolution, following the examination of the present report, entrusting the Advisory Committee with the follow-up to this issue, with a view to making concrete recommendations to States and relevant stakeholders. A further study reviewing relevant national legislation and case law, as well as good practices, would help States in the process of establishing an adequate legal framework". See A/HRC/41/51, par. 89 d).

<sup>371</sup> The Advisory Committee's Secretariat does not dispose of sufficient human resources to ensure an active support to the work of the Committee, especially outside the period of sessions. It should also be recalled that the members of the Committee, as all UN independent experts, work pro-bono.

the standard-setting process. The studies have also contributed to shaping the mandate of special procedures.

Its research has shed light on the problems of certain groups and helped to chart policies and strategies for remedying problems or preventing them in the future. Even if only a few of the Committee's studies have triggered a concrete and immediate operative response from the Council, they have contributed to mainstream a coherent human rights approach to new topics. The Advisory Committee's work has also contributed to advancing the human rights agenda by raising awareness on neglected human rights issues or groups. These are undeniable achievements that, in light of the various constraints affecting the Committee's functioning, can be deemed quite remarkable.



# **“Treaty bodies: a useful tool to improve the human rights standards in the world”**

**Mr. Mikel Mancisidor**

*Member of the UN Committee on Economic, Social and Cultural Rights*

## **1. The place of the treaty bodies in the general system of the UN for the promotion and protection of Human Rights**

The United Nations System for the protection and promotion of Human Rights is normally presented in two large differentiated chapters, as if they constitute two subsystems.

The first of these subsystems finds its legal and political basis in the UN Charter and in the Universal Declaration of Human Rights. For this reason it is a system that applies to all the states party of the UN, which simply by being so are bound to “accept the obligations contained in the present Charter”<sup>372</sup>. Among these obligations we find, both in the Preamble<sup>373</sup> and in the operative part<sup>374</sup> of the Charter, obligations in relation to Human Rights. This subsystem is known as **extra-conventional**, as it does not depend on any additional treaty to the Charter. The main body of this subsystem is the Human Rights Council. Other authors deal with this subsystem in these chapters of this book.

In this chapter we are interested in the other subsystem, which is called **conventional** as it is dependent on the different Human Rights treaties. This subsystem has its own institutions created by these treaties – or around these treaties - that are generically called “Treaty Bodies” or, almost entirely, committees. This subsystem will therefore not necessarily affect all the members of the UN, but only those that are party to the different treaties.

In this chapter we will ask ourselves about the work of these treaty bodies and about their effectiveness when it comes to improving the Human Rights standards in the world.

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372 UN Charter. Art. 4: “Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations”.

373 “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women”

374 Art. 55 and 56

## 2. The treaties and their bodies

The main Human Rights treaties of the universal system are the following:

- *The International Convention on the Elimination of All Forms of Racial Discrimination (adopted in 1965);*
- *The International Covenant on Economic, Social and Cultural Rights (1966);*
- *The International Covenant on Civil and Political Rights (1966);*
- *The Convention on the Elimination of All Forms of Discrimination against Women (1979);*
- *The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984);*
- *The Convention on the Rights of the Child (1989);*
- *The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990);*
- *The Convention on the Rights of Persons with Disabilities (2006);*
- *The International Convention for the Protection of All Persons from Enforced Disappearance (2006).*

Each of these treaties has at least one body responsible for monitoring the compliance, by the member states of each treaty, of their obligations and commitments.

- The Committee on the Elimination of Racial Discrimination was the first treaty body to be established and has 18 members;
- The Committee on Economic, Social and Cultural Rights had a different history, hence it is the only one that was not created by the treaty, but by the Economic and Social Council. It works since 1985 and has 18 members;
- The Human Rights Committee was created in 1976 and has 18 members;
- The Committee on the Elimination of Discrimination against Women has 23 members;
- The Committee against Torture has 10 members;
- The Subcommittee on Prevention of Torture (created by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) has special powers to visit places of detention in States parties and has 25 members;

- The Committee on the Rights of the Child has 18 members;
- The Committee on Migrant Workers has 14 members;
- The Committee on the Rights of Persons with Disabilities has 18 members; and
- The Committee on Enforced Disappearances has 10 members.

These members are independent experts who, therefore, do not respond to their states or receive instructions from them, but rather to the treaty setting up each body. Election to the Committees ensures that their composition reflects the geographical diversity of the member states of each treaty. Unfortunately, the gender balance is far from being respected in the same manner<sup>375</sup>. Each independent expert is elected for a four-year renewable mandate.

### **3. What do the treaty bodies do?**

These bodies have the powers and capabilities, in one word, the mandate granted by each constituent Treaty (or, if applicable, the protocols). But without entering into particularities that have no room in a work of this size, we can however say that, in general, these committees have three main functions: the monitoring of the periodic reports; the study and resolution of the individual communications; and the adoption of General Comments. In addition to these three main tasks the treaty bodies may be authorized for certain tasks such as visits or complaints between states, but for the purposes of this work it will be sufficient to know briefly the three mentioned which are the most important.

#### a) The periodic reports system.

Once the state has ratified one of these treaties it must regularly report on the compliance of the obligations acquired and on the improvement of the situation of the rights protected by each treaty in the territory and for people under its jurisdiction. The first report is usually submitted one or two years after ratification, while after that first report they must be submitted every 4 or 5 years.

This reports system is intended to create a periodic communication channel that allows each committee to examine the situation in each country party, verify the advances and setbacks, to detect problems, evaluate policies and recommend measures. This process is performed by a reporting cycle that includes the participative preparation of reports, the contrast with different alternative sources of information

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<sup>375</sup> See [www.gqualcampaign.org](http://www.gqualcampaign.org). GQUAL Is a global campaign that promotes gender parity in international tribunals and monitoring bodies

(NGOs, academia, International Organizations, National Human Rights Organizations, Ombudspersons, etc.), in situ dialogue between the committee and a delegation of the state party, the approval of a report with Concluding Observations and Recommendations, as well as a monitoring system of these recommendations.

Although this system does not always work with due regularity and there are some countries that do not comply with their reporting obligations with due periodicity, the truth is that the system often allows transparent and constructive dialogues that favour the identification of problems and the adoption of measures for their improvement. Another of the most positive aspects of this dialogue is the consolidation of a broad participation system for civil society.

b) Individual communications

Whether by a declaration of the state (if the treaty allowed to do so) or by the ratification of a subsequent protocol, all the committees have ended up with the capacity to study individual communications or, as they are also known, individual complaints or cases.

The committees may therefore study complaints from people who, under the jurisdiction of the state that has made the aforementioned relevant declaration or ratified the protocol, consider that this state has violated any of the rights protected in the respective treaty. The complaints that pass the registration and admissibility requirements (*ratione temporis* requirements or the exhaustion of domestic remedies, for example) may be studied by the Committees and resolved by identifying or not an infringement and calling on the state to take a certain measure. Sometimes provisional measures may also be adopted.

c) The General Comments

Each Committee may adopt General Comments on its interpretation both on substantive matters of the rights recognized or protected in each treaty as well as on aspects relating to the accountability of the states or on institutional aspects.

These General Comments cannot in principle create new obligations for the states parties, but they can update the interpretation of the generic obligations contained in the treaty. This recourse may therefore have a remarkable importance in the progressive development of International Human Rights Law.

**4. General assessment: are the treaty bodies a useful tool to impose the human rights standards in the world?**

The treaty bodies were created by the treaties with a broad mandate that heralded enormous possibilities of going beyond merely technical or notary work. The committees from the start exercised their tasks in a way that has without any doubt collaborated in the development of human rights in two ways.

On the one hand, the work of the Committees has allowed for the best definition of the rights, of their content and elements, of their scope. It has better identified the exercise of their limits and the scope of the emergency situations. It has identified the public policies that favour and that hinder the enjoyment of human rights. It has specified case by case, year after year, the obligations of the states and has accompanied them in the process of accepting them. It has naturalized the habit that the states report to independent bodies of experts and submit to their evaluations. Therefore, we can affirm that the committees have performed quasi-regulatory conceptual work.

On the other hand, the committees have made their forms of operation more flexible to always encourage the active participation of civil society, in particular the NGOs and the victims, finding for them official and public spaces, which are also confidential and discreet when necessary. Civil society has found the committees to be demanding but also open bodies for collaboration. The high level of many processes led by the committees would not have been possible without this active and quality participation of civil society.

I have had the honour to be a member of one of these Committees for more than 10 years so my opinion may not be impartial, but I do believe that the treaty bodies have been key agents in the development of International Human Rights Law over the last 50 years. And what is even more important: they have collaborated in the improvement of the global Human Rights standards.



## **“The Universal Periodic Review: a unique opportunity for dialogue and cooperation in the field of human rights”**

**Mrs. Mona M’Bikay**  
*Executive Director, UPR Info*

This article presents the mechanism of the Universal Periodic Review and how it contributes to promote human rights through dialogue and cooperation.

### **The Universal Periodic Review**

The Universal Periodic Review (UPR) is a mechanism of the Human Rights Council established through a resolution adopted by the United Nations General Assembly on March 15<sup>th</sup>, 2006<sup>376</sup>. It aims at improving the human rights situation of all 193 United Nations (UN) members States through a system of peer review. In a cycle of four and half years, every country sees, following a calendar, its human rights record reviewed and receives recommendations emanating from other States. Even though it is a States driven process it is designed to foster dialogue and cooperation not only between States but also with other stakeholders. The interactive dialogue constitutes a repository where a broad spectrum of human rights issues is debated based on three reports: the national report, written by the State under Review (SuR), the compilation of UN information, taking up information provided by UN entities and organs (United Nations Country Teams, Special procedures and treaty bodies), and the summary of other stakeholders’ information, highlighting information given by the national human rights institution and civil society organisations. The UPR working group session also follows national consultations. This setting opens the door for a genuine inclusive dialogue within the country about difficulties and concerns faced by different groups in society. As such, the UPR has for instance allowed vulnerable and marginalized communities to be heard. In Denmark, the public hearing organized jointly by the Government and the Danish Institute for Human Rights ahead of the

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<sup>376</sup> United Nations General Assembly, A/RES/60/251, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/502/66/PDF/N0550266.pdf?OpenElement>

UPR enabled to raise awareness about the issue of accessibility of persons with disabilities and for the LGBTI community to talk publicly about discrimination<sup>377</sup>.

Following the interactive dialogue, the government must take measures to implement the recommendations received. The UPR is indeed a process toward the improvement of the human rights situation for all. An effective implementation of recommendations requires actions at different levels and by multiple actors. Without a cooperation and a constructive dialogue, the journey risks to be inefficient.

### **A multifaceted partnership**

The primary responsibility to respect, protect and fulfill human rights lies with the State. However, by its nature, the UPR implies a consultation and collaboration between all national stakeholders; the three State branches (the Executive, the Parliament, and the Judiciary), national institutions (the National Human Rights Institution, Equality bodies) and civil society organisations. This paper will present how the set up of mechanisms and the collaboration of a broad range of UPR actors can support the realisation of human rights and fundamental freedoms.

**National Mechanisms for Implementation Reporting and Follow-Up** (NMIRF) can play an instrumental role in fostering a dialogue and cooperation to support the implementation of human rights recommendations.

The Pacific Principles of Practice of NMIRF mention in this regard that an effective NMIRF should include representation of all primary actors involved in the implementation of human rights including, but not limited to, government ministries and agencies, statutory bodies, parliamentarians, the judiciary, civil society, national human rights institutions, traditional and religious leaders/groups, national statistics offices and the private sector<sup>378</sup>.

The Portuguese National Human Rights Committee<sup>379</sup>, established following a recommendation made during Portugal's UPR in 2009, has for instance a standing invitation for the Attorney's General's Office and the Portuguese Ombudsman. Members of the parliament, civil society

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377 Beyond the procedure: The Universal Periodic Review as a catalyst for public debate on human rights. Selected national practices. CIDEDHOP, Friedrich Ebert Stiftung Geneva Office, December 2016, pp 21-22.

378 <https://www.universal-rights.org/wp-content/uploads/2020/07/Pacific-Practice-Principles-final.pdf>

379 <https://www.direitoshumanos.mne.pt/en>



organisations and other stakeholders can also be invited to meetings<sup>380</sup>. This ensures that concerns and perspectives of representatives from different groups of society are considered in the decision-making process. The engagement of national implementation contributors creates ownership and support a long-term engagement as well as institutional strengthening.

NMIRF can lead a process of dialogue bringing together national actors to build a mutual understanding and create a conducive and enabling environment driver of change.

Inclusive consultations are a prerequisite to design a human rights action plan where responsibilities, measures to be put in place and indicators to assess results achieved are defined. Human rights action plans can constitute the foundation for comprehensive collective actions leading to sustainable results if based on a genuine dialogue where all parties inquire to understand an issue and explore solutions to address societal issues affecting civil, political, economic, social, and cultural rights. This decision-making process will reinforce positive outcomes.

A participative democratic decision-making process helps to better understand the issues to be addressed, societal needs, discrimination based on any ground such as gender, as well as different socioeconomic impacts. They will later form the basis to inform a human rights-based response. It also supports trust building and reinforce the social fabric.

The participatory nature of the UPR can support the development of an inclusive human rights agenda that will articulate rights holders' concerns. This dialogue process where a space is given to all national actors, including the most vulnerable and marginalized, advance democracy and create the foundation for a more just and equitable society<sup>381</sup>.

In Georgia, the *Human Rights Inter-Agency Council* participates in national dialogues and the preparation of public policies. It supported for instance the development of the *National Action Plan for Democracy and Human Rights*, justice system reform and strategic planning on disability.

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380 [https://ccprcentre.org/files/media/VISUAL\\_GUIDE\\_NMRF.pdf](https://ccprcentre.org/files/media/VISUAL_GUIDE_NMRF.pdf)

381 Democratic Dialogue – a handbook for practitioners, Bettye Pruitt, Philip Thomas, March 2007, International IDEA, United Nations Development Programme, Organization of American States, <https://www.idea.int/publications/catalogue/democratic-dialogue-handbook-practitioners>

In Switzerland, the collaboration between cantons regarding the UPR is coordinated through **The Conference of Cantonal Governments (CCG)**. Within the scope of its work, institutionalized meetings between a delegation of the CCG and the Federal Government, called “Federalism Dialogue”, take place four times a year. This dialogue can serve as a platform to discuss issues related to human rights, such as the integration of migrants.

The second session of the Forum on Human Rights, Democracy and the Rule of Law recommends to parliamentarians to play a leading role in the follow-up and implementations of recommendations made by international human rights mechanisms<sup>382</sup>.

**Parliamentarians** are important actors to support the implementation of UPR recommendations. A report of the Office of the United Nations High Commissioner for Human Rights estimated that more than 50% of them require parliamentary actions. Through their mandate, they can review the legislation with a human rights lens, trigger and sustain a debate on the realization of human rights in the country, maintain human rights high on the State’s agenda and contribute to hold the government accountable, overseeing its actions related to the State’s human rights obligations stemming from the national legal framework and international human rights mechanisms and instruments.

Undoubtedly, parliamentarians are key UPR actors to advance human rights.

The Parliamentary Assembly of the Mediterranean (PAM) recognized during its 3<sup>rd</sup> standing committee on dialogue among civilizations and human rights in February 2019, the role of parliamentarians in promoting and protecting human rights in ensuring that adequate resources are allocated to supported decided measures and improve the government’s democratic infrastructure<sup>383</sup>.

However, addressing human rights issues demands cooperation across political party lines and a dialogue with the civil society. The Parliament can play a bridging role between the Government and civil society organisations.

A good dialogue, through consultation, public or private hearings, between Parliamentarians and civil society will reinforce a human

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382 United Nations General Assembly, A/HRC/40/65, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/007/47/PDF/G1900747.pdf?OpenElement>

383 The Parliamentary Assembly of the Mediterranean, M<https://www.ohchr.org/EN/HRBodies/UPR/Pages/Parliaments.aspx>

rights culture in the country and ensure the quality of the debates within the Parliament as well as improve policies results. It will also assist parliamentarians to have a better understanding of the social and political context at the community level and legitimate the action of the Parliament.

Consultations with civil society will allow the development of laws responding to societal needs.

Parliaments besides creating legal frameworks and ensuring their compliance with human rights standards as mentioned above also have the role of facilitating the work of human rights institutions.

The “Belgrade Principles on the relationship between National Human Rights Institutions and Parliaments”<sup>384</sup> adopted in 2012, stress how an ‘effective cooperation’ between those two institutions can unfold. They encourage notably debates on human rights issues of common interest, consultation in the legislative process and the support to human rights education programmes and awareness raising campaigns.

In Moldova, the Parliament signed a cooperation agreement with the civil society to assess challenges faced by the civil society, hear the voice of different groups of citizens, support participatory democracy and improve the legal framework.

In Burkina Faso, the parliamentary human rights committee interacts with civil society in relation to human rights. In addition, parliamentarians participated in the 3rd cycle of UPR, which was a great opportunity for the executive and legislature to cooperate. Subsequently the committee identified the UPR recommendation on death penalty and advocated for its abolition in Burkina Faso. They also held consultations with various stakeholders.

Law enforcement officials play an important role in strengthening the legal system and informing debates to advance human rights and watch over equality and non-discrimination. A number of UPR recommendations relates to the **judiciary**<sup>385</sup>; either referring to the administration of justice<sup>386</sup> or requiring their actions to ensure their

384 The Belgrade Principles: <https://nhri.ohchr.org/EN/Themes/Portuguese/DocumentsPage/Belgrade%20Principles%20Final.pdf>

385 The issue of “Justice” is the 5<sup>th</sup> most referred topics among the UPR recommendations according to UPR Info database, [https://upr-info-database.uwazi.io/en/library/?q=\(allAggregations:!f,filters:\(issues:\(values:\(%2709218063-ce05-4655-9904-3e38e2e624da%27\)\)\),from:0,includeUnpublished:!f,limit:30,order:desc,sort:creationDate,types:\(%275d8ce04361cde0408222e9a8%27\),unpublished:!f\)](https://upr-info-database.uwazi.io/en/library/?q=(allAggregations:!f,filters:(issues:(values:(%2709218063-ce05-4655-9904-3e38e2e624da%27))),from:0,includeUnpublished:!f,limit:30,order:desc,sort:creationDate,types:(%275d8ce04361cde0408222e9a8%27),unpublished:!f))

386 Amongst the issues addressed in the UPR recommendations, one can note: the independence of judges and lawyers, prosecutors, and the right to a fair trial.

effective implementation by verifying that the Government's conduct is conformed to provisions contained in enacted laws, international human rights instruments ratified by the State and its obligations deriving therefrom. The Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights in 1993, notes that "Every State should provide an effective framework of remedies to redress human rights grievances or violations. The administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession in full conformity with applicable standards contained in international human rights instruments, are essential to the full and non-discriminatory realization of human rights and indispensable to the processes of democracy and sustainable development"<sup>387</sup>.

The United Nations Human rights monitoring mechanisms particularly, Treaty bodies, Special Procedures and the UPR are instrumental in the promotion and protection of human rights by providing guidance on the implementation of human rights standards and guaranteeing access to justice to seek redress.

The involvement of legal professionals in the UPR process proved essential in the implementation of recommendations related to law reforms and the administration of justice.

In Colombia, the Constitutional Court reviewed 22 protection writs (*tutela* actions) which were selected to illustrate systemic problems in the public health system. The Court determined that the responsible authorities violated their constitutional obligations to respect, protect and fulfil the right to health. The Court called for key reforms. Following the ruling, the Court stayed engaged in monitoring implementation, holding hearings, and issuing dozens of follow-up orders. The judgement and follow-up by the Court is credited with spurring substantial reforms to the health system. In 2014, the Congress passed a new statutory law on health, based on the right to health, which the 12 Court later declared constitutional with some modifications.

In South Africa, doctors challenged a Government's policy limiting the access to a medicine. The Constitutional Court in South Africa ordered the Government to remove the restrictions that prevented the drug from being made available at public hospitals and clinics and to "devise and implement a more comprehensive policy that will give access to health care services to HIV-positive mothers and their newborn

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<sup>387</sup> Vienna Declaration and Programme of Action, para 27. <https://www.ohchr.org/en/professionalinterest/pages/vienna.aspx>

children and will include the administration of nevirapine where that is appropriate.”

In India, the Supreme Court of India found that the right to life, as enshrined in the Indian Constitution, imposes an obligation on the State to provide timely emergency medical treatment necessary to preserve human life.

The cooperation between the judiciary and National Human Rights Institution can also assist to address sensitive issues. The Kenya National Commission on Human Rights as a member in the Taskforce on the implementation of the Supreme Court Ruling on the Death Penalty, used the UPR recommendation accepted by the State to invite it to amend the Penal Code and abolish the death penalty.

**National Human Rights Institutions** (NHRIs) are catalysts to promote human rights. As national independent bodies, they play a critical role in all stages of the UPR. As bridge-builders between UPR stakeholders, NHRIs can not only facilitate dialogue between governments and civil society, but also assist all actors in the implementation of recommendations based on their mandate. Ahead of the review, many NHRIs act as an intermediary between CSOs and the government during the process of holding national consultations. The National Human Rights Commission of Bangladesh has for instance taken a leading role to organize ahead of the UPR, national consultations bringing together CSOs and representatives from line ministries to discuss progress, challenges in the implementation of recommendations and define collaboratively a road map to address issues of concerns.

When carrying out their role to review the national legislation NHRIs will be called to work closely with the Parliament to ensure that new laws respect the States human rights obligations.

The collaboration with CSOs is also critically important to monitor human rights violations across the country.

The Malaysian Human Rights Commission – SUHAKAM has held consultations with a broad range of stakeholders; Government, CSOs, media, parliamentarians to discuss human rights issues raised in the UPR recommendations. For example, in 2017, the SUHAKAM co-organised, in partnership with the Migration Working Group and the Bar Council, a roundtable engaging in a discussion with line ministries and CSOs on Malaysia’s UPR commitments on the rights of migrant workers.

Thanks to its close collaboration with the Ministry of Foreign Affairs, which is the lead coordinating body for Malaysia's UPR, SUHAKAM was able, in 2019, to facilitate UPR Consultations with the State Governments of Sarawak and Sabah to receive briefings from local government's officials on the UPR process and discuss the way forward for implementation of accepted recommendations. The consultations provided a forum for exchange of information and dialogue between the Federal and States Governments on matters related to the UPR.

**Civil society organisations** should be consulted on all measures affecting people's life. In light with the Secretary General's Call to Action for Human Rights, the 2030 Agenda for Sustainable Development Goals and Beijing+25, involving civil society in monitoring the implementation of human rights recommendations and mainstreaming a gender and human rights-based approach is critically important to ensure inclusivity and efficiency of development actions.

The crucial role of civil society in the UPR is expressly recognised by the United Nations (UN), UN Member States, and in the founding resolution of the mechanism. Since the UPR inception, CSOs and human rights defenders (HRDs) have constantly engaged in the process, in order to drive positive changes for human rights across the world. The role of civil society has proven to be vital for the success of the UPR.

At a multi-stakeholder dialogue held in Kenya [government, NHRI, CSOs, OHCHR] participants agreed to develop a joint Government-CSO implementation matrix. Government representatives and CSOs working on the same theme subsequently met to discuss and update the civil society suggested implementation matrix, demonstrating a fruitful multi-stakeholder cooperation for the implementation phase. This exercise contributed to build trust between actors and demonstrated the added value of cooperation. This successful collaboration has then resulted in multi-stakeholder consultations in the drafting of UPR mid-term reports in 2018.

The collaboration of the Government, the Parliament, the Judiciary, the NHRI and CSOs with the **Academia** is also critical in the UPR. The later can inform their reports through research and support the collection of data for baseline studies on human rights issues which can serve as a basis for the development of indicators in national human rights action plans. It can also provide expert advises on thematic issues and contribute to the development of curriculum to train law enforcement officials.

In the United States of America, Columbia University and the International Association of Official Human Rights Agencies provided not only with stakeholders reports but also conducted a research report on how to best implement recommendations received at regional and state level, trying to find ways to bridge the gap between Federal and State level as well as share best practices within their national territory. In South Africa, most of the CSO contributions are supported by University legal clinics' expertise in producing and analysing statistical data, as well as processing human rights abuses, thus adding weight to the contributions.

Finally, recommending States are key actors in the UPR, not only by exercising their role in formulating recommendations to their peers' countries during the interactive dialogue but also by encouraging accountability, share good practices and supporting through technical support the implementation of recommendations. The Item 6, General Debate during the sessions of the Human Rights Council represents a prime opportunity to inform about the status of implementation of UPR recommendations and share good practices thus encouraging dialogue and cooperation to advance human rights.

### **An opportunity for transformational changes**

The Agenda 2030 was adopted in 2015 to end poverty, protect the planet, uphold peace, achieve gender equality, emphasizing the principles of equality, non-discrimination and promoting prosperity for all. It lies on partnership that involves the cooperation with and between public and private actors active at the local, national, regional, and international levels. Like the UPR, the sustainable development goals (SDGs) can only be achieved with strong and inclusive multi-stakeholders' cooperation. The Agenda 2030 and the SDG promise to leave no-one behind implies hearing the voice of marginalized and vulnerable groups which can be realized through consultations organized within the framework of the UPR.

The Agenda 2030 is anchored in human rights. 92% of the SDGs relate to civil and political rights (SDG 16 - access to justice, accountability) and economic, social, and cultural rights (SDGs 1, 2, 3, 4, 6 – poverty, food security, good health and well-being, quality education) whilst 49% of their targets are linked to data relevant to human rights instruments<sup>388</sup>. Government can utilise the SDGs as a driver for accelerating their human rights performance and address collaboratively new emerging

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388 [https://www.ohchr.org/Documents/Issues/MDGs/Post2015/SDG\\_HR\\_Table.pdf](https://www.ohchr.org/Documents/Issues/MDGs/Post2015/SDG_HR_Table.pdf)

issues such as the impact of climate and environmental changes on human rights.

Recognising the interrelatedness between the UPR and the SDG, States can through dialogue and cooperation, synergise their efforts and include a holistic approach in their implementation, harnessing the scope of both mechanisms to reinforce the promotion and protection of human rights. In doing so, they can ensure that economic development is accompanied in equal measure by social progress and human development.

In the third UPR cycle, the increased attention to multi-stakeholder partnership, as well as the benefits of an integrated approach to the UPR and SDGs, will further bolster the positive impacts and accountability of both mechanisms.

### **Conclusion**

One of the key features of the UPR is its multi-stakeholders and participatory approach. The involvement of national actors in the process and the intergovernmental dialogue and cooperation that the UPR fosters is the guarantor of an effective, impactful, and inclusive implementation of the recommendations.

The UPR is a powerful mechanism to prevent and respond to human rights violations. It offers peer and domestic guidance to assist States to respect, protect, and fulfill their human rights obligations toward their constituents. In a post-Covid phase a genuine discussion on human rights issues exacerbated during the pandemic and often raised during States under Review interactive dialogue can address root causes of human rights violations and mitigate the impact of the Covid-19 pandemic on the most vulnerable.

The UPR recommendations as well as NMIRF provide a benchmark for Government actions to strengthen the legal and institutional framework and reduce discrimination and inequalities in law and practice. By fostering participation and accountability, the UPR ensure that policies and decisions are based on rule of law and the needs of rights holders.

The UPR is also an enabler to achieve the Sustainable Development Goals and realise more just, equitable, inclusive, and sustainable societies.

Through dialogue and cooperation, the UPR can contribute to make transformative change, create a culture of democracy and build back



better. It supports exchanges on sensitive issues that may sometimes be delicate to take up directly and facilitate discussions between stakeholders on human rights.

The policy dialogue and human rights education stimulated by the UPR are the cornerstone for advancing human rights.

Friedrich Nietzsche encourages us to ask ourselves every morning what we could do to please someone. In this spirit, let us ask ourselves what we can do collaboratively to support the realization of everyone fundamental freedoms and rights and lift vulnerable and marginalized voices with compassion, altruism, and generosity so that everyone can reach her/his full potential.



**Migration, faith and racism**  
**“Faith for Rights”: Linking the Dots between Faith-based Actors, Academia, Human Rights Mechanisms and Multilateral Institutions**

**Mr. Ibrahim Salama**

*Chief of the Human Rights Treaties Branch  
Office of the High Commissioner for Human Rights (OHCHR)*

**Mr. Michael Wiener**

*Human Rights Officer, Office of the High Commissioner for Human Rights (OHCHR)*

“Inter-religious dialogue is important to unlock action. We need to move towards creating change on the ground, based on concrete projects that give priority to education and capacity-building of faith actors within a shared vision and framework across different religious communities. This is why my Office has been working in recent years with faith-based actors to conceive the Beirut Declaration and its corresponding 18 commitments on ‘Faith for Rights’. This framework aims at transforming messages of mercy, compassion and solidarity into inter-communal and faith-based projects aimed at social, developmental and environmental change.”

**Michelle Bachelet,**

*United Nations High Commissioner for Human Rights<sup>389</sup>*

## **Introduction**

Within the *UN Charter’s* opening formula “We the peoples of the United Nations”<sup>390</sup>, faith-based actors have much to contribute to promoting human rights, fostering peace worldwide and strengthening multilateralism. As High Commissioner Michelle Bachelet stressed, “religious leaders play a crucial role in either defending human rights, peace and security – or, unfortunately, in undermining them.”<sup>391</sup>

It is indeed vital to support faith-based actors in their positive contributions and at the same time prevent manipulation of religions as a tool in conflicts and counter that some religious texts are interpreted

389 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24670&LangID=E>

390 <https://www.un.org/en/sections/un-charter/preamble/index.html>

391 <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24531&LangID=E>

to justify human rights abuses. This is the rationale behind the “Faith for Rights” framework, which provides space for cross-disciplinary reflection and action on the mutually enriching connections between religions, beliefs and human rights. Its core objective is to foster the development of peaceful and inclusive societies, which uphold human dignity and equality for all and where diversity is not just tolerated but fully respected and celebrated.

This objective requires “linking the dots” by bringing closer faith-based actors from different traditions, academia, human rights mechanisms and multilateral institutions within a normative framework and with tailored implementation tools. This article will provide a brief outline of the “Faith for Rights” framework and how its peer-to-peer learning guide, the #Faith4Rights toolkit, has been used and proven useful, notably in the context of joining forces with faith-based actors during the COVID-19 pandemic and beyond.

### **From addressing incitement to hatred to the broader role of faith-based actors**

Already in 2012, the *Rabat Plan of Action* on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence<sup>392</sup> laid out three specific core responsibilities of religious leaders: (a) They should refrain from using messages of intolerance or expressions which may incite violence, hostility or discrimination; (b) Religious leaders also have a crucial role to play in speaking out firmly and promptly against intolerance, discriminatory stereotyping and instances of hate speech; and (c) Religious leaders should be clear that violence can never be tolerated as a response to incitement to hatred, i.e. violence cannot be justified by prior provocation.

Those responsibilities of religious actors in the area of incitement to hatred were expanded to the full spectrum of human rights by faith-based and civil society actors who participated in the OHCHR workshop in March 2017, leading to the adoption of the *Beirut Declaration* and its 18 commitments on “Faith for Rights”.<sup>393</sup> The Beirut Declaration considers that all believers – whether theistic, non-theistic, atheistic or other – should join hands and hearts in articulating ways in which “Faith” can stand up for “Rights” more effectively so that both enhance each other. Links between faith and rights are deeply rooted in both traditions. Individual and communal expression of religions

<sup>392</sup> UN Doc. A/HRC/22/17/Add.4, appendix, para. 36.

<sup>393</sup> UN Doc. A/HRC/40/58, annexes I and II.

or beliefs thrive and flourish in environments where human rights are protected. Similarly, human rights can benefit from deeply rooted ethical and spiritual foundations provided by religions or beliefs. Rather than focusing on theological and doctrinal divides, the Beirut Declaration identifies common grounds among all religions and beliefs to uphold the dignity and equal worth of all human beings.

The **Beirut Declaration** can be regarded as the preambular part of the operational 18 commitments on “Faith for Rights”, which constitute concrete pledges by faith-based non-State actors in a bottom-up approach, rather than duties imposed top-down by States. The choice of the number 18 alludes to article 18 of the **Universal Declaration of Human Rights** and article 18 of the **International Covenant on Civil and Political Rights**, both of which guarantee freedom of thought, conscience, religion and belief. In tweet-length summaries, they commit themselves:

1. To stand up and act not only for their own religious freedom but for everyone’s right to free choices, particularly for everyone’s freedom of thought, conscience, religion or belief;
2. To use the declaration on “Faith for Rights” as a common minimum standard of interaction between theistic, non-theistic, atheistic or other believers, who are all equally included in the wide human rights law definition of religion or belief;
3. To promote constructive engagement on the understanding of religious texts through critical thinking and constructive debate on religious matters;
4. To prevent the notions of “State religion” and “doctrinal secularism” from being used to discriminate or reduce the space for diversity of religions and beliefs;
5. To ensure non-discrimination and gender equality, particularly regarding harmful practices and negative stereotypes that constitute or lead to gender-based violence;
6. To stand up for the rights of all persons belonging to minorities and to defend their freedom of religion or belief, particularly in cultural, religious, social, economic and public life;
7. To publicly denounce all instances of advocacy of hatred that incites to violence, discrimination or hostility in the name of religion or belief;

8. To monitor interpretations, determinations or other religious views that manifestly conflict with universal human rights norms and standards;
9. To condemn any judgemental determination that disqualifies the religion or belief of another individual or community, exposing them to violence in the name of religion;
10. Not to tolerate exclusionary interpretations on religious grounds which instrumentalize religions, beliefs or their followers for electoral purposes or political gains;
11. Not to oppress critical voices on religious matters in the name of "sanctity", and to advocate for repealing any anti-blasphemy and anti-apostasy laws;
12. To review the curriculums and teaching materials wherever some religious interpretations seem to encourage or tolerate violence or discrimination;
13. To engage with children and youth against violence in the name of religion and to promote their active participation in decision-making;
14. To ensure that humanitarian aid is given regardless of the recipients' creed and that aid will not be used to further a particular religious standpoint;
15. Not to coerce people in vulnerable situations into converting from their religion or belief, while fully respecting everyone's freedom to have, adopt or change a religion or belief;
16. To leverage the spiritual and moral weight of religions and beliefs in order to strengthen the protection of universal human rights and develop preventative strategies;
17. To develop sustained partnerships with specialised academic institutions to promote interdisciplinary research, programs and tools for implementing the 18 commitments; and
18. To use technological means more creatively and consistently in order to produce capacity-building and outreach tools and make them available for use at the local level.

### **Soft law standards**

While the 18 commitments were not adopted by States and thus are not legally binding norms of hard law, they have already been considered as

soft law standards or at least as “softish law” in the making.<sup>394</sup> The “Faith for Rights” framework has been developed in a unique manner as it was jointly conceived and unanimously adopted by members of several UN human rights mechanisms, faith-based actors and civil society organizations in Beirut in March 2017. Within four years, more than 60 UN documents have referred to “Faith for Rights”, notably in reports by the Secretary-General, High Commissioner, Special Rapporteurs, Treaty Bodies, UN peace missions, in addition to statements by States and NGOs.<sup>395</sup>

The 18 commitments have the potential to positively inspire the behaviour of States, international organizations, non-State actors and other stakeholders in a number of ways, which is the role and reflection of soft law standards. For example, the European Union Gender Action Plan III of November 2020 notes that “the EU should support mobilisation of religious actors for gender equality in line with the Faith for Rights framework”.<sup>396</sup> In addition, the UN Committee on the Elimination of Discrimination against Women has referred to the “Faith for Rights” framework during its consideration of reports from States parties such as Botswana, Costa Rica, Fiji, Niger and Nigeria.<sup>397</sup> In its concluding observations, the Committee recommended expediting the repeal or amendment of all discriminatory laws identified by the Nigerian Law Reform Commission and including religious leaders in the process of addressing issues of faith and human rights, so as to build on several “faith for rights” initiatives and identify common ground among all religions in Nigeria, as acknowledged by the delegation during its interactive dialogue with the Committee.<sup>398</sup>

In his 2021 report to the Human Rights Council, the Special Rapporteur on freedom of religion or belief recommended States to fulfil their obligations to prohibit any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, in line with international norms and soft law instruments developed under the auspices of the United Nations, explicitly referring to the **Rabat Plan of Action** as well as the **Beirut Declaration** and its 18 commitments on

394 UN Docs. A/HRC/37/49, para. 29; A/73/362, para. 63; A/74/358, para. 73; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22504&LangID=E>; <https://europe.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=2557&LangID=E>; [https://legal.un.org/avl/ha/ga\\_36-55/ga\\_36-55.html](https://legal.un.org/avl/ha/ga_36-55/ga_36-55.html); Heiner Bielefeldt and Michael Wiener, **Religious freedom under scrutiny** (University of Pennsylvania Press, 2020), pp. 179-180.

395 <https://www.ohchr.org/Documents/Press/Faith4Rights.pdf#page=54>

396 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020JC0017&from=EN>

397 [https://www.ohchr.org/Documents/Issues/Religion/CEDAW\\_Excerpts.pdf](https://www.ohchr.org/Documents/Issues/Religion/CEDAW_Excerpts.pdf)

398 UN Docs. CEDAW/C/NGA/CO/7-8, para. 12 and A/HRC/WG.6/31/NGA/2, para. 13.

“Faith for Rights”,<sup>399</sup> Similar references also feature in the Human Rights Committee’s general comment No. 37 on the right of peaceful assembly, in the context of defining whether the conduct of specific participants in an assembly may be deemed violent or not.<sup>400</sup> Furthermore, the Rabat threshold test is being used by the national authorities for audio-visual communication in Tunisia, Côte d’Ivoire and Morocco, while the European Court of Human Rights<sup>401</sup> has referred to the **Rabat Plan of Action** under relevant international materials and in its summaries of submissions from Amnesty International, Article19 and Human Rights Watch. Facebook’s Oversight Board, which had been likened to a ‘supreme court’<sup>402</sup> concerning content moderation decisions on Facebook and Instagram, decided its first cases in early 2021, explicitly considering as relevant human rights standards the **International Covenant on Civil and Political Rights**, general comments by UN treaty bodies, reports by Special Procedures and the threshold test of the **Rabat Plan of Action**.<sup>403</sup> This is a key development with a vast global footprint in view of the 2,800,000,000 monthly active users of Facebook at the end of 2020.<sup>404</sup>

In addition, the 18 commitments on “Faith for Rights” have been used by UN field presences and special procedures during their engagement with States. In March 2021, the United Nations Joint Human Rights Office in the Democratic Republic of the Congo recommended religious actors to implement the “Faith for Rights” commitments to publicly denounce all instances of advocacy of hatred that incites to violence, discrimination or hostility, including those that lead to atrocity crimes (commitment VII), as well as to protect the rights of all persons belonging to minorities, including their right to participate equally and effectively in cultural, religious, social, economic and public life, as recognized by international human rights law (commitment VI).<sup>405</sup> The latter formulation was also used in a joint communication to Algeria in January 2021 by six Special Procedures mandate-holders, who in their annex on legal instruments and other human rights standards also quoted commitment XI which urges “States that still have anti-

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399 UN Doc. A/HRC/46/30, para. 82.

400 UN Doc. CCPR/C/GC/37, paras. 19 and 50.

401 <https://hudoc.echr.coe.int/eng?i=001-184666>

402 <https://www.vox.com/2018/4/2/17185052/mark-zuckerberg-facebook-interview-fake-news-bots-cambridge>

403 <https://oversightboard.com/decision/>

404 <https://investor.fb.com/investor-news/press-release-details/2021/Facebook-Reports-Fourth-Quarter-and-Full-Year-2020-Results/default.aspx>

405 [https://monusco.unmissions.org/sites/default/files/bcnudh\\_rapport\\_sur\\_les\\_messages\\_et\\_discours\\_incitatifs\\_a\\_la\\_haine\\_en\\_rdc.pdf](https://monusco.unmissions.org/sites/default/files/bcnudh_rapport_sur_les_messages_et_discours_incitatifs_a_la_haine_en_rdc.pdf)



blasphemy or anti-apostasy laws to repeal them, since such laws have a stifling impact on the enjoyment of freedom of thought, conscience, religion or belief as well as on healthy dialogue and debate about religious issues.”<sup>406</sup>

At the level of faith-based and other civil society actors, the G20 Interfaith Forums in Buenos Aires and Tokyo yielded the policy recommendation “to reduce incitement to hatred by supporting religious leaders and faith-based actors in fulfilling their human rights responsibilities as summarized in the Beirut Declaration and the 18 commitments of the ‘Faith for Rights’ program.”<sup>407</sup> The faith-based NGO Arigatou International published a multi-religious study entitled “Faith and Children’s Rights”, which also draws upon the “Faith for Rights” framework.<sup>408</sup> Moreover, the Religious Track of the Cyprus Peace Process (a peacebuilding initiative with the religious leaders of Cyprus, under the auspices of the Embassy of Sweden in Nicosia) has translated the *Beirut Declaration* and its 18 commitments into Greek and Turkish, using them for advocacy purposes and in human rights education projects across the divided island.<sup>409</sup>

### **Peer-to-peer learning facilitated through the #Faith4Rights toolkit**

Education and peer-to-peer learning is the indispensable gate towards sustainable approaches to social inclusion. OHCHR had realized this fact and acted on them already before the COVID-19 pandemic hit the world. In full collaboration with faith-based actors and human rights mechanisms, including Special Rapporteurs and several Treaty Body members, the “Faith for Rights” framework was transformed into a peer-to-peer learning toolkit, after a yearlong process of consultations, known as the “Collaboration of Collonges”. The #Faith4Rights toolkit also contributes to implementing related intergovernmental resolutions and action plans, such as the UN Human Rights Council’s resolution 16/18 on *combating intolerance against persons based on religion or belief* (2011), the Sustainable Development Goals (2015), the *Plan of Action to Prevent Violent Extremism* (2016), the *UN Strategy*

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406 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25801>

407 <https://www.g20interfaith.org/wp-content/uploads/2019/04/Recommendations-2018-2.pdf>; <https://www.g20interfaith.org/wp-content/uploads/2019/08/G20-IF-2019-Recommendations-Final.pdf>

408 <https://arigatouinternational.org/en/what-we-do/faith-children-s-rights-a-study-on-the-crc>

409 <http://www.religioustrack.com/faith-for-rights/>

**and Plan of Action on Hate Speech** (2019) and the **UN Plan of Action to Safeguard Religious Sites** (2019).<sup>410</sup>

The #Faith4Rights toolkit is an innovative document and website, addressed to practitioners with the aim of transforming general interfaith dialogues into action-oriented peer-to-peer learning exercises. It contains 18 learning modules exploring the relationship between religions, beliefs and human rights by stimulating an interdisciplinary discussion in relation to each of the 18 commitments on "Faith for Rights". This methodology serves a triple purpose: (1) engaging faith-based actors to ensure ownership, (2) thinking critically to face new challenges, and (3) reinforcing the mutual enhancement between faith and rights through identifying solutions to their possible tensions, while unleashing their potential of complementarity. The 18 modules offer concrete ideas for learning exercises, for example how to share personal stories, search for additional faith quotes or provide for inspiring examples of artistic expressions on substantive matters linking faith and rights. The toolkit is open for adaptation by users/facilitators in order to tailor the modules to the specific context of the peer-to-peer learners.

The 18 modules aim at stimulating exchanges among different actors to "inspire interdisciplinary research on questions related to faith and rights"<sup>411</sup> and to support a "long overdue cross-disciplinary reflection on the deep, and mutually enriching, connections between religions and human rights".<sup>412</sup> The optimal benefit from the #Faith4Rights toolkit depends on the quality of moderation/facilitation of its peer-to-peer learning exercises. The task of a facilitator of such peer-to-peer learning events may be quite daunting because he or she needs to bring the participants together and stimulate true learning from each other. This cannot be achieved in a top-down manner but rather requires carefully listening to each other, on an equal footing, raising interesting questions at the right moment of the flow of discussions and trying to extract learning points from all participants' experiences. Raising difficult and even sensitive questions in a sensible manner and at the right moment during the dialogue is a prerequisite for stimulating answers. The idea is precisely to frame and guide a free but informed debate, which may be also heated at times, in an interdisciplinary manner. What the

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410 <https://www.ohchr.org/Documents/Press/faith4rights-toolkit.pdf#page=4>

411 <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24531&LangID=E>

412 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21451&LangID=E>

#Faith4Rights toolkit tries to achieve is to empower the facilitators of peer-to-peer learning and all participants to constructively handle any “hot potato” issues rather than avoiding them. These include gender equality, sexual and reproductive health and rights, as well as violence and political manipulation in the name of religion. It is obvious that facilitators of debates on these complex issues, particularly in tension zones among different faith communities, must acquire skills and be willing to invest effort in preparation, for which the #Faith4Rights toolkit offers ideas and support. A renewable database of interdisciplinary knowledge and interactive methodologies is what characterises the #Faith4Rights toolkit.

This toolkit builds on a wealth of comparable resources by several UN agencies that have been integrated into the #Faith4Rights toolkit. It also proposes brief cases to debate, which illustrate a human rights-based approach to religious matters and enhance the skills of faith-based actors to manage religious diversity in real-life situations towards the aims of “Faith for Rights”. Its annex also includes six detailed moot court cases, containing elements of – or even direct references to – the 18 commitments on “Faith for Rights”, for competitions organized by the Universities of Pretoria and Oxford, the European Academy of Religion and the Brazilian Center of Studies in Law and Religion.

Such learning through debating hypothetical case scenarios and sharing of personal experiences is meant to reduce the reciprocal illiteracy between religious and human rights topics and actors. This enlightening experience is also amplified by inspiring examples of artistic expressions, including on gender equality and minority rights,<sup>413</sup> that have been regularly added to the toolkit. The #Faith4Rights toolkit is a living document, which is centrally updated with regular new material and also open for adaptation by facilitators in order to tailor the modules to the specific context of the participants and it has already been enriched through a dozen updates during its first year of piloting in 2020.

### **Implications of COVID-19 and building back better**

This flexible approach has also allowed reacting swiftly to the advent of COVID-19 by including in the #Faith4Rights toolkit concrete ideas for peer-to-peer learning exercises on responding to pandemics, including a case study inspired by real situations of negative stereotyping of religious minorities and COVID-related hate speech instances. The

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413 <https://www.ohchr.org/Documents/Press/faith4rights-toolkit.pdf#page=36>

toolkit addresses the human rights implications of the pandemic with regard to women, girls and gender equality (module 5), minority rights (module 6), ethical and spiritual leverage (module 16), research, documentation and exchange (module 17) as well as two hypothetical cases to debate (annexes G and M).

OHCHR has been conducting peer-to-peer learning events to pilot and refine this methodology, including with civil servants in Nigeria (with the Oslo Coalition on Freedom of Religion or Belief), faith-based and humanitarian actors in Denmark, South Asia and globally with Religions for Peace, with academic institutions (Oxford University, Vrije Universiteit Amsterdam and University of Pretoria) and students from more than 50 countries (with the UN Interregional Crime and Justice Research Institute as well as the Office on Genocide Prevention and the Responsibility to Protect). UN human rights mechanisms have been part and parcel of these webinars, notably the Special Rapporteur on freedom of religion or belief, Special Rapporteur on minority issues as well as several members of the Human Rights Committee and Committee on the Elimination of Discrimination against Women (as part of its CEDAW Knowledge Hub).

In all these webinars, the #Faith4Rights toolkit has been used, notably its exercises related to COVID-19. It has been particularly useful to discuss a hypothetical case study<sup>414</sup>, also based on real-life elements, exemplifying the role and responsibilities of the State and religious leaders during an epidemic. In this scenario, followers of A-Religion, which is a religious minority community in the fictitious State of Itneconni, face discrimination through the Prime Minister's emergency order to curb the spread of the infectious virus called ANOROC-20 as well as hate speech broadcasted via public television from the religious leader of B-Religion which constitutes the vast majority of Itneconni's religious demography. While the scenario was designed as a hypothetical case study, one participant during a peer-to-peer learning event asked why the #Faith4Rights toolkit had invented some "funny names" for the states and religions in this scenario, whereas a similar case had actually happened in the participant's district.

This real-life feedback illustrates the infinite richness of peer-to-peer learning between civil servants, faith-based actors, academics and human rights mechanisms in order to prevent any overreach of extraordinary measures as well as to safeguard human rights and civic space for everyone. In order to build back better from the pandemic,

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414 <https://www.ohchr.org/Documents/Press/faith4rights-toolkit.pdf#page=96>

a powerful and results-oriented framework is needed to advance the work of diverse faith-based actors at the grass-roots level.

### **Ethical and spiritual leverage of religions and beliefs**

In this context, commitment XVI on "Faith for Rights" pledges to leverage the spiritual and moral weight of religions and beliefs with the aim of strengthening the protection of universal human rights and developing preventative strategies adapted to the local contexts and benefitting from the potential support of relevant United Nations entities.<sup>415</sup> This commitment was taken up by Religions for Peace in its **Statement on Coronavirus Crisis**, published in March 2020: "Our core responsibility as faith actors is to translate ethical values into concrete actions. A compelling way to do this is to promote human rights, fraternity and solidarity through the "Faith for Rights" framework. Beyond religious institutions and faith leaders, such a joint approach to face the current health crisis – and its severe economic and social implications – is also an individual responsibility. The "Faith for Rights" framework and its 18 commitments reach out to individual theistic, non-theistic, atheistic or other believers in all regions of the world to enhance cohesive, peaceful and respectful societies on the basis of a common action-oriented platform. To fulfil this responsibility of believers, in this broad definition of religion or belief, we encourage faith actors to use the online #Faith4Rights toolkit."<sup>416</sup>

The toolkit also points the facilitator to the World Health Organization's interim guidance of April 2020 on practical considerations and recommendations for religious leaders and faith-based communities in the context of COVID-19.<sup>417</sup> Furthermore, at the virtual consultation for the **Global Pledge for Action by Religious Actors and Faith-Based Organizations to Address the COVID-19 Pandemic in Collaboration with the UN**,<sup>418</sup> the High Commissioner for Human Rights noted that "We need your far-sighted leadership; your sense of principle; and your voices of authority and concern to combat these hateful divisions. The struggle for equality and justice is at the heart of the human rights agenda, and at the heart of the UN's work."<sup>419</sup>

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415 UN Doc. A/HRC/40/58, annex II, commitment XVI.

416 <https://rfp.org/statement-by-religions-for-peace-on-coronavirus-crisis/>

417 <https://www.who.int/publications-detail-redirect/practical-considerations-and-recommendations-for-religious-leaders-and-faith-based-communities-in-the-context-of-covid-19>

418 <https://www.ohchr.org/Documents/Issues/Religion/GlobalPledgeAction.pdf>

419 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25909&LangID=E>

As a concrete follow-up to the Global Pledge for Action, OHCHR – together with the UN Alliance of Civilizations and the Office of the Special Advisor on Prevention of Genocide – have been organizing a series of monthly webinars on topics where the role of faith-based actors is particularly influential, such as gender equality, hate speech, religious sites, religious or belief minorities, atrocity crimes and interfaith dialogue.<sup>420</sup> Aligning the efforts of these three UN entities in partnership with faith-based actors on a specific peer-to-peer learning program is a major shift from ad-hoc events to a structured process and from the traditional top-down training approaches to a genuine recognition of what faith-based actors have to offer and what the United Nations can learn from their action and wisdom.

The High Commissioner also stressed that today's challenges related to the pandemic may be followed tomorrow by other tests for humanity and for our universal values: "Joining diverse faith actors within a shared vision and framework, we hope to nourish a community of practise, learning from each other and stimulating promising initiative based on human rights and mutual collaboration and respect."<sup>421</sup>

The peer-to-peer learning methodology does not negate the importance of guidance from high-level religious authorities. Both tracks indeed complement each other. Enlightened leadership is always of the essence. The ***document on Human Fraternity for World Peace and Living Together***, signed by Pope Francis and the Grand Imam of Al-Azhar in February 2019, is a case in point. The two spiritual dignitaries "resolutely declare that religions must never incite war, hateful attitudes, hostility and extremism, nor must they incite violence or the shedding of blood."<sup>422</sup> The Catholic Church and Al-Azhar also "pledge to make known the principles contained in this Declaration at all regional and international levels, while requesting that these principles be translated into policies, decisions, legislative texts, courses of study and materials to be circulated."

At an online event organized by the United Arab Emirates to commemorate the first "International Day of Human Fraternity" on 4 February 2021, the Rector of the University for Peace<sup>423</sup> noted that

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420 <https://www.ohchr.org/Documents/Issues/Religion/GlobalPledgeActionConcept.pdf>

421 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25909&LangID=E>

422 [http://www.vatican.va/content/francesco/en/travels/2019/outside/documents/papa-francesco\\_20190204\\_documento-fratellanza-umana.html](http://www.vatican.va/content/francesco/en/travels/2019/outside/documents/papa-francesco_20190204_documento-fratellanza-umana.html)

423 <https://www.upeace.org/noticias/commemoration-of-the-first-international-day-of-human-fraternity>

essential values such as multilateralism have been questioned and that the COVID-19 pandemic reaffirms the need for fraternity and solidarity among human beings. Furthermore, a statement on behalf of OHCHR<sup>424</sup> indicated that the document on Human Fraternity resonates in many ways with the “Faith for Rights” framework on the role and responsibilities of religious actors. Inter- and intra-religious engagement can be a healing tool of reconciliation and peacebuilding in people’s hearts and minds. Such engagement should lead to sustainable change on the ground. Human rights tools provide useful peer-to-peer learning opportunities that faith-based actors can seize and enrich.

### **Concluding remarks**

All this may also fulfil the long-term transformative commitment XVII on “Faith for Rights” which aims at the “exchange of practices, mutual capacity enhancement and regular activities of skills updating for religious and spiritual preachers, teachers and instructors, notably in areas of communication, religious or belief minorities, inter-community mediation, conflict resolution, early detection of communal tensions and remedial techniques. In this vein, we shall explore means of developing sustained partnerships with specialised academic institutions so as to promote interdisciplinary research on specific questions related to faith and rights and to benefit from their outcomes that could feed into the programs and tools of our coalition on Faith for Rights.”<sup>425</sup>

One key take-away of recent webinars and discussions has been the need to improve both the religious literacy of human rights actors and the human rights literacy of faith-based actors. This is why peer-to-peer learning is a priority. A second key challenge is the political manipulation of religions and beliefs. Here, again, education and the #Faith4Rights toolkit can empower religious actors against political manipulation through enhancing their independence and sharpening their critical thinking. States have the primary responsibility in respecting the independence and unleashing the potential of faith-based actors to assume their natural role as human rights defenders.

Ultimately, both movements inherited a limited reciprocal literacy from the decades-long tensions and suspicion between religions and human rights. The only alternative to destructive confrontation or immobility is to better understand both “faith” and “rights” through

<sup>424</sup> <https://www.youtube.com/watch?v=3ISQ5KVDqz0&t=5m7s>

<sup>425</sup> UN Doc. A/HRC/40/58, annex II, commitment XVII.

research, training and action-oriented dialogue among peers. This should be based on knowledge and respect, which requires time, trust and sound methodology. This is also the rationale and philosophy of the #Faith4Rights toolkit, which stresses that “Faith and rights should be mutually reinforcing spheres”. This overarching aim resonates well with a famous quote by Max Planck, whose discovery of energy quanta won him the Nobel Prize in Physics: “If you change the way you look at things, things you look at change”<sup>426</sup>.

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<sup>426</sup> See Joachim P. Sturmberg, “*If You Change the Way You Look at Things, Things You Look at Change*.” Max Planck’s Challenge for Health, Health Care, and the Healthcare System”, in: J. Sturmberg (ed) *Embracing Complexity in Health* (Springer, Cham, 2019).



## **“The role of European multilateralism in the migration crisis”**

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Introduction. I. The multilateralism in the European Union. II. Multilateralism in European migration policy. 1. European migration policy. 1) The provision of aid to Member States which have to face the increase in the refugee and migrant flux. 2) Establishment of measures to discourage irregular migration. 3) The creation of an EU external borders management system. 4) The strengthening of the European asylum policy. 5) Creation of programs that allow migrants social integration. Conclusion.

### **Introduction**

The role that the European Union must play in a new international context was clearly reflected in the speech of the former High Representative for Foreign and Security Policy Javier Solana (Solana, 2003) titled “A secure Europe in a better world”, where he reflected on the new threats facing the European Union and which are the strategies it must follow to confront them and pointed out: “There are few problems, if there are any that we can face alone. The threats to which we have alluded are common threats, which we share with our closest partners, so it is necessary that we pursue our objectives through multilateral cooperation in international organizations and partnerships with other key agents or regions”<sup>427</sup>.

Solana’s speech raises in a concrete and succinct way the existence of threats and challenges, principles and values that should govern the foreign policy of the European Union. This document mentions that the European Union, in addition to being a commercial and economic actor of great magnitude, must also become an actor in the field of international politics and security. “Given this, the European countries

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<sup>427</sup> Solana, Javier, Speech “Una Europa segura en un mundo mejor”, Thessaloniki, Grecia, 20 de junio de 2003.

have decided to proclaim the will of the European Union to play the role of world power and assume the responsibilities to guarantee a secure Europe in a better world. Therefore, they will seek to contribute tirelessly to the strengthening and reforms of the institutions of global government, to promoting regional cooperation and expanding the scope of international law<sup>428</sup>.

Solana's proposal focuses on conceiving a common strategic approach, where it is intended to develop and deploy security capabilities effectively, beyond traditional economic and social relationships. The new security challenges are aimed above all at problems related to migratory movements, which constitute a strategic threat for the European Union and the rest of the countries of the world. It is mentioned that even though there is a more interconnected and borderless world where a large part of the world's population has benefited from the flow of trade, investment, technology, democracy, freedom and unprecedented prosperity, they still continue persisting many problems without solving and others on the contrary have worsened. Therefore, among the main threats identified by the European Union are threats such as large migratory movements which impact the security of the States of the European Union<sup>429</sup>.

In many parts of the world, poor governance, civil strife and the ease of obtaining weapons have weakened state and social structures, which can lead to the collapse of these state institutions. Criminal activities take place in States that affect the security of Europe, mainly through the flow of drugs and immigrants. In these times of globalization and technological advances, poverty continues to be a serious security threat and a source of constant instability<sup>430</sup>. Almost 3,000 million people (almost half of the world's population) live on less than two euros a day, forty-five million die each year from hunger and malnutrition. Countries with a high rate of population in poverty, generates a cycle of insecurity, where the lack of economic growth, political problems, violent conflicts are manifested.

Faced with all the above threats, the European Union seeks to respond more effectively. These threats focus more on international security issues that characterize the structure of international relations from the 21st century on, so the European Union must seek responses to

428 Solana, Javier, Multilateralismo eficaz: una estrategia para la Unión Europea, Política Exterior, n° 95, España, septiembre/octubre, 2003, pp. 37-45.

429 Quevedo Flores, J.A. (2015) "La paradoja del multilateralismo eficaz a través de las asociaciones estratégicas en la acción exterior de la Unión Europea" *European Scientific Journal*, Vol. 8, n° 24, pp. 1-24.

430 *Ibidem* pp. 4.

threats in a different international environment. This response must become a comprehensive strategy in which it is proposed to expand the European security zone, but above all in the consolidation of an international order based on effective multilateralism.

In this sense, Sanahuja points out that the new international context of the 21st century is characterized by a "new realism" of a cosmopolitan nature that redefines national interests within the framework of global problems and interests and by promoting an "effective multilateralism", to improve the governance of the international system<sup>431</sup>. In this context, the European Union wishes to respond to these threats effectively, actively and by developing a strategic culture that promotes early, rapid and forceful intervention, as well as a stronger diplomatic capacity that makes better use of combined resources.

### I. The multilateralism in the European Union

International cooperation for development is configured as an instrument of increasing importance, which, to be effective, must respond to collective strategies and goals, and not to a narrow and selfish definition of the national interest. Multilateralism responds to the recognition of the limits of the nation-state and the mechanisms of classical international cooperation to respond to the challenges of globalization and, in particular, of the development agenda and the fight against poverty.

This multilateralism implies, on the one hand, the development of regulatory frameworks, and the (re) construction of effective international organizations to establish new regulatory frameworks. At the same time, it requires an active commitment in the reform of international institutions, greater financial support, and a selective policy regarding the organizations with which it operates. The foregoing tends to channel the participation of States and societies, and mobilize collective action to ensure the provision of security, economic well-being, social cohesion and environmental sustainability, which are redefined as global or regional "public goods"<sup>432</sup>.

The European Security Strategy takes up the concept of "multilateralism" coined in the late George W. Bush period to give it a new focus. That is, the more moderate neoconservative doctrine advocated an expanded bilateralism, compared to Europe that defends a structured

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431 Sanahuja, J. "Balance y perspectivas de un ciclo de reformas: la política de cooperación española, 2004 a 2006, Madrid, *Anuario Global hoy* 2005-2006, 2006.

432 Sanahuja, J., "Hacia un multilateralismo eficaz: Naciones Unidas y la cooperación al desarrollo", *Temas para el debate*, España, n° 150, may 2007, pp. 41-44

multilateralism. This implies the existence and strengthening of international institutions of global governance, where States and international organizations cooperate with each other and with civil society to share their strategies.

This institutionalized or structured cooperation should crystallize in a universal normative set by blocks that is binding and whose compliance is supervised and guaranteed by those same institutions. In this sense, the states would be represented and jointly would have a single will.

The Security Strategy, therefore, starts from the doctrinal construction of shared sovereignty, so properly European, although and for obvious reasons it limits and adapts it to the intergovernmental framework of international society. However, it is not a question in any case, or at least not primarily, of creating new institutions adapted to European interests, but rather of reinforcing, and if necessary reforming, the capacity of the existing ones; otherwise, the essential element of the proper functioning of this new strategy would be avoided, namely, the competition and participation of third countries in the construction of this new scenario. Issues such as the fight against poverty and inequality, the regulation of migration or the deterioration of the environment are not national but regional or global issues<sup>433</sup>.

Multilateralism is configured, in this context, as an instrument of growing importance, which, to be effective, must respond to collective goals and strategies. Effective multilateralism is not an option but a necessity.

## II. Multilateralism in European migration policy

The migratory flows are, for various reasons, part of our human history that has moved people to displace from one country to another depending on the historical and political-economic circumstances existents<sup>434</sup>. As an example, America received European immigrants that were especially from Southern Europe in the 1950s<sup>435</sup>. However, nowadays are the European cities that are under pressure due to the high number of migrants fleeing from the existing instability in third states<sup>436</sup>.

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433 Quevedo Flores, *op. cit.* pp. 7.

434 Cornelius, Wayne A., Martin, Philip L. and Hollifield, James F. (2004) *Controlling Immigration: A Global Perspective*. Stanford University Press, Stanford, Calif.

435 Borges, M. (1991) –"Características residenciales de los inmigrantes portugueses en Buenos Aires en la segunda mitad del siglo XIX", *Estudios Migratorios Latinoamericanos* 6 (18) pp. 223-247.

436 Meyers, E. (2000) "Theories of International Immigration Policy-A comparative analysis". *International Migration Review*, Vol. 34, n. 4 (Winter)

Since 2010 the number of migrants and refugees coming from especially African and Asian states, as well as from Near East, that attempt to entry into the European Union (EU) has significantly increased. Aspects such as the Syrian crisis, the proliferation of riots in various regions within Africa and Asia, in addition to the search of better living conditions in Europe, have contributed decisively to stress the migratory phenomenon notably in the southern frontline EU Member States, as Spain, Greece and Italy<sup>437</sup>.

In response to this situation, in 2015 the European Commission created the European Agenda on Migration<sup>438</sup>. Its primary goal was to undertake actions that could serve to improve the search and rescue operations; to fight against criminal trafficking networks; resettling of refugees within EU borders; the relocation of displaced people from their country of origin and the provision of help to those EU Member States found in the destination for migrants and refugees.

To respond to this situation, the European Agenda on Migration<sup>439</sup> established four basic pillars for the adoption of a common migratory policy based on, a) reducing incentives for irregular migration; b) rescuing human lives and enforcing external borders; c) the creation of a common European asylum system and d) the setting of a new legal migration policy.

Nevertheless, these measures have not been accepted by all EU Member States as some of their governments are against the massive arrival of immigrants, which has led to even dismiss the international treaties that protect the life of the people forced to leave from their countries of origin. On this sense the so-called "axis of voluntaries against illegal immigration" where Vienna-Roma-Munich participate presents itself as a coalition that pretends to strengthen the Union external borders applying different mechanisms. Whereas Italy and Germany support the burden sharing and responsibility between Member States in a solidary manner, the Visegrad Group refuses undoubtedly to assume any obligation. Before this situation, we can affirm migratory policy has converted into a challenge for EU institutions and values<sup>440</sup>.

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437 Chueca Sancho, A.G., Gutiérrez Castillo, V.L., Blázquez Rodríguez, I. (coord.), (2009) Las migraciones internacionales en el Mediterráneo y Unión Europea ,Huygens.

438 European Agenda on Migration (COM (2015) 240 final)

439 Peña Díaz, F.(2017) "The European Agenda on Migration: latest developments?" *Revista Electrónica de Estudios Internacionales* pp. 1-38.

440 Barbero, I. (2017), "Lectura contemporánea del régimen de frontera en Europa: un coste inhumano", *Revista de Derecho Migratorio y Extranjería*, n. 46 (Septiembre-Diciembre), pp. 1-14.

## 1. European migration policy

Definitely, the complexity in the management of migratory flows created conflicts that have forced to change the measures adopted in the European Agenda on Migration, especially to make a stance before inequalities created by the refusal of immigrants from certain states which have been received by other Member States in respect to humanitarian law principles.

To offer an answer to this asymmetry of the European migratory policy we will establish the EU priorities for the next years offering a common system that solves the differences within the European migratory model.

This situation has obliged the European Commission to establish urgent measures to fulfil both the commitment of the European migratory policy as well as its international commitments.

This has supposed the activation of joint operations in the Central and Eastern Mediterranean ("Triton" and "Poseidon") to fight the illegal trafficking mafias. On the other side, emergency economic aids were granted for the Member States that, due to their geographic location, receive massive migratory flows with the object to offer them medical, social and legal attention as well as for their identification in the arrival points ("critical points"). Likewise, an increase in the funding of the Asylum, Migration and Integration Fund (2014-2020) took place, which is offered to local and regional entities to enhance the third states nationals' integration<sup>441</sup>.

Jointly with these favourable measures to the management of migration, it has been questioned the implementation of other systems that have consisted of the creation of barriers to stop the entry of migrants outside the European territory (as in Turkey) in exchange of economic compensations. It has been considered, in this case, that these measures could represent in some occasions a violation of international rules that regulate human rights.

The provision of military aid to the Libyan Coast Guard received the same consideration within the EUNAVFOR Med Sophia Operation that

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<sup>441</sup> García Juan, L. (2016) "La política de integración de inmigrantes en el nuevo Fondo de asilo, migración e integración de la Unión Europea. El caso español en el punto de mira". *Rev.Facultad Derecho Ciencias Políticas*, Univ. Pontificia Bolívar. [online]., vol.46, n.124, pp.93-115.

consists of the use of detention methods to reduce the migratory flux that escape from a continent that does not offer them worthy living conditions<sup>442</sup>.

Another topic of urgent attention to which Member States have failed to so far solve is the one concerning the unaccompanied minors that arrive at Europe. This term is greatly associated to children and teenagers coming from Maghreb countries and mostly from, Morocco and Algeria. However, unaccompanied minors from Eastern Europe, Sub-Saharan Africa and Syria are also observed<sup>443</sup>. The EU has shown its concern to the social groups that are victims of displacements due to poverty, family conflicts, lack of institutional protection, and lack of opportunities, war or violence, natural disasters, persecution and generalized violent situations against human rights. The question the European citizen makes since many years ago is how can the EU face the massive arrival of migrants without its economy and social resources being destabilized, as in the same time there are forced to respect international obligations.

To respond to this question we will examine the range of action in which the EU can focus its efforts: 1) the provision of aid to Member States that have to face an increase in the migratory flux of refugees and migrants; 2) the establishment of measures that discourage irregular migration; 3) the creation of an external borders management system; d) the reinforcement of a European asylum policy; 4) the creation of programs that allow the social integration of migrants and, finally, 5) to promote cooperation in the countries of origin, improving their economic conditions.

**1) The provision of aid to Member States which have to face the increase in the refugee and migrant flux**

To support the States that receive massive migratory flows, especially if considered its geographic location, the European Council in its June 2018 meeting, promoted by France and Italy, agreed on the possibility to create controlled centres within the EU 'under a voluntary basis' from which asylum beneficiaries would be relocated in the Member States that have voluntarily accepted to do so. This measure represents as well

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442 Cocchini, A. (2018) "Migrants smuggling and operation Sophia: Could the responsibility to protect return to Lybia?" *Revista Electrónica de Estudios Internacionales*, pp. 1-26. Common European Asylum System, [https://ec.europa.eu/home-affairs/what-we-do/policies/asylum\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en)

443 Fernández Pérez, A. (2017) , "Medidas prioritarias de protección de los menores migrantes en la Unión Europea", *La Ley Unión Europea*, número 48.

the creation of a national return policy to restore irregular economic migrants back to their countries of origin.

To combat budgetary items aimed to welcome refugees in a dignified way, the EU will allocate funds to countries of destination in order for them to offer a dignified reception for the duration of their process to solve their legal situation.

## 2) **Establishment of measures to discourage irregular migration**

The main challenge the EU set is to centralize its efforts in the cooperation to third states to combat irregular migration, particularly with the countries of origin and transit of irregular migrants.

To achieve this goal, the EU must combine several measures underscoring the creation of a European Centre on the Illegal Trafficking of Migrants (European Commission, 2016) with the objective to support logistically the proactive work Member States do to dismantle criminal trafficking networks<sup>444</sup>. This Centre shall rely its usefulness in the collaboration of EU Member States jointly with EU bodies with the end to combat effectively trafficking networks.

Equally, to eradicate irregular migration, Member States shall commit to return to their countries of origin the individuals who are not entitled to remain in the EU. However, the great challenge taking place in reality is to convince the EU Member States authorities that these returns shall be done respecting all guarantees without the migrants feeling victims of discretionary measures depending on the State where they enter into European space<sup>445</sup>.

In connection to the questioned EUNAVFOR Med Sophia Operation, it should be reconsidered its mandate because not entering in the assessment of the already done work by participating teams in these missions, the reality is that traffickers continue to act submitting irregular migrants and refugees to greater dangers as they are looking for new risky routes to avoid European controls at the same time they use cheap pneumatic boats inadequate to maritime navigation where they force migrants to remain until rescued by European states authorities.

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444 Chlebny J. (2018), "Public Order, National Security and the Rights of Third-Country Nationals in Immigration Cases", *European Journal of Migration and Law* 20 (2018) 115–134

445 Article 19 European Charter of Human Rights : Protection in the event of removal, expulsion or extradition.



### 3) **The creation of an EU external borders management system**

In September 14th 2016, the Council issued its final authorization to the creation of the European Borders and Coast Guard<sup>446</sup> (Regulation EU, 2016). Its main function is to contribute to ease the integrated management of external borders that will be useful to guarantee the effective management of migratory flows reaching a high-level security within the EU. At the same time, it will contribute to safeguard free movement within the EU respecting completely the fundamental rights of migrants.

The current FRONTEX (the Agency for Border and Coast Guard) and the national authorities responsible of managing borders will integrate the European Border and Coast Guard.

Its main goal is to establish an operative strategy to manage borders and its coordination with interventions in migratory tasks of all Member States. With this, the EU aims to achieve the possibility to organize joint operations and rapid interventions to reinforce the capacity of Member States to control external borders, and overcome the challenges set because of illegal immigration or cross border crime.

The other instrument the EU counts with is the development of a sort of directives for the creation and establishment of reception and identification centres ("critical points") in the external borders of EU Member States. These centres are born with the objective of guaranteeing full respect to international and EU fundamental rights by setting a common administrative framework that allows standardizing all information relative to migrants.

It is important that the EU bear in mind the accumulated experience by the Member States receptors of migrants, especially to the specific treatment needed by refugees and migrants<sup>447</sup>. To achieve that, 'regional disembarkation platforms' are used and are aimed to classify migrants that arrive to Europe if whether they are economic migrants or if they have right to asylum and, therefore, are receiver of international protection as due to their origin they may be able to enter or not the European space. This system seeks to reduce the incentives

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<sup>446</sup> Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC, OJEU L 251, 16.9.2016.

<sup>447</sup> Del Valle Gálvez, A. (2016) "Unión Europea, crisis de refugiados y limes imperii" *Revista General de Derecho Europeo* (38) pp. 1-13

for migrants to embark in dangerous journeys without being certain if they will remain in the territory of the EU.

These platforms that would be located in bordering EU zones will work tightly in cooperation with the UNHCR and the IOM.

#### 4) **The strengthening of the European asylum policy**

The European Common Asylum System was created in 2015 relying legally in Article 67, paragraph 2 and articles 78 and 80 of the **Treaty on the Functioning of the European Union** (TFUE) and article 18 of the European Charter of Fundamental Rights. In addition to these legal requirements, it is necessary to invoke the principle of solidarity that would oblige EU Member States to fulfil their international commitments respecting the proportional relocation of refugees within European territory.

The Common European Asylum System pursues the establishment of a common policy in asylum, in order to offer an integral temporal protection to every third state national that requires international protection, guaranteeing the respect to the principle of non-refoulement<sup>448</sup>. Neither the TFUE nor the European Charter of Fundamental Rights define the terms, "asylum" and "refugee", a reason why this policy shall adjust to the Geneva Convention of July 28<sup>th</sup> 1951 and its Protocol of January 31<sup>st</sup> 1967.

Nonetheless, the accumulated experience since its creation demonstrated its weak points being necessary currently a revision of the Dublin system regime that created the asylum policy, whereby criteria and mechanisms are determined to establish which EU Member State is responsible of the processing of an asylum application.

In that sense, the current in force system implies an unequal distribution of refugees and migrants between Member States depending on the state where they enter the EU. Currently, countries located in the Mediterranean basin are the ones receiving a strong migratory pressure that has led to the dissatisfaction of society and social tensions due to the massive arrival of refugees and irregular migrants generating migratory flows within the EU according to the provisions given by States.

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<sup>448</sup> Cano Linares, M.A. (2016), "Asilo y refugio en la Unión Europea: Agenda Europea de Migración 2015 y retos del Sistema Europeo Común de Asilo (SECA)", *Revista de Derecho Migratorio y Extranjería* 41 Enero - Abril pp. 1-16

To combat the issue efficiently it is necessary to count with the support of local and regional authorities where refugees install, a reason for which any possible solution to the social needs and integration would consist of delegating the competences for the treatment of asylum applications to the local and regional entities for these to manage directly these aids.

Besides, Member States shall accelerate their proceedings for the examination of applications without renouncing to legal certainty. In this sense, the European Commission proposals during these years have been heading to urge Member States to carry on reforms in their legislations to manage transparently and with all international guarantees the arrival of migrant asylum seekers.

#### 5) **Creation of programs that allow migrants social integration**

The success of the European integration policies bases on the principles of democracy, respect of human rights and equality between man and women, tolerance, freedom of expression and rule of law<sup>449</sup>. All these principles constitutes the European values basis found in the European Fundamental fund. The success of these European integration policies must base on the principles of democracy, respect of human rights, equality between men and women. In addition, all these principles do bear an important basis for the constitution of the basis of European values found within the European Charter of Fundamental Rights.

In conjunction to these fundamental principles, the EU considers primarily the fastest and complex integration of the third country nationals (regular migrants and refugees) in the EU Member States societies'. This integration must be multilevel and coherent; nevertheless, it is necessary to bear in mind, for one side, the local peculiarities from the countries of allocation, and by another one, the specificities and diversity (ethnic, linguistical, religious, etc.) of the third states nationals'. Consequently, the focus shall adjust to the particular conditions prevailing in each case.

Likewise, the EU bears a commitment with the individuals that migrate legally or that have the right, in conformity to international law, to a specific regime of international protection, such as humanitarian visas (López Aguilar J.F. 2018) , extended familiar reunification or

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<sup>449</sup> Sebastiani, L. (2017) "To make visible, measure and evaluate the integration policies of immigrants. The case of MIPEX", *Anduli Revista Andaluza de Ciencias Sociales* n. 16, pp. 133-155.

private sponsorship programs. For this end, it is necessary, for one side, to consolidate and, for another, extend the existing modalities of cooperation with third states, whether it concerns the countries of origin of displaced people or from the countries of transit to arrive the EU.

### **Conclusion**

The migratory policy is one of the topics that worry the most nowadays the EU, a reason why in order to achieve acceptable satisfactory results for all Member States it is necessary the cooperation between European institutions and national governments. Likewise, it is important the civil society and private local-regional sector implication in every itinerary that targets migrants integration.

The EU shall take into consideration as well the good practices and test experiences endorsed by international organizations namely, the UNHCR and IOM programs because migratory flows go beyond the European scope. On this line, cooperation with third states is fundamental to create safe spaces that prevent people from abandoning their countries of origin seeking spaces where to embark into a dignified life.

## **“Promoting peace through the elimination of racism, racial discrimination, xenophobia and other forms of intolerance”**

**Mr. José L. Gómez del Prado**

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### **Introduction**

The causes that lead to World War I were multiple. Those, which engendered World War II were triggered by racist and supremacist theories such as Hitler’s national doctrine.

In 1919-20, after the Versailles Peace Conference, the League of Nations was established as a specialized institution to protect groups of people targeted and prosecuted because of their ethnicity, religion, language or other characteristic. In that context, the League developed mechanisms and complaint procedures to protect minorities in Europe.

Following the appointment of Adolf Hitler as Chancellor of Germany, in January 1933, racism, racial discrimination, xenophobia and intolerance attained its paroxysm and fierceness. That same year the Nazis started to build a network of concentration camps for political opponents and “undesirables” such as Jews. Racism was at the roots of Hitler’s **25 Points National Socialist** Program adopted in 1920.

His Program called for a united Greater Germany that would deny citizenship to Jews or those of Jewish descent. The Nazi doctrine aimed at making a selection for a class of new masters to be devoid of moral pity. Because of its better race, such a class had the right to control others and maintain its domination over the masses<sup>450</sup>.

The genocide perpetrated by Nazi Germany and its collaborators caused the death of two-thirds of Europe’s Jewish population: some six million Jews across German occupied Europe.

The League of Nations, as well as the norms adopted under its auspices, had been deeply rooted in the idealistic approach of US President Wilson to international relations.

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450 E. Otwait, « Deutschland erwache !, Chant de combat à la gloire de l’Allemagne éternelle.

During the 1930's, European governments progressively disregarded the Minority Treaties that had been adopted by the League of Nations: at the end of the decade the entire international system was collapsing.

Despite the political failure of the League of Nations, such norms remained the basis of international law. After World War II the legal principles of the League would be incorporated into the UN Charter as well as in international human rights treaties.

In 1946, the United Nations replaced the League of Nations. Its minority protection system, however, was not included in the responsibilities of the Organization<sup>451</sup>.

The **United Nations Charter**, under its paragraph 3 of Article 1 defining its purposes, promotes and encourages "... respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion" in order to "achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character".

And, under paragraph c. of Article 55, the Charter promotes, "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion".

After World War I the international community had established an international system for the protection of minorities but not individuals.

After World War II the international community, under the auspices of the United Nations, has adopted human rights instruments to protect individuals.

The elimination of racism, racial discrimination, xenophobia and intolerance are implicit in the Purposes and Principles of the **United Nations Charter**<sup>452</sup>.

More concretely, these principles aiming at the elimination of racism, racial discrimination, xenophobia and other forms of intolerance are enshrined in the international human rights system developed under the United Nations, in particular the **International Covenant on**

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451 The United Nations established a think tank to the UN Commission on Human Rights known as the Sub-Commission on the Promotion and Protection of Minorities. It met for the final time in August 2006. Among the recommendations it adopted at that session was one for the creation of a human rights consultative committee as a standing body to assist the Human Rights Council.

452 Article 1 states "*To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion...*"

**Civil and Political Rights**, the **International Covenant on Economic Social and Cultural Rights** and more specifically in the **International Convention on the Elimination of All Forms of Racial Discrimination**<sup>453</sup>.

Article 1 of the Convention defines the term racial discrimination which “shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”.

### **Concerns**

However, despite all the instruments and measures adopted by the United Nations, such as the **International Convention on the Elimination of All Forms of Racial Discrimination**, universally ratified by 182 States, the international community continues to be alarmed and deplore “the resurgent scourges of racism, racial discrimination, xenophobia and related intolerance in many regions of the world”<sup>454</sup>.

This is occurring almost one century after the emergence of racism in Europe with Hitler’s Third Reich and the elimination of millions of persons for belonging to an ethnic group who were murdered by people believing in their racial superiority.

Alarmed by this situation the UN General Assembly decided, at its last session in 2020, to remain seized as a matter of priority of the item entitled Elimination of racism, racial discrimination, xenophobia and related intolerance.

In the 1940’s the ideas and concepts of two of the greatest international jurists of the twentieth century regarding crime against humanity and genocide, respectively Hersch Lauterpacht and Rafael Lemkin, left an indelible mark in international human rights law.

Both from Jewish communities of Central Europe<sup>455</sup>, they had suffered the social inequalities “built on foundations of xenophobia, racism,

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453 In addition to these, the International Human Rights Treaty System comprises The Convention on the Elimination of All Forms of Discrimination against Women; The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; The Convention on the Rights of the Child; The International convention on the Protection of the Rights of All Migrant Workers and Members of their Families; The Convention on the Rights of Persons with Disabilities and The International Convention for the Protection of All Persons from Enforced Disappearance.

454 UN General Assembly Resolution 75/237, adopted on 31 December 2020.

455 H. Lauterpacht was born in Lviv (Ukraine) and Rafael Lemkin in Ozerisko (Belarus).

group identity and conflict" prevalent at the beginning of the XXth century.

Such situations had made a visible impression on Hersch Lauterpacht<sup>456</sup>, who put the words crime against humanity<sup>457</sup> into the Nuremberg trial<sup>458</sup> as well as Rafael Lemkin, the inventor of the term genocide<sup>459</sup> and author of the *UN Convention on the Prevention and Punishment of the Crime of Genocide*<sup>460</sup> of 1948. Lemkin firmly believed that "attacks upon religious and ethnic groups should be made international crimes"<sup>461</sup>.

Surprisingly, almost one century after the resurgence of Nazism in Germany, the international community continues to be concerned by such a scourge.

At its last session, held in 2020, the UN General Assembly adopted resolution A/RES/75/169 entitled *Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance*<sup>462</sup>.

After 1945 and the defeat of Nazi Germany, in order to avoid a new holocaust of the Jewish people, much of the concerns and the attention of the international community focussed on problems arising from racism, racial discrimination, xenophobia and intolerance.

In the 1960's, the massive entry at the United Nations of recently independent African and Asian countries and the struggle against the *apartheid* regime in South Africa,<sup>463</sup> the decolonisation movement

456 In 1945, Lauterpacht published « An International Bill of the Rights of Man » to be enforced not only at the national level but by an international court. No mentions, however, were made to any prohibition on racial discrimination, on torture or discrimination against women.

457 The term includes murder, extermination, enslavement (...) or persecutions on political, Racial or religious grounds (...)

458 "***This was the first time in human history that the leaders of a state were put on a trial before an international court for crimes against humanity and genocide***", in Philippe Sands, « East West Street », winner of the Baillie Gifford Prize, Orion Publishing Group, London, 2017, page 277. Eighteen defendants were found guilty of having committed war crimes and crimes against humanity, none were found guilty of genocide.

459 A mixture of the greek word *genos* (race) and the latin word *cide* (killing).

460 The term refers to the physical destruction of an ethnic group. Regarding the Crime of Genocide, Lauterpacht was concerned that the protection of one group would be detrimental to the protection of individuals.

461 Philippe Sands, *East West Street*, winner of the Baillie Gifford Prize, Orion Publishing Group, London, 2017.

462 Ukraine and the United States were the only two States voting against the resolution.

463 On 26 October 1966, South African police opened fire and killed 69 people at a peaceful demonstration in Sharpeville, against the apartheid "pass laws". Following the Sharpeville massacre UN General Assembly resolution 2142 (XXII) proclaimed 21 March as the International Day for the Elimination of Racial Discrimination to be commemorated annually.



set in motion the world mobilization against racism and racial discrimination

For several centuries, European nations had dominated one third of the entire world population. In 1938, United Kingdom oppressed some 450 millions of people; France 70 million; Portugal 10; Belgium 15; Italy 13 and The Netherlands 68.

These European colonial powers had continued to exploit the natural resources of Africa, Asia and Oceania in the same way Spain and Portugal had done in Central and South America from the XVIth to the XIXth century.

In some cases, as in the Congo, the personal propriety of King Leopold II of Belgium, the exploitation of the ivory and rubber had been particularly cruel: Belgium colonialists would cut hands and feet of the negro population if they were not satisfied with their work<sup>464</sup>.

After World War II, the international community shifted its attention and concerns to a wide spectrum of persons including Africans, people of African Descent, Arabs, Asians, Indigenous peoples, migrants and refugees.

This shift was particularly important during the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001<sup>465</sup>.

Before Durban, between 1973 and 2003, the General Assembly had designated three decades to fight racism and racial discrimination and convened two World Conferences, held in Geneva, respectively in 1978 and 1983.

At the threshold of the XXIst century, a Third World Conference was considered indispensable because of the important transnational problems related to racism and racial discrimination needing an international solution which continued to be prevalent.

Contemporary forms of racism and racial discrimination include problems such as the sexual exploitation of women and children; the trafficking of migrant workers by clandestine mafias as well as forms of environmental racism involving the release of toxic products coming from rich developed countries which are emptied into the waters of poor underdeveloped countries.

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<sup>464</sup> Joseph Conrad vividly describes such exploitation in his book, « Heart of Darkness » published in 1899.

<sup>465</sup> On 12 December 1997 the General Assembly had decided by its resolution 52/111 to convene a Third World Conference Against Racism.

The 2001 Durban World Conference aimed at: considering measures to better guarantee the implementation of the international instruments to combat racism and racial discrimination; considering and analyse the political, historical, economic, social, cultural and other types which lead to racism; making concrete recommendations to guarantee and provide United Nations with the necessary financial and other types of resources to combat racism, racial discrimination, xenophobia and other forms of intolerance.

From its start the World Conference focused its debates on the Israeli treatment of Palestinians, leaving human rights violations and genocide in other parts of the world secondarily.

Representatives of several countries including, Canada, Israel and the United States left the Conference during the debates over a draft resolution criticizing Israel and comparing Zionism to racism. Also, the European Union did not accept the proposed wording of Arab States singling out Israel for "racist practices".

The shift of the international community to African descent people has been specially emphasized by the United Nations General Assembly in its resolution A/RES/68/237, which proclaims ***The International Decade for People of African Descent*** commencing on 1 January 2015 and ending on 31 December 2024 with the theme "People of African Descent: recognition, Justice and development"<sup>466</sup>.

It should be also noted that, in 1993, in order to intensify international efforts to combat contemporary forms of racism racial discrimination, the United Nations Commission on Human Rights established the mandate of the Special Rapporteur as an independent human rights expert<sup>467</sup>.

At present the Special Rapporteur is Mrs. E. Tendayi Achiume from Zambia. In her last report to the General Assembly, she focuses on the enforcement of border and immigration. Her report also addresses the discriminatory impact of emerging digital technologies on migrants, stateless persons, refugees and other non-citizens<sup>468</sup>.

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466 In 1974 the United Nations Proclaimed the First Decade for Action to Combat Racism and Racial Discrimination, A/RES/2919 (XXVII); in 1993 the Second Decade for Action to Combat Racism and Racial Discrimination A/RES/47/77 and in 2005 its Third Decade for Action to Combat Racism and Racial Discrimination A/RES/48/91. In 2015, as mentioned above, "The International Decade for People of African Descent" was launched.

467 UN Commission on Human Rights resolution E/CN.4/1993/20. The mandate of the Special Rapporteur has been regularly renewed; the latest renewal in 2020 by the Human Rights Council resolution A/HRC/RES/43/36.

468 United Nations, resolution A/75/590.

One of the first reports of the Special Rapporteur was devoted to the topic of racial discrimination in the context of laws, policies and practices concerning citizenship, nationality and immigration.

The Special Rapporteur has reviewed contemporary racist and xenophobic ideologies as well as institutionalized laws, policies and practices, which together have a racially discriminatory effect on individuals' and groups' access to citizenship, nationality and immigration status.

Since the establishment of the mandate, 1993, the Special Rapporteur has visited and published reports on thirty-seven countries<sup>469</sup>. In some cases, such as Spain, Argentina, Australia, United Kingdom, Morocco and Qatar, the national authorities of those States have issued a specific report containing their views and comments to the documents of the Special Rapporteur on contemporary forms of racism.

### **Concluding observations**

As we have seen, racism, racial discrimination, xenophobia and intolerance were among the main causes that lead to the Second World War. Through the United Nations the international community has adopted and continues to create important human rights instruments, mechanisms as well as measures to eliminate such ideologies and attitudes and consistently endeavours to promote peace.

However, despite all the progress achieved by the international community under the United Nations, racism, racial discrimination, xenophobia and intolerance continue to survive like a Damocles sword, menacing peace and international relations<sup>470</sup>. In Germany, for instance, more than 4000 attacks have been perpetrated since 2015 by far right extremists, some of which with Molotov cocktails<sup>471</sup>. In Myanmar, Nobel Prizewinner Aung San Suu Kyi has been unable, or has not wanted, to protect the Rohingya minority from acts of racism, xenophobia, racial discrimination and intolerance.

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469 United States (in 1994 and 2008), Brazil (in 1995 and 2005), Germany (in 1995 and 2009), France, United Kingdom (1995 and 2018), Colombia, Kuwait, South Africa, Czech Republic, Romania, Australia (in 2001 and 2016), Trinidad and Tobago, Canada, Colombia, Guatemala, Côte d'Ivoire, Honduras, Nicaragua, Japan, Switzerland, the Russian Federation, Italy, Estonia, Latvia, Lithuania, Dominican Republic, Mauritania (in 2008 and 2013), United Arab Emirates, Singapore, Spain, Republic of Korea, Greece, Argentina, Fiji, Morocco, The Netherlands and Qatar

470 According to Professor Anna Spain Bradley of the University of Colorado-Boulder, the elimination of racism constitutes « the underacknowledged human rights problem of our day », see « Human Rights Racism, Harvard Human Rights Journal/Vol.32.

471 See *I live among the Neo-Nazis in Easter Germany*, Anonymous article published by The Guardian on 31 October 2018.



## **“Combating hate speech and antisemitism as a threat to peaceful societies”**

**Dr. Maram Stern**

*Executive Vice President of the World Jewish Congress*

### **Introduction**

The World Jewish Congress (WJC) has been working to eliminate antisemitism and all forms of hatred since its founding in 1936. Regrettably, antisemitism remains alive and well today, constantly adapting to changing environments. The increase of racist and antisemitic attitudes has alarmed senior UN officials, who have intensified their efforts to combat this dangerous phenomenon. UN Secretary General Antonio Guterres emphasized this concern in a recent speech, stating that “decades after the Holocaust, the world’s oldest hatred is still with us.”<sup>472</sup> The COVID-19 pandemic has particularly demonstrated the mutability of antisemitism; as soon as this crisis began, antisemitic libels and scapegoating reawakened, with age-old conspiracy myths reemerging in modern contexts. As UN Special Rapporteur on freedom of religion or belief, Dr. Ahmed Shaheed, has observed, antisemitic hate speech has risen alarmingly since the outbreak of the COVID-19 crisis, and should be rejected.<sup>473</sup>

Hatred uses all available means of communication to spread its dangerous and divisive messages; with the advent of online media and social networks, it has become a global issue, crossing borders and continents, and unifying all those who share similar beliefs. In his 2021 report to the UN Human Rights Council, the Special Rapporteur on minorities, Dr. Fernand de Varennes, called attention to the appalling spread of hateful rhetoric online, “the disease of minds.”<sup>474</sup> National and supranational organizations at the highest political levels find themselves compelled to address this challenge, demonstrating just how far it has evolved and the immediate threat it poses to peaceful coexistence.

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472 <https://news.un.org/en/story/2019/11/1050911>

473 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25800&LangID=E>

474 <https://www.ohchr.org/en/issues/minorities/srminorities/pages/annual.aspx>

## **Racism and antisemitism as an international danger**

Antisemitism is a deeply rooted phenomenon in several countries around the world and appears resistant in efforts to combat it. The term was introduced in the late nineteenth century, whereby the term “semite” was meant as a pseudoscientific surrogate for the name of the Jewish people. While being a form of hatred and prejudice, antisemitism comes with its own specificities and historical trajectories, which stresses the importance of developing particular policies to address it. At the same time, the existence of antisemitism is a predictor of a wider malaise in the society, as well as the existence of other forms of discrimination.

In recent years, there has been an alarming rise of antisemitic incidents, feelings and perceptions across the globe, on both the far-right and the far-left, and other extremist circles. The increasingly fast and pervasive spread of antisemitism today is tightly linked to the neo-Nazi groups gaining ground. Marches and rallies are increasingly being held by extremists, especially in Europe and the US, where right-wing populism supports and enables such movements. Regrettably, Jews today still confront an age-old hatred perpetuated by forgeries such as the Protocols of the Elders of Zion and other forms of antisemitic propaganda, including conspiracy myths, misinformation, and scapegoating. Most of these libels portray Jews and other minorities as a threat, and their viral spread through the internet has led to violent hate crimes.

Recent studies, including the European Union Agency for Fundamental Rights (FRA)’s December 2018 second comprehensive report on discrimination and hate crimes against Jews in the EU, found that an overwhelming majority of the 16,500 self-identified Jewish respondents—89 percent—feel that antisemitism is getting worse. This was the largest survey of Jewish people ever conducted worldwide, spanning 12 EU member states, which are home to over 96 percent of Europe’s Jewish population; it follows the first survey of its kind in 2012, which covered 7 countries. The 2018 report also found that 79% of those who experienced antisemitic harassment in the five years prior to the survey did not report the most serious incidents to police, indicating an even darker reality than is portrayed by the official statistics. More than one-third of all respondents said they had considered emigrating in the

five years preceding the survey because they did not feel safe as Jews in the country where they live.<sup>475</sup>

Regrettably, the year 2020 marked an unprecedented increase of antisemitic and racist acts compared to past years. In Germany, antisemitic hate crimes in 2020 have risen to the highest number seen in the last twenty years,<sup>476</sup> causing deep concerns within Jewish organizations. Similar record numbers have been reported in Austria,<sup>477</sup> Canada<sup>478</sup> and the United States,<sup>479</sup> among others.

Antisemitism does not exist or rise in a vacuum. Hatred, violence and fear against certain ethnicities and nationalities have increased significantly during the pandemic, bringing to the surface prejudices rooted deeply within societies. Horrifying instances of racist violence have abounded during the year 2020, invariably targeting the most vulnerable groups in society. Jews, refugees, migrants, the Roma people, Asians and individuals of Asian descent have been victimized, scapegoated and blamed for the pandemic, with such discrimination posing a grave threat to the goal of peaceful, just and inclusive societies.

Along with everybody else, extremists are increasingly making use of the internet, the most wide-reaching form of mass media. The specificity of the internet and what separates it from all other types of media is, of course, the opportunity it offers not only to provide individuals with large platforms to express hateful opinions, but also to gain followers and supporters. Thus, extremist groups use the internet to promote their ideologies, advertise their activities, raise funds and recruit members. Especially during a crisis, people are increasingly being misled by hate propaganda disseminated in this way. Recently, an extreme right group in Germany went on trial for plotting attacks against Muslim communities with the aim of raising civil unrest and overthrowing the government. Germany's Interior Minister Horst Seehofer has said that far-right extremism is, in fact, Germany's "biggest security threat."<sup>480</sup>

475 [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2018-fundamental-rights-report-2018\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-fundamental-rights-report-2018_en.pdf)

476 <https://www.juedische-allgemeine.de/politik/zentralrat-besorgt-ueber-zunahme-von-straftaten/>

477 <https://www.reuters.com/world/europe/austrian-anti-semitism-incidents-hit-record-2020-report-says-2021-04-26/>

478 <https://www.jta.org/quick-reads/nearly-half-of-violent-antisemitic-incidents-in-canada-were-covid-related-watchdog-reports>

479 <https://www.nbcnews.com/think/opinion/covid-quarantine-didnt-stop-antisemitic-attacks-rising-near-historic-ncna1265425>

480 <https://www.dw.com/en/germany-far-right-suspects-accused-of-plotting-attacks-on-muslims/a-57183921>

Since March 2020, anti-Semitic conspiracy myths have also risen around the world, with movements such as the QAnon movement rapidly spreading hate online. Phrases such as “Jewish virus” have seen greater use across social media platforms in comparison to 2019. Similarly, since the outbreak of the pandemic, Asians and people of Asian descent have been also been targets of online hate. Unsurprisingly, since hateful speech leads to hate actions, multiple instances of attacks on the Jewish and Asian communities have followed across the globe.

For this reason, it is imperative that governments, regulators, and internet service providers address the proliferation of antisemitic and other hate material on the internet and adopt clear guidelines on this issue, recognizing its imminent danger. Self-regulation by internet service providers and online retailers to prevent the spread of antisemitic, xenophobic or racist material is only the first step in addressing the issue, and should be executed in cooperation with civil society members and governments.

### **Hate speech: prevention through education**

Together with the rise in hate speech today, another grave concern is that of genocide denial, in particular the worrying phenomenon of Holocaust distortion and obfuscation. Efforts to downplay the impact of the crimes of the Nazis and their collaborators as well as to trivialize the Holocaust can be seen in both public and political discourse by a plethora of actors coming from a variety of ideological backgrounds.

In 2020, antisemitic incidents of Holocaust denial and/or trivialization have also been witnessed or seen at anti-lockdown demonstrations. These included comparing current restrictions to those imposed by the Nazis or the protestors wearing yellow stars emulating the ones Jews were forced to wear in Nazi Germany with the slogan “unvaccinated.” It is a dangerous distortion of historical fact when current day Corona deniers/anti-lockdown demonstrators see fit to compare themselves to resistance fighters like the Scholl sisters, or even Anne Frank.

The WJC is very active opposing extremism and radicalization. Monitoring and countering the activities of extreme-right and neo-Nazi movements constitutes an important priority. In addition, the WJC works hard to counter hate speech—particularly online—conspiracy myths and disinformation, which destroy cohesiveness and drive people further apart. These phenomena largely stem from lack of adequate education and information both on modern and historical topics. The importance of education in combatting Holocaust



distortion is undeniable, and the WJC has also consolidated its efforts on increasing and facilitating access to reliable information in spaces where Holocaust distortion and denial is seen most often—social media.

Accordingly, the WJC joined the “Think Before Sharing” campaign, launched by UNESCO, the European Commission and Twitter, to counter the spread of conspiracy myths. The WJC also supports a UNESCO and the Holocaust and the United Nations Outreach Programme initiative to develop research, guidance and resources to strengthen educational responses to Holocaust denial and distortion online and serves as a member of the UN Multi-Faith Advisory Council (MFAC), established in 2018 to advise the UN on such core topics as environmental protection, gender justice and peacebuilding.<sup>8</sup>

Modern technologies and media, though often used to spread negativity and hate, can and should also be harnessed for the benefit of all, as a source of accurate and factual information as opposed to mis- and disinformation. In 2018, the WJC and UNESCO, established the website [AboutHolocaust.org](https://aboutholocaust.org) with the goal of providing the widest possible audience of young people and future generations with essential and accurate information about the history of the Holocaust and its legacy. The online tool, with content currently available in 19 languages, includes easy-to-read facts about the Holocaust and survivor testimonies reviewed by leading experts in the field of Holocaust studies designed to address gaps in knowledge and to counter the misinformation that circulates across social media and other online forums.

As WJC President Ronald S. Lauder said,

The WJC has partnered with UNESCO in this critical Holocaust education project to pass the baton on to the young people of today, the future leaders of tomorrow [...] It is saddening and disconcerting that 75 years after the end of World War II, roughly 50 percent of the world does not even know that the Holocaust occurred, or that Jews were targeted for genocide in Europe. We have seen a frightening rise in antisemitism and xenophobia in recent years, a reality that should sound alarm bells regarding the horrific potential consequences of such sentiments and actions.<sup>481</sup>

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481 <https://aboutholocaust.org/en/about>

Starting on 27 January 2021, International Holocaust Remembrance Day, when Facebook users search for terms associated with the Holocaust or denial of it, the social media platform prompts them to visit AboutHolocaust.org, where they are referred to comprehensive and reliable information about the genocide of European Jewry, as well as the mass killings of other national, ethnic, and political groups by Nazi Germany and its accomplices during World War II.<sup>482</sup>

This move by Facebook is the product of a long period of cooperation with the WJC as well as Facebook's receptiveness to using its massive platform as the world's largest social media company to ensure that its users do not fall victim to the purveyors of hate and ignorance. It is just the beginning of what social media can do to educate and promote empathy throughout the world.

Since March 2020, antisemitic conspiracy myths have also risen around the world, with falsehoods such as QAnon rapidly spreading hate online. Phrases such as "Jewish virus" have seen greater use across social media platforms in comparison to 2019. Similarly, since the outbreak of the pandemic, Asians and people of Asian descent have been also been targets of online hate. Unsurprisingly, since hateful speech leads to hate actions, multiple instances of attacks on the Jewish and Asian communities have followed across the globe.

In the aforementioned report on the situation of minorities, Dr. de Varennes evoked the initial hope that the internet might serve as a tool to connect the world as a global village and "provide humanity with amazing opportunities for fast, inexpensive means to communicate and exchange, and to support the transfer of information and education across borders almost instantaneously."

Today, however, the world sees that there is a much darker side to the internet and to social media, which allows disinformation to spread much faster than factual information via interpersonal communication. It is imperative to include the development of critical thinking skills when aiming to reduce the spread of stereotypes and hatred online. In the era of the internet, distinguishing between reality and falsehood is of paramount importance so that users can establish more informed opinions, for hate crimes, attacks against religious sites or violent demonstrations often have their root in radicalization that first took place online.

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<sup>482</sup> <https://www.worldjewishcongress.org/en/news/world-jewish-congress-partners-with-facebook-to-provide-comprehensive-holocaust-education-resource-to-facebook-users>

All countries should prioritize the fight against hatred, notably by providing adequate resources to strengthen relevant educational policies, thus improving the security and increasing the overall acceptance of Jewish communities... Moreover, parliaments and governments should consider adopting, and—where available—updating and enforcing laws against racism and antisemitism as well as other forms of discrimination, as a comprehensive response against these phenomena that undermine peaceful coexistence and respect within societies. In this regard, all states should adopt and implement the International Holocaust Remembrance Alliance’s Working Definition of Antisemitism and name special envoys on combating antisemitism to better coordinate government policies and promote the exchange of good practices on the international level.

The imminent danger of this threat is also being recognized and countered by multiple non-governmental initiatives and programs destined to combat any kind of prejudice, which are able to offer examples of good practices for development of government regulations.

### **Conclusion**

The scourge of hatred and prejudice is not a hidden one—it is something that exists on all levels of society, posing a threat of disassociation and distrust. Racism, antisemitism and all other forms of related intolerance and hatred pose a constant and serious challenge to humanity. In order to combat them effectively, international organizations, governments, civil society and all stakeholders need to increase their efforts, redouble their commitment and create strong long-term alliances to prioritize the fight against hate. Just as hatred and hate speech are constantly transforming and adapting to new realities, so, too, must the fight against them evolve continually, in order to be efficient and effective.



# **New Developments “SDG16 after the pandemic: Building Effective Institutions for Sustainable Development”**

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## **Introduction**

The Covid-19 has emerged as an unpredictable, complex crisis. It has affected all countries[1]. However, developing countries are the most impacted. The outbreak has also disproportionately hit vulnerable and marginalized groups. The people in developing countries are, for over 50%, still employed in the informal sector, particularly women who also have less access to social protection. Despite the many challenges, the world has also witnessed the courage, dedication, and relentless efforts of the frontline workers in every corner of the globe, especially in the health sector. Doctors, nurses, paramedics, and all those working to help people affected by Covid-19 have demonstrated the value and virtue of public service.

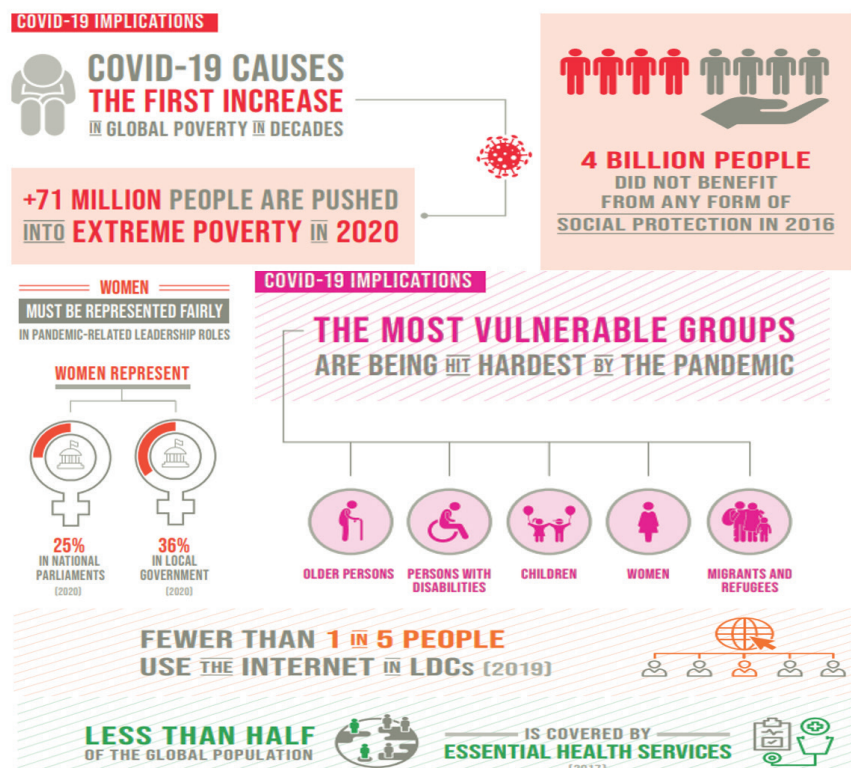
This chapter examines some of the critical consequences of the pandemic on our societies. It highlights what a “new normal” calls for and what governments could prioritize to recover from Covid-19. It concludes by highlighting what governance capacities are needed to promote sustainable development in the post-COVID-19 era.

## **1. Key Consequences of the Pandemic on our Societies**

The pandemic has created significant disruptions to the functioning of governments as a whole and the provision of essential services. It has exposed profound inadequacies in the existing systems and inequalities within many societies, and it has posed significant threats to all people’s social and economic well-being. The pandemic has reversed development gains and exacerbated the situation of vulnerable people. It has caused the first increase in global poverty in decades. According to the *United Nations Sustainable Development Goals Report*, 71 million people were pushed into extreme poverty in 2020. 4 billion

people did not benefit from any form of social protection. As of 2017, less than half of the global population was covered by essential health services[1] (see Table 1). Covid-19 has also had significant repercussions on the economy in terms of jobs and income loss. As highlighted by the United Nations Secretary-General, Mr. Antonio Guterres, it has uncovered a new inequality pandemic<sup>483</sup>.

**Table 1: COVID-19 Implications on the most Vulnerable Groups**



Source: UN Sustainable Development Goals Report 2020

The pandemic has also exposed weaknesses in today's public institutions. It has exacerbated institutional vulnerabilities to tackle poverty and socio-economic challenges and made visible in many countries a lack of coordination among levels of government, which has worsened the situation.

483 <https://news.un.org/en/story/2021/04/1089042>

It has uncovered capacity deficits in the health systems and other sectors in developing countries and developed nations. It has challenged “governments as usual” and deepened the already widespread distrust in governments and in their ability to deliver quality and responsive services for all.

As the pandemic has hastened the digitization of nearly every daily activity, new digital divides have also emerged. Addressing these growing digital divides is imperative for all countries wishing to promote equality of opportunities since “leaving no one behind also means leaving no one offline.”<sup>484</sup>

In many countries, there is also rising populism and growing xenophobia, nationalism, and isolation, which will not lead to the advancement of the global agenda but instead move us further away from realizing the sustainable development goals. While populist movements have identified some of the key challenges and fears among groups of people who have been left behind, their proposed solutions and programmes will further weaken public institutions.

## **2. What does a “new normal” call for and the role and priorities of government**

A “new normal” calls for a deep reflection on what type of communities we wish to live in. Governments and people will need to rethink the values that inform our social contract for this to happen. We must ask - Is it a society where healthcare, for example, is a privilege of the few? Is it a society with deep inequalities and precarious living conditions for millions of people? Is it a society where a few reap the benefits of our collective efforts?

In history, crises have triggered significant policy changes. At this time in history, we have an opportunity to pause and reflect on our present and on the future we want. Individualism, inequality, disregard for the well-being of vulnerable groups, disrespect for the environment, and the primacy of economic gain over social and environmental dimensions of sustainable development have certainly made this crisis much worse than it could have been. It is essential to learn from this crisis and be better equipped to face the next crises.

Overcoming the pandemic and building resilience also requires embracing a new understanding of what progress is and how it is

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484 UN/DESA Policy Brief #92: Leveraging digital technologies for social inclusion  
17 February 2021, available at: <https://www.un.org/development/desa/dpad/publication/un-desa-policy-brief-92-leveraging-digital-technologies-for-social-inclusion/>

measured. Focusing on Gross Domestic Product (GDP) alone as a measure of progress has not allowed countries to promote sustainable development. Pursuing economic growth without consideration for the environment is endangering the earth and the lives of present and future generations. Increasingly, countries are focusing on new ways to measure development going beyond indicators of economic progress, encompassing other dimensions that focus on the concept of individual well-being, social welfare, and sustainability.

Building back better requires a shift in values and mindsets, i.e., beliefs and attitudes, towards building a society where everyone contributes as much as possible to promote a decent life for all. The COVID-19 crisis has brought to the surface that as human beings, we are deeply interconnected. It has made clear that what happens in one corner of the world affects the other parts of our planet. It has forcefully made it apparent that this crisis cannot be overcome without a paradigm shift, moving away from an individualistic view of the world towards solidarity. Social justice and values of empathy will be critical within the public service, across society, and the private sector to overcome this crisis and build back better. Rebuilding trust in government by advancing the common good and sharing a unified purpose of development is paramount. The countries that in 2020 topped the **World Happiness Report** ranking are those with the most inclusive institutions, trust in government, and a strong sense of community<sup>485</sup>.

In this respect, the **2030 Agenda for Sustainable Development** and its principles of leaving no one behind and inter-generational equity are more valid today than ever before. Indeed, the 2030 Agenda provides a path for countries to build back better by focusing on global solidarity, inclusion, social protection of vulnerable groups, and respect for our environment. One of the key messages of the United Nations Committee of Experts on Public Administration (CEPA) at its 20th Meeting<sup>486</sup> is that recovery from the COVID-19 pandemic and implementation of the Sustainable Development Goals are not sequential or separate.

Addressing present and future crises will require strengthening multilateralism and global institutions. The United Nations Secretary-General, Mr. Guterres, has highlighted that “now is the time for unity and the international community to work together in solidarity to stop this virus and its shattering consequences.” Without everyone’s

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<sup>485</sup> World Happiness report 2020, available at: <https://worldhappiness.report/ed/2020/>

<sup>486</sup> Report on the 20<sup>th</sup> session of the Committee of Experts on Public Administration, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/112/17/PDF/N2111217.pdf?OpenElement>



help and unity, this crisis will not be overcome. International collective action that is not confined to national borders and is rights-based must regulate intensified transboundary activities. With globalization, it has become evident that many public goods, once confined to the national policy level, have a global impact. Health, and by connection health care, is a global public good, and it has never been higher on the international agenda as it is now. Health for all is essential for peaceful and prosperous societies. One key lesson is that to protect health as a public good, health coverage should become universal, as highlighted by the **Universal Declaration of Human Rights**. Without the effective and universal provision of health services, the broader 2030 Agenda and principle of leaving no one behind cannot be achieved. Well-equipped healthcare systems are also crucial to face health security threats, including climate change. Communicable diseases and their mitigation and prevention are issues that no one country alone can solve. A response to communicable diseases such as the Coronavirus requires an orchestrated global response.

Recovering from the pandemic and addressing future crises will require a deep reflection of how societies are governed. One key lesson learned from the pandemic is that in times of crisis, government matters, and it matters most to the livelihoods of vulnerable groups. During emergency crises, such as COVID-19, "citizens turn to the state and its institutions for leadership and unified action."<sup>487</sup> Indeed, experience has shown that a lack of good governance and weak institutions are a barrier to development. One of the lessons learned from the **Millennium Development Goals** (2000-2015), which did not include a specific goal on institutions, is how countries govern themselves and how power is distributed in society has profound implications on development and individual well-being. Effective governance and institutions are critical in eradicating poverty and promoting development.

Countries with more effective and inclusive institutions have fared better in addressing the pandemic. SDG16 on effective, inclusive, and accountable institutions of the **2030 Agenda** will be central to any transformational change. In fact, achieving sustainable development and strengthening resilience requires a long-term perspective in policymaking and institution-building at all levels, based on the 11 principles of effective governance for sustainable development adopted

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487 COVID-19: Reaffirming State-People Governance Relationships, available at: <https://unpan.un.org/node/528>

by the Economic and Social Council (ECOSOC) in 2018. SDG16 is critical to tackling the many post-pandemic era challenges.

One of the critical issues that all governments are increasingly being faced with is the enhanced complexity, uncertainty, and interconnectedness of public challenges. The pace of change, including technological change, is rapid, and governments often lack the agility to respond to this acceleration accordingly. In brief, countries will need to rethink their governance systems based on a new social contract where everyone is included and reconsider their development frameworks starting from the 11 *Principles of Effective Governance for Sustainable Development*, to improve national and local governance capabilities to reach the SDGs.

### **3. Capacities needed to build the “new” normal**

Governance capacities to recover from the COVID-19 crisis and prepare for future similar events are critical now more than ever. People worldwide count on governments’ competence and actions to save lives, strengthen health systems, recover the economy, and bring society back to “normal” life. Transforming this crisis into an opportunity and improving public governance means going beyond the immediate medical emergency. It means investing in human resources, healthcare facilities, and public services that are responsive to people’s needs. It also means planning the recovery in the short term and having a long-term vision of how to develop and implement strategies and innovative solutions to address the needs of the most vulnerable people in society and protect the environment. This crisis is a formidable opportunity to promote a green economy and establish public-private partnerships that can help address financial and technical gaps.

New national and local capacities are needed to design and implement holistic, integrated, coherent, and informed political and institutional frameworks that can support the implementation of the 2030 Agenda and a new social contract. There is no lack of commitment nor momentum to turn sustainable development from concept to concrete action. However, there are significant challenges for public servants who need new mindsets, capacities, and knowledge to make this happen.

The United Nations Department of Economic and Social Affairs has developed a Curriculum on Governance for the SDGs in collaboration with public administration schools. The Curriculum is composed of Training of Trainers Capacity Development Toolkits, which contain

ready-to-use and customizable training material on key governance dimensions to advance the implementation of the SDGs. The Toolkits comprise together 100+ modules including concepts, practical examples, case studies, activities, and audio-visual material that can be facilitated by the UN system, schools of public administration, academia, and Resident Coordinators. They are available on the UN Public Administration Network ([unpan.un.org](http://unpan.un.org)), connecting global, regional, and national public administration institutions.

The toolkits address holistically critical governance capacities needed to implement the SDGs and build back better. The key governance dimensions addressed include the capacities needed to build resilient government institutions. They include changing mindsets in public institutions to implement the 2030 Agenda, transformational and socially conscious leadership, effective institutional arrangements for policy coherence, effective national to local governance for SDG implementation, government innovation for social inclusion of vulnerable groups, risk-informed governance and innovative technology for disaster risk reduction, innovation and digital government for women's empowerment (see Table 1 below).

**3. How can UN DESA contribute to developing institutional capacities to address Covid-19 and beyond?**

	<p><b>CHANGING MINDSETS IN PUBLIC INSTITUTIONS TO IMPLEMENT THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT</b></p> <p>UN DESA   DPIDG Training of Trainers   English</p>		<p><b>GOVERNMENT INNOVATION FOR SOCIAL INCLUSION OF VULNERABLE GROUPS</b></p> <p>UN DESA   DPIDG   UNPOG Training of Trainers   English</p>
	<p><b>TRANSPARENCY, ACCOUNTABILITY AND ETHICS IN PUBLIC INSTITUTIONS</b></p> <p>UN DESA   DPIDG Training of Trainers   English</p>		<p><b>RISK-INFORMED GOVERNANCE AND INNOVATIVE TECHNOLOGY FOR DISASTER RISK REDUCTION AND RESILIENCE</b></p> <p>UN DESA   DPIDG   UNPOG Training of Trainers   English</p>
	<p><b>INSTITUTIONAL ARRANGEMENTS AND GOVERNANCE CAPACITIES FOR POLICY COHERENCE</b></p> <p>UN DESA   DPIDG Training of Trainers   English</p>		<p><b>INNOVATION AND DIGITAL GOVERNMENT FOR PUBLIC SERVICE DELIVERY</b></p> <p>UN DESA   DPIDG Training of Trainers   English</p>
	<p><b>EFFECTIVE NATIONAL TO LOCAL PUBLIC GOVERNANCE FOR SDG IMPLEMENTATION</b></p> <p>UN DESA   DPIDG   UNPOG Training of Trainers   English</p>		<p><b>E GOVERNMENT FOR WOMEN'S EMPOWERMENT</b></p> <p>UN ESCAP &amp; UN DESA   DPIDG   UNPOG Training of Trainers   English</p>

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**Changing Mindsets**<sup>488</sup> - Changing norms is not enough to ensure that institutions are effective and to improve public service delivery. To transform our world, we must transform ourselves, and our mindsets. Changing mindsets applies to public servants and people at large. It is essential to change values, beliefs, and attitudes that shape behaviors and align them with the principles of Agenda 2030. Building the capacity for an experimental mindset, including a learning mindset and the capacity to anticipate problems, will be essential through strategic foresight and planning.

**Transformational and Compassionate Leadership** - The crisis has highlighted the need for compassionate or socially conscious leadership based on ethical beliefs and measures that uphold the dignity and rights of all. Socially conscious leadership at all levels of government and sectors will be critical for rebuilding more equitable societies. Cooperation among all levels of government and with society, information sharing, and trust are crucial aspects for ensuring effective emergency and recovery management. Transformational leadership is needed to drive change for the Decade of Action to deliver on the sustainable development goals.

**Transparency, Accountability, and Ethics in Public Institutions**<sup>489</sup>.

- To promote a “new normal” that leads to more equitable societies, it is critical to promote public servants’ ethical awareness and transform mindsets for ethical behavior and decision-making that can help to prevent corruption. Capacities for effective anti-corruption in public institutions include: (a) Transparency of government, which enables citizens and civil society to hold governments to account; (b) Accountability, which can be enhanced by strengthening oversight institutions and (c) Transforming mindsets to adopt ethical standards for civil servants, who play an enabling role in upholding good governance, integrity, and anti-corruption.

**Strengthening Institutional Arrangements and Governance Capacity for Policy Coherence to implement the SDGs**<sup>490</sup> -

Overcoming this crisis will require a whole-of-government approach and holistic policies that ensure a balanced approach, taking into account the inter-linkages among economic, social and environmental dimensions of sustainable development. Addressing the inter-linkages

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488 Toolkit on Changing Mindsets available at <https://unpan.un.org/node/594>

489 Toolkit on Transparency, Accountability, and Ethics in Public Institutions available at: <https://unpan.un.org/node/591>

490 Toolkit on Strengthening Institutional Arrangements and Governance Capacities for Policy Coherence available at: <https://unpan.un.org/node/600>

among poverty reduction, health, education and decent employment, among others, also require institutional arrangements for policy coherence. The implementation of the 2030 Agenda will also depend on how the SDGs are coordinated and implemented through national to local governance.

**National to local coordination**<sup>491</sup> - Vertical coordination has been critical in delivering effective responses and services to people in need. The pandemic has clearly demonstrated the need for close collaboration between government levels as both national and local level institutions play a critical role in delivering services and social protection programmes. Countries with higher levels of coordination among central and local levels of government and among different stakeholders, including the private sector, the academic world, and non-state actors, have been able to effectively address the crisis. Covid-19 has also clearly shown that local governments need to be equipped with sufficient capacities and resources to deal with such a crisis as they are the first responders in emergency responses. In addition, many of the SDGs have to be delivered at the local level and require innovative strategies, approaches, and actions that link national sustainable development plans and programmes to local needs. Thus, it is essential to strengthen governments' capacities for horizontal and vertical integration.

**Innovation and Digital Government for Public Service Delivery** - Innovation and digital government in public service at all levels will be crucial for a "new normal" and to implement the SDGs. Governments will need innovation to rethink how they design policies, make decisions, design and provide services, mobilize resources, monitor and evaluate their actions. A more agile, tech-savvy, data-driven, and human-centric public service is needed to build future readiness, inclusive policies, and responsive services to reduce inequality. Capacities for co-creation and co-production, through collaboration with vulnerable groups and partnerships, will be essential to recover from this crisis and mobilize technical and financial resources. As Covid-19 has become the new driver for digital transformation, governments will need to strengthen their capacities to leverage technologies to provide better services while minimizing risks and promoting policies for digital inclusion. UN DESA' UN E-Government survey 2020<sup>492</sup> can help as a reference

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491 Toolkit on Effective National to Local Governance available at: <https://unpan.un.org/node/582>

492 Available at: <https://publicadministration.un.org/egovkb/en-us/Reports/UN-E-Government-Survey-2020>

on how to promote digital government transformation and develop appropriate capacities. Several innovative cases of how governments have used ICTs to address the Covid-19 pandemic are also featured in a UN DESA Compendium on Digital Government Initiatives in response to the Covid-19 pandemic<sup>493</sup>.

**Government Innovation for Social Inclusion of Vulnerable Groups** - Government innovation for social inclusion of vulnerable groups will be critical in the post-pandemic era to address the many inequalities that this crisis has uncovered and exacerbated. Indeed, eradicating poverty everywhere and in every form and ensuring that no one is left behind are at the heart of the 2030 Agenda for Sustainable Development. As highlighted by the United Nations Secretary-General António Guterres, leaving no one behind means “listening to the views and guidance of people living in poverty and acting together with them.”<sup>494</sup> Governments will need to strengthen their capacities to include people in decision-making processes and in the design and delivery of services, especially vulnerable groups and women. Mobilizing the youth is, for example, essential to solve issues of public interest that will have an impact on present and future generations.

**Government Innovation for Disaster Risk Reduction and Resilience** - Innovation and the use of digital technologies and e-government for disaster risk reduction can lead to more sustainable and resilient societies if they are consistently applied to improve access, efficiency, effectiveness, accountability, inclusiveness, and quality of public services. To ensure future preparedness to similar crisis, governments will need to strengthen their capacities to use new and innovative technologies and applications to improve disaster management planning process, and disaster preparedness efforts, among other things.

## **Conclusion**

This chapter has briefly touched upon some of the key social, economic and political consequences of the Covid-19 pandemic. It has illustrated how the crisis has exposed weaknesses in public institutions and exacerbated deep inequalities in our societies. The chapter also examined what a “new normal” calls for. It posits that there is a need for a reflection on what type of society we wish to live

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493 Available at: <https://publicadministration.un.org/en/Themes/Digital-Government/Good-Practices-for-Digital-Government>

494 Statement by the UN Secretary-General, Mr. Antonio Guterres, October 2017 available at: <https://www.un.org/press/en/2017/sgsm18753.doc.htm>

in. It underscored the need for a shift in values and mindsets moving away from individualism towards values of solidarity, including greater governments' focus on addressing the needs of vulnerable groups. The chapter argues that to build a better future it is essential to adopt a new understanding of what progress is and how it is measured, one that focuses on the well-being of people. It also highlights how the 2030 Agenda for Sustainable Development and its principles of leaving no one behind are critical for any meaningful recovery and why SDG16 on effective, inclusive, and accountable institutions of the 2030 Agenda are central to ensuring effective social programmes and services for all. To safeguard public goods, promote peace and solidarity, it is necessary to strengthen multilateralism and global institutions. The chapter argues that countries need to rethink their governance systems based on a new social contract where everyone is included. The crisis is an opportunity to reconsider national development frameworks starting from the 11 Principles of Effective Governance for Sustainable Development. Strengthening the capacities of public institutions are needed to overcome the crisis and prepare for future crises, including in the areas of transformational leadership, changing mindsets, ethics and transparency, and institutional arrangements for policy coherence, among others.

Finally, it is essential to underscore that effective governance depends on all of us. Our collective actions will matter in building better societies and embarking on the transformational change needed to overcome present and future challenges and advance the implementation of the SDGs.





# **“Humanitarian forensic action: a new discipline of forensic sciences and a useful tool for the implementation of international law and the construction of peace”**

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Former Director of the Forensic Unit at the International Committee of the Red Cross***

## **Introduction**

Which is the link between a large-scale forensic operation carried out in 2017 in a remote island of the South Atlantic Ocean, for the recovery and identification of soldiers buried there more than three decades earlier; a global standard-setting process, launched in 2018 to protect the dignity of the dead in all humanitarian emergencies, past and present; and the latest efforts for ensuring the dignified management and identification of COVID-19 fatalities worldwide? They all involve humanitarian forensic action, a novel field of application of forensic science to humanitarian activities. The present article describes its origins and development, the main fields of practice and some of the challenges and opportunities offered by this rapidly evolving discipline.

## **1. Definition**

Humanitarian forensic action was first defined in 2012 as “the application of forensic science to humanitarian activities”<sup>495</sup>.

The International Committee of the Red Cross (ICRC) considers humanitarian action to be any activity aimed at alleviating suffering

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495 **Nota bene:** The present chapter is an adaptation of an article written by the author jointly with Dr. Stephen Cordner, Professor Emeritus, Department of Forensic Medicine, Monash University and Consultant Forensic Specialist, Victorian Institute of Forensic Medicine, Australia and published by WIREs (Wiley Interdisciplinary Reviews) Forensic Science, John Wiley & Sons, 2021

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MV Tidball-Binz “*For whom the bell tolls: The development of humanitarian forensic action*”. Schofield Oration. See: <https://www.monash.edu/news/articles/forensic-science-to-be-examined-in-melbourne> Visited in January 2021

and protecting human dignity, carried out in a neutral, impartial, independent and free manner. Furthermore, it is framed by International Humanitarian Law (IHL), a branch of international public law applicable in times of armed conflict<sup>496</sup>. The International Court of Justice has defined humanitarian action to encompass activities carried out by organizations and individuals “to prevent and alleviate human suffering wherever it may be found” and “to protect life and health and to ensure respect for the human being” (alive or dead)<sup>497</sup>. The same principles also apply in response to humanitarian emergencies unrelated to armed conflict, such as natural catastrophes and migration<sup>498</sup>.

International Humanitarian Law (IHL) and specifically the 4 Geneva Conventions and their Additional Protocols require that Parties to an armed conflict treat those killed in war with dignity; collect their bodies; try to identify them; bury them respectfully, and document their whereabouts. IHL also protects the right of families to know the fate and whereabouts of their loved ones missing in armed conflict<sup>499</sup>. In order to fulfill these obligations, States and Parties to armed conflicts may request the assistance of the International Committee of the Red Cross (ICRC) in its capacity as a humanitarian organization engaged globally in helping ensure compliance with their obligations under IHL<sup>500</sup>.

Over the past two decades forensic science has become increasingly recognized and called upon as valuable and at times even indispensable tool for fulfilling some humanitarian tasks. Following from its pioneering application in the eighties and nineties of the last century to investigate gross human rights violations and help document and prevent violations to the right to life and disappearances it was identified early in this century as necessary for the effective resolution and prevention of the phenomenon of missing persons from armed conflicts, as required under IHL, as well as from other situations of violence, major catastrophes and migratory phenomena. However, in the last decade its application in humanitarian activities has expanded to helping ensure the correct and dignified management of the dead,

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496 G. Gaggioli, *International humanitarian law: the legal framework for humanitarian forensic action*, *Forensic Sci. Int.* 282 (2028) 184-194

497 See Case concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Merits, Judgment, ICJ Reports 1986, para. 242.

498 *Humanitarian Policy- Principles for Humanitarian Action (PHA)*, International Organization for Migration (2018). See: <https://emergencymanual.iom.int/entry/15815> Visited in January 2021

499 See: <https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions> Visited in January 2021

500 See: <https://www.icrc.org/en> Visited in January 2021

the documentation of torture and ill-treatment<sup>501</sup>, as well as sexual violence and other abuses in contexts of armed conflict<sup>502</sup>, and the protection of vulnerable populations and groups, including migrants and children<sup>503</sup>.

This rapidly evolving discipline has featured in special editions of prestigious forensic publications<sup>504</sup>, dedicated manuals<sup>505</sup> and is regularly included in forensic scientific meetings the world over, such as the International Association of Forensic Sciences (IAFS), the International Academy of Legal Medicine (IALM) and the American Academy of Forensic Sciences (AAFS). The discipline is also a matter of interest, research and teaching of academic centers. For example, in June 2018, the Gujarat Forensic Sciences University of India inaugurated an International Centre for Humanitarian Forensics<sup>506</sup>; and in November 2019 the University of Coimbra, Portugal, inaugurated its University Center for Human Rights and Humanitarian Forensic Research and Training, dedicated to the development and promotion of this new discipline. It is expected that this new Center, which also includes the participation of leading scholars from the Universities of Toronto (Canada), Milano (Italy) and Monash (Australia), will launch its activities in 2021 to become a platform for international academic cooperation for strengthening the important contribution of forensic science to humanitarian activities and human rights protection at a global level.

## 2. Origins of Humanitarian Forensic Action

Legal medicine and forensic sciences are traditionally identified with domestic judicial purposes. The term forensic itself derives from the Latin term "*forum*", which refers to the seat of the law courts, and means "related to the courts". Despite their close link with the law and judicial processes however, legal medicine and forensic science have always had a humanitarian component as well. For example, in any process of collecting and presenting evidence for a homicide investigation and trial, legal medicine will have helped to identify the deceased, thus assuring relatives, among other things, their right

501 M. Pollanen, *The pathology of torture*, *Forensic Sci. Int.* 284 (2018) 85-96

502 D. Wells, *Sexual violence interventions: Considerations for humanitarian settings*, *Forensic Sci. Int.* 276 (2017) 1-4

503 Z. Obertova, C. Cattaneo, *Child trafficking and the European migration crisis: The role of forensic practitioners*, *Forensic Sci. Int.* 282 (2018) 46-59

504 *A special edition on Humanitarian Forensic Science*, M. Tidball-Binz, S. Cordner, Z. Obertova, D.N. Vieira, S.C. Zapico, *Forensic Sci. Int.*, Volume 285, April 2018

505 *Forensic Science and Humanitarian Action: Interacting with the Dead and the Living*; R.C. Parra, S. Zapico and D. Ubelaker Editors, Vols. 1 and 2. 738 p.p. (2020) J. Wiley & Sons

506 See: <https://www.nfsu.ac.in/international-centre-for-humanitarian-forensics>

Visited in January 2021

to honor their loved one in accordance to their cultural and religious precepts. Both legal medicine and forensic science also contribute to replacing the painful uncertainty about what happened to the victims with the truth of facts, however terrible these might be. Likewise, for example, during the examination and collection of evidence of bodily and emotional damage suffered by a victim of torture, legal medicine also helps ensure early medical and other assistance required by the victim, in order to attend to the physical and emotional consequences suffered and secure the necessary reparations.

This important component of legal medicine and forensic science in general is now recognized as necessary and valuable in humanitarian responses to situations of conflict, armed violence and major disasters. It is essential for ensuring, among other things, the proper management of deceased persons, including the protection of their dignity, and achieving their reliable identification, an essential step to prevent their disappearance. As a result, the correct and dignified management of the dead in humanitarian emergencies is today regarded as one of the three pillars of the humanitarian response in conflicts or disasters (together with the attention and care of survivors and the restoration of basic services, such as water, food and sanitation), for which the contribution of legal medicine and forensic science are considered indispensable. The recognition of the valuable role of forensic science is also increasingly apparent in other areas of humanitarian action, including the monitoring of places of detention, documentation of ill-treatment and torture, including sexual violence, support for bereaved family members, and the investigation of deaths in custody.

Despite its obvious value, the use and application of forensic science to humanitarian activities, is however a relatively recent development.

### **2.a. Short history of Humanitarian Forensic Action**

The development of humanitarian forensic action is quite recent, dating back not earlier than the 20th century, with the first exhumation and forensic analysis including humanitarian purposes carried out in 1943, to recover and document the remains of hundreds of victims of a massacre perpetrated during World War II by Soviet troops in the Katyn forests, Poland. That forensic operation represented the first full-scale use of forensic medicine and scientific techniques available in its time to recover and help identify victims of a wartime massacre. It was carried out by an international team of forensic experts convened and overseen by the German authorities at the time. The operation,

which was assisted by a technical commission of the Polish Red Cross, managed to identify some of the remains recovered based on documents and other personal items recovered along with the bodies, allowing for some of the victims to be subsequently buried in a dignified manner. The humanitarian dimension of the investigation however was tarnished by the intention of the Nazi régime of using the findings as war propaganda (i.e., against the Soviet troops)<sup>507</sup>. This sets an importance precedent about the importance and need for such investigations to be always carried out in a truly independent and impartial manner.

It was only decades later, however, that humanitarian forensic action became identified as a novel and discrete discipline and activity, owing to the combined result of two fundamental developments.

The first was the innovative and pioneering use in South America Latin of forensic science, specifically in Argentina, for the search, recovery and identification of victims of enforced disappearances and extrajudicial executions of the military regime which had ruled the country between 1976 and 1983. The Argentine Forensic Anthropology Team (EAAF), a specialized non-governmental organization, was created by a group of young professionals and students in 1984 as the first organization of its kind and used techniques derived from archeology and forensic anthropology, among other forensic sciences, to find and identify some of the thousands of victims of the regime<sup>508</sup>.

In developing new skills and unprecedented methods of investigation into extremely complex and large cases; and in order to best fulfill the humanitarian and human rights goals of the investigations under their responsibility, they benefitted from specialized training and advice provided by internationally renowned forensic experts, including those convened by the American Association for the Advancement of Science. These included the renowned forensic anthropologist Dr. Clyde Colin Snow, who provided EAAF founders with essential training, advice and guidance in forensic anthropology and other related sciences to carry out their unprecedented task.

The EAAF has become an internationally recognized institution and continues to carry out these tasks, today on a global level. The Team has also become a model for similar initiatives throughout South America

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507 Debons, Delphine; Fleury, Antoine y Pitteloud, Jean-François, *Katyn and Switzerland: Forensic Investigators and investigations in Humanitarian Crises 1920-2007*, Geneva, Georg Editeur (2009)

508 Celesia, Felipe, *La muerte es el olvido*, Buenos Aires, Ediciones Paidós (2019)

and elsewhere, helping to create and train similar teams in Guatemala, Mexico, Peru and South Africa to mention just some examples.

The EAAF has played a fundamental role in the development of Humanitarian Forensic Action. Indeed, the Team has led the way in demonstrating the value and usefulness of forensic science in finding many of the “disappeared”, providing reliable answers to their families and communities about the whereabouts and fate of their loved ones.

Many family members thus found, for the first time, the truth which they demanded and could not be provided by traditional forensic systems, often biased by the policies of the prevailing regimes.

It should be noted that the inspiration and driving force required for the creation of the EAAF did not come from forensic science. It was the relatives of disappeared people in Argentina and, in particular, the Grandmothers (Abuelas) of the Plaza de Mayo (APM), who provided that impulse. The APM was created in 1977, in the midst of the military dictatorship, to find the children (the grandchildren of the APM), kidnapped along with their missing parents. In order to support their search and reliably identify their grandchildren recovered years after their disappearance, the Grandmothers devised the use of forensic hemogenetics to assist in these identifications, thus promoting the creation of the world’s first forensic genetic data bank. This bank was recognized by national law in 1987 and later incorporated DNA analysis into its investigations, also at the urging of the Grandmothers<sup>509</sup>.

It was precisely the Grandmothers who provided the indispensable support and encouragement for the creation of the EAAF, at a time when the first scientific exhumations carried out by the Team faced criticism, skepticism and even threats in Argentina.

The second fundamental contribution to the development of humanitarian forensic action has been public international law, in particular international human rights law and humanitarian law (IHL). **Table 1** lists some universal principles in the form of fundamental rights, obligations and prohibitions in relation to persons killed and/or disappeared in armed conflicts and other situations of violence. These important principles have shaped and helped frame and articulate the guiding standards, objectives and practice of humanitarian forensic action; and even anticipated the types of forensic knowledge, methods, and techniques which are required - and have been developed

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509 B. Jorge, G. Diana, L. Norberto, M Tidball-Binz “*Genetical identification of ‘missing’ children in Argentina*”, in *Advances in Forensic Haemogenetics 1*, Brinkmann B. y Henningsen K. (eds.), Berlin, Springer-Verlag, (1986)

accordingly- to help fulfill those principles, as exemplified by the pioneering work of the EAAF and the Abuelas de Plaza de Mayo

<b>Right/duty/prohibition</b>	<b>Reference</b>
Right to life	Art. 3, <i>Universal Declaration of Human Rights</i> ; Art. 6, <i>International Covenant on Civil and Political Rights</i>
Prohibition of enforced or involuntary disappearances	<i>International Convention for the Protection of All Persons from Enforced Disappearance</i>
Right of families to know the fate and whereabouts of their missing members	Art. 32, <i>Additional Protocol I to the Geneva Conventions</i>
Obligation to adopt all possible measures to account for those reported as missing as a result of an armed conflict	Art. 32 and 33, <i>Additional Protocol I to the Geneva Conventions</i> ; Articles 136-141, <i>Fourth Geneva Convention</i>
Right of families to respect for their family life	The <i>Hague Convention</i> of 1907 (Regulation No. IV); Art. 12, <i>Universal Declaration of Human Rights</i> of 1948; Art. 17 and 23, <i>International Covenant on Civil and Political Rights</i>
Obligation of the Parties (to armed conflicts) to collect all available information for the purpose of identifying the dead before their final disposal	Art. 16 and 17, <i>First Geneva Convention</i>
Obligation to take all possible measures to prevent the dead from being despoiled or the prohibition of the despoliation of the dead	Art. 15, first paragraph ( <i>ibid.</i> , § 126, <i>First Geneva Convention</i> ); Art. 18, first paragraph ( <i>ibid.</i> , § 127) <i>Second Geneva Convention</i> ; Art. 16, second paragraph ( <i>ibid.</i> , § 128), <i>Fourth Geneva Convention</i> ; Article 34(1) <i>Additional Protocol I</i>
Prohibition of the mutilation dead bodies	Elements of Crimes for the ICC, Definition of committing outrages upon personal dignity as a war crime (ICC Statute, Footnote 49 relating to Article 8(2)(b)(xxi))

**Table 1:** Examples of universal standards protecting the living, the dead and those disappeared and their families.

It is worth noting here that the explicit recognition of the universal right of every person to be identified after their death, something fundamental to prevent them from becoming disappeared, is of relatively recent development. It was formally enunciated for the first

time in 1996, by the General Assembly of INTERPOL (International Criminal Police Organization)<sup>510</sup>.

In conjunction with the above, during the last couple of decades of the twentieth century, some international human rights non-governmental organizations, such as Amnesty International, Physicians for Human Rights and The Minnesota Lawyers Committee, began to use the services of forensic specialists to support their investigations, as well as to support their campaigns at the diplomatic level, including before the United Nations (UN), the Council of Europe and other intergovernmental organizations. In doing so, they unquestionably contributed to developing best-practice forensic approaches to human rights investigations, including by helping draft standards later adopted by international organizations.

An example of this was the publication by the UN, in 1989, of its first ***Manual on the Effective Prevention and Investigation of Extralegal, Arbitrary or Summary Executions (Minnesota Protocol)***. Since then, the Manual has served as a model for other UN documents on forensic science, including the Guide to UN Investigations into Allegations of Massacres, and the ***UN Manual for the Effective Investigation and Documentation of Torture (Istanbul Protocol)***. On the initiative and under the guidance of Prof. Christof Heyns, former UN Special Rapporteur on extrajudicial, summary or arbitrary executions, the original Minnesota Protocol was reviewed between 2015 and 2016 by a group of forensic and legal specialists invited by the Rapporteur, resulting in a revised, updated and enlarged new edition published in 2017 and titled ***"The Minnesota Protocol on the Investigation of Potentially Unlawful Deaths (2016)"***<sup>511</sup>. The new Minnesota Protocol thus provides a platform from which to lift the protection of the right to life and the corresponding duty to investigate all potentially unlawful deaths and to protect the dead to a new level. This requires that it is made accessible and known to the full range of those engaged in investigations of such deaths, from police officers to forensic pathologists to lawyers, judges, non-governmental organizations and many others; and that cooperation and technical assistance be stepped up where required for its effective use and implementation.

The first UN Resolution on human rights and forensic science was adopted by the Commission on Human Rights in 1992<sup>512</sup> and it

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510 Interpol, ICPO-Interpol General Assembly, 65th session, Resolution AGN/65/RES/13 (1996)

511 Available in: <https://www.ohchr.org/Documents/Publications/MinnesotaProtocol.pdf> Visited in January 2021

512 See: [ohchr.org/documents/e/chr/resolutions/e-cn\\_4-res-1993-33.doc](https://www.ohchr.org/documents/e/chr/resolutions/e-cn_4-res-1993-33.doc) Visited in January 2021



recognized the value and role of forensic science in human rights and humanitarian investigations, including those linked to disappearances. That Resolution called on the community of States to cooperate in acquiring and developing necessary forensic capacity and it inspired the UN to establish a permanent list of forensic scientists and institutions from around the world, available to participate in the investigations required by the organization<sup>513</sup>.

The normative development of the UN recognizing the value of forensic sciences and promoting its use for the protection and promotion of human rights, has been reflected by other intergovernmental organizations, such as the Organization of American States (OAS).

The International Criminal Tribunal for the former Yugoslavia (ICTY) was established by the UN Security Council under Resolution 827 of May 25, 1993. This was the first international criminal court since the Nuremberg and Tokyo Tribunals - created at the end of World War II - established to investigate and punish war crimes and crimes against humanity - and the first ever to make large-scale use of forensic medicine and science to support its investigations, in particular with regard to homicides and massacres.

Those forensic investigations, which included large-scale exhumations, had however the primary goal of documenting and providing evidence about the crimes investigated, in particular the cause, manner and circumstances of the deaths of the victims. The ICTY Deputy Prosecutor explained at the time the purpose of the forensic exhumation program sponsored by the Court as follows: "Following the exhumations [...] all the bodies underwent autopsies [...] to determine the cause and manner of death and the demographic profile of the victims"<sup>514</sup>. Unfortunately, as the ICTY focused its forensic investigations mainly on the adjudication of responsibility, the identification of victims was neglected, since convictions for murder and genocide were not dependent on the identification of the victims. In addition, identifying each victim would have required resources and time that the Court simply did not have. Thus, as a consequence, hundreds of bodies recovered and examined under the Court's jurisdiction continued to be unnamed: they remained disappeared.

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513 See, for example: *Human rights and forensic sciences: Report of the (UN) Secretary-General*, E/CN.4/1998/32 Available on: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G98/100/03/PDF/G9810003.pdf?OpenElement> Visited in January 2021

514 G Blewitt. *The role of forensic investigations in genocide prosecutions before an international tribunal*. *Medicine, Science and the Law*. Vol 37, No 4, (1997), 288

In response to the foregoing, the international community was quick to react, through initiatives specifically aimed at identifying the dead from the wars in the former Yugoslavia and finding the missing. For example, after the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina, also called the Dayton Agreement, the International Commission on Missing Persons (ICMP) was created in 1996. This organization has assisted through large-scale DNA analysis the efforts of local and international forensics aimed at searching for the disappeared, which together have allowed the recovery and identification to date of approximately 70% of the nearly 40,000 persons disappeared and dead in the former Yugoslavia. The ICMP has since been established as an Intergovernmental Organization, basing its headquarters in the Netherlands and has signed cooperation agreements with the International Criminal Court and INTERPOL<sup>515</sup>.

The ICRC endeavored throughout the armed conflict in the former Yugoslavia to solve disappearances, as it has historically done in other parts of the world, since its foundation in 1863. However, the organization had not yet acquired its forensic capacity at the time of the conflict in the Balkans, making it impossible for the ICRC at the time to directly assist in forensic efforts to recover and identify the missing.

The humanitarian tragedy of the nameless dead and of the tens of thousands of missing persons in the former Yugoslavia led the ICRC to organize in 2003 the first International Conference of Governmental and Non-Governmental Experts on the Missing and their Families, with a view to developing practical recommendations to prevent and resolve this phenomenon worldwide, including those related to the use of forensic science to search for and identify the missing<sup>516</sup>.

The Conference was the first of its kind. It identified a fundamental lesson learned from the conflict in the Balkans, which has since become an ethical cornerstone and moral obligation which guides the practice of humanitarian forensic action: identifying the dead must be central to any investigation of deaths and disappearances in armed conflicts, other situations of violence and major catastrophes. This was explicitly recommended in several of the Conference's conclusions:

Forensic specialists working in investigations into missing persons [...]

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515 See: <https://www.icmp.int/> Visited in January 2021

516 ICRC Report: *The Missing and their families*. Chapter II *Executive Summary*. (ICRC/TheMissing/01.2003/EN/10) [https://www.icrc.org/eng/assets/files/other/icrc\\_themissing\\_012003\\_en\\_10.pdf](https://www.icrc.org/eng/assets/files/other/icrc_themissing_012003_en_10.pdf) Visited in January 2021

- have an ethical obligation to actively advocate for an identification process [...];
- when examining the [human] remains, they have an ethical duty to observe and record all potentially relevant information for their identification;
- they must consider the rights and needs of families before, during and after the forensic investigation;
- they should be familiar with the relevant provisions of international humanitarian and human rights law, and should promote the incorporation of these provisions in their practice and in the basic training of forensic specialists.

The recommendations also included practical guidelines for the search, recovery, management, analysis and identification of the dead from armed conflicts and similar contexts, including:

- a.- The roles, duties and responsibilities and the applicable ethical standards for forensic professionals and teams;
- b.- Guidelines for the documentation and storage of human remains and associated evidence;
- c.- The use of different forensic disciplines, methods and criteria for human forensic identification based on the comprehensive use of them;
- d.- The principles for the ethical, effective and efficient management of information, including the collection and comparison of ante-mortem and post-mortem data;
- e.- Counseling on the relationship between forensic doctors and grieving families and communities.

Shortly after the Conference, the ICRC acquired its own forensic capacity, for the first time in its history, to help ensure the dissemination and implementation of the recommendations on the use of forensic science to prevent and resolve disappearances. The creation of the organization's Forensic Services in 2004 and later of its Forensic Unit proved to be a cornerstone for forensic science.

In effect, the pioneering use by the ICRC of forensic science to assist its efforts to search and identify persons missing in armed conflicts the world over led to the creation and development of humanitarian forensic action, a new and rapidly evolving field of forensic science.

The ICRC is today the world's only organization having own forensic capacity specialized and dedicated exclusively to humanitarian forensic action: its Forensic Unit which operates globally, with more than 90 specialists from all regions and representing various fields of forensic expertise, including anthropology, dentistry, archeology, medicine, pathology, genetics and criminalists.

The role of the ICRC's Forensic Unit is to advise, assist, train and help improve where necessary the existing capacity of forensic medicine and related sciences in the countries and regions in which the ICRC operates; to develop standards of best forensic practices that apply to humanitarian activities and to assist in their implementation. The ICRC forensic experts also participate, when circumstances so require, in humanitarian forensic actions in contexts of armed conflict, other situations of violence and major catastrophes, including those derived from migration.

The recommendations from the 2003 Conference have also proved valuable for guiding local processes and developments in humanitarian forensic action, in various countries around the world and are still a benchmark in the matter. For example, in 2005 they helped re-shape the search, recovery and identification activities of the Committee on Missing Persons in Cyprus (see 4.1 below) and in 2007, Colombia incorporated the recommendations into its own legislation, as part of the National Plan for the Search for Disappeared Persons. Humanitarian forensic action also offers a framework for the search, recovery, identification and repatriation of conflict casualties worldwide<sup>517</sup>.

However, despite the progress made since the 2003 Conference in resolving and preventing disappearances, current humanitarian crises, including armed conflicts in the Middle East, natural disasters, and the migration crisis mean that the tragedy of missing persons has not diminished and is in fact accelerating in some contexts, including in scale and in complexity. This poses new challenges in many domains, including for humanitarian forensic action.

As a result, the ICRC has redoubled its efforts in this area, including with the launch in 2018 of a new (ongoing) Project on Missing Persons, in order to develop standards, principles and guidelines necessary to respond to these new challenges, including those of humanitarian forensic action.

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<sup>517</sup> M. Márquez-Grant, D. Errickson, The legislation, search, recovery, identification and repatriation of conflict casualties worldwide: Introducing the WWI and WWII Special Issue, *Forensic Sci. Int.* 320 (2021) 110716

### 3. Disaster preparedness and response

Since its inception, humanitarian forensic action has proven invaluable for preparedness and response in situations of natural disasters with large numbers of fatalities. Such catastrophic humanitarian emergencies require forensic guides, skills, and resources similar to those used in humanitarian emergencies arising from armed conflict. For example, the management of the dead following the Tsunami that hit Southeast Asia in late 2004 led the ICRC and the International Federation of Red Cross and Red Crescent Societies (IFRC) agreeing with the Pan American Health Organization (PAHO) and the World Health Organization on the need to develop together a guide for the management of dead bodies in disasters to fill the gap in this area. The gap, really a void, was tragically in evidence after the Tsunami. On that occasion, the first response teams realized the lack of adequate guides to carry out this difficult but indispensable task, with the result that thousands of deaths in many countries, many exposed to the elements and predators, were never identified.

The joint initiative of the ICRC, PAHO and the WHO with the IFRC led to the development of the first manual of its kind, entitled "**Management of Dead Bodies after Disasters: A Field Manual for First Responders**", published in 2006, and updated in 2016. The manual's drafting involved world-leading experts and organizations, including INTERPOL. The manual in effect complements INTERPOL's own standard **Guide for the Identification of Victims of Disasters**. This is the international reference for human identification in general, but is focused on small and medium sized disasters, where forensic and related resources are more or less immediately available. In larger scale humanitarian crises and catastrophic events however, society is often paralyzed or broken down, the number of dead may be in the hundreds and thousands or more, and forensic resources either do not exist or are not available; these are the contexts where humanitarian forensic action does its work.

The publication **Management of Dead Bodies after Disasters: A Field Manual for First Responders** explains in a clear, didactic and practical way, the steps to be followed by the first responders to ensure the search, recovery, documentation and dignified, professional and safe management of a large number of bodies and to facilitate their identification, as well as adequate attention to family members. It has been translated into more than 15 languages. Today it stands as primary reference and guidance for first responders, professionals, and

institutions the world over involved in preparing for and or responding to major disasters and catastrophes.

#### **4. Humanitarian forensic action and peace-building**

The contribution of humanitarian forensic action to dialogue and cooperation in post-conflict situations has been an unexpected but welcome finding of this new discipline.

The late Sergio Viera de Mello, former United Nations High Commissioner for Human Rights, opened the 2003 International Conference of Governmental and Non-Governmental Experts on the Missing and their Families with the following words: "My experience has taught me that the disappeared are often the most contentious issue in peace-making, the question that makes confidence-building all the more difficult, and rightly so"<sup>518</sup>. He made a passionate call to develop and implement novel tools for preventing and resolving disappearances around the world, including to help peace-building processes. At the time, his visionary words sounded to many as being counterintuitive.

In recent years however, humanitarian forensic action has shown that, in addition to contributing to compliance with international law, it may also contribute to building peace. Two examples to this effect are the Committee on Missing Persons (CMP) in Cyprus and, recently, the Humanitarian Project Plan for the identification of Argentine soldiers buried in the Falkland Islands (Malvinas).

##### **4.1 The Committee on Missing Persons in Cyprus**

The Committee on Missing Persons (CMP) was established in Cyprus in the 1970s under UN General Assembly Resolutions to search for people who disappeared during the 1974 Cypriot conflict, in order to fulfill requirements under IHL, that is, for humanitarian purposes. However, until the beginning of this century, the CMP, which lacked any forensic capacity, had failed to meet expectations. As a result, in 2004 the CMP requested the assistance of the ICRC's Forensic Services, to help develop its own forensic search and identification capacity, in accordance with the recommendations of the 2003 International Conference on The Missing and their Families. The ICRC provided the support and advice requested, focusing its assistance on the development of local forensic capacity and in accordance with the guidelines for humanitarian

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<sup>518</sup> *UN rights chief stresses new tactics, cooperation at conference on missing persons* <https://news.un.org/en/story/2003/02/59562-un-rights-chief-stresses-new-tactics-cooperation-conference-missing-persons> Visited in January 2021

forensic action, fundamentally through the advice and training of a sustainable local team of scientists, composed of young Greek and Turkish Cypriot scientists, the first bi-communal team of its kind in the island.

In addition to advising on the construction of a purpose-built mortuary and training the young scientists, the ICRC's Forensic Services also rallied forensic experts from different countries (for example, Argentina, the United States, Colombia and the United Kingdom), to share best practices and assist in building the local capacity required for the CMP's novel forensic team.

As a result, the CMP today has its own fully bi-communal Cypriot forensic team, which has developed an exemplary integrated approach to the forensic search, recovery and identification of those missing from the past conflict.

To date, the CMP has managed to recover, identify and return to their families a total of 985 previously disappeared persons, thus becoming a true international model of good practice in the field of humanitarian forensic action<sup>519</sup>.

Through its humanitarian forensic action, the CMP has also established itself as a successful example of cooperation and local integration and peacebuilding: its multidisciplinary team of talented forensic experts is made up of young Cypriots from both communities on the island, working together and harmoniously for the sake of a noble shared humanitarian objective: to find their disappeared and thereby overcome the wounds of the past<sup>520 521</sup>.

## 4.2. The Humanitarian Project Plan

The humanitarian forensic operation named Humanitarian Project Plan (HPP), unprecedented in scope and scale, took place at the request of Argentina and the United Kingdom and was carried out by the International Committee of the Red Cross (ICRC) in 2017. The operation resulted in the identification, to date, of 115 of the 122 soldiers buried without identification in the Argentine military cemetery of Darwin in

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519 See: <http://www.cmp-cyprus.org/> Visited in January 2021

520 G.R. Zorba, T. Eleftheriou, I. Engin, S. Hartsioti, C. Zenonos, Forensic identification of human remains in Cyprus (CMP) in: *Forensic Science and Humanitarian Action: Interacting with the Dead and the Living*; R.C. Parra, S. Zapico and D. Ubelaker Editors, Vol. 2. (2020) J. Wiley & Sons 609-624

521 M. Mikellide *Recovery and identification of human remains in post-conflict environments: A comparative study of the humanitarian forensic programs in Cyprus and Rosovo* Forensic Science International 279 (2017) 33-40

the Falkland Islands (Malvinas)<sup>522</sup> following the conclusion of the 1982 war between both countries. As a result, most of the tombstones that used to read “Argentine soldier known only to God” today bear a name, thereby assuring their families the fundamental right to know the fate of their loved ones and where they are.

The Project was originally requested by relatives of unidentified soldiers and called for by some veterans of the war; and was agreed upon and supported by both Parties to the 1982 armed conflict in the South Atlantic.

The HPP forensic operation was preceded by lengthy humanitarian diplomacy work on the part of the ICRC. This brokered the agreement between the parties, as required for the complex and unprecedented forensic operation which followed. This consisted in the exhumation, analysis, documentation and reburial of each of the bodies buried without a name for more than three decades, for their reliable identification, within a tight time-frame and using methods and processes expressly developed for the operation.

Although the unidentified soldiers were formally considered as missing in action, it was known for certain that they had died on the battlefield. After the war they had been recovered and respectfully and honorably buried in a purpose-built military cemetery near the hamlet of Darwin, although without identification due to the technical limitations at the time to make this possible. All agreed that they deserved to recover their identity. In particular, it was essential for their relatives to identify their loved ones, including to be able to honor them in their respective graves.

The forensic operation today serves as a model for the new discipline of humanitarian forensic action. It overcame important logistical difficulties, including those related to the establishment of a high-tech mortuary with equipment required for the operation, despite the geographic isolation and extreme climatic conditions prevailing there. Complex forensic issues, including those inherent in an integrated, large-scale identification process with short and tight deadlines, needed to be resolved. Throughout the operation, meticulous quality control was applied and maximum respect for the dignity of the dead was maintained, at the same time as complying with the multiple and demanding legal and diplomatic requirements for the operation, to the satisfaction of the families and the parties concerned.

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522 Denomination of the islands follows UN usage. See: <https://www.un.org/dppa/decolonization/en/content/falkland-islands-malvinas> Visited in January 2021



The process has unquestionably contributed to the dialogue and rapprochement between the parties on an issue as noble as shared humanitarian objectives and for this reason it has also aroused interest in other contexts where the resolution of cases of missing persons as a result of armed conflicts is a pending debt.

In consideration of this interest, the background and forensic operation of the Humanitarian Project Plan are described in more detail below.

#### **4.2. a. The HPP's background**

At the end of the armed conflict between Argentina and the United Kingdom over the Falkland Islands (Malvinas) in June 1982, the British Party, in compliance with International Humanitarian Law, searched for and collected from the battlefield the fallen Argentine soldiers, tried to identify them, provided them with a dignified burial and documented and reported their whereabouts. All the bodies were duly buried in a specially built military cemetery near the islands' hamlet of Darwin.

However, despite efforts at the time to identify all the fallen, a certain number could not be identified and were therefore buried without a name, with the inscription "Known unto God", an acronym used worldwide by the Commonwealth War Grave Commission (CWGC) for the graves of unknown soldiers<sup>523</sup>. This acronym was devised by the poet Rudyard Kipling, who worked for the CWGC during the First World War. In the reconstruction of the Argentine military cemetery of Darwin, carried out in 2001 by the Commission of Relatives of the Fallen in Malvinas and Islas del Atlántico Sur, with the support of an Argentine private company (Aeropuertos Argentina 2000 SA), those graves came to bear the epitaph "Soldado argentino solo conocido por Dios (Argentine soldier known only to God)".

In April 2012, the Argentine Republic requested the ICRC's assistance for the identification of all the soldiers buried without a name in Darwin military cemetery.

In line with its mandate and novel forensic capability, the ICRC readily accepted Argentina's request, focusing strictly on its humanitarian role and based on the needs and interests of the families.

Intense diplomatic activity followed, in Geneva, Buenos Aires and London, in order to advance the negotiations for the necessary agreement between the parties and to prepare for the complex mission required. Likewise, from 2014 onwards, the ICRC worked closely with

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523 See: <https://www.cwgc.org/> Visited in January 2021

Argentine authorities for the collection of the necessary information and samples from participating families required for identification purposes, together with their informed consent. An interdisciplinary group, including forensic scientists, psychologists, social workers and lawyers, was created by the Argentine Government for this purpose, which continued with the interviews following commonly agreed protocols.

A preliminary visit by an ICRC delegation was carried out to the islands in mid-2016, which proved essential for designing the project and ensuring the necessary preparatory work. This included a feasibility study, including the collection and analysis of soil samples, the determination of the special infrastructure and equipment required for the task in the extreme isolation and weather conditions prevailing on site as well as the logistical requirements in order to meet those needs. That visit confirmed the possibility of carrying out the identification process and provided the evidence-based information required for designing and preparing the forensic operation. The visit also made it possible to help ensure the essential support required from the local population to facilitate the operation.

The logistical challenge of ensuring the installation and proper functioning of everything necessary for the complex operation required months of preparatory work and also the support of the local population, motivated by the humanitarian objective of the task.

#### **4.2. b. The HPP's forensic operation**

In December 2016 high diplomatic representatives of the Argentine Republic and the United Kingdom were invited by the ICRC to its headquarters in Geneva to negotiate the terms of the project. On 20 December of that year both countries together with the ICRC signed the agreement setting up the Humanitarian Project Plan (HPP). This defined the objectives, roles, responsibilities and deadlines for the execution of the operation, as well as the forensic process required and in accordance with the ICRC's proposal.

After a long consultation process conducted by the Argentine authorities, 107 families from all over the country had come forward to participate in the process. It was then decided that the consultations with remaining families would continue to inform the missing families directly about this initiative and collect from those who so wished the information and the biological / DNA samples required for the identification of their loved ones.

From December 2016 to May 2017 the ICRC finalized the preparations for the forensic operation. This required defining the standard operating procedures, protocols and forms required for each of the stages of the humanitarian forensic operation, from the exhumation, analysis, sampling and documentation, to the reburial of the bodies. The streamlined plan of action aimed to ensure, guide and facilitate:

- the systematic collection of the necessary information and samples;
- adequate and reliable documentation of all findings, including as required for the integrated identification of the bodies;
- the quality control of all the procedures used and surety of the investigation throughout;
- the drafting of protocolized reports -in English and Spanish- for every step in each case;
- the guaranteed respect for the dignity of the remains and the cemetery site throughout the entire process.

As a result, all forensic activities followed pre-defined plans, flow charts and schedules, prepared in advance for the operation.

A specially equipped temporary mortuary and forensic laboratory were required for the operation. This was purpose built and installed at the Darwin military cemetery and equipped with state-of-the-art equipment and technology, including for the systematic radiography of all the bodies and body parts analyzed. The site included a surveyed security perimeter with strict access protocols, as required by the HPP.

There are no forensic genetic services available in the islands and therefore the HPP ensured that samples collected for DNA analysis to assist the identification process would be transferred to laboratories in Argentina, the U.K. and Spain. The matching process was carried out by the same forensic genetics laboratory in Argentina that had profiled the samples from relatives, while laboratories in Spain and the United Kingdom carried out the required quality control of tests agreed for the process. The latter laboratories unanimously confirmed the reliability of the analysis and results obtained in Argentina.

The format of the forensic genetics' reports, as well as the matching calculations and the identification thresholds required for the genetic identification of the remains were defined beforehand jointly with the participating laboratories.

The computer support system required for the operation was purpose-made. This ensured the real-time management and safeguarding of all the data and information produced, with total security. This included a forensic database especially designed by the ICRC for large-scale identification processes.

From the end of May to the end of August 2017, the ICRC forensic team moved to the islands to carry out the field and laboratory tasks required to complete the Project. The team consisted of fourteen specialists from Argentina, Australia, Chile, Spain, Mexico and the United Kingdom, carefully selected for the operation and representing different forensic disciplines and experienced in humanitarian forensic action.

The forensic team proceeded to exhume, analyze, obtain samples, and document each of the bodies that were buried in the 121 graves in the cemetery marked with the legend "Argentine soldier known only to God."

As expected, given the tight deadlines set for the operation, the forensic work was intensive, from dawn to dusk, six days. The forensic team operated in a truly multidisciplinary and interdisciplinary manner to help ensure the daily completion of pre-assigned tasks, the necessary reporting and quality assurance and control procedures.

The forensic recovery or exhumation of each body, using adapted archaeological methods and procedures, was systematically followed by their meticulous analysis (including full radiology and photography), their documentation and the taking of samples for subsequent genetic analysis.

Once the necessary analysis, documentation and sampling required for each body was completed, the forensic experts proceeded to place the body in a new coffin for burial in the original grave, on the same day of the body's exhumation, with full respect for the dignity of the deceased throughout. The same day recovery, analysis and re-burial of the bodies was a requirement under the HPP, which the forensic team had to honor, while ensuring at the same time the highest scientific standards. The bilingual reports for each case, in Spanish and English, were prepared on the same day as their analysis, ready for completion once the genetic results were made available, several weeks later.

Unexpectedly, a small number of personal objects of special emotional and /or identification value were found with some of the bodies, such as identification cards and wedding rings. The exhaustive forensic examination, including the use of state-of-the-art radiological

equipment, helped find these objects among the several layers of clothing worn by the soldiers. They had been understandably overlooked by non-forensic servicemen at the time of recovery from the battlefield. In consideration that there is an obligation under International Humanitarian Law to return such objects to the families of the fallen, the objects found were preserved and handed over to the Argentine authorities at the end of the HPP. The retrieved objects were duly presented to concerned families together with the reports which they received about their cases.

After the completion of the forensic field work, the cemetery and its facilities were restored to their original condition, as required under the HPP. In the weeks that finally followed forensic operations at the site, new grass was planted at the site to condition it as agreed for this noble task.

In October 2017 the team of forensic specialists met again in Geneva to integrate the results from the forensic studies carried out on the islands with the results of the genetic analyzes, in order to finalize the identification reports, in English and in Spanish and to also condition the personal items recovered for delivery to families. Reports were prepared for all families who submitted samples, including those for whom their loved one had not been identified.

#### **4.2. c. The HPP's outcome**

Finally, as planned, on 1 December 2017, the date scheduled for presenting the reports, the results of the HPP activities were handed out to the delegations of Argentina and the United Kingdom at the ICRC headquarters in Geneva, in the framework of a diplomatic meeting, which underlined the quality of the process, the commitment and support of all those who collaborated in the operation and the results achieved.

By the time of presenting the results of their work and reports in Geneva, the ICRC forensic team had identified 88 soldiers and collected the information and processed samples necessary to make it possible to identify all the 34 remaining bodies, provided that the necessary information and samples were made available by concerned families, some of which were only able to provide that information at a later date.

As a result, to date (March 2021), a total of 115 soldiers, out of those 122 buried in Darwin without a name, have been positively identified and their families informed accordingly.

On the days which followed the delivery of the reports in Geneva, the Argentine authorities proceeded to inform all the participating families, personally and confidentially, about the results of the operation and to deliver the corresponding reports and personal belongings to them. This highly sensitive process was guided by applicable best practices, shared in advance by the ICRC to the intervening teams, who also received training on this respect from the organization's experts.

Lastly, in March 2018 and 2019 the families of the soldiers identified as a result of the HPP were finally able to visit their loved ones' graves, with their names newly engraved in their tombstones. The visits were organized jointly by the British and Argentine authorities, with logistical support provided for the flights to the islands by the Argentine private company (Aerpuertos Argentina 2000 SA).

The ceremonies held on both occasions in the islands' Argentine military cemetery were magnanimous and profoundly humanitarian. They were made possible by an unprecedented combination of diplomacy at the service of humanitarian principles and the innovative use of forensic science to make them a reality. They also fostered a renewed dialogue and cooperation between former foes, including for opening new commercial flights between Argentina and the islands, thus contributing to a peace building process between those affected by war.

In addition, this also paved the way for a follow-up of the HPP, to help individualize the bodies of a small group of Argentine servicemen who had died together in a helicopter crash during the conflict and whose fragmented and commingled remains were buried together in Darwin military cemetery. Their grave includes the names of the fallen and was therefore not included in the original HPP. However, based on the success of the latter, concerned families have requested another humanitarian forensic operation to help separately identify each of the bodies of their loved ones. The agreement between the ICRC and the Parties was signed on 18 March 2021, for implementation as soon as reasonably possible and based on the model developed for the HPP forensic operation<sup>524</sup>.

Today the Humanitarian Project Plan stands as a model of the unquestionable contribution of humanitarian forensic action for the fulfillment of obligations under international humanitarian law and arguably also as a tool for peace-building. As such, and beyond the

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524 See: <https://www.icrc.org/en/document/falkland-islands-islas-malvinas-humanitarian-plan-identify-argentine-soldiers-buried-darwin> Visited on 19 March 2021

success of the HPP forensic operation, it provides a model for similar operations in the future and other parts of the world<sup>525</sup>.

## **5. The future**

Humanitarian forensic action has developed remarkably over the last 15 years. This is a measure of its practical value and the growing recognition of its usefulness as a tool for fulfilling humanitarian obligations and responding to humanitarian emergencies, past and present. Emerging challenges, such as the COVID-19 pandemic, require that this field of knowledge adapts and responds accordingly, to help ensure the necessary humanitarian and human rights protection, including of deceased individuals.

As explained above, the development of humanitarian forensic action is a merger of evolving forensic science and of human rights and humanitarian practices in general. Humanitarian forensic action thus also offers a unique opportunity for synergy and necessary cross-fertilization between these two previously distant worlds of human knowledge and activity.

Close attention is required however for ensuring that such cross-fertilization is guided by the applicable human rights and humanitarian principles; highest ethical and professional values, as well as the necessary quality standards; and that the perspectives, the needs and the rights of victims of human rights violations and/or humanitarian tragedies are recognized, respected and addressed throughout.

Over the last years we have witnessed and welcomed increasing research and practice in humanitarian forensic action applied to protecting and assisting victims of violence, including for substantiating evidence-based interventions on behalf of victims of sexual violence, including femicide as well as torture, extreme deprivation and other forms of cruel, inhuman and degrading treatment or punishment. This is opening a new chapter in humanitarian forensic science focused on the living (in addition to the dead and missing), which is helping forensic practitioners and human rights and humanitarian workers better understand, document and respond to some of the extreme medico-legal and humanitarian consequences of armed conflict and other situations of violence affecting many of the survivors of these events.

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<sup>525</sup> *Diplomacy in the service of humanitarian objectives: Falkland/Malvinas Islands* Available at: <https://www.icrc.org/en/document/diplomacy-service-humanitarian-objectives-lessons-learned-humanitarian-project-plan> Last visited in January 2021

This represents a necessary broadening of the scope of action of humanitarian forensic action. In effect, on the early part of the last decade humanitarian forensic action focused primarily, although not exclusively, on preventing and resolving the missing from armed conflicts; and then on managing the dead. This led some to naturally wonder about the pertinence of such a narrow approach for the application of forensic science<sup>526</sup>. Such concerns are no longer valid in light of recent developments in this field, as illustrated by the Special Edition on Humanitarian Forensic Action by Forensic Science International published in 2018<sup>527</sup>, the first of its kind. This featured 17 original articles on the discipline, covering a range of topics, from resolving and preventing the phenomenon of missing persons in armed conflicts and catastrophes to the documentation of torture; of sexual violence and the prevention of human trafficking as well as tackling the humanitarian tragedy of deceased and unidentified migrants. Some of the articles in this special edition registered the highest readership “hits” for the Journal during the year following their publication<sup>528</sup>.

These are new topics of research and practice in humanitarian forensic action, even as the proper and dignified management of the dead and preventing the missing in humanitarian emergencies remain core preoccupations. In fact, the dignified management of the dead from human rights violations and humanitarian tragedies is a matter of renewed concern, including for developing new standards for the adequate protection of the dead, including as a substantial component of the protection of the right to life with dignity.

### 5.a. Protecting the dead

In December 2018 the ICRC and the University of Geneva convened experts from around the world to launch a process for drafting principles to protect the dignity of the dead in humanitarian emergencies and prevent them from becoming missing persons<sup>529</sup>. The resulting *Guiding Principles on the Dignified Management of the Dead in Humanitarian Emergencies and to Prevent Them from Becoming Missing Persons* were finalized in 2020 and are now open for public comment before

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526 A. Rosenblatt, *The danger of a single story about forensic humanitarianism*, Journal of For. and Leg. Med. 61 (2019) 75-77

527 *A special edition on Humanitarian Forensic Science*, M. Tidball-Binz, S. Cordner, Z. Oberto-va, D.N. Vieira, S.C. Zapico, Forensic Sci. Int., Volume 285, April 2018

528 Personal communication with C. Cattaneo, Co-editor-in-chief, Forensic Sci. Int., 2019

529 *The development of guiding principles for the proper management of the dead in humanitarian emergencies and help in preventing their becoming missing persons*; S. Garibian, M. Tidball-Binz, Z. Araguete-Toribio, A. Schnyder, M. Vironda Dubray, *International Review of the Red Cross* Vol. 101 N° 912 (2020) doi:10.1017/S1816383120000223



their publication planned for June 2021<sup>530</sup>. They aim to remind decision-makers, managers and practitioners responding to humanitarian emergencies about the importance of the dignified management of the dead, including respect for their families, and complying with applicable law. The **Guiding Principles** also complement and underpin existing technical guidelines and manuals on the management of the dead. Their effective implementation will help decision makers, managers and practitioners achieve the reliable identification of large numbers of fatalities in humanitarian emergencies, including to prevent them from becoming missing persons.

These guiding principles may also serve as a stepping stone for developing standards based on human rights for the protection of the dead and help fill a normative gap in this domain.

### **5.b. Preparing for an unpredictable future**

As recognized recently by an ICRC jurist: “Unpredictability is more than ever the rule in the humanitarian field, and there can be no question either of predicting or of preventing future crisis but rather of preparing for them...The ability of humanitarian actors to aid the victim tomorrow will depend on their ability to improve their tools of preparation and rapid response”<sup>531</sup>.

This understanding is compounded with the deadly scale of most humanitarian crises since 2003:

- a. Post-invasion violence in Iraq (2003-2019, more than 500,000 dead and missing).
- b. Earthquake, southeastern Iran (2003, approximately 30,000 dead).
- c. Tsunami in the Indian Ocean (2004, approximately 230,000 dead and missing).
- d. Hurricane Katrina, United States (2005, 1836 dead).
- e. Earthquake, Kashmir, Pakistan (2005, approximately 80,000 dead).
- f. European heat wave (2006, approximately 3,400 deaths).
- g. Earthquake, Indonesia (2006, approximately 6,000 dead and missing).
- h. Cyclone Nargis, Myanmar (2008, approximately 130,000 dead and missing).

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530 *Draft Principles for the Dignified Management of the Dead in Humanitarian Emergencies* <https://www.icrc.org/en/document/draft-principles-dignified-management-dead-humanitarian-emergencies> Visited in January 2021

531 V. Bernard, *Editorial, International Review of the Red Cross* Vol 93: No 884. Dec 2011

- i. Earthquake, East Sichuan, China (2008, approximately 88,000 dead and missing).
- j. Earthquake, Haiti (2010, approximately 316,000 dead and missing).
- k. Floods, Pakistan (2010, approximately 2,000 dead and missing).
- l. Earthquake and Tsunami, Japan (2011, 15,550 deaths).
- m. Typhoon Haiyan, Philippines (2013, approximately 9,000 dead and missing).
- n. Ebola epidemic, West Africa (2014-2015, 11,308 deaths).
- o. Heat wave, India and Pakistan (2015, approximately 2,500 deaths in each country).
- p. Syrian conflict (2011-2019, approximately 500,000 dead and 200,000 missing).
- q. Earthquake, Nepal (2015, approximately 9000 dead and missing).
- r. Mass deaths associated with migrations in Africa, from the Middle East to Europe and elsewhere, within Asia and from Asia to Australasia, as well as in Central and North America (more than 50,000 dead and missing).

### **5.c. COVID-19 pandemic**

The most recent example of the scale that some humanitarian emergencies can acquire today is COVID-19, the disease caused by the new coronavirus (SARS-CoV-2), which emerged at the end of 2019 and was declared a Public Health Emergency of International Importance by the Organization World Health Organization on 30 January 2020 and characterized as a pandemic by the same organization on 11 March 2020.

As of March 2021, more than 140,000,000 COVID-19 cases were officially reported in more than 200 countries and territories, resulting in nearly 3,000,000 deaths<sup>532</sup>, which in many contexts overwhelmed the existing capacity to properly handle fatalities<sup>533</sup>.

This led organizations such as the World Health Organization and the ICRC to issue guidelines for governments around the world for the proper and dignified management of deaths caused by the pandemic

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532 <https://www.worldometers.info/coronavirus/> Visited on 31 January 2021

533 O. Finegan, P. Guyomarc'h, M.D. Morcillo, J. Rodriguez, M. Tidball-Binz, R. Winter, *ICRC Advisory Group on the Management of COVID19 Related Fatalities, International Committee of the Red Cross (ICRC): General Guidance for the Management of the Dead Related to COVID-19*, Forensic Science International: Synergy, 2 (2020) 129e137

and to support them in their implementation<sup>534</sup>. Despite this, in many regions and contexts, the local capacity to deal with the crisis has been overwhelmed, including to ensure the dignified management of the deceased and their families, even leading in some cases to the loss of the remains of the deceased, who thus became missing persons, as was first reported in some countries in Latin America.

#### **5.d. Research**

As exemplified by the COVID-19 pandemic, the magnitude and scale of humanitarian emergencies have increased as a result of population growth and density, especially affecting fragile urban areas.

Armed conflicts have also increased in complexity and in their deadly effects on civilian populations in urban areas, as for example in Syria, with serious humanitarian consequences at the local level and in the surrounding communities, countries and further afield (for example the resulting waves of migration to the west). These are aggravated by other trends, such as population growth and mobility, increasing numbers of older people, increased urbanization, increasing economic inequality between populations, and increasing environmental degradation.

Adding to this list is the growing recognition of the near-pandemic scale of sexual and gender-based violence throughout the world, including femicide and crimes against LGBTIQ+ persons, aggravated in situations of armed conflict and which also require humanitarian forensic interventions for their effective documentation, resolution and prevention.

These facts are reminders of the complexity of future humanitarian crises and the need to prepare and adapt humanitarian forensic action accordingly, for which research and innovation are growingly indispensable.

Research is an integral part of humanitarian forensic action, to help ensure that it responds to new challenges effectively, efficiently and reliably. Such research should therefore be proactively encouraged and supported.

As importantly, research in humanitarian forensic action needs to be promoted and supported on a global scale. A model to this effect is the

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<sup>534</sup> *COVID-19 Inter-Agency Guidance for the Management of the Dead in Humanitarian Settings*, Inter-Agency Standing Committee, July 2020 <https://interagencystandingcommittee.org/other/covid-19-inter-agency-guidance-management-dead-humanitarian-settings> Visited in January 2021

Humanitarian and Human Rights Resource Centre, launched by the American Academy of Forensic Science in 2015<sup>535</sup>.

The HHRRC uses AAFS assets (which includes human resources in the form of volunteering forensic specialists, funds, and access to equipment) to support research and development projects in the use of forensic science and forensic medicine applied to humanitarian and / or human rights activities. Since its creation the HHRRC has in fact become a leading platform for the development of humanitarian forensic action. Some of the research projects it has funded to date include the following:

- Methodologies for the dignified management and preservation of the remains of victims of the genocide.
- Use of stable isotopic markers to determine the origin of unidentified human remains of deceased migrants.
- Technical strengthening of the forensic laboratories of National Human Rights Commissions for the investigation of human rights violations.
- Development of a fully computerized analytical methods for assisting human skeletal identification.
- Development of detection methods for neuro-toxic agents (prohibited weapons) in human remains.
- Technical strengthening of the Human Identification Departments.
- Strengthening of forensic identification of deceased migrants.
- Aging of unaccompanied migrant minors for improving their protection under international law.
- Decomposition and taphonomy studies to assist in the estimation of time since death of human remains.
- Geo-localization of clandestine burials, including mass graves.

Similarly, the world's first International Centre for Humanitarian Forensics (ICHF) was launched in June 2018 in Gujarat, India, by the Gujarat Forensic Sciences University (GFSU) in collaboration with the ICRC, with the aim of institutionalising humanitarian forensic action within

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<sup>535</sup> See: *Humanitarian and Human Rights Resource Center* of the *American Academy of Forensic Sciences* at: <https://aafs.org/AAFS/Resources/HHRRC/HHRRC.aspx> Visited in January 2021

an existing university system<sup>536</sup>. More recently, in November 2019, the University of Coimbra, Portugal, approved the creation of a novel Center for Humanitarian and Human Rights Forensic Research and Training, dedicated exclusively to the investigation, training and promotion of forensic sciences applied both to human rights investigations and humanitarian action. It will offer a platform for cooperation in humanitarian and human rights forensic sciences research and training among academic institutions worldwide. The launch of the Centre, planned for, 2020 was delayed for 2021 due to the limitations imposed by the COVID-19 pandemic.

An additional and invaluable resource for research, training and cooperation in humanitarian forensic action at regional level are the regional professional networks, such as the Ibero-American Network of Institutes of Legal Medicine and Forensic Services (Red Iberoamericana de Instituciones de Medicina Legal y Ciencias Forenses), launched in 2007 with the support of the ICRC and the Argentine Republic, and presently supported by the University of Coimbra<sup>537</sup>. The Network has become a model for similar developments in other regions and a platform for regional exchange and cooperation in forensic activities, ranging from training to cross-border collaboration in disasters and mass fatality events.

Similarly, the African Society of Forensic Medicine (ASFM), launched in 2010 in Botswana, with the support of the Government of that country and of Australia, is the only of its kind in Africa and has served as a valuable platform for academic exchanges, cooperation and training. The ASFM published in 2015 its ***Minimum Standards for the Practice of Forensic Medicine in Africa***, A 78-page practical guide that deals with autopsy practice, mortuary management, identification of disaster victims and documentation of sexual violence.

The Asia Pacific Medico- Legal Agencies (APMLA) was launched in 2012 in the Asia-Pacific region, bringing together professionals and forensic institutions from 18 Asian and Pacific nations and has since become a rich source of research and publication of standards related to humanitarian forensic action, adapted to the needs of the region, for example:

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536 See: <https://www.icrc.org/en/document/worlds-first-international-centre-humanitarian-forensics-launched-india> Visited in March 2021

537 <https://es-la.facebook.com/pages/category/Nonprofit-Organization/Red-Iberoamericana-de-Instituciones-de-Medicina-Legal-y-Ciencias-Forenses-847505658621201/> Visited in January 2021

- The proper handling of large numbers of human remains in major catastrophes.
- The management of international assistance teams in major catastrophes.
- Training for first responders on the management of the dead in catastrophes.
- Planning temporary storage of corpses in major catastrophes.

In Latin America, the Latin American Forensic Anthropology Association (ALAF)<sup>538</sup>, created in 2003, is today a model of a regional forensic network, contributing to research, training and publications, similar to its European counterpart, the Forensic Anthropology Society of Europe (FASE)<sup>539</sup>

### **5.e. Dissemination and training**

There are still largely insufficient numbers of qualified forensic professionals to meet the growing requirements for humanitarian forensic action worldwide, especially in those regions and countries most pressed for their services, a fact often compounded by the lack of sufficient training facilities in those same countries.

Recognizing such needs, some academic centers of excellence around the world, such as the Victorian Institute of Forensic Medicine and Monash University in Melbourne, Australia, as well as the University of Toronto in Canada, have developed special programs to offer high quality training in forensic medicine and sciences to young professionals from around the world and generously support their training. This has positively helped fill important gaps in certain regions.

However, such an ad hoc approach has its limitations. Only a relatively small number of professionals can be trained and the professional experience obtained in one setting may have little or no applicability in a very different one. Thus, for example, training in forensic pathology in a highly developed and resource intensive setting with relatively low case-work may not correspond to the needs of a student from a resource-strained environment overwhelmed by extreme violence, where the number of autopsies precludes detailed studies.

That is why there urgently needs to be more training capacity offered directly in the regions that so require, ensuring as well that such training is adapted to local realities and needs. This requires training

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538 <https://www.alafforensi.org/es/> Visited in January 2021

539 <http://forensicanthropology.eu/> Visited in January 2021

centers or programs in the regions concerned, using local resources, but also including internationally renowned trainers, in order to make such training attractive to young professionals.

Such an obvious principle is easy to enunciate, but challenging to implement. There are many obstacles to overcome, one of which is the global shortage of forensic doctors and scientists available to train and engage in humanitarian forensic action.

Fortunately, however, there are some very encouraging initiatives emerging in this area, which will hopefully serve to pave the road for more mainstream action on this regard. Some are mentioned in the previous section. Others, include tailored programs for training practitioners in their corresponding working environments. For example, in 2014 the Argentine Team of Forensic Anthropology (EAAF) established a regional training center for Africa, based in Pretoria, South Africa, in collaboration with the Argentine Foreign Ministry and the University of Pretoria and, as of 2016, also with the ICRC: the ***African School of Humanitarian Forensic Action***<sup>540</sup>.

Similarly, over the last 15 years the ICRC has successfully helped train hundreds of forensic professionals in more than thirty countries in all regions of the globe, as part of integrated programs with local and regional forensic institutions or academic centers.

It is also hoped that the International Centre for Humanitarian Forensics the Gujarat Forensic Sciences University in India, and the recently launched University of Coimbra Center for Humanitarian and Human Rights Forensic Research and Training will help design, develop and implement, in direct collaboration with local universities and academic institutions, training programs where required.

## 6. Conclusion

Humanitarian considerations have always informed aspects of forensic practice, including in its contribution to investigating potentially unlawful deaths and clarifying the whereabouts of missing persons. However, in recent decades this particular dimension has fully developed into the new discipline of humanitarian forensic action: a field of forensic science dedicated exclusively to assisting human rights and humanitarian activities, such as the search for the dead and

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<sup>540</sup> *South Africa: Enabling greater use of forensics in humanitarian action in Africa* <https://www.icrc.org/en/document/south-africa-enabling-greater-use-forensics-humanitarian-action-africa> Visited in January 2021

disappeared from the Spanish Civil War<sup>541</sup>, where it has helped recover thousands of victims for their proper and dignified burial, allowing families and communities to mourn their dead, even generations after events.

Humanitarian forensic action emerged in Latin America, from the visionary quest of the Grandmothers of Plaza de Mayo for truth and justice; and the initial work of the Argentine Forensic Anthropology Team (EAAF) to search for the “disappeared” in Argentina; and it developed over the last decades to help make effective obligations under International Humanitarian Law and International Human Rights Law, including the proper management of the dead from armed conflicts and investigating and preventing disappearances and unlawful killings.

The ICRC’s first-ever hiring of a forensic consultant in 2003 and the subsequent creation of its Forensic Services (later the Forensic Unit) in 2004 proved groundbreaking for the development of humanitarian forensic action. While initially focused exclusively on the prevention and resolution of disappearances, it helped define and consolidate this emerging discipline as an innovative and valuable contribution of forensic science to humanitarian efforts all over the world.

New and emerging challenges posed by emerging humanitarian emergencies and for the protection of human rights of all individuals and peoples require continuing development of humanitarian forensic action for effectively assisting efforts to overcome those challenges, as it has proved so far. This should be growingly supported by the international community and accompanied by specific scientific research and high-quality and accessible training, as well as the support of professional networks that include this new discipline among their activities. Growing support, research and training in humanitarian forensic action will undoubtedly contribute to strengthening the protection of human rights and humanitarian around the world. It will may assist in peace building efforts and processes, including by helping prevent and resolve the missing, as suggested by Sergio Vieira de Mello; and will undoubtedly contribute to better protection of the universal right to life, as envisioned by the late Prof. Christof Heyns, the former UN Special Rapporteur on extrajudicial, summary or arbitrary executions. This chapter is dedicated to their memory.

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<sup>541</sup> L. Herrasti, N. Maárquez-Grant, F. Etxeberria, Spanish Civil War: The recovery and identification of combatants, *Forensic Sci. Int.* 320 (2021) 110706



## **“The humanistic meaning of the Marrakesh Treaty to facilitate access to published works for people who are blind, visually impaired or otherwise printed disabled”**

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The *Marrakesh Treaty*<sup>542</sup> to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled, administered by the World Intellectual Property Organization (WIPO)<sup>543</sup>, represents not only an important framework in copyright law but also in the field of human rights and their effectiveness.

In a broader sense<sup>544</sup>, copyright refers to a series of rights such as the rights of phonogram producers, the rights of broadcasting organizations and the rights in the typographical arrangement of published editions under certain copyright laws, in addition to the rights in literary and artistic works.

An important element of the copyright system involves limitations and exceptions. These are provisions contained in copyright laws, that restrict the author’s exclusive right to exploit his or her work. The main forms that these limitations take are free use, compulsory licenses and statutory licenses<sup>545</sup>.

These rights grant the owner the exclusive right over the use of the work with some exceptions, which we can see reflected in a more in-depth study of the international treaty, which is the subject of this article.

As for the purpose of copyright, it is understood as the promotion of science, culture and the arts. To this end, compensation is offered to

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542 El Tratado de Marrakech, que fue adoptado el 27 de junio de 2013 en la ciudad Marrakech, (Marruecos), es parte de los tratados internacionales sobre derecho de autor administrados por la Organización Mundial de la Propiedad Intelectual (OMPI).

543 <https://www.wipo.int/treaties/en/>

544 Mihály Ficsor, Guía de los Tratados de Derecho de Autor y Derechos Conexos Administrados por la OMPI. Disponible en: [https://www.wipo.int/edocs/pubdocs/es/copyright/891/wipo\\_pub\\_891.pdf](https://www.wipo.int/edocs/pubdocs/es/copyright/891/wipo_pub_891.pdf)

545 OMPI Glosário de derecho de autor y derechos conexos. Disponible en: [https://www.wipo.int/edocs/pubdocs/es/wipo\\_pub\\_816.pdf](https://www.wipo.int/edocs/pubdocs/es/wipo_pub_816.pdf)

creators by granting them certain rights, seeking to strike a balance between those rights, the rights of entrepreneurs such as publishers, broadcasting organizations, record companies, and the interests of the public.

In writing this article, I do not intend to make an in-depth study of the history of copyright, but it should be noted that copyright and the so-called related rights represent today one of the main areas of intellectual property, which is the name used in the legal field. It includes two other areas, particularly visible in patents law (utility models and industrial designs) that protects the creations applied to the industry, and trademark law (trademarks, trade names, appellations of origin), which are grouped under the normative field called "industrial property".

### Humanitarian background

Now, the purpose of this article is to refer to the *Marrakesh Treaty*, as this international treaty is a benchmark of the relationship between intellectual property, specifically copyright and human rights. Therefore, it can be said that this international legal text seeks to balance intellectual property and access to culture, information and knowledge for visually impaired people.

Going back a few years prior to the adoption of the *Marrakesh Treaty*, it is worth noting that in several Latin American countries, a limited number of States already had regulatory provisions for people with reading disabilities, as shown in the following table.

<b>Brasil:</b> Law No. 9610 of February 19, 1998 on Copyright and Related Rights. Chapter IV Limitations on Copyright Art. 46.	It does not constitute a copyright infringement.	d) of literary, artistic or scientific works, for the exclusive use of the visually impaired, provided that the reproduction, for non-commercial purposes, is made by means of the Braille system or any other process on any support for such recipients.;
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<p><b>Nicaragua:</b> Intellectual Property Rights. Law No. 312</p>	<p>Reproduction of a copy of a disclosed work in a single copy for personal use only is permitted without the author's permission.</p>	<p><b>Art. 34.</b> The reproduction of the work for private use by the blind is permitted without the author's authorization, provided that the reproduction or copy is made by means of the Braille System or other specific procedure and that the copies are not intended for lucrative use.</p>
<p><b>México:</b> Copyright and Related Rights Law No. 312. August 26, 1999. Last amendment published DOF 17-03-2015</p>	<p>Literary and artistic works already disclosed may be used, provided that the normal exploitation of the work is not affected, without the authorization of the holder of the economic right and without remuneration, always citing the source and without altering the work, only in the following cases:</p>	<p>Article 148 VIII. Non-profit publication of artistic and literary works for persons with disabilities.</p>
<p><b>Panamá:</b> Law No. 15 of August 8, 1994 ( Official Gazette No. 22, 598 of August 10, 1994) Article 47</p>	<p>Communications are lawful, without authorization of the author or payment of remuneration.</p>	<p>4. Those for the blind and other handicapped persons; provided - that they may attend the communication free of charge and none of the participants receives - specific payment for their participation in the event.</p>
<p><b>Perú:</b> Legislative Decree 822 Law on Copyrights and Rights. Of April 23, 1996.</p>	<p>With respect to works already lawfully disclosed, it is permitted without the author's authorization.</p>	<p>The reproduction of works of the mind for the private use of blind persons, provided that this is done by means of the Braille system or some specific process and that the copies are not intended to be used for the profit.</p>

<p><b>República Dominicana:</b> Copyright Law 65-00. Of August 21, 2000</p>	<p>Limitations and exceptions to copyright are of restrictive interpretation and may not be applied in such a way as to conflict with the normal exploitation of the work or cause unjustified prejudice to the interests of the owner of the respective right.</p>	<p>44.3: Those performed without reproduction for the blind and other physically handicapped persons, if the performance is not for profit.</p>
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When I refer to the fact that this international instrument has a relationship between copyright and human rights, it is to ensure we do not forget the various situations of persons with “physical motor” disabilities or limitations. In short, the limitations are unique or different. For example, those who have difficulty holding or handling a book (persons with tetraplegia or multiple sclerosis etc.) have very similar needs to visually impaired persons in terms of access to written texts. It is clear that materials in tactile format are not the solution for these people, as the needs of people with perceptual disabilities such as dyslexia can easily be assimilated to those of the visually impaired. There are also people with mental disabilities who, in order to understand the copyrighted work, may require the text to be simplified first, which could also cause some problems in relation to moral and economic rights over the copyrighted work. On the other hand, people with hearing loss should be included, since they would not have major reading problems with access to written texts, but would have difficulty with multimedia materials, since printed text can be combined with other types of audio presentation. In particular, these people need subtitled audiovisual materials, which may also pose some difficulties due to copyright obstacles. All of these variables of limitations or difficulties of people with disabilities according to medical models that involve a limitation, are not addressed in depth in this study, but we should not forget the uniqueness of each person with their motor or perceptual difficulties.

As I mentioned before, this treaty aims to take a humanist approach. One must keep in mind the right to equality in its positive sense, the right to be treated equally under the same conditions. During the discussions of exceptions for persons with reading difficulties, different approaches or points of view were given to help define the terms used precisely.

Moreover, we cannot lose sight of the fact that equality and non-discrimination are intimately linked, suffice it to recall the scope of the first article of the **Universal Declaration of Human Rights** of 1948<sup>546</sup>, which states that people are “born” equal in rights and duties. The second article also states that everyone “shall be entitled” to the rights and freedoms enshrined in the Declaration without distinction. The relationship between the two articles suggests the idea that the law should not establish or permit distinctions between the rights of persons, an idea recognized in the same preamble of the Treaty when it states “the Contracting Parties recalling the principles of non-discrimination, equal opportunity, accessibility and full and effective participation and inclusion in society”, as proclaimed in the **Universal Declaration of Human Rights** and the **United Nations Convention on the Rights of Persons with Disabilities**<sup>547</sup>.

It is also important to examine the legal framework of the **Convention on the Rights of Disabled Persons**, which was created in 2000 by UN resolution 56/168 in an Ad Hoc Committee on a Comprehensive and **Integral Convention on the Protection and Promotion of the Rights and Dignity of Disabled Persons**. Its work culminated in the approval of the final text of the UN Convention on the Rights of Disabled Persons on December 13, 2006. The purpose of this international instrument is to “promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity,” which is stated in its first article.

For example, Article Four concerning General Obligations, in relation to subparagraph g) States Parties “undertake or promote research and development, and promote the availability and use of new technologies, including information and communications technologies, mobility aids, technical devices and assistive technologies appropriate for persons with disabilities, giving priority to those that are affordable.” Likewise, Article 30, in reference to Participation in cultural life, recreation, leisure and sport, states in its first paragraph that States Parties recognize the right of persons with disabilities to participate, on an equal basis with others, in cultural life and shall take all appropriate measures to ensure that persons with disabilities: a) Have access to

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546 Declaración proclamada por la Asamblea General de las Naciones Unidas en París, el 10 de diciembre de 1948 en su (Resolución 217 A (III))

547 La Convención sobre los derechos de las personas con discapacidad y su Protocolo Facultativo fueron aprobados el 13 de diciembre de 2006 en la Sede de las Naciones Unidas en Nueva York. Han quedado abiertos a la firma el 30 de marzo de 2007. Se obtuvieron 82 firmas de la Convención y 44 del Protocolo Facultativo, así como una ratificación de la Convención.

cultural material in accessible formats; b) Have access to television programs, films, theater and other cultural activities in accessible formats. Furthermore, it states in its third paragraph that States Parties shall take all appropriate measures, in accordance with international law, to ensure that laws for the protection of intellectual property rights do not constitute an excessive or discriminatory barrier to access by persons with disabilities to cultural materials.

All this undoubtedly helped to create a clear path without barriers in the international humanitarian legal field, and which materialized with the **Marrakesh Treaty**.

Regarding the pursuit of equal opportunities for people with physical disabilities in the countries of the European Union (EU), another point to value, which undoubtedly facilitated the final political position of the EU in the discussions of the **Marrakesh Treaty**, was the fact that the EU Member States issued a decision of interest in relation to disability policies at the end of the 1990s, such as the approval of the Resolution of the Council and the representatives of the governments of the Member States on Equal Opportunities for People with Disabilities<sup>548</sup> on December 20, 1996. The resolution has its origin in the Communication of the Commission of July 30, 1996 to the Council on equal opportunities for people with disabilities. Furthermore, on the basis of this Communication, a High-Level Group on disability, composed of representatives of the EU Member States, was set up to monitor policy developments in the Member States and to gather information and experience. All this leads to the conclusion that this resolution marked a positive step forward as the beginning of a new vision in the EU in the search for a model based on people's rights.

Another development that may have contributed in some way to more flexible EU positions in the WIPO discussions was the creation of a European Disability Forum (EDF).<sup>549</sup> The EU launched the Renewed Social Agenda (2008)<sup>550</sup>, which included the reinforcement of the principle of non-discrimination as one of its priorities, among other measures, through a proposal by the Council of the European Union for a new directive on equal treatment between persons outside the sphere of employment.

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548 Resolución del Consejo y de los representantes de los Gobiernos de los Estados Miembros, reunidos en el seno del Consejo de 20 de diciembre de 1996 sobre la igualdad de oportunidades de las personas con minusvalías. Diario Oficial n° C 012 de 13/01/1997 p. 0001 - 0002

549 <https://www.edf-feph.org/about-us/about-us-2/>

550 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Aem0010>

## **Discussions within the Sessions of the Standing Committee on Copyright and Related Rights (WIPO-SCCR).**

The Treaty was approved in the diplomatic field after years of negotiations with the humanitarian goal of alleviating the lack of books that prevents millions of visually impaired people from accessing printed published works. It should not be forgotten that the permanent center of discussion of the proposals, negotiations and agreements and part of the history, were the discussions held within the Standing Committee on Copyright and Related Rights (WIPO-SCCR).

In addition to the above humanitarian spirit and the desire to promote and ensure the full and equal enjoyment of this international instrument within the historical context, it is worth remembering the intense multilateral diplomatic work by the delegations who followed up the development of the sessions of the WIPO-SCCR carried out by organizations such as the World Blind Union (WBU). Together with the International Federation of Library Associations and Institutions (IFLA), WBU defended the idea that all states of the world should have exceptions or limitations in their national legislation. The first steps of the treaty were taken in 2004 as an initiative of the Chilean Ministry of Education, presented at the Twelfth Session of the WIPO-SCCR. Chile's proposal was supported by 17 countries, including Argentina, Algeria, Bangladesh, Brazil, China, Costa Rica, Dominican Republic, Egypt, India, Iran, Jordan, Morocco, Paraguay, Senegal, Syria, Uruguay, and the UNESCO representation.

Another point that facilitated the path of the Treaty under study can be found in the Thirteenth Session of the WIPO-SCCR, held in Geneva from November 21 to 23, 2005<sup>551</sup>, with the proposal of the Delegation of Chile, for that Committee to make an analysis of the exceptions and limitations in the context of copyright.

Before continuing to understand the importance of this **Marrakesh Treaty**, it is advisable, by way of summary, to remember that the exceptions and limitations to authors' rights represent a very significant aspect in this matter, since they play a role in reducing possible resistance that may arise between creators and the public who seek more freedom than what is allowed in the content of the works. For example, paragraph 2 of Article 9 in the **Berne Convention for the Protection of Literary and Artistic Works**<sup>552</sup> states, "The laws of the

551 Comité Permanente de Derecho de Autor y Derechos Conexos, Documento SCCR/13/5, del 22 de noviembre de 2005. OMPI

552 <https://wipolex.wipo.int/en/treaties/textdetails/12214> (Date of Text: Septiembre 28, 1979)

countries of the Union are reserved the right to permit the reproduction of such works in certain special cases, provided that such reproduction does not conflict with normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author"; and Article 13 of the **Agreement on Trade-Related Aspects of Intellectual Property Rights** (TRIPS Agreement)<sup>553</sup> provides for "Limitations and Exceptions: Members shall confine limitations or exceptions to exclusive rights to certain special cases which do not conflict with normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rights holder".

Returning to the proposal made by the Delegation of Chile in 2005, it opened up a more fruitful debate on the situation of exceptions and limitations in copyright (contemplated both in the Berne Treaty and in the TRIPS Agreement), noting in its proposal among other aspects that, "In a globalized world, this different treatment at the national level of exceptions and limitations may become an obstacle both for the dissemination and transfer of ideas and also for the reasonable use that may be made by persons affected by disabilities, library activities and public archives". Now, to understand the international context of proximity to human rights in Latin American countries, it is valid to recall the **Inter-American Convention on the Elimination of all Forms of Discrimination against Persons with Disabilities**, adopted by the General Assembly of the Organization of American States (OAS) in June 1999<sup>554</sup> as well as its Protocol. Its purpose is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity (Article 1). In the **Declaration of the Rights of Disabled Persons**, the United Nations defined the term of "disabled person" as any person unable to provide themselves with the necessities of a normal individual or social life as a consequence of some deficiency in their physical or mental capabilities in 1975.

As part of the history of the ongoing discussion of proposals, negotiations and/or agreements, I can point to the debates held within the WIPO-SCCR. For example, the publication **Intellectual Property and General Legal Principles**, part of the ATRIP Intellectual Property Series<sup>555</sup>, mentions a report published in 1985 on the two main barriers

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553 [https://www.wto.org/english/docs\\_e/legal\\_e/31bis\\_trips\\_04\\_e.htm#1](https://www.wto.org/english/docs_e/legal_e/31bis_trips_04_e.htm#1). The TRIPS Agreement. Annex 1C of the Marrakesh Agreement Establishing the World Trade Organization, signed in Marrakesh, Morocco on 15 April 1994.

554 <https://www.oas.org/juridico/english/treaties/a-65.html>

555 <https://www.e-elgar.com/shop/gbp/intellectual-property-and-general-legal-principles-9781784714949.html>



to access by disabled persons to copyright works, namely: a) the lack of an exception or limitation in national laws allowing the reproduction of works that would make them accessible, and b) the absence of a mechanism allowing accessible works to be distributed outside their restrictions. These two problems, as it was pointed out, could be solved by means of an international treaty.

The representatives of the World Blind Union attending the sessions of the WIPO-SCCR, the representatives of the countries in favor of a new treaty, and the civil society organizations who accompanied the process and promoted the idea of prioritizing the needs of disabled persons on the agenda, played an important role in this historic moment.

Other topics of discussion were also on the agenda of the SCCR-WIPO between 2006 and 2007, such as the attempts to adopt a treaty of rights for broadcasting organizations, which led to the issue of exceptions and limitations being prioritized in the agenda of the Committee (SCCR-WIPO). In 2006, WIPO conducted a study which found that fewer than 60 countries had limitation and exception clauses in their national copyright laws that made special provisions for visually impaired persons.

In May 2007, the World Blind Union (WBU) presented a proposal for a Treaty: document SCCR/18/5<sup>556</sup>, subsequently known as the proposal of Brazil, Ecuador and Paraguay and also endorsed by Mexico.

In 2008, the proposal of Latin American countries, this time jointly including Brazil, Chile, Nicaragua and Uruguay, was presented for discussion at the meetings of the SCCR-WIPO/16 Committee held in Geneva from March 10 to 12, 2008, which can be read in document SCCR/16/2<sup>557</sup> of July 17, 2008.

The proposal of these countries appears as a more defined objective in its fourth paragraph of the second page, that “the right of the disabled community to export and import published works under an exception to copyright or the exceptions in favor of libraries, based on the public lending right, when it has been recognized, should be mandatory or constitute a user right”.

Starting in 2009, three relevant proposals began to circulate for the negotiations of those following up on the WIPO-SCCR. Regarding the first proposal, on May 13, 2009, a meeting of representatives of Latin American copyright offices and public institutions was held

<sup>556</sup> [https://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=133353](https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=133353)

<sup>557</sup> [https://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=107712](https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=107712)

in Montevideo, together with civil society organizations such as the Latin American Union of the Blind, the National Union of the Blind of Uruguay, and the Argentine Federation of Blind Institutions (FAICA), among others, and at the Eighteenth session of the WIPO-SCCR held in Geneva from May 25 to 29, 2009, in relation to limitations and exceptions, the delegations of Brazil, Ecuador and Paraguay presented the World Blind Union (WBU) treaty proposal dated October 23, 2008. This proposal aimed to provide visually impaired persons with full and equal access to information and communication, recognizing the opportunities for visually impaired persons to be found in the development of new information and communication technologies, including technological platforms for publishing and communication, of a transnational nature.

The second proposal that circulated was presented by the U.S. delegation, and can be read in document SCCR-WIPO/20/19<sup>558</sup>, which proposed “to recommend that each Member State adopt and apply the provisions approved by the SCCR (here it was intended to indicate the number of the SCCR-WIPO that approved it), at its session as a standard for copyright legislation in relation to the needs of persons with reading disabilities.” Another third relevant proposal that circulated can be seen in document SCCR-WIPO 20/11<sup>559</sup>, which contains the proposal made by the countries of the African Group, a much broader proposal in terms of the scope of application of the exceptions. It proposed the “Draft WIPO Treaty on Exceptions and Limitations for Persons with Disabilities, Educational and Research Institutions, Libraries and Archives.” Furthermore, in document SCCR-WIPO 20/12, we can read the proposal of the European Union, known as “Draft Joint Recommendation on the improvement of access to copyrighted works for persons with print disabilities.”

As can be seen, the negotiation of the *Marrakesh Treaty* was a very active process with great diplomatic negotiation skills, especially with the holding of informal meetings between the countries that had made proposals, such as Brazil, Ecuador, Paraguay, USA and the representatives of the European Union and the African Group, as well as other countries that joined the initiative.

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558 [https://www.wipo.int/meetings/es/doc\\_details.jsp?doc\\_id=188506](https://www.wipo.int/meetings/es/doc_details.jsp?doc_id=188506)<https://www.wipo.int/tools/en/gsearch.html?cx=016458537594905406506%3Ahmturfwvzzq&cof=-FORID%3A11&q=SCCR-OMPI%2F20%2F19#gsc.tab=0&gsc.q=SCCR-OMPI%2F20%2F19&gsc.page=1>

559 <https://www.wipo.int/tools/en/gsearch.html?cx=016458537594905406506%3Ahmturfwvzzq&cof=-FORID%3A11&q=SCCR-OMPI%2F20%2F19#gsc.tab=0&gsc.q=SCCR-OMPI%2F20%2F19&gsc.page=1>

All of this made it possible to arrive at the SCCR-WIPO/22 Sessions in July 2012 with document SCRR-WIPO 22/16, called the proposal for an international instrument on limitations and exceptions for persons with print disabilities. The document prepared by the Chair of the SCCR Committee and held by the Delegation of Mexico includes many of the proposals that were also circulated during the SCCR-WIPO 23 sessions (see documents SCCR-WIPO/23/7<sup>560</sup>), as well as SCCR-WIPO 24 (see document 24/9)<sup>561</sup>. This document SCRR-WIPO 22/16<sup>562</sup>, which offered more complete and coherent contributions after several revisions and comments from delegations, undoubtedly provided the foundation for a new international treaty for the benefit of visually impaired persons. It served as a platform for the work of the SCCR-WIPO Committee until the final adoption of the treaty.

By October 2012, the meeting of the Standing Committee on Copyright and Related Rights entitled: "Intersessional meeting on limitations and exceptions for visually impaired persons/persons with print disabilities" was held, which led to the 25th session of the SCCR-WIPO/25 from November 19 to 23, 2012, with the approval of the "***Draft Text on an International Instrument/Treaty on limitations and exceptions for visually impaired persons/persons with print disabilities***" (see document SCCR/25/2 Rev)<sup>563</sup>.

Between December 17 and 18, 2012, the WIPO General Assembly "Forty-second session (22nd extraordinary) approved the special sessions of the SCCR-WIPO for the month of April 2013, in order to prepare the necessary input for the Preparatory Committee of the Diplomatic Conference, which would lead to the conclusion of the International Treaty. All this led to the Diplomatic Conference in Marrakesh (Morocco) in June 2013. Throughout the negotiation stages of the Treaty, government delegations committed to the draft treaty. Civil society organizations, especially the World Blind Union, as well as members of the Latin American Union of the Blind, and other Non-Governmental Organizations (NGOs) such as TIFLO Libros (Digital Library for the Blind - Access Points to Reading for Persons with Visual Disabilities), also played a key role in encouraging and guiding other delegations to adopt the ***Marrakesh Treaty***, together with the WIPO Secretariat. These contributed to the final approval of the international treaty, which is the subject of this article.

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560 [https://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=195021](https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=195021)

561 [www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=213682](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=213682)

562 [https://www.wipo.int/meetings/es/doc\\_details.jsp?doc\\_id=188506](https://www.wipo.int/meetings/es/doc_details.jsp?doc_id=188506)

563 [https://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=230462](https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=230462)

The day after its approval (June 28, 2013), 51 countries signed the Treaty. The Treaty did not enter into force until September 30, 2016<sup>564</sup>, when the minimum number of ratifications required (20 countries) was met.

In the preamble of the Treaty, the Contracting Parties make explicit reference to the principles of non-discrimination, equal opportunities, accessibility and full and effective participation and inclusion in society, as proclaimed in the *Universal Declaration of Human Rights* and the *United Nations Convention on the Rights of Disabled Persons*.

These principles of non-discrimination and equality of opportunity have a double meaning. They contribute decisively to the legal-political justification for qualifying the cases provided for in the exceptions and limitations stipulated in Article 9(2) of the *Berne Convention for the Protection of Literary and Artistic Works* and in other international instruments. At the same time, they determine the contours of the cases in the sense that they do not justify the application of the specific exceptions or limitations where they are not needed to eliminate discrimination and ensure equality of opportunity.

The members of the Committee (SCCR) meeting at the Marrakesh Diplomatic Conference were aware that barriers are detrimental to the integral development of persons with visual impairment or other disabilities, as they limit their freedom of expression, including their freedom to seek, receive and impart information and ideas of all kinds on an equal basis with others through all forms of communication of their choice, their enjoyment of the right to education, and the opportunity to conduct research.

### **Content of the Treaty**

Briefly, regarding the content of the Treaty, I can point out that it is clearly structured and contains specific rules on limitations and exceptions, both at the national level and for cross-border exchange. For example, Article 10 (3) states that, "Contracting Parties may enforce rights and obligations under this Treaty through specific limitations or exceptions in favor of beneficiaries, other limitations or exceptions, or a combination of both. (2)"; Article 4 (2) a Contracting Party may satisfy the provisions of Article 4 (1) in respect of all the rights referred to therein, by establishing a limitation or exception in its national copyright law. Similarly, Article 5 (2) includes the provision that, "A Contracting Party may satisfy Article 5 (1) by providing for other limitations or exceptions in its national copyright law in accordance with Articles 5 (4), 10 and

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564 <https://www.wipo.int/treaties/en/ip/marrakesh/index.html>

11." The Treaty should be understood as creating minimum standards for exceptions. Moreover, it is important to point out that the Treaty represents a significant advance in international copyright law, since it is the first treaty dedicated exclusively or mainly to the creation of international minimum standards for copyright exceptions. We should not forget, however, that the **Berne Convention** itself also contains mandatory exceptions for quotations, illustration in teaching, and press reporting.

To assess the progress of the **Marrakesh Treaty**, it is interesting to read the paper presented at the Thirty-eighth session of the SCCR-WIPO/38/3 Committee, which was held in Geneva from April 1 to 5, 2019.<sup>565</sup> It provides an analysis of the status of the 193 WIPO Member States, in terms of what they have adopted or implemented as necessary measures in accordance with the Marrakesh Treaty and to what extent they have done so. Among other findings, the study concludes that more than half of the Member States have some form of exception rule for disabilities in their copyright legislation and that one-third of those members provide exceptions for all disabilities.

As of March 2021, there are 79 Contracting States of this International Instrument<sup>566</sup>, summarizing the fact that these signatory States seek with this new international instrument to promote and strengthen the social inclusion of persons with disabilities and their families, in order to ensure their full human development.

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<sup>565</sup> [https://www.wipo.int/meetings/es/details.jsp?meeting\\_id=50418](https://www.wipo.int/meetings/es/details.jsp?meeting_id=50418)

<sup>566</sup> [https://wipolex.wipo.int/en/treaties/ShowResults?start\\_year=ANY&end\\_year=ANY&search\\_what=C&code=ALL&treaty\\_id=843](https://wipolex.wipo.int/en/treaties/ShowResults?start_year=ANY&end_year=ANY&search_what=C&code=ALL&treaty_id=843)



**PEACE, ART AND DIPLOMACY**  
**Cultural expressions**  
**“Cultural Diplomacy and peace”**

**H.E. Mrs. Mónica Baldi**

***Vice-President, European Parliament Former Members Association***

On the 40th anniversary of the University for Peace, I believe it is important to make a picture of the situation and to know the personality thought committed to promoting peace, human rights and dialogue among civilizations. I express my warmest appreciation for the initiative and my best wishes, for even greater successes, to the Rector Dr. Francisco Rojas Aravena, to the Chancellor H.E. Mr. Enrique Barón Crespo and Ambassador David Fernández Puyana who is coordinating with the editorial staff.

UPEACE is considered a unique place of education of its kind, true excellence in the service of peace, with training programs based on solidarity, intercultural dialogue and peaceful coexistence, focused on environment, development, peace, conflict and international law. With great foresight, it has connected universities scattered all over the world and has entered into relevant agreements such as last year with the Pontifical Lateran University for the training of peace operators.

This year, we celebrate the 75th anniversary of the United Nations: the organization, born following the devastating consequences of the Second World War, founded on the sharing of the values of freedom, peace and democracy, which has contributed to the solution of international conflicts. Over the years, the United Nations has organized and directed complex multilateral cooperation operations to achieve peace and stability in crisis areas, in compliance with the rule of law and the dignity of the person, managing to manage articulated humanitarian assistance, even where terrible natural disasters have occurred.

In recent years, the UN has contributed to spreading a global culture of legality and human rights, peace and security, becoming an essential reference for the international community, which has believed in

the inspiring principles of the Charter, which are also the basis of the European Union, born 70 years ago with the declaration of Robert Schumann.

Cooperation and solidarity are essential to address crises that affect us all, such as: climate change, cyber-attacks and above all defeating the terrible Covid-19 pandemic, which has become a scientific challenge and a real test of resilience.

To achieve positive results, international and intersectoral cooperation is needed that encourages collective shared action. The implementation of the **Paris Climate Agreement** and the **2030 Agenda** are the best concrete examples.

The **2030 Agenda for Sustainable Development** was born with the ambitious aim of transforming our world. It is an action program based on the **Millennium Development Goals** that aims to complete what has not been achieved, taking into account the three dimensions of sustainable development: economic, social and environmental dimensions.

It is founded on a spirit of reinforced global solidarity and aims to fully realize human rights, to respect gender equality, to strengthen universal peace, to fight poverty, to protect the planet from degradation with interventions in areas of crucial importance for humanity.

Certainly, with shared rules and principles, we can make states safer, allowing everyone to live in peace and freedom, safeguarding our economic, cultural and environmental heritage.

Article 6 of the **Treaty on the Functioning of the European Union** (TFEU) proposes the need to implement: "a more solid and effective strategy for international cultural cooperation, in order to make Europe a stronger global player, a better international partner who can contribute more to sustainable growth".

It proposes a model for cultural cooperation among European countries, national cultural organizations and public and private bodies, drawing inspiration from "cultural diplomacy" to promote a world order based on peace, the rule of law, freedom of expression, mutual understanding and respect for fundamental values.

Although cultural policy is, in principle, a matter for the individual member states of the European Union, Article 6 TFEU establishes that the EU can intervene in this area in order to assist, coordinate and complement the action of the Member States.



The theme of culture is to be considered central in the action of diplomacy. It is said that Jean Monnet, to those who asked him about the process of European integration, said: "if I had to start over, this time I would start with culture".

Throughout history it has significant European cultural contribution that featured numerous territories beyond the borders of the Old Continent and which has allowed many countries around the world to initiate important development and growth processes. The identities of many nations have been influenced, with tangible and intangible assets, such as: art, music, architecture, customs, literature, science, technology, sports, gastronomy, crafts.

Precisely all these aspects, which characterize individual cultural inheritances, are correlated with each other in "cultural diplomacy", which is counted as the art on which actions aimed at exchanging projects, ideas, traditions are based as the numerous artists, teachers, traders, scientists, travellers and explorers knew well.

Cultural diplomacy, by promoting intercultural dialogue, intends to enhance supranational interrelationships to build socio-cultural cooperation tools and also strengthen the political and economic interests of a nation.

Furthermore, cultural diplomacy has the task of learning, sharing and respecting the various ideologies, as well as carrying out dialogue processes in respect and recognition of diversity, justice, equality, equity and to build programs for the protection of human rights and for the stability of communities.

For these and many other reasons, Cultural Diplomacy plays a strategic role in solidarity and sharing programs, proving to be a fundamental component within, also, the most complex diplomatic and governmental processes.

The art of dialogue - through the universal language of painting, sculpture, architecture, photography, writing, music, science, sport - is the basis of major projects of diplomacy and solidarity.

The use of the term cultural diplomacy is quite recent, although this form of soft power has existed for centuries, so much so that explorers, travellers, traders, teachers and artists, who have brought their culture around the world, can be considered living examples of early "cultural diplomats".

In fact, the establishment of regular trade routes has allowed, in the past (and still allows it today), a frequent exchange of information and cultural expressions, both among the traders themselves and among government representatives.

The interactions among peoples, the exchange of languages, ideas, the arts and social structures have improved, throughout history, the relations among divergent groups and, all this, has meant that cultural diplomacy, previously relegated to the margins of discipline of international relations, could establish itself as an autonomous theory and practice.

Therefore, cultural diplomacy represents a fundamental action of international politics, considering that culture allows the exercise of soft power, not only from the point of view of values, but also from an economic and commercial point of view.

This "excellence" contributes to the growth of citizens, favouring intercultural relations between different countries and continents, through the strengthening, development and diversification of mutual collaboration.

Cooperation becomes more incisive and profound, especially in relation to the protection of the cultural and environmental heritage, considering the importance of involving the relevant organizations and institutions operating in the area.

The dialogue becomes important to establish educational and scientific relationship and activities - with exchanges of know-how on new techniques, such as in the restoration and conservation - based on the preservation of peace.

The richness of cultural heritage is a common factor in many countries, as is evident in the history of Latin American States.

The history of each people is defined by internal and international conflicts.

The common feature of every armed conflict is, rather, add up the damage to cultural, artistic, architectural and environmental, caused to populations who have to endure the tragic consequences that are now strictly evaluated by the bodies responsible for protecting human rights, cultural and environmental heritage at risk.

The destruction of cultural evidence is a strategy, in total violation of International Humanitarian Law, which aims at the complete annihilation of the adversary, through the complete cancellation of all those elements that build his cultural, religious and social identity.

Serious violations of attacks against Cultural Heritage can be considered: national and international crimes, war crimes or crimes against humanity.

There are numerous international treaties and norms that are the basis of International Humanitarian Law whose general principles govern decisions in the context of military operations. The key issue is the distinction between civilian objects and military objectives, which is based on the principles of humanity, distinction, proportionality, precaution, restricting the means and methods of combat. DIU (International Humanitarian Law) defines rules that protect both people and property involved in the conflict.

It was with the Second World War that the importance of cultural heritage became known,

so much so that an impressive and widespread action was implemented to make the works and historical sites safe and, the governments allied with the declaration of London, of January 1943, declared forbidden: "any robbery of works of art and science".

Three centuries ago, in Florence, the Electress Palatina was the forerunner of that concept, then consecrated by legislation in fairly recent times, for which the enhancement, conservation, protection of a work of art cannot be separated from its proper contextualization and the usability of a large audience.

The great merit of the Electress Palatina, Anna Maria Luisa de' Medici - the last descendant of the grand ducal branch of the ruling house - is in the drafting of a legal act, the so-called "Family Pact", stipulated in Vienna with the Habsburg-Lorraine in 1737, with which she bound to the Grand Duchy of Tuscany, all the assets that were part of the immense and extraordinary Medici collection accumulated over the centuries by her family.

"[...] or take out of the capital and the state of the Grand Duchy, galleries, pictures, statues, libraries, jewels and other precious things, from the succession of the Serenissimo Grand Duke, so that they would remain for the ornament of the state, for the benefit of the public and to attract the curiosity of foreigners."

In fact, it is due to her enlightened mind, her far-sighted intuition, her devotion to art and her boundless wisdom that the enhancement and permanence in Florence of a cultural, historical and artistic heritage without equal is due.

Incidentally, the same Italian Constitution (in force since 1948) art. 9 states: "The Republic promotes the development of culture and scientific and technical research. It protects the landscape and the historical and artistic heritage of the nation".

The protection of cultural assets, today, is defined by conventions, protocols and treaties, taking into account that: "attacks perpetrated on cultural assets, to whatever people they belong, constitute attacks on the cultural heritage of humanity".

Cultural assets are protected both because of their civil nature and because they are part of the cultural and spiritual heritage of peoples. With the protection of cultural assets, we intend to protect monuments and artifacts, memory and collective and individual identities.

Unfortunately, recently, conflicts of both a strategic and ideological nature, to generate a strong emotional impact, destroy the Cultural Heritage, as a symbol of historical memory, considered objects of ethnic cleansing intended to annihilate emblems that constitute the heritage that represents the deepest identity of a people.

The terrible attack on the Twin Towers in New York in 2001 was frightening, both for the many victims, for the enormous damage suffered, and for the destruction of a symbol recognized all over the world.

For this reason, artistic, religious and monumental assets have always been among the "privileged victims" throughout the history of armed conflicts. Just think of the huge cultural heritage destroyed by ISIS, with the annihilation of unrepeatably ancient sites such as Palmira, Ninive, Mosul, Aleppo.

Some destructions occur for strategic reasons, considering the characteristics of the constructions useful in wartime, such as the Abbey of Montecassino, in Italy, the Library of Sarajevo, in Bosnia and Herzegovina, and the Old Bridge of Mostar, in Bosnia, whose demolition has been called "crime against humanity". The bridge served as a union between the Christian and Muslim banks on the Neretva River and was considered by the Serbian and Croatian factions a symbol and an integral part of Bosnian culture, united and multi-ethnic, to be dismantled as such.

During the second Gulf War, the National Library and the State Archives were burned, which guarded the national identity of the Iraqi people, together with the Baghdad Museum, which was looted with thousands and thousands of artifacts, now largely recovered from the illegal market.

In recent years it was accomplished a veritable slaughter of the world's art treasures. With the destruction of cities, models of culture and commerce, they want to annihilate the secular symbols of peaceful coexistence among different ethnic groups, religions, ideologies and nationalities.

Unfortunately, the violations against cultural heritage, the devastation and looting have not stopped and, in recent decades, we have witnessed a worrying proliferation of violations of international obligations with the systematic destruction, or even damage, of several sites inscribed on the UNESCO World Heritage List.

UNESCO has always contributed to the "maintenance of peace and security, strengthening, through education, science and culture, collaboration among nations, in order to guarantee universal respect for justice, law, human rights and fundamental freedoms, for the benefit of all, without distinction of race, sex, language or religion, and which the United Nations Charter recognizes for all peoples".

Cultural Assets are defined as: "all those movable or immovable things that present, according to criteria given by the legislation on cultural heritage, an artistic, historical, archaeological, archival, bibliographic, ethno-anthropological interest, as well as an interest in what witnesses having value of civilization."

The Hague Convention of May 14, 1954 has contributed a lot to the evolution of law and the very concept of a Cultural Property - from 1902 to today - accompanied by a Regulation and an Additional Protocol, the result of the sad experiences of the Second World War.

The convention establishes two models of protection: general protection, granted to all non-military cultural objects, and special protection, granted to a limited number of cultural objects of great importance registered in a special list, as well as permanent shelters intended to house movable cultural assets during a conflict.

In the Convention the concept of "universal cultural heritage" emerges for the first time since, as we read in the same prologue: damage caused to cultural heritage, to whatever people they belong, constitutes damage to the cultural heritage of all humanity as each people contributes to world culture. We have therefore moved from the concept of protection of heritage understood as a common (national) good to the broader one of world heritage, also establishing a principle of reciprocity in the protection of assets. And the "Blue Shield" is the symbol chosen, in 1954 by the aforementioned Convention, to

represent the elements of the cultural heritage to be safeguarded in the event of armed conflict. Therefore, in defence of Cultural Heritage, protection, prevention and safety actions are promoted in all risk situations, such as armed conflicts and natural disasters, coordinated by the International Committee of the Blue Shield, ICBS (International Committee of the Blue Shield), which brings together the knowledge, experience and specialized international networks. ICBS was initially established in 1996 by the four non-governmental organizations: ICA (International Council of Archives), ICOM (International Council of Museums), ICOMOS (International Council on Monuments and Sites), IFLA (International Federation of Library Associations) which also represents archives and libraries. In 2005, CCAA (Co-ordinating Council of Audio-visual Archives Associations) was also added. These organizations bring together a range of professionals in the field of advice and assistance on the occasion of events, such as: the war in the former Yugoslavia or Afghanistan, the devastating hurricanes in Central America and the earthquakes in the Far East. ICBS is an international, independent and professional organization that aims to coordinate the protection, prevention and security of cultural assets in all risk situations, including armed conflicts. The "Blue Shield" has become a significant example of risk management in the event of natural disasters, bringing together the experiences of different professionals and institutions in the cultural sector, collaborating with the military authorities and emergency services. But the inadequacy of the results achieved in applying the **1954 Hague Convention** led to the adoption, in March 1999, of a **Second Protocol**, which created a new model of protection: reinforced protection. There is also a register for this model, but the procedures are simpler, based on tacit consent and without any specific marking.

In 2009, the Council of the European Union included the conservation of cultural heritage among the issues for which it is necessary to coordinate the research programs of the member states. And, in 2018, the European Parliament and the Council of the European Union established "The European Year of Cultural Heritage", "with the aim of: promoting cultural diversity, intercultural dialogue and social cohesion; strengthen the contribution of Europe's cultural heritage to society and the economy through the ability to support the cultural and creative sectors, including small and medium-sized enterprises, promoting sustainable development and tourism; contribute to promoting cultural heritage as an important element of relations between the

Union and other countries, based on the interests and needs of partner countries and on Europe's expertise in cultural heritage."

The protection of cultural heritage in crisis areas and the fight against the illicit trafficking of works of art were also among the priorities of the first Ministerial for Culture of the G7, held on 30 and 31 March 2017 in Florence. And it was on that occasion that, with reference to the UNESCO "Unite4Heritage" initiative, Italy proposed the establishment of a Task Force to protect the world's artistic heritage with the creation of the "Blue Helmets of Culture", that is an emergency group with highly specialized mixed civil and military personnel, consisting of a first nucleus of Carabinieri from the Cultural Heritage Protection Command, art historians, scholars and restorers. Their task is to assess the risks and damage to cultural heritage, to study action plans and urgent measures, undertake training courses for local staff, provide assistance to the transfer of movables in safe shelters and strengthen the fight against looting and illicit trafficking in cultural goods. Considering that the "Global Coalition Unite4Heritage" is the initiative created by UNESCO - in June 2015 on the occasion of the 39th session of the World Heritage Committee - to sensitize the member states of the Organization to enhance and protect cultural heritage, protecting it from damage in war zones, and to educate young people around the world to preserve culture as a tool for integration, growth and sustainable development. Taking into account that the Italian Command "Tutela Patrimonio Carabinieri" was chosen as the first military police force in the world, specialized in the protection of historical, artistic and cultural heritage, thanks to its considerable experience and unparalleled investigative capacity, both at abroad and on the national territory.

And on the eve of the G7 Culture, on 25 March 2017, the United Nations Security Council unanimously approved resolution 2347, presented by Italy and France, making use of the important technical contribution of the Carabinieri as "Blue Helmets of Culture", intended for the protection of cultural heritage at risk in situations of armed conflict. This is the first resolution, focused exclusively on cultural heritage, which condemns the destruction and looting of archaeological sites, museums, archives, libraries and the smuggling of artifacts through which international terrorism is financed. It encourages States to cooperate and strengthen the operational modalities implemented by the previous resolutions of the Security Council and also welcomes the request to include, when requested, a cultural component within the UN peacekeeping missions.

In November 2017, the Italian Presidency of the United Nations Security Council was set on "Building peace for tomorrow", based on an integrated civil-military approach. Among the priorities were indicated appropriate measures for the protection of cultural heritage in order to protect cultural diversity and historical symbols, emblems of different identities, which are brutally destroyed in areas of crisis. The intention was to promote and include effective measures for the protection of cultural heritage, hindering the trafficking of antiquities in the peacekeeping mandate.

In 2007, we set up a Committee to raise awareness of both the work carried out by civilian operators and that carried out by the military and carabinieri, engaged in international missions for the protection of Archaeological and Cultural Heritage in crisis areas. The Committee - formed, in addition to myself, by the late Prof. Giovanni Pettinato, by Dr. Silvia Chiodi and by the lieutenant CC Renato Spedicato with the support of the Hon Gerardo Bianco - organized a series of conferences in Italy, which ended with the publication e-book book "cultural heritage and armed conflicts, natural disasters and environmental disasters, the challenges and projects of war, terrorism, genocide, organized crime." The commitment of the aforementioned Committee focused on making the institutions and the international community reflect on the importance of civil-military cooperation, in the context of the protection of the extraordinary cultural heritage, which risks being more dispersed in the areas of conflict. From the various meetings, it emerged that it becomes necessary to study specific actions and rules for the protection of cultural heritage in crisis areas, following a "Code of Ethics", which should be the fundamental guide for developing collaboration between the institutions themselves and civil society, in order to create a coordinated intervention network in compliance with the reciprocal and different specializations and skills.

The *modus operandi* of the armed forces in the so-called "theatres of war" should take into account local sensitivities and the difficult situations experienced by wounded indigenous communities. Respect for the identities and cultural and religious heritages of the communities involved in the tragedies of war constitutes a qualifying element of the approach to this type of mission which includes, in addition to the usual commitments on strictly humanitarian issues, also interventions on cultural heritage. All this makes it possible to recover damaged masterpieces and contributes to the restoration of



conditions of peaceful coexistence between different communities and often divided by centuries-old conflicts.

A policy of rebuilding the democracy and peace process, as well as with military missions, it is possible if appropriate and coherent tools are used with international operational ones. A true reconstruction policy must strive to remove the "structural causes" produced by the current development model, capable of increasing inequalities and reducing millions and millions of people to misery, such as: unfair trade rules, commodification and privatization processes commons, military spending, economic processes, devastation of natural resources, debt issue.

The recovery and protection of cultural heritage, as a witness to our own history, civilization, culture, identity and tradition, is one of the most fertile and innovative soils and cultural heritage, if well preserved and promoted, can be an important economic and social resources, as well as the foundation for democracy.

However, it is necessary to work in cooperation among the political, diplomatic, cultural, university, military and civilian worlds.

The various initiatives on the subject should be grouped in a more cohesive and coherent way, organizing an international training program, considering the professional profiles existing in the various countries, to equip future operators with the skills and tools necessary to operate in this specific sector of cultural heritage, closely connected to delicate international relations, intercultural dialogue and social integration, which represents an extraordinary challenge for our present and for our future.

I believe that much can be done to prevent and resolve conflicts if the history and culture of crisis areas are known. In this sense, the role played with passion and professionalism by scholars, together with the Italian military and the carabinieri, was important in southern Iraq because, in addition to the discovery of a significant archaeological heritage, for the first time, the mapping of archaeological sites was carried out, identifying places at risk of looting. Besides the contribution to security and the restoration of democracy, it is necessary to work on the reconstruction and protection of cultural heritage, in the belief that the democratic process must invest more in culture and civil-military cooperation in international missions. Only in this way is it possible to lay the foundations to safeguard the heritage of significant places, guardians of the largest and most ancient civilizations in the world.

Indeed, it would not be possible to contribute to the reconstruction of a country without protecting the testimony of its historical and cultural roots. The link between the protection of cultural heritage and the maintenance of international peace and security is inseparable.

Throughout history, many cities have been destroyed by conflicts and natural disasters and it is thanks to art and architecture that we feel a deep emotion in remembering the tragic events.

Many architects and artists have dedicated places and works to peace: both to denounce the violation, either to support the desire of humanity, is to warn to not to repeat the tragic mistakes of the past, and is to give voice to an eternal hope.

Various and commemorating the works and places celebrating peace by well-known architects:

- Kenzo Tange designed the Peace Center in Hiroshima, Japan (1949-55).
- Le Corbusier - with 17 works included among the World Heritage Sites by UNESCO - created "La Main Ouverte" in Chandigarh, Punjab (India) in 1952: a large-scale work conceived on the occasion of the planning of the urban plan of the new capital, which has become the symbol of the city.
- Josep Luis Sert created the Chapel of Peace in the Carmelite convent in Mazille (1968-71), and the pavilion of the Spanish Republic at the Universal Exposition in Paris in 1937, with Picasso's Guernica and works by Miró and Calder.
- Tadao Ando - known for the concept of solidity and lightness in places of peace - conceived, in 1995, the Space of Meditation in the UNESCO headquarters in Paris using irradiated Hiroshima granite.
- Mario Botta, in Italy, designed the Piazzale della Pace: a large green area bordered by the palaces in the historic center of Parma (1996-2001).

Likewise, peace, in the art of painters and sculptors, creates strong and intimate emotions, especially when they sublimate their pain in works that testify to the senselessness of human violence:

- Costantino Nivola created the "Man of Peace" monument in Mexico City on the occasion of the 1968 Olympics: a work with a dove symbol of peace at the top.

- Mark Rothko painted the Ecumenical Chapel in Houston and, believing in the power of art over peace, exhibited at the Pace Gallery.
- Sir Pieter Paul Rubens, considered the painter in the service of peace, as a Diplomat, participated in numerous missions aimed at achieving peace in Flanders. It is known his painting "Allegory of Peace" (1629-1630) where the Peace, personified by the woman at the centre, pours her generous gifts. Also, of great pictorial quality, the painting "The Consequences of War" (1637-1638).
- Marc Chagall, a Belarusian painter of Jewish origin, naturalized French, he created the "Peace Window" in the United Nations Building in New York in 1964: a stained-glass window that is a hymn to universal peace. In 1962, with an extraordinary play of light, he managed to make the stained-glass windows made for the Hadassah Ein Kerem hospital in Jerusalem move. Some of his works are at the "Musée National Message Biblique Marc Chagall" in Nice. For his work in favour of peace, in Paris in 2013, the exhibition "War and Peace" was organized.
- Pablo Picasso, the Spanish artist known for Guernica: the painting representing the dramatic air attack that levelled the Basque city on April 26, 1937. This "Icon of Peace" with the evocative power of its message as an "infinite scream against the war" is exhibited at the Centro de Arte Reina Sofia in Madrid; while the corresponding tapestry (from 1955) is placed on the wall at the entrance to the hall of the United Nations Security Council. France has dedicated the "Musée National Pablo Picasso Chapelle La Guerre et la Paix" in Vallauris to the artist (1950 / 52-53).
- Sofia Gandarias, Basque painter, paints the great Triptych Gernika (1998-99) revisiting the symbols with great innovative power: while Picasso represents the tragic scene with a gradation of Gray, Gandarias, in the diffused brightness of the shadow, uses shades of Red, whose anguish is perceived in the vibrations of the dense and dark chromatic drafting, marking the tragic scene with the testimony of human architecture.

Both artists paint on large canvases that represent, according to the deepest ethical convictions, direct commitment to democratic and civil choices.

The universal value of peace is the common denominator of these artistic and architectural works. Without peace and stability, it is not possible to rebuild the reputation of a nation, nor to reopen interrupted geopolitical dialogues, nor to carry out reconciliation projects in post-conflict areas. To rebuild cities, it becomes necessary to design public spaces, which embrace diversity, in equitable and sustainable well-being, and to ensure that citizens, urban or rural, of different cultures and religions, can interact and live together peacefully.

There is still much to be done for cultural diplomacy to become a solid pillar of foreign policy, despite its strategic role as soft power. And government activity cannot exist without the private sector, which plays a key role, considering that the government does not create culture, but it limits itself to making it known externally and to defining the impact of this action on national policies.

Cultural diplomacy must be understood as a bilateral exchange, where the main purpose is to foster mutual understanding and support among different countries.

We must never forget that cultural heritage belongs to the community and we have a duty to pass it on to future generations.

And precisely in this particular year, to promote universal values in the world through Culture and the Arts - together with the President Enrique Barón Crespo, the Maestro Andrea Ceccomori and the Dr Anna Rúdeberg - we have given life to the ***Ars Pace*** project, with the main objective of restoring balance and harmony, adopting a real dialogue of peace through the language of music, art, architecture, culture, science and economy; addressing issues such as: cultural heritage and training activities; music and identity; environment and territory; politics and development, peacemakers and crisis areas; integration and hospitality.

Thus, we intend to contribute to the primary purpose of peace-building - taking into account the delicate international relations, intercultural dialogue and social integration - by organizing concerts, conferences, seminars, meetings, exhibitions, courses and scholarships.

Our logo, acronym of ***Ars Pace***, represents the dragonfly as a symbol of freedom, peace, balance, awareness, transformation in the changeability of life; it teaches to go beyond appearances, encouraging us to find our own identity, to affirm our personality and to find freedom in peace.

## **“Art and culture as agents of multilateralism”**

**Mr. Jaime Aranzadi**

*Paz Sin Fronteras*

I have been commissioned to write a few lines on art and culture as agents of multilateralism. This is no small undertaking. Focusing on one of the elements, art, culture and multilateralism, one could devote a lifetime of rigorous and in-depth study just to introduce what each concept implies within the history of humanity in the social, cultural and artistic context. It is thus slightly overwhelming to take a scholarly approach to the link between these three elements. Since I lack the comprehensive and exhaustive knowledge that such a proposition demands, I have decided to approach the matter by means of a general reflection, a concrete example and the projections I have been able to arrive at thereby.

Humans are mammals, so we are dependent and gregarious beings. It is a basic need for all of us to be part of a community, which begins with our parents, to whom we owe our lives, and extends from the family and tribal environment to the broader social and cultural milieu. From each specific context, we adopt an identity that is subordinated to the principles, norms, customs and mandates of the system we belong to, which deposit in us through introjections and traditions. I presume that the sum of these elements, forged over many generations, subordinated to the specific place where we were born, defines the culture to which we belong. Therefore, culture can never be one; it is multiple, linked to varied contexts. However, one culture may have much in common with another, or others, depending on geographical proximity and historical permeability between different social groups over time.

Today, in an increasingly globalized world, with easy connections of all kinds between all parts of the globe, different cultures, forged over centuries, recognize, accept and influence each other with an ease and speed that was impossible years ago. Now, we can speak more than ever of “culture” from a general and integrative point of view of all the different traditions and consider it as the integrative construction that human communities have forged through creative experience, starting

from the need for transcendence that existential emptiness, inherent to being, demands from us as intellectual, emotional and spiritual mammals. Culture, in short, is the global mother that protects the human being as belonging. Culture unites us with our fellow human beings and makes them close to us. Cultural differences have narrowed as different peoples have been able to come closer to one another.

To the extent that culture is accepted as the heritage of all, it is by accepting diversity and differences that those who are part of each tradition become closer to one another. We understand then that, if multilateralism is about cooperation between different countries to achieve a common goal: on the one hand, it is easier to have cooperation between those who share similar cultural roots; and, on the other hand, it is necessary for those from more disparate cultural roots, with very different belief systems and ancestral mandates, to cooperate. For this need to be sublimated, it is necessary to respect cultures that do not resemble one's own and to grasp the parts that substantially coincide with each other.

Historically, great integrations between peoples have been achieved through the assimilation and fusion of cultural divergences, with the result that, simmered together, these fusions have given rise to new cultural patterns. Culture evolves because belief systems evolve and mandates become more flexible and expanded as they become permeable to new mandates and beliefs introduced into the social sphere from outside. These new mandates can only be realized through the acceptance of what is excluded and repressed within one's own culture, and is therefore a slow process that requires the awakening of a certain compassionate and admiring awareness and openness.

In this way, there is a symbiotic relationship between cultural fusion and social fusion, in one order or the other. It is important that the acceptance of cultural differences leads to the acceptance of the neighbor, of the other. This acceptance can come, as I said, from admiration or from compassion in its broadest terms, as figures of love.

If we take these premises as valid, we can consider that a global and peaceful society, from a cultural point of view, is a plural society where cultural differences between each other are fully accepted.

It would be a simplistic reflection to assume that a cultural act, an artistic expression or a work of art, however sublime they may be, can unite peoples with very different traditions, customs and ancestral mandates, and even, from a more systemic point of view, to consider the

possibility that centuries of mutual non-acceptance, and even damage inflicted, can be resolved by a mere rational exercise of will expressed in any form. It is more sensible to consider reconciliation based on the acceptance of the differences resulting from the construction of the different cultural entities, even with the historical grievances that these constructions may have caused. Cultural entities that go hand in hand with artistic expressions that identify each of them and feed them with the need to exist and remain in the same. It has been under this humanist philosophy that we at Peace without Borders have conceived art, specifically music in our case, as a valid element to reconcile conflicting parties, different cultures, through the acceptance of differences, without the intention of denying or integrating them, but to accept and recognize differences, and even old offences, which have to be accepted and recognized as they were, leaving them in a past but not obscure place.

Therefore, we do not propose that a cultural event may resolve differences, but rather that bringing together different cultural entities in the same event and for everyone, can generate an energy of acceptance and collaboration of differences, with mutual respect for them. In this way, what is different is honored and what is common is celebrated.

We dare say that nothing binds more than rejection and nothing frees more than acceptance, at all levels.

When Peace without Borders went to a place of conflict in the world to promote a concert, it sought the participation of everyone. And everyone showed their culture through their art with freedom. What happened on each occasion cannot be described from an empirical or rational point of view. There are no data or statistics beyond the number of participants and attendees. What happened on each occasion is that people of different ideas, different mandates, different cultures, celebrated themselves and each other. At a systemic level, energies have been moved that naturally unblocked situations of collapse. What we might call an entanglement, a knot, has only been dissolved by recognizing that it exists, or existed with influence, and by respecting it. There is no demand behind it, no condition, no expression denunciation, no purpose, except to give the opportunity to see oneself in what is different and to recognize oneself in the difference. This light, this openness, is healing in itself.

In the introduction to this article, I have tried to state, without going into depth, that different cultures are artificial organizations, subjected to what has happened to the different social groups over thousands of years. From these events are also born countries, as we know them at all times; many of them share the same culture with its nuances, and many others share another very different culture, also with its nuances, without it being possible to deny any of them their identity and the way they have been built. Behind all this there is something more essential: the person. Every social construction, call it what you want, is made up of people who are essentially the same. If we strip the individual of the mandates, introjections, traditions and inheritances that have confined him or her to a specific context, we are left with one thing: the essence of the person, the same raw material. At Peace Without Borders, we address these people and please them, respecting their cultural identity and giving them an opportunity to show and share it. There are people who give art; and there are those who take it.

When two or more countries of similar, different or very different cultures cooperate, working together towards a common goal, we can speak of multilateralism, as it is nowadays defined in international public law. My part in this publication refers to what is understood as a cultural act or artistic action, and my experience is limited to a specific cultural act: concerts, of a specific art: music.

Peace without Borders is not an agent that mediates between two or more countries to carry out a cultural event around music, but it needs these countries to carry out its mission, to promote the cultural event. We do not act as a party, nor do we act on behalf of a party, we simply organize a meeting in a place and at a time determined by many circumstances that we can hardly identify. There is a natural regulation, an intuitive call that brings together minds open to creative expression at a certain time and place. What happens next happens naturally. I am aware of the part of trust that lies behind this unintentional intention. In our experience, it is precisely the trust in the flow of artistic creativity and the empowerment of the artists themselves that helped the events organized so far to generate a natural agreement between all the elements of the cultural act, including the collaborating parties and the conflicting parties. The expression that a group is more than its constituent parts materializes. The group itself is a system that tends towards natural regulation in order to achieve the objective of its existence. Thus, if the organized group aims to create harmony, it will naturally tend to self-regulate in order to generate harmony. It is



important to highlight that this system includes both those in harmony and those in discord; it generates a propitious moment for the group to regulate itself around harmony, as it is a predominant and more necessary imperative at that time and place within the systemic field that the celebration of the event favors.

When the Peace without Borders concert took place spontaneously and at very short notice in Cúcuta, at the Simón Bolívar international bridge, a border crossing between Venezuela and Colombia, which were going through a moment of hostility due to an action in which Ecuador was also involved: the audience, which came from both countries, had a moment of twinning and reconciliation under the aegis of the common culture, despite the historical rivalry between the countries, which crucially helped mitigate the tensions that were taking place in the area at the time.

A year later, the legendary Peace without Borders concert took place in Havana, Cuba, one of the most attended free public events in the history of music. Cuban citizens came from all corners of the country freely and dressed in white. Those of us who were able to experience it can attest that the atmosphere and energy shared at that event, which brought together more than fifteen international artists in front of more than a million people for almost seven hours, contained a joy and a natural force that undoubtedly formed part of the opening process experienced in this country since that moment, both inside and outside its borders. Important structures were also moved on the non-existent and undeniable bridge linking Florida in the United States and Cuban Havana, so close and yet so distant at the same time. The twinning and détente that resulted from this event is as subtle as it is indisputable.

After these important and popular events, Peace Without Borders has worked in a more discreet way. Dedicating its energies to promoting the recognition of the human right to peace, while maintaining its light structure, capable of organizing large events at any time and place where it is required, in the service of this purpose, with its sights always set on the place and time where its work can bring positions closer together, reconcile problems. In short, to help two or more countries meet through culture, art and music. A plural, integrating, respectful encounter, which sheds light on similarities and differences, always at the service of people.



## **Women, girls and youth**

**Dr. Hanan Balkhy**

*Assistant Director-General, Antimicrobial Resistance Division, WHO*

### **“Women’s Rights in times of COVID-19”**

Statement delivered in the Virtual Side Event organized in the context of the International Women’s Day, 46th HRC, 8 March 2021

I would like to thank the Permanent Mission of the Kingdom of Saudi Arabia for organising this event to celebrate the International Women’s Day and thank His Excellency Dr. Abdulaziz Alwasil for inviting me to share this event with a distinguished group of speakers.

As the youngest of three physicians, to parents both nationals of the Kingdom of Saudi Arabia, of the holy city of Makkah to be specific, I have been brought up with significant grooming around the value of the mother figure and the expected utmost respect and honor for her person. My mother, however, did not have the opportunity to attend formal schooling nor to have a second career, as being our mother was her only career that she took very seriously. As much as I was supported, by my family, to be where I am today, this would not have been possible without the gradual shift in our society, from the household, to the change led by the government of Saudi Arabia where girls’ education became the norm. So, for today I would like to present this speech to my beloved mother and to all the amazing women who make the impossible simply possible.

This year, our celebration takes place while we mark more than 13 months since WHO declared a Public Health Emergency of International Concern, the highest level of alarm, on January 30, 2020, and exactly a year ago this week, on March 11, 2020, since WHO characterized the outbreak as a pandemic -- the most dire pandemic in 100 years.

Not only is this a global tragedy, COVID-19 has highlighted many of the issues and challenges women have grappled with for centuries, COVID-19 has placed a spotlight on the impact of gender inequality in ways that cannot be ignored anymore.

From this perspective, COVID-19 provides us with an opportunity to address gender inequality in sustainable ways as the global health community supports countries to build back better. The lives and wellbeing of women and girls must be at the centre of our efforts. As the world can no longer afford to exclude 50% of its population if achieving the SDGs is to become a tangible reality.

Over the past 25 years, WHO has contributed progress in several areas of the Beijing Platform for Action. To give you a few examples:

There is now better recognition of the importance of women as they provide 70% of world's health and other care work;

maternal mortality and infant mortality have been reduced;

access to family planning has improved for millions of women; and

the understanding of how risk factors for communicable and non-communicable diseases affect women has improved.

At the same time, while there has been progress, many challenges remain; and so progress towards health for all, gender equality and the empowerment of women and girls in all their diversity is being slowed down by the lack of prioritisation, weak political commitment and powerful conservative backlashes.

As we can see, there remains a lot of work for all of us to do. WHO is greatly concerned with the impact of COVID-19 leading to significant gender disparities across the world:

Loss of sexual and reproductive health services;

increased expectations that women will deliver unpaid care at home and in the community; and

a steep rise in the incidence of gender-based violence, including violence against women, children and health workers – 70% of whom are women.

In countries that report data disaggregated by social determinants of health; there are notable disparities in terms of exposure, vulnerability, access to health services, and health outcomes in the context of COVID-19.

We know these disparities are marked by the insufficient participation of women in health- and care sector decision-making. In fact, the **2020 Global Gender Gap Report** highlighted that the largest gender disparity was the political empowerment gap.

This is why it is so important that we take action and that we take action today. There are several things that we can, and must do, to redress the balance: We need to move as one -- meaning communities, governments and organizations, side by side, ensuring that women and girls around the world are treated with dignity and respect and are provided education, health care and opportunities for work and career advancement. Without engaging the society as a whole and ensuring that we address the cultural sensitivities while doing so, we will only move so far and surely not so fast.

Together, we can make gender equality a reality for our generation and those that will follow.

For we need to pave the way for the future generations as our present was paved by the amazing women and men who preceded us.

And to my mother I say Shukran Jazeelan



## **Women, Peace, Security and Diplomacy**

**Prof. Ruth Halperin-Kaddari**

*Founding Academic Director of the Rackman Center  
for the Advancement of Women at Bar-Ilan University in Israel*

**&**

**H.E. Aviva Raz-Shechter**

*Special Envoy on Women, Peace and Security of the State of Israel*

Since its groundbreaking Resolution 1325 of 2000, the UN Security Council has adopted a series of ten more decisions, which together comprise the UN agenda on Women, Peace and Security (WPS). Notably, the occasion of the adoption of SCR1325 was the first time since its establishment that the Security Council had devoted a whole session (in fact, it designated two full days) specifically to discuss women's issues. During that session it recognized, for the first time, the gender-related harms and sufferings uniquely impacting women as victims of armed conflicts; but at the same time it also underscored the importance of women being agents of peace and security, and the cruciality of gender-mainstreaming in all political and diplomatic work. Hence, the WPS agenda should not be perceived as just another expression of women's vulnerability, presenting them as victims. In fact, the significance of this agenda may very well lie in the way it captures both these contradictory aspects in women's experiences of wars and armed conflicts. It lays the claim for women to have an equal seat at the table in every facet of negotiations and peace building efforts, among other factors, in their very being disproportionately harmed and victimized by conflicts.

The WPS's agenda was narrow at first: it called upon States to protect women and girls from gender-based violence in armed conflict.<sup>567</sup> In a subsequent resolution it demanded the complete 'cessation by all parties to armed conflict of all acts of sexual violence'.<sup>568</sup> It acknowledged the fact that armed conflict entail distinct consequences for women, that women are exposed to unique suffering and distress, and that they have special needs – all of which had never been specifically dealt with or accounted for before. Women have seldom taken part in policymaking, nor in deciding on the initiation of an armed conflict.

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<sup>567</sup> UNSC Res 1325 (31 October 2000) On Women and Peace and Security, UN Doc S/RES/1325.

<sup>568</sup> UNSC Res 1820 (19 June 2008) UN Doc S/RES/1820.

Similarly, they have generally not been among those attempting the resolution of a conflict. And this is where the Security Council entered: in addressing these very stages of conflict resolution and peacebuilding. The WPS agenda is in fact a realization of the very basic human right to autonomy, which means the ability to control one's life. A critical element of this is women's right to presentation and participation, to guarantee their right to decide upon their own fate. Thus, the narrow beginning of the WPS agenda has turned into an all-encompassing commitment to secure women's presence in every policymaking and decision-making venue, across all aspects of life. The slogan "women's rights are human rights" received a substantial content. The realization that gender-mainstreaming should become part of the agenda of WPS and a necessary tool to broaden the awareness for gender equality among decision makers in the public and private spheres is a key element in reaching a generational change and a real transformation on the ground.

Embedded in the UNSCR 1325 language is a broad perception of the concept of 'security', which has become particularly poignant during the COVID crisis. One can no longer claim that 'security' concerns only relate to situations of war and armed conflict. Furthermore, the lack of gender equality undermines the security not only of the women themselves but also of their families, communities, and nations at large.

The Covid-19 pandemic proved that 'security' means all aspects of the human existence, including physical and mental health, nutrition subsistence, occupational security, and considering the looming climate crisis, actual physical sustainability. And just like with the narrow perception of conflict-related security concerns, women (as well as minorities and the poor) were disproportionately affected by the pandemic.<sup>569</sup> But the pandemic has also brought forth another crucial truth: it has shown that it is imperative fully to include women in leadership and in decision-making positions. In a way, it created a real-time experiment which allowed us to compare similarly situated states led by women to those led by men. This comparison leaves no doubt: female leadership proved to be better suited in handling this crisis. Already at an early stage in the pandemic, data showed that while women comprised only some 8% of political leaders globally, they

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<sup>569</sup> Amanda Ellis, "Building forward better" - Why Women's Leadership Matters, International Leadership Association (20.08.2020), available at <http://www.ila-net.org/Reflections/aellis2.html> [accessed 4 October 2021]; also at <https://globalgovernanceforum.org/building-forward-better-why-womens-leadership-matters-during-covid-19-beyond/> [accessed 4 October 2021].



have accounted for an estimated 40% of the most successful responses to COVID.<sup>570</sup>

It is not just the female leadership, it is the specific style of leadership that these leaders adopted: one that respects scientific expertise, that encourages collaboration and transparency that expresses empathy, takes responsibility, and admits mistakes. All these are not necessarily inherently female traits. However, as much as they can be displayed by both women and men leaders, they have shown to be more associated with women than with men.<sup>571</sup> Melinda Gates accurately concluded that “[t]his is how we can emerge from the pandemic in all of its dimensions: by recognizing that women are not just victims of a broken world; they can be architects of a better one”.<sup>572</sup> This is exactly what the WPS agenda aims at.

The WPS agenda has had considerable presence within the framework of international human rights law, particularly in the work of the Committee on the Elimination of all forms of Discrimination Against Women (CEDAW). In its ongoing dialogues with States parties reporting on the implementation of the Convention on the Elimination of all forms of Discrimination Against Women, CEDAW has drawn upon the WPS agenda in emphasizing the importance of women’s participation in peace processes as a significant factor in ending violence against women in armed conflict. In 2013, CEDAW adopted General Recommendation 30 on women in conflict prevention, conflict and post-conflict situations. The General Recommendation serves as an authoritative guidance to countries that have ratified the Convention on concrete measures to ensure women’s human rights are protected before, during and after conflict. More importantly, it has given a normative basis to the Security Council Resolutions 1325 and the whole WPS agenda.<sup>573</sup>

570 Tomas Chamorro-Premuzic and Cindy Gallop, **7 Leadership Lessons Men Can Learn from Women**, Harvard Business Review (01.04.2020), available at <https://hbr.org/2020/04/7-leadership-lessons-men-can-learn-from-women> [accessed 4 October 2021].

571 Don Steinberg and Ruth Halperin-Kaddari, **What a “Feminist” Approach to Fighting COVID-19 Might Have Achieved**, Just Security (28.05.2020), available at <https://www.just-security.org/70356/what-a-feminist-approach-to-fighting-covid-19-might-have-achieved/> [accessed 4 October 2021], also at <https://globalgovernanceforum.org/a-feminist-approach-to-fighting-covid-19-2/> [accessed 4 October 2021].

572 Leah Rodriguez, **6 Steps Melinda Gates Wants the World to Take to Help Women During COVID-19**, Global Citizen (17.07.2020), available at <https://www.globalcitizen.org/en/content/melinda-gates-covid-19-relief-efforts-women/> [accessed 4 October 2021].

573 UN Committee on the Elimination of Discrimination Against Women (CEDAW), General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, 1 November 2013, CEDAW/C/GC/30, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/30&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/30&Lang=en) [accessed 4 October 2021].

A significant example for the adoption of WPS agenda was recently reflected in the Human Rights Council in Geneva. Within the framework of the Abraham Accords and as part of the efforts to enlarge the scope of cooperation with the relevant countries, Israel's Special Envoy for the implementation of UNSCR 1325 and the Permanent Representative of UPEACE in Geneva initiated together with the missions of Bahrain, Israel, United Arab Emirates and Morocco an unprecedented and historic Joint Oral Statement (JOS) that was delivered at the HRC48 session (under agenda item 3) on Women, Peace and Diplomacy. It received the support of over 60 countries and intergovernmental organizations.

The statement reaffirms women's fundamental role in peace processes and conflict prevention, and calls upon states strongly to ensure the advancement of women in preventive diplomacy and peace building. It also calls upon member states to ensure that women have a seat at every table, that they are heard and that they can contribute to finding solutions and preventing conflict. Parties are committed to taking into account the experiences of women and girls, both living in conflict zones but also in peace and stability, and always to include a gender perspective, recognizing the unique impact different situations may have on women and girls.

The commonality between Bahrain, Israel, Morocco, the UAE and UPEACE to bring this initiative to the UN is their strong commitment to the empowerment of women and gender equality in the multilateral system. This JOS should pave the way for a future joint common action with the purpose of highlighting the integration of women in the peace processes and in all discussions relevant to promote peace around the globe.

There are still many "glass ceilings" that women need to overcome. We therefore need to follow and learn from those countries and organizations that have already adopted a WPS agenda, to teach others good practices and to educate our societies gender mainstreaming on all levels.

## **“Intercultural dialogue, the contribution of women”**

**H.E. Mrs. Somia Djacta**

***Permanent Delegate of the Islamic World Educational, Scientific and Cultural Organization to UNESCO, International Organisation of the Francophone and European Union***

I am very happy to contribute to this collaborative and collective work that gives a voice to the actors of development and peace, a peace that aims to be fair, sustainable and inclusive. But how can we think about peace without thinking about women, who should be at the centre of the project, who should be its heart and soul, its driving force. It is with women that peace will be, or, without them, will not be. These diverse women who make up the intelligence and complexity of the world.

With the global Covid-19 pandemic, various analysis<sup>574</sup> shows that countries with female leaders have better managed the effects of the crisis. Moreover, it was also women who found themselves mostly impacted by the consequences of the crisis but who nevertheless bore the brunt of the burden of managing the health crisis. Aspects of the global health crisis revealed effects that have received little attention, such as the gender dimensions of crisis and pandemic management.

Family burdens are the most prevalent aspect. In many societies, women and girls take on most of the domestic work. With the closure of schools, this burden has increased, affecting many girls and women who make up the bulk of the teaching force in many contexts, as well as girls, who are not able to pursue distance learning. As for the care of women, this is a matter of concern in many countries. Women constitute the main part of the health workforce and are therefore more exposed to the virus, whether they are caring for others at home or in health facilities. For example, data show that in Spain and Italy respectively, 72% and 66% of infected health care workers are women.

Adding to this difficulty is the explosion in the number of domestic violence cases. Indeed, the health risks for girls who can no longer go to school are not limited to the virus itself. Without school - a place of

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<sup>574</sup> <https://www.forbes.fr/femmes-at-forbes/les-pays-diriges-par-des-femmes-ont-ils-mieux-reagi-face-a-la-pandemie/>

education and a line of detection for abuse - confinement to the home means an increased risk of domestic violence and sexual abuse. The data available to date indicate that rates of domestic violence have increased in all countries, regardless of their development index.

Reproductive health is also impacted by the crisis as resources and facilities for maternal and child protection have been directed towards combating the pandemic, which poses a direct threat to the health of mothers and children.

In all circumstances, women have been able to respond to situations and come up with ideas and initiatives that serve their communities. On many issues, they are on the forefront because they are often the first to be affected.

But where does this paradox between the recognition of women's contribution and commitment and the persistence of inequalities come from?

According to a UN Women study<sup>575</sup>, women's employment is 19% more at risk than men's during the current health crisis. In addition, 247 million women aged 15 and over will be living on less than \$1.90 a day in 2021, compared to 236 million men. Unfortunately, all these figures show that while women can play a crucial role in the economic and social development of their countries, they remain the most underused economic asset in the global economy and the most marginalized in times of crisis.

Long before the current global health crisis, women were also the first to be affected by migration crises. Indeed, women account for almost half of the 244 million migrants and half of the 19.6 million refugees worldwide. Although the majority join a family member, a growing number of women are migrating on their own initiative in search of a better life for themselves and their families back home. Yet these migrant women represent a pool of human capacity, talent and creativity that is often ignored or misused.

Today, taking the example of migration, women have a better chance of integrating, creating links, interacting with their environment and contributing financially to the development of their country of origin than men. Indeed, according to the IOM<sup>576</sup>, migrant women are recognized as a factor in the development of their countries of origin.

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<sup>575</sup> <https://www.unwomen.org/fr/news/in-focus/women-refugees-and-migrants#notes>

<sup>576</sup> <https://www.iom.int/fr/speeches-and-talks/femmes-migrantes-comme-facteur-du-developpement-contribution-economique-et-0>

Within this migratory dynamic, cultural diversity, dialogue and exchange are becoming more and more visible. Today, the contribution of women in intercultural dialogue is no longer a debate, it is a fact. Women's approach to intercultural dialogue is inclusive in its ability to transcend political oppositions, social origins and differences in ideological beliefs. Around the world, the promotion of cultural diversity has long been seen as a remedy to social tensions. Indeed, in the context of peace processes, it has been 21 years since the adoption of UN Security Council Resolution 1325<sup>577</sup> (2000) on Women, Peace and Security. As with the 1979 CEDAW - **Convention on the Elimination of All Forms of Discrimination against Women**, it includes specific provisions for peace negotiations and agreements. While progress has been made in terms of women's access to and participation in peace processes, much remains to be done. Indeed, women continue to be left out of peace processes and mediation, which explains the absence of gender issues in the new peace agreements. This is despite the important role that women play in promoting peace, establishing peaceful dialogue and finding solutions to end hostilities in many armed conflicts. In fact, according to a 2012 UN Women study<sup>578</sup> of 31 peace processes that took place between 1992 and 2011, the figures illustrate the marginalization of women in the processes: only 4% of signatories, 2.4% of chief mediators, 3.7% of witnesses and 9% of negotiators were women.

Women represent 50% of the world's population. They are the primary victims of war and conflict and should therefore be part of the solution in negotiations and mediation. In many conflict-affected countries, women are leading peace initiatives at the local level and therefore it is essential to consult them and support their efforts to end hostilities to promote dialogue and understanding. This is also an obligation based on Security Council resolution 1325 (2000) (paragraph 8).

The recognition of the role of women as actors for peace and stability is now fundamental. It is impossible to define the issues of living together without involving the women who build and live it. In the fight against violent extremism, women can be a rampart and a force for transformation and change. It is on this basis that UN Women's approach to promoting the fight against terrorism and preventing violent extremism is conceived and developed within the framework of the Women, Peace and Security Programme (UNSCR 1325 and UNSCR

<sup>577</sup> [https://undocs.org/en/S/RES/1325\(2000\)](https://undocs.org/en/S/RES/1325(2000))

<sup>578</sup> <https://www.un.org/en/chronicle/article/preventing-crisis-and-conflict-womens-role-on-going-peace-processes>

2242) and the United Nations Priority Programme for Peacekeeping and Prevention<sup>579</sup>.

As the UN Decade for the Rapprochement of Cultures 2013-2022 draws to a close, mainstreaming gender in all processes and at high levels could contribute to conflict prevention. Recognition of their role(s) and contribution(s) in intercultural dialogue is essential for achieving peace and sustainable development.

The time has come to involve half of humanity in the implementation not only of Goal 5 of the 2030 Agenda but of all the 17 Sustainable Development Goals. It is also essential to strengthen cooperation with the African Union's Agenda 2063, especially with Goal 17, which enshrines the principle of gender equality and the empowerment of girls and women. It is also time to appoint and elect women to senior positions and to feminize functions, to reduce the gender pay gap and to rethink and strengthen the principles of equality and equity and call on states to re-evaluate the budgets allocated to gender issues.

To conclude, there is a famous proverb that says "**when women make war, it is called peace**". The involvement of women in wartime in peacemaking and peacekeeping determines the success of peace and its sustainability. It is important to give more means, more space and more recognition to all female actors of change in order to give peace and social cohesion a better chance to be achieved and to last.

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579 [https://undocs.org/en/S/RES/2242\(2015\)](https://undocs.org/en/S/RES/2242(2015))

## **“Righting the Demographic Dividend: putting youth rights upfront”<sup>580</sup>**

**Mr. Alfonso Barragués Fernández<sup>581</sup>**

***Deputy Chief, United Nations Population Fund (UNFPA) Office in Geneva***

### **I. Introduction**

Historically, demographic dynamics have been a critical factor in explaining countries transitions towards development. The expansion of reproductive rights and choices, particularly the increased access to voluntary family planning, has had a major impact on those transitions by helping reduce fertility rates, empower young women to enter the formal workforce and increase household savings<sup>582</sup>. This has led to population structures with a greater number of working-age adults in relation to dependent children and older persons; a so called ‘demographic window’ that remains open for a few decades before population ageing takes over as a result of declining fertility and increased life expectancy. While that window is open, deliberate policy investments that build young people’s human capital will translate into substantial economic return, leading to a demographic dividend, a unique opportunity for poverty reduction and socioeconomic progress<sup>583</sup>.

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580 This article is the result of research conducted for UNFPA’s Sabbatical Programme under the guidance of Dr. Sakiko Fukuda-Parr, Director of the International Relations Programme at The New School in New York; and Hans Otto-Sano, Director of Research at the Danish Institute for Human Rights (DIHR). A particular mention goes to Adrian Hassler and Stinne Skriver Jorgnesen (DIHR) who helped integrate the conceptual framework of Demographic Dividend and youth rights into DHRI’s data explorer and developed relevant data sheets. A word of appreciation goes to Imma Guerras Delgado and George-Konstantinos Charonis (OHCHR) for their perspectives on youth rights. A special mention is owed to Eva Grambye, Deputy Executive Director, International Division (DIHR) and Philip J. Akre (SGPIA- The New School), and finally to Elizabeth A. Nash for her assistance in the drafting process.

581 While I currently work as the Deputy Chief of UNFPA Liaison Office in Geneva, the views and perspectives expressed in this article cannot be attributed to UNFPA.

582 In sum, women’s and couples’ ability to exercise their reproductive rights has contributed historically to ignite a demographic transition. This transition begins with falling infant and child death rates, due largely to improvements in health care, nutrition and sanitation and is then followed by a fall of fertility rates as couples realize that the reduced risk of child death means that it is easier for them to achieve their desired family size with fewer births.

583 Value Proposition on the Demographic Dividend, UNFPA

However, the ambition of achieving economic prosperity should not blind policymakers to the point of seeing young people as mere commodities for development. Unless the rights of young people are at the centre of demographic dividend strategies, including the recognition of their autonomy and ability to participate in and shape public policies, sustainable and equitable development will remain a distant aspiration, while the 'demographic window' will slowly close.

In 2015, the **2030 Agenda for Sustainable Development** recognized the link between the demographic dividend and human rights. Member States committed to provide children and youth with a nurturing environment for the full realization of their rights and capabilities by helping countries reap the benefits of the demographic dividend, including through safe schools and cohesive communities and families<sup>584</sup>.

Indeed, the concept of the demographic dividend resonates within human rights as this can only be achieved through policy investments aiming at the realization of the rights to education, health, employment and social protection as well as the empowerment of adolescents and youth to exercise their civil and political rights. Ultimately, a long term vision of the demographic dividend, whereby more young people (men and women equally) enter into the formal economy with decent work opportunities, results in stronger and more inclusive social security systems, which are critical to securing the rights of all, and in particular the wellbeing and independence of older persons in the context of ageing populations.

Human rights are both a means for and an end to the demographic dividend. Human rights investments have the instrumental value to accelerate a demographic dividend and promote economic growth, while in turn the ultimate purpose of the dividend is the achievement of inclusive and sustainable development within which the rights of youth, particularly their economic, social and cultural rights, are realized.

That said, the concept of the demographic dividend is not particularly well known by the human rights community. A simple search of the concept at the OHCHR hosted Universal Human Rights Index, which is a repository of recommendations issued by international human rights review and monitoring mechanisms over the last two

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<sup>584</sup> Transforming our World: the 2030 Agenda for Sustainable Development, A/RES/70/1, paragraph 25



decades, is revealing<sup>585</sup>. Out of all International Human Rights Treaty Bodies' (TBs) and Universal Periodic Review (UPR) recommendations, the demographic dividend is only mentioned once. This is a UPR recommendation made by Azerbaijan to Côte d'Ivoire: "Continue measures aimed at promoting women's empowerment as one of the goals of the Sahel Women's Empowerment and demographic dividend Project".

Leaving the concept of the demographic dividend aside, a search of recommendations related to 'youth' and 'young people' is not very encouraging either. By way of illustration, of 123,284 UPR, TB and Special Procedure (SP) recommendations, a search of 'youth' gives 881 hits (0.7% of total recommendations); a search of 'young' gives 784 hits (0.6%); a search of 'adolescent' gives 1051 hits (0.8%); and a search of 'girl' gives 4,226 hits (3.4%)<sup>586</sup>.

Obviously, this simple word search does not take into account those recommendations that could be adolescent and youth-related without explicitly using those words. Nonetheless, the low number of explicit references to adolescents and youth is quite telling, and indicates their relative invisibility in human rights recommendations compared to a search for 'women', which get 17,858 hits (14.4%) and 'children' with 17,367 hits (14%).

Many reasons can be evoked to explain the relative minor attention to youth rights in international human rights mechanisms. One factor is the absence of an international human rights instrument on the specific rights of youth, unlike the case with women (CEDAW) and children (CRC). Moreover, young people are often subsumed under women's and children's rights, which results in recommendations which lack the level of specificity to address the concrete needs and aspirations of young women and men.

The concept of the demographic dividend in relation with youth rights still needs to be fully appropriated by the international human rights community. Nevertheless, a Human Rights-Based Approach (HRBA) to a demographic dividend is essential so that national strategies do not harm, but principally further the realization of the rights of the current generation of adolescents and youth. Though not numerous, it is useful

<sup>585</sup> Last seen on 25 February 2020 at <https://uhri.ohchr.org/en>

<sup>586</sup> This search was conducted using the data explorer of the Danish Institute for Human Rights, <https://sdgdata.humanrights.dk/en/node/1>, which at the time of this search (28 February 2020) was the only international human rights database containing a "youth" filter. The OHCHR Universal Human Rights Index added this filter to its revamped version in October 2020.

to take a close look at the guidance human rights recommendations can provide for the formulation of national demographic dividend strategies.

## II. **Methodology**

This article explores and analyses the level of attention to critical dimensions of the demographic dividend in the recommendations issued to states by international human rights mechanisms, concretely the Universal Periodic Review (UPR) of the Human Rights Council and International Human Rights Treaty Bodies (TBs) from 2007 to 2019.

The UPR is a mechanism of the Human Rights Council<sup>587</sup>, whereby all States review the fulfilment by each State of its human rights obligations and commitments and formulate recommendations. States under review formally note (reject) or support recommendations, as an expression of commitment to take meaningful action at the country level. Each State is reviewed once every cycle of 4.5 years.

Human Rights Treaty Bodies (TBs) are committees of independent experts that monitor the implementation of international human rights treaties. These committees ensure international accountability by monitoring and reviewing State parties' progress in meeting their human rights obligations under each treaty. The outcome of State Parties' reviews is a set of Concluding Observations containing specific recommendations to help states meet those obligations<sup>588</sup>. Except for the Committee of the Convention on Enforced Disappearances (2006), all other nine international human rights treaty bodies were considered for this study<sup>589</sup>.

For the purpose of analysing the content of human rights recommendations, the following six categories capturing the type of investments needed to build youth capital and harness a demographic dividend have been identified: (1) Youth Employment and Entrepreneurship, (2) Youth Education, (3) Youth Health, (4) Youth Protection, (5) Youth Empowerment and (6) Youth Social Inclusion<sup>590</sup>.

587 The UPR was established by the United Nations General Assembly in 2006 in its resolution 60/251

588 More information on TBs can be found at <https://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>

589 Committee on the Elimination of Racial Discrimination (CERD); Committee on Civil and Political Rights (CCPR) also known as Human Rights Committee; Committee on Economic, Social and Cultural Rights (CESCR); Committee on the Elimination of Discrimination Against Women (CEDAW); Committee Against Torture (CAT); Committee on the Rights of the Child (CRC); Committee on Migrant Workers (CMW); Committee on the Rights of Persons with Disabilities (CRPD); and the Subcommittee on Prevention of Torture (SPT).

590 These categories are consistent with the main pillars of the World Programme of Action on

From a demographic dividend perspective, the meaning of **youth employment** and **youth health** is self-evident. **Youth education** focuses on inclusive education, school retention through secondary and tertiary levels, access to technical and vocational training, access to life-skills and sexuality education, as well as the adaptation of curriculum to fit with future work opportunities free from gender stereotypes and biases. **Youth protection** speaks to the measures needed to secure a safe developmental transition from childhood to adulthood free from violence, harmful practices, child labour and unwanted teenage pregnancies. **Youth empowerment** requires the creation of an enabling environment where adolescents and youth can exercise their civil and political rights including participation, freedom of expression and assembly, access to information, right to association and freedom from violence and reprisals. **Youth social inclusion** refers to measures to address intersecting discrimination faced by adolescents and youth from marginalized and excluded population groups such as the provision of affirmative actions, inclusive and universal design of social services, targeted social protection, as well as other anti-discrimination and empowerment measures.

The analysis identifies the types of legal, policy, programme and other measures being recommended to states, as well as potential gaps in terms of neglected issues. This qualitative analysis is based on information from a sample of 16 countries<sup>591</sup> from different regions and at different levels of development. The identification of recommendations from 16 selected countries was done with the support of the Danish Institute for Human Rights (DIHR) SDGs and Human Rights data explorer, based on which the algorithm supporting the data explorer was trained to identify the number of recommendations from all 192 Member States for a global quantitative analysis.

### Limitations

The accuracy of quantitative data used for the analysis relies on the assumption that the information provided by the algorithm supporting the DIHR data explorer is reliable. While the exercise of tagging recommendations from 16 selected countries in theory provided the algorithm with an adequate set of criteria and elements to establish recognition patterns, due to the high volume of recommendations the accuracy of the information obtained could not be verified for each case.

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Youth and the UN System Wide Action Plan on Youth and the areas of intervention in the Africa Union Demographic Dividend Roadmap. For further reference see: *Youth and Demographic Dividend: an Operational Guide to Support UNDAFs Programming in UNCTs*, UN Secretariat, 2017

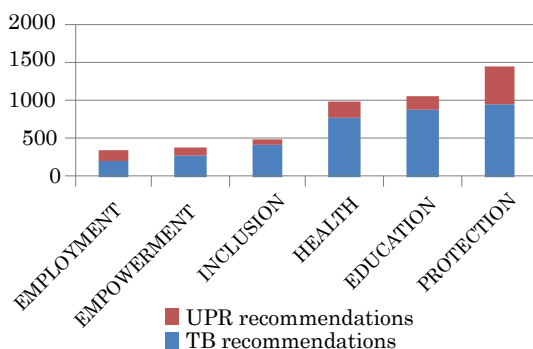
591 Afghanistan, Azerbaijan, Bangladesh, Belize, Bosnia & Herzegovina, Burkina Faso, Cambodia, Canada, Costa Rica, Ethiopia, Jordan, Mexico, Nigeria, Portugal, Saudi Arabia and Turkmenistan

However, anytime a search yielded counter-intuitive results, the same information was searched by crossing a particular theme or key word with the 'youth' filter available in the data explorer. The results were always consistent with the information obtained from the algorithm.

### III. Results

In the period covered from 2007 to 2019, the UPR and TBs generated at least 2,923 youth-related recommendations (997 by the UPR and 1,926 by TBs) of relevance for the formulation of demographic dividend strategies.

A close look at recommendations for each of the six categories identified above shows which areas receive more attention: Protection (1448 recommendations or 41% of the total), Education (1069 or 30%) and Health (988 or 28%). This denotes that human rights mechanisms are more concerned about reaching out to adolescents and youth with protection measures and social services than with the implementation of empowerment measures (370 or 10%) and employment (354 or 10%)<sup>592</sup>.

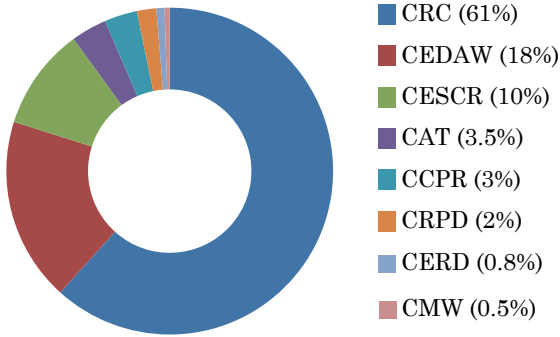


All nine TBs considered for this study have issued youth-related recommendations of relevance to the demographic dividend. Depending on their respective thematic mandate, some TBs have given more attention to these issues than others (Graphic 2). A majority of recommendations have been issued by CRC, which explains the predominant emphasis on child protection and education as seen in the previous graphic. CEDAW is second with 18% of recommendations focusing on young women and girls. CESCR comes in third with 10%

<sup>592</sup> As a given recommendation can be relevant for more than one category, the sum of percentages provided is over 100%.

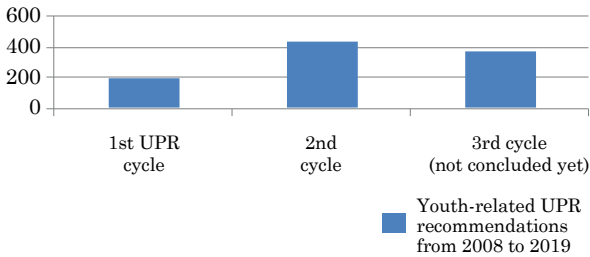
of recommendations, which is surprisingly low given the centrality of economic and social rights for a successful transition from adolescence to adulthood. It is also surprising to see that CAT has a slightly higher percentage than CCPR, whose mandate is fundamental for empowering youth to exercise their civil and political rights.

Percentage of recommendations by UN Treaty Body



Since its inception in 2008, the UPR process has devoted limited attention to youth-related issues with 1.2% of recommendations in total. However, an incremental interest can be observed across its three cycles<sup>593</sup>. If in the 1<sup>st</sup> cycle the number of recommendations was 191, in the second cycle these went up to 432. In the current 3<sup>rd</sup> cycle, which will be completed in 2022, the number of recommendations is already 370 (Graphic 3).

Demographic Dividend and Youth-Related recommendations in the UPR



<sup>593</sup> The 1<sup>st</sup> cycle took place from 2008 to 2011; the 2<sup>nd</sup> cycle from 2012 to 2016 and the ongoing 3<sup>rd</sup> cycle started in 2017.

In terms of issues, the bulk of UPR recommendations relate to Protection Measures representing 489 recommendations (49%). Conversely, Youth Empowerment and Youth Social Inclusion feature quite low, with only 77 recommendations over the entire period.

It can be concluded that the overall level of attention to youth rights is considerably low across the board. Moreover, there is a very uneven attention to different dimensions of the demographic dividend with a predominant focus on protection and access to social services over empowerment, employment and social inclusion. These are important trends for development practitioners and youth advocates to keep in mind when providing information to human rights mechanisms. As the UPR is a state-to state peer review process, it would be strategic to reach out to states championing youth rights so that they take imbalances into consideration when making recommendations. As far as TBs' engagement, it is important to ensure the inclusion of youth rights-related questions in relation to the following six dimensions of the demographic dividend for the formulation of the 'Lists of Issues' that are meant to guide State parties' reporting and reviews.

### 1. Youth Employment and Entrepreneurship

Since its creation, the UPR has generated at least 138 recommendations on issues related to youth employment and entrepreneurship. Despite the small number, the level of support for these recommendations has been practically unanimous. Only two recommendations were noted (not supported) by states under review, both of which recommended changes in national legal frameworks.

<b>No. of UPR recommendations and States' response</b>	<b>No. of TB recommendations</b>
Supported ..... 136	CESCR .....84
Noted .....2	CRC .....75
<b>Total ..... 138</b>	CEDAW .....43
	CRPD ..... 8
	CERD ..... 3
	CCPR ..... 2
	SPT ..... 1
	<b>Total.....216</b>

From the sample of 16 countries selected for qualitative analysis, **UPR recommendations** often seem very generic. Some of them simply recommend that states continue efforts to support

employment generation among youth (Burkina Faso, Mexico and Pakistan). Examples of more specific recommendations include the strengthening of small and medium-scale enterprises to create more job opportunities for youth (Ethiopia), and investment in information and communications technologies for youth populations (Bangladesh). From a gender perspective, two generic recommendations were identified emphasizing the need to invest in young women's and girls' professional training and employment (Afghanistan) as well as the elimination of discriminatory laws, customs, and practices and the promotion of participation of women and girls in education, labour, and political life (Saudi Arabia).

**TB recommendations** are more numerous than UPR recommendations. They cover broader issues, including legal, policy and institutional measures, and are more specific in addressing age and gender-based discrimination in employment and establishing accountability measures.

As expected, the CESCR is the TB dedicating more attention to youth employment in its recommendations. However, it is surprising that no recommendations on youth employment were issued by the CMW. While this Committee has logically issued numerous recommendations on the right to work of migrants, they do not explicitly identify youth migrants.

CESCR has emphasized the need to **develop specific youth employment policies or to introduce specific targets in general employment policies**. Regarding the former, in 2009 CESCR recommended that Cambodia review the employment policies and develop a strategic employment plan to promote youth employment. For the latter, in 2014 CESCR recommended that Portugal steps up its efforts to reduce youth unemployment by ensuring that employment policies target population groups disproportionately affected by unemployment.

No. of UPR recommendations	No. of TB recommendations
Supported ..... 1,053	CRC ..... 510
Noted ..... 16	CEDAW ..... 210
<b>Total ..... 1,069</b>	CESCR.....83
	CCPR .....25
	CERD .....9
	CAT ..... 8
	CMW .....6
	SPT .....3
	<b>Total.....1,069</b>

CEDAW logically contributes a strong **gender perspective in policies and measures that promote the employment of young women and girls**. This includes measures to develop their capacities in technology, innovation and entrepreneurship through access to microcredit, loans and other forms of financial credit (CEDAW recommendation to Nigeria in 2017). CEDAW has also addresses **legal barriers** in different economic fields. For example, it identified that rural women and girls in Bangladesh had limited access to financial credit and loans from public banks because laws and policies did not recognize them as farmers.

Moreover, CEDAW has the unique value of emphasizing **anti-discrimination measures**, such as the recommendation that Nigeria review and repeal legal frameworks discriminating against young women based on marital status<sup>594</sup>, prohibiting the employment of women in night work<sup>595</sup> and the recruitment of married women to the police, and requiring women police officers to make a written request for permission to marry<sup>596</sup>.

## 2. Youth Education

Youth Education has received considerable attention in the UPR (1,069 recommendations). Most of these recommendations were supported by reviewed states. A few recommendations on the integration of pregnant girls in school and the incorporation of Comprehensive Sexuality Education (CSE) in the school curriculum were not supported.

The **UPR** education-related recommendations are diverse. Some are very generic, ensuring access for children and youth to education, particularly girls and for adolescents from marginalized groups. More

<sup>594</sup> Labour Act (1990)

<sup>595</sup> Factories Act (1987)

<sup>596</sup> Police Regulations (1968)



detailed examples include the recommendation to take concrete steps to realize the right to primary and secondary education for girls by ending discriminatory practices, recruiting more female teachers, and ensuring that all schools have adequate boundary walls, toilets and access to safe water (Afghanistan); or the need for investments in specialized education, technical and vocational training, and new communication and information technologies to facilitate a more successful incorporation of youth in the labour market (Bangladesh).

Many recommendations highlight the **negative impact of child marriage and teenage pregnancy on the retention of girls in primary and secondary schooling** and call for specific protection measures in that regard. For example, Mexico recommends that Burkina Faso allocates sufficient resources to programmes that combat early pregnancies and support young mothers to stay in school. Some recommendations touch upon **CSE** as a critical tool to help protect boys and girls from risky behaviours and unwanted pregnancies with relevant and accurate information, for instance the recommendation Estonia made to Bangladesh that was noted (rejected).

**In terms of TBs**, CRC has made more recommendations on adolescent and youth education of relevance to the demographic dividend, followed by CEDAW, and to a lesser degree by CESCR. It is interesting to see that CCPR has also issued a fair number of recommendations, often on issues related to CSE, and access to higher education and vocational training by minority groups, including Roma and Afro-descendants.

In addition to the issues highlighted at the UPR, TBs provide a much greater level of detail on specific measures and on access to specialized education (tertiary education and technical and vocational training) to place adolescents on a more successful career path. TBs are explicit in addressing the impact of exclusion and discrimination faced by adolescents and youth from specific population groups on accessing quality education as well as in taking measures to address gender stereotypes in educational and occupational paths.

**CEDAW's gender perspective** helps to underline specific measures enhancing girls education as a building block for their future professional lives. One of many examples is the recommendation to Azerbaijan in 2015 to use temporary special measures to increase the participation of women and girls in institutions of higher education through the provision of scholarships; strengthen career guidance activities to encourage girls and young women to choose non-traditional fields

of study and career paths; revise schoolbooks and other teaching materials and remove, as a matter of priority, any discriminatory gender stereotypes; and introduce mandatory education on women’s rights and gender equality into school curricula and into professional training for teachers at all levels of education.

CEDAW has also paid attention to the impact of violence against girls on their education, as well as other **challenges faced by young boys and girls in humanitarian situations**. For instance, in 2017 it was recommended that Nigeria takes specific measures to rebuild and secure all schools affected by the Boko Haram insurgency and encourage girls and teachers, including women, to return to those schools; and provide psychosocial and medical support to girls and their families, as well as teachers.

### 3. Youth Health

Having a healthy youth population is a fundamental pre-requisite for any country aspiring to achieve sustainable development. This requires access to quality and non-judgmental health services that meet the unique health needs of adolescents and youth, as well as the information and means that enable young people to make choices, within an environment free from violence, coercion, and discrimination.

Compared to youth education, the **UPR** gives less attention to youth health with only 202 recommendations from 2008 to 2019. The central issue of adolescents’ autonomy in managing their own health is sometimes perceived as ‘sensitive’. This explains the relatively higher percentage of noted (rejected) recommendations.

No. of UPR recommendations	No. of TB recommendations
Supported ..... 175	CRC .....490
Noted ..... 27	CEDAW .....162
<b>Total ..... 202</b>	CESCR..... 65
	CCPR ..... 27
	CAT ..... 25
	CRPD ..... 10
	SPT .....4
	CMW .....3
	<b>Total..... 786</b>

For the 16 countries examined in this section, **UPR recommendations** lack the level of granularity on specific health issues. Most of them make generic references to ensuring access to health services by adolescents and youth, including information and education on

SRHR (Mexico). Some recommendations have a particular focus on addressing underlying factors of poor SRH of girls, as in the case of a recommendation to Burkina Faso made by Belgium, which urges the implementation of a strategy that ensures the SRHR of young people by fighting against female genital mutilation and by reducing maternal mortality related to unsafe abortions. Further efforts in combating HIV/AIDS with a focus on adolescents and young adults, has also received some attention in the UPR. Unfortunately, other health issues affecting youth such as non-communicable diseases, drug abuse, and mental health were not raised in any of the 16 selected countries.

Conversely, **TB recommendations** have covered a much broader range of issues affecting adolescent and youth health, including SRH, non-communicable diseases, the prevalence of risky behaviours among this population cohort, and mental health. TBs have also emphasized the need to lift barriers in access to services and information, as well as underlying determinants of poor health outcomes, such as the persistence of harmful practices against girls and intersecting forms of discrimination. TBs recommendations can consequently provide useful normative guidance to instil a human rights perspective both in national youth health and demographic dividend strategies.

CRC by far dedicates the most attention to adolescent health in a diverse range of public health domains. By way of illustration, on the issue of drug and substance abuse, the CRC recommended that Portugal address alcohol, drug and tobacco use by children and adolescents, through education programmes and campaigns to promote healthy lifestyles; provide life-skills education and the training of teachers, social workers and other relevant officials; and enforce regulations on the sale and advertising of alcohol and tobacco products to children. The same Committee has again provided very concrete recommendations to Portugal to improve adolescent mental health.

Again, it is surprising to find the very low number of recommendations - only three - on the health of youth and adolescent migrants issued by the CMW. However, TBs without an explicit mandate on the right to health, such as CCPR, have issued recommendations to address the impact of intersecting discrimination in the health outcomes of marginalized youth. For instance, this was the case with the recommendation by CRPR to Canada (2017) to ensure that services for indigenous persons with disabilities in First Nation communities are equitable and appropriate, including health services aimed at preventing suicide among indigenous young persons with disabilities.

CEDAW has increased the visibility of **young rural women and the particular legal and social barriers they face in access to social services including health**. One interesting example is from Cambodia, where the Committee observed (2013) that the general population is obliged to move to bigger urban settings in order to access health and education services when these are not available in communes and rural areas, but girls end up being excluded from these services in practice because they face restrictions on travel. This concrete example is a stark reminder of the practical implications of the leaving no one behind principle in development practice.

#### 4. Protection of Adolescents and Youth

Despite the fact that the international community is particularly sensitive to the protection needs of adolescents, the high number of noted UPR recommendations clearly indicates that some of the measures being proposed by human rights mechanisms do not enjoy full support by some member states, particularly when those require the change of national legal frameworks on issues pertaining to child marriage, child labour, and protection from sexual violence.

No. of UPR recommendations	No. of TB recommendations
Supported ..... 406	CRC ..... 590
Noted ..... 83	CEDAW ..... 210
<b>Total ..... 489</b>	CESCR.....49
	CAT .....47
	CCPR .....41
	CRPD .....9
	CMW .....7
	CERD .....4
	SPT .....2
	<b>Total.....959</b>

Logically, CRC is the mechanism issuing more recommendations on the protection of adolescents. The adoption of CRC in 1989 represented a major shift from viewing children and adolescents as vulnerable objects of protection to empowered rights-holders with the ability to make autonomous decisions on issues affecting them in accordance with their evolving capacities. Despite that shift, still today the protection of children and adolescents takes precedence over empowerment measures, at least in terms of the number of recommendations. A similar trend is found in terms of the number of recommendations issued by other TBs as well as in the context of the UPR.

This chapter does not elaborate in great detail on protection issues in the work of UPR and TBs that have been widely documented and analysed in several other studies<sup>597</sup>. Nevertheless, youth protection continues to be a fundamental pillar in demographic dividend strategies.

Taking **child, early and forced marriage** as an illustration, human rights mechanisms have emphasized its negative impact on the development of girls and have recommended the adoption of civil laws raising the legal age of marriage or criminal laws punishing perpetrators; the implementation of programmes and campaigns to challenge discriminatory social norms; the adoption of policy and regulatory measures to retain girls in school; the implementation of sexuality education and life-skills education; the use of accountability and redress mechanisms to protect girls against sexual exploitation and abuse; and the implementation of social protection measures in favour of girls living in poverty and from rural communities.

CEDAW and CRC have dedicated special attention to the **impact of child marriage and teenage pregnancy on girls' education and their future professional life**, by ensuring, inter alia, that girls stay in a safe and supportive schooling environment. In Burkina Faso, for instance CEDAW provided a detailed and thorough list of recommendations to combat early pregnancy in education settings, including by establishing reporting mechanisms for all acts of sexual violence perpetrated against women and girls in educational institutions; establishing compulsory awareness-raising for teachers and all school administration personnel on those issues; collecting and publishing data on the number of cases of early pregnancy at school, and on the number of investigations of such cases, prosecutions and sentences imposed; facilitating the reintegration into education of adolescent mothers, including by combating cultural stigma through awareness-raising campaigns and providing affordable care for their children; integrating mandatory education in school curricula for girls and boys on SRHR and responsible sexual behaviour in order to reduce pregnancy-related dropout rates; and dismantling discriminatory stereotypes and other barriers to girls' access to education by raising awareness among parents and traditional leaders of the importance of education for women.

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597 From Commitment of Action on SRHR: Lessons from the 1<sup>st</sup> cycle of the UPR, UNFPA, 2014

## **5. Youth Empowerment**

Democratic governance systems rest on the existence of a vibrant civil society with the information and capabilities to influence policy and social change. Access to information, the right to participation and association, and freedom of assembly are fundamental preconditions for the articulation of strong youth social movements comprised of empowered individuals. In turn, harnessing a demographic dividend rests on the recognition of young people as drivers of their own development, as they transition from adolescence into productive adults. However, young people and youth organizations are often confronted by many challenges preventing them from influencing decision-making processes.

Human rights mechanisms have a long tradition of monitoring states' compliance with civil and political rights. This has resulted in a high number of recommendations on measures to respect and protect the right to participation, freedom of expression, and other rights and freedoms, as well as to ensure an enabling environment where civil society actors can engage meaningfully, actively, and freely in public affairs. While it is true that those recommendations are meant to benefit every individual, there is not, however, a significant number of recommendations specifically addressing the empowerment of young people with regard to their civil and political rights.

The level of attention to youth empowerment in the UPR has been quite low. While a majority of recommendations were accepted by reviewed states, still a few did not enjoy support, mainly those related to girls' participation and the investigation of the violation of civil rights of youth activists.

Regarding the attention given by TBs, it is surprising to find such a low level of recommendations from CCPR given its position as the beacon for civil and political rights in the human rights architecture. This may be related to the fact that existing recommendations are not age specific.

No. of UPR recommendations	No. of TB recommendations
Supported ..... 70	CRC ..... 183
Noted ..... 7	CEDAW ..... 69
	CESCR ..... 18
<b>Total ..... 77</b>	CRPD ..... 13
	CAT ..... 5
	CCPR ..... 2
	CERD ..... 2
	SPT ..... 1
	<b>Total.....293</b>

From the sample of 16 countries selected for qualitative analysis, **the UPR** includes recommendations to adopt and implement a national youth policy to promote the full realization of human rights and fundamental freedoms for all young people (Canada); increase the government's engagement with youth associations (Ethiopia); increase political participation of young people at all levels of society (Cambodia); include the participation of young women and girls in public life by reviewing and eliminating discriminatory laws, customs, and practices (Afghanistan), as well as the participation and young indigenous women in political life (Canada); and the protection of young human rights defenders and activists, including their right to freedom of expression (Azerbaijan).

In addition to the issues and measures raised at the UPR process, **Treaty Bodies** have formulated concrete recommendations to empower adolescents and youth and promote their right to **participation in policies and processes affecting them**.

CRC is at the top of TBs issuing recommendations on empowerment measures. **The rights to participation and to be heard** are core principles to the Convention. Consequently, CRC has been the committee putting more emphasis on the participation of adolescents and youth. One example is the recommendation to Bangladesh (2015) to guarantee that children and young people are actively consulted and involved in the preparation and implementation of laws, policies and programmes affecting them, and to pay particular attention to the active involvement of children in vulnerable situations, including children with disabilities, minority children, refugee children, and children in street situations.

Empowering adolescents and youth to express their views on issues affecting their health and bodies, including **making informed decisions on their SRH and wellbeing** has been a frequent demand of different TBs, such as CRC, CEDAW and CESC. CRPD has also emphasized that adolescents with disabilities provide free, prior and informed consent to medical procedures.

A few recommendations have underscored the **participation of adolescents and youth in the design and monitoring of social services, including SRH services**. For example, as early as 2011 CRC recommended that Afghanistan undertakes a comprehensive study of the shortcomings of adolescent health services, with the full participation of adolescents, and uses the outcome of this study to formulate adolescent health policies and programmes, with particular focus on prevention of early pregnancy and sexually transmitted infections (STIs).

TBs have emphasized the **creation and strengthening of institutional participation arrangements** such as in Mexico, where CRC recommended (2015) that permanent child participation forums be established at the federal, state and municipal levels and to closely monitor their impact on the development and implementation of relevant laws and policies. TBs have also addressed the need to ensure the independence of institutional participatory arrangements, such as in Ethiopia where CRC (2015) welcomed the establishment of regional bureaux of Women, Children and Youth Affairs and also noted the existence of several clubs, associations, and centres of children and young people while stating concern that these associations were controlled by the Government.

As all human rights defenders, **youth leaders can be the targets of threats, intimidation and reprisals due to their political and social activism** and even sometimes as a result of their engagement with human rights mechanisms<sup>598</sup>. The existence of a safe environment enabling youth leaders and activists to exercise their civil and political rights free from discrimination, harassment, and reprisals has been highlighted by TBs. In Azerbaijan, the CCPR expressed concern about the freedom of expression and the right to peaceful assembly of young activists, as well as consistent reports of intimidation and harassment, including arbitrary arrest and detention, ill-treatment and conviction of

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<sup>598</sup> See UN Secretary General and UN High Commissioner for Human Rights annual reports on cases of intimidation and reprisals against those cooperating with the United Nations in the field of human rights.



human rights defenders, youth activists, independent journalists and bloggers on allegedly politically motivated trumped-up administrative or criminal charges of hooliganism, drug possession, and incitement of violence or hatred.

Despite the commendable examples highlighted in this section, there is room for improvement in the level of importance given to youth empowerment. Particularly surprising is the low number of youth specific recommendations issued by CCPR, only two, in relation to their exercise of their civil and political rights. While youth organisations have signalled that human rights mechanisms could broaden their engagement with young people<sup>599</sup>, it is also acknowledged that many youth organisations do not have the experience of engaging with these mechanisms or are not always aware of their work and potential to protect and empower young people<sup>600</sup>. The more accessible and widely known human rights mechanisms become, the more their recommendations will be able to reflect specific measures for youth empowerment.

## **6. Youth Social Inclusion**

Social inclusion is underpinned by the human rights principles of equality and non-discrimination. Many young people in the world face age-based discrimination because of negative stereotypes that portray them as irresponsible, troublemakers, prone to risky behaviours and easily drawn into violent extremism<sup>601</sup>. Beyond these, marginalization and exclusion will be exacerbated when young age intersects with other grounds for discrimination such as race, colour, ethnicity, disability, sexual orientation and gender identity, marital status or migrant status.

Demographic dividend strategies, which by definition aim to enable youth as empowered and productive rights holders, need to be mindful of the perverse effects of intersecting discrimination, so that every young person, irrespective of the population group they belong to, or their social condition, can succeed in their transition to a productive adult life. Demographic dividend strategies should be informed by a human rights and social inclusion approach to ensure that no young person is left behind.

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599 The Missing Peace: Independent Progress Study on Youth, Peace and Security, 2018 (page 122)

600 Alfonso Barragués, *Accountability for Sexual and Reproductive Health and Rights in Development Practice*, Sexual and Reproductive Health Matters, 2020.

601 The Missing Peace: Independent Progress Study on Youth, Peace and Security, 2018

No. of UPR recommendations	No. of TB recommendations
Supported .....70	CRC ..... 232
Noted .....7	CEDAW ..... 85
	CESCR..... 34
<b>Total ..... 77</b>	CRPD ..... 26
	CERD .....8
	CCPR .....6
	CAT .....5
	CMW .....4
	SPT .....1
	<b>Total.....401</b>

TBs stand out as the space to highlight issues of intersecting discrimination in relation to adolescents and youth. While CRC continues to be the main space, other TBs dealing with the specific rights of particular population groups, such as CRPD and CERD, have a relatively low number of recommendations for what could be expected.

The recommendations generated by the **UPR** process predominantly emphasize the need to ensure access to services as well as the political and social participation of youth from marginalized or excluded groups.

In addition, **TBs** contain a wealth of information and recommendations illustrating how age-based discrimination intersects with other factors including gender, disability, and socioeconomic status. For instance, concerned with the exclusion of children and young people with disabilities from education, vocational training, and social and health services, in 2015 CRC recommended that Ethiopia undertake, in close collaboration with non-governmental organizations and local communities, awareness-raising programmes, including campaigns on eliminating discrimination against children with disabilities who suffer from multiple forms of discrimination, such as girls, children living in poverty, children living in rural and remote areas, children living with HIV, children in street situations, child members of ethnic minorities, indigenous populations and refugee children.

Some recommendations have provided **very concrete policy and regulatory prescriptions to address intersecting discrimination** such as in the recommendation CEDAW issued to Canada to increase grants and remove the funding cap on the Post-Secondary Student Support Program to ensure that indigenous women and girls have

access to funding for post-secondary education; and continue to combat discrimination against disadvantaged groups of women and girls in access to high-quality education<sup>602</sup>, including by adopting temporary special measures, and ensuring the effective monitoring and evaluation of the impact of such measures, to inform remedial action.

To address the compounded effects of intersecting discrimination, TBs have emphasized that **general strategies on employment, education, health and other social sectors should pay especial attention to the situation of particular youth groups in positions of disadvantage**. For example, in 2013 CESCR recommended that Azerbaijan adopts effective strategies to reduce unemployment rates, with special attention to young persons and minorities, and moves progressively towards the full realization of their right to work, avoiding any retrogressive step with regard to the protection of workers' labour rights; while targeting regions where unemployment is most severe.

Recurrently, TBs recommend **strengthening national data systems and capacities for data disaggregation** in accordance with all prohibited grounds of discrimination, to capture information on adolescents and youth from different population groups and backgrounds. For example, in 2014, CRC recommended that Portugal establishes a more comprehensive and integrated data collection system on children, covering the entire period of childhood up to the age of 18, and to introduce indicators on children's rights against which progress in the realization of those rights could be analysed and assessed.

### **Adolescents and Youth with Disabilities**

Logically, CRPD is at the forefront of providing policy guidance to State parties in ensuring the social inclusion of adolescents and youth living with disabilities.

In tackling **youth unemployment**, the CRPD has recommended that States enforce **quota systems** to ensure that persons with disabilities are employed in both public and private sectors (CESCR recommendation to Azerbaijan in 2013).

In **relation to education**, CRPD recommended that Canada adopt, implement and oversee policies on inclusive and quality education

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<sup>602</sup> In response to the disproportionate number of migrant, refugee, asylum-seeking and indigenous girls, as well as girls with disabilities, who continue to face difficulties in gaining access to high-quality education.

throughout its territory; promote the enrolment in education of all persons with disabilities, especially women and children, members of indigenous communities and those living in remote and rural areas; ensure that teachers are trained in inclusive education at all levels and in sign language and other accessible formats of information and communication; and adopt a strategy for the provision of reasonable accommodation in schools and other learning institutions.

CRPD has addressed the **intersection between disability and gender and age-based discrimination**. For instance, in relation to the right to participation, in 2014 CRPD requested Costa Rica the inclusion of women and girls with disabilities in policies for women and gender equality through greater participation in the National Institute for Women.

CRPR is not the only Committee concerned with the exclusion of youth with disabilities. CRC, for instance, recommended that Ethiopia take urgent measures to elaborate and implement specific programmes for children and young people with disabilities aimed at enhancing their social inclusion, and ensure in particular their access to quality inclusive education, vocational training, social and health services, and develop training programmes for all professional groups working with young people with disabilities.

### **Young Migrants, Internally Displaced Persons, Refugees and Asylum Seekers**

TBs are well placed to deal with the human rights vulnerabilities and deprivations faced by populations affected by humanitarian crises, including those on the move due to conflict, natural disasters, and poverty. These vulnerabilities, if unaddressed, can hamper the social and economic integration of young Internally Displaced Persons (IDPs), refugees and migrants in countries of origin, transit, or destination.

In many cases, adolescents and youth belonging to these population groups, though incredibly numerous, can be totally **invisible in official statistics and policies due to the lack of recognition of their legal status, their limited bargaining power, or the existence of a climate of political and social hostility against them**. Legal recognition and visibility are pre-requisites to elevate their status as rights-holders with the ability to participate in processes affecting them and to claim their rights. TB recommendations can push governments to correct those situations. For instance, in 2015 CRC recommended that Ethiopia collect disaggregated data on refugee,

asylum seeking and internally displaced children and adopt targeted policies to promote the integration of refugees, asylum seekers, and IDPs through the development of out-of-camp policies while improving the conditions in refugee camps, particularly by providing adequate and quality nutrition, education and health services, including mental and reproductive health services.

TBs have expressed particular concern about the **legal, economic, and social barriers hindering effective access by migrants and displaced persons to basic social services**. Even in cases of people with a legal status of asylum seekers and refugees, TBs have highlighted persisting barriers. For example, CEDAW observed to Costa Rica in 2017 the long delays in refugee status determination procedures and the high fees and administrative barriers faced by refugee and asylum-seeking women and girls in obtaining identification documents that are essential for them to have access to health care, housing, education and social protection; and the limited access to health services for asylum-seeking women who do not contribute to the Costa Rican Social Insurance Fund.

CEDAW has underscored the **problems faced by women and girls in humanitarian situations** and the need to put in place not only protection measures when required, but also other measures to empower them as active participants in disaster risk reduction, preparedness, peacebuilding and policy making, in line with the Women, Peace and Security Agenda. For example, in 2016 CEDAW recommended that Bangladesh always ensure the equal participation of women and girls in policymaking processes on mitigating disaster and climate change. Similarly, in 2017, CEDAW recommended Nigeria the involvement of women in the development of strategies to counter the violent extremist narrative of Boko Haram; in addressing the conditions conducive to the spread of violent extremism, especially in the north-east of the State party; and ensuring the participation of women in conflict prevention, peacebuilding and post-conflict reconstruction, including the adoption of mechanisms to ensure the effective participation of internally displaced women and girls in recovery efforts and in addressing the root causes of displacement.

Although the **Convention on the Rights of Migrant Workers and their Families** is the least ratified Human Rights Treaty, it still represents the most comprehensive normative framework to promote the integration and social inclusion of migrants in countries of destination. While many CMW recommendations were not found

to be youth specific, a strategic engagement with this mechanism may contribute to generate useful recommendations to guide demographic dividend strategies.

IV. **Conclusions**

1. Human Rights mechanisms have provided insufficient attention to the rights of youth for a number of reasons that go beyond the purpose of this report. Nevertheless, all combined, UPR and TBs have generated recommendations and tools to help articulate a compelling narrative linking the economic, social and cultural rights of youth as well as their protection and empowerment, with economic growth and sustainable development. This unique normative guidance is essential to place youth rights at the centre of demographic dividend strategies.
2. While UPR recommendations carry a strong political traction to open up spaces for youth-inclusive national policy dialogue, TBs in particular have generated important guidance to highlight key factors affecting the demographic dividend, including the identification of legal and social barriers to social services, intersecting discrimination against youth from marginalized population groups, the need for affirmative temporary measures in different sectors, the need to include specific youth targets in social and economic policies, and the participation of youth as change agents.
3. Due to the multi-dimensional and inter-sectoral nature of the demographic dividend, and despite the relatively lower number of concrete and actionable UPR recommendations, the UPR provides space for broad and inclusive national dialogue for the implementation and monitoring of human rights recommendations and action plans. Unlike TBs, whose reviews do not happen at the same time and predominantly mobilize those actors directly concerned with the particular Treaty's agenda (e.g. CRPD and disability organizations), the UPR allows for a broader multi-stakeholder conversation on multiple fields, which can add value to the articulation of multi-sectoral demographic dividend strategies. In its turn, TB recommendations can add substance and specificity to the often more generic UPR recommendations in guiding country analysis and driving youth related policy investments.

4. An analysis of outputs by human rights mechanisms examined for this report shows that most of them (UPR, CRC, CESCR, CCPR, CERD, CEDAW, CAT, CRPD, CMW and SPT) include youth rights recommendations related to the demographic dividend. This is an opportunity for a continuum of engagement by development practitioners and youth advocates, starting from the mapping of scheduled national human rights and development review processes, including TBs, UPR, the Voluntary National Reviews of Sustainable Development Goals and the reviews of the International Conference on Population and Development. A long-term engagement strategy will help position incrementally sensitive issues pertaining to the demographic dividend and youth rights across all those review processes.
5. The majority of youth-related recommendations issued by human rights mechanisms address as primary concerns issues of protection, education, and health, in that order. Employment, social inclusion, and empowerment, also in that order, have received much less attention, sometimes even by mechanisms that are mandated to focus on these issues, for example CMW with regards to the right to work of young migrants. While child protection should continue to be a top priority of the Human Rights system, the unbalanced representation of protection vs. empowerment still sends the wrong message that adolescents and youth are either vulnerable or invisible as change agents. TB members, States championing youth rights in the UPR process, and stakeholders providing information to human rights mechanisms need to be mindful of these unbalances. Moreover, all Human Rights mechanisms will need to broaden their engagement with youth organisations by mainstreaming the rights and participation of young people into their working modalities, processes and outputs<sup>603</sup>. Additionally, youth-led organisations and groups will need to be supported with information and resources to become more aware of the work and potential of human rights review processes and to enhance their advocacy skills.
6. Human Rights mechanisms shed light on the intersection between age and other prohibited grounds of discrimination under international human rights law such as gender, nationality, social origin, disability status, sexual orientation, gender identity and any other status. Intersecting discrimination breeds on entrenched

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<sup>603</sup> The Missing Peace: Independent Progress Study on Youth, Peace and Security, 2018 (page 122)

misconceptions that view adolescents and youth as irresponsible, or young people with disabilities as dependants, or LGBTI youth as outcasts, or youth migrants as market commodities. By lifting barriers and investing in inclusive education, health, employment, and participation, rights-based demographic dividend strategies emphasize all young people as full-fledged rights-holders and active contributors to the prosperity of communities and nations.

7. The CRC is by far the TB issuing the most youth-related recommendations in five of the six examined areas (except youth employment). While this makes sense, CRC recommendations are more tailored to the specific needs and rights of adolescents but not of young adults. This partly explains the predominant 'protection approach' in terms of the overall number of recommendations, although CRC still devotes considerable attention to adolescents' empowerment. Conversely, other TBs do not generate an equivalent number of youth-related recommendations focusing on empowerment measures, such as CCPR which by mandate monitors civil and political rights, yet practically has not issued many youth-specific recommendations on these rights. Development practitioners and youth organizations should be aware of this fact when engaging with CCPR, CMW and other TBs, so that more attention is given to their specific concerns and rights, particularly in the process of identifying the 'Lists of Issues' that will serve to guide national reporting and TBs' reviews.
8. Demographic Dividend strategies need to take into account the intersection between age and gender. Quite often the specific realities and aspirations of young women and girls as well as their concrete participation barriers tend to be less visible within youth rights' agendas. CEDAW is well placed to infuse a strong gender perspective, but this task should not be exclusive to CEDAW. Other human rights mechanisms need to do their part. In turn, women and youth-led organizations need to be supported to increase their engagement with other Human Rights mechanisms beyond CEDAW and CRC.
9. Unless disaster risk reduction and preparedness plans are youth sensitive, there is a greater risk that countries prone to humanitarian crises will fail to integrate an entire generation of adolescents and youth into recovery and development paths, which in the long run, can signify serious setbacks in accelerating socioeconomic progress. Moreover, when humanitarian crises occur, whether due



to conflicts, climate emergencies, pandemics, rampant poverty or natural disasters, this often results in heavy migration flows where young people are over-represented, with the consequent loss of human capital. Human Rights mechanisms are natural entry points to push for youth participation through all stages of the humanitarian and development nexus and in peace building. These mechanisms can also generate useful recommendations for an effective integration of young migrants in countries of destination so that they can contribute to the social and economic progress of host countries while continuing to support the economy of their countries of origin. For the time being there are few recommendations addressing youth rights, including the right to participate in peace processes, humanitarian preparedness and response plans as well as in the context of migration policies. These are important gaps to be considered by development practitioners and youth organizations in their advocacy work with human rights mechanisms.

Although the demographic dividend is not yet well known by human rights mechanisms, this study shows the potential value of human rights recommendations to ensure that national demographic dividend strategies are solidly founded on youth rights. It is hoped that the evidence and guidance offered in this study will help guide the advocacy strategies of development practitioners and youth organizations to maximize their impact on different human rights and development review processes with a view to fostering institutional changes and long-lasting improvements in young peoples' agency, capabilities, and quality of life.



## **Dialogue, consensus and participation “ICESCO’s Vision for Inter-civilizational Dialogue”**

**H.E. Dr. Salim AlMalik**

*Director-General, Islamic World Educational, Scientific and Cultural Organization*

As an international organization, ICESCO’s vision centers on the educational, scientific, and cultural facets that cater to the needs of its Members States and fulfilling its key roles within the scope of its competence. It draws upon the strength of its methodological framework as it contributes to the development of an effective and best practice approach to achieving its goals.

ICESCO is tasked with great responsibility and is closely committed to shaping the future of the Islamic world through the promotion of education as among its priorities and the development of its curricula based on the ethics and principles governing the educational system.

In the sphere of science, ICESCO endeavors to be on par with the world’s technology and innovations to develop and deploy in the Islamic domain.

In the field of culture, ICESCO engages in the cultural and civilizational heritage of the Islamic world with cultural uniqueness and a vast repository of knowledge.

Over the past decades, ICESCO is keen on participating in many international conferences and fora to examine the civilizational dimensions and their scientific and practical interactions. In its new strategic vision, adopted at the beginning of 2020, it has provided new opportunities to position itself with further efficacy amidst the health crisis triggered by the COVID-19 pandemic which resulted in bringing to a standstill most of the international gatherings in the educational, scientific and cultural fields.

Building on the aftermath of the global pandemic, ICESCO’s plans manifest a true civilizational perspective that looks at the whole world as a global village with a common destiny despite its complexities. In line with this vision, the Organization held several important

conferences that demonstrate the growing importance of civilizational dialogue both at the regional level related to Member States' internal development and at the external level involving relations with other international institutions having distinctive civilizational attributes.

In June 2020, the Organization held the Islamic Conference of Education Ministers, which focused on the importance of collective action to steer away from avoidable disruptions of the educational processes that oftentimes resulting in collateral losses and ultimately in the failure of the educational system to meet students' needs who eventually drop out in such cases. Moreover, the Conference stressed the importance of developing a special methodology for science and mathematics to enable students to acquire the tools necessary for a universal scientific approach and allow them to go beyond the obsolete curricula and unable to assimilate new developments in the field of sciences.

At the cultural level, ICESCO held the Islamic Conference of Culture Ministers, on 16 July 2020, which adopted the Cultural Strategic Vision of the Islamic World. This strategic vision focused on optimizing new civilizational developments through digitization of culture allowing Muslim countries to benefit from the production of international centers of knowledge. The vision also leverages technology to fill in the gap brought by the COVID-19 pandemic in the field of culture. As such, ICESCO seeks to connect tourism and sports activities to the general cultural programs given the global civilizational values of these two fields.

ICESCO has shown an exceptional interest in science from a global perspective. In September 2019, it held the Islamic Conference of Environment Ministers, which galvanized the issue of the environment as a platform for mutual human and civilizational influence. The Conference outcomes also revealed the need for humanity to promote global partnership through civilizational dialogue.

In addition, the Organization held the Conference on "the Role of Religious Leaderships in Crises," under the theme "Global moral solidarity in time of crises." This Conference issued a declaration that stressed the need for cooperation between the religious and spiritual leaderships to reaffirm the need for civilizational action in dealing with global crises and meet the human, socio-economic and cultural requirements during crises while offering women and youth further opportunities to fulfill and advanced its roles in such critical scenarios.

In the same vein, ICESCO adopted several outstanding civilizational and

social initiatives, such as the Comprehensive Humanitarian Coalition, which aims at mobilizing international support for the benefit of the neediest people in countries most affected by global crises and pandemics. It also launched the initiative of "The Societies We Want" which seeks to provide peoples with decent living conditions and pursue the fight against domestic violence and other social problems.

As part of empowering women, ICESCO has proclaimed 2021 Year of Women, a unique initiative that benefits from the High Patronage of His Majesty King of Morocco. The launch ceremony was attended by a host of high-profile individuals including first ladies, women leaders, scientists, and international activists. With a series of outstanding programmes and projects, this initiative highlights the roles played by women all over the world from a perspective that upholds the civilizational awareness of such roles.

Those are the methodological parameters that govern the Organization's action in its three fields of competence.

ICESCO believes the importance of civilizational dialogue lies in building bridges between cultures and civilizations through strengthening the ties which bind peoples together. Civilizational Dialogue is among the most effective tool to address global issues and save humanity from aggravating crises.

As part of this vision, ICESCO set up the Center for Civilizational Dialogue to serve as a specialized organ with the capacity to implement the Islamic world's civilizational vision. Through the Center, ICESCO strives to promote the concept of civilizational dialogue in Muslim countries by recommending working solutions to the differences that lead to social and cultural conflicts in the region and better understand the civilizational needs of Muslim communities. It also endeavours to work towards meeting the expectations of young Muslims, immunizing them against adopting extremist views and urging them to embrace moderate viewpoints in their daily lives, all within the context of promoting the civilizational identity in all its rich aspects.

The Organization further aims to adopt an open-door policy with the Non-Member States by granting them an Observer Status. Such policy ensures effective civilizational communication among countries beyond the Islamic world, a genuinely impactful step towards consolidating its civilizational vision.

Along this line, ICESCO succeeded in reaffirming the effectiveness of building cooperation with many institutions and centers specializing

in civilizational actions. These collaborations provide young people with opportunities to benefit from the continuous training programs ICESCO offers, now an essential part of the Organization's new era of openness. ICESCO also drafted a cohesive plan to promote research and publishing in both conventional and electronic formats.

All the activities, programs, and initiatives that ICESCO implemented over the period between 2020 and 2021 clearly reaffirm that the Organization endeavors to accomplish and give true meaning to the notion of civilizational dialogue as an effective tool for strengthening world peace and security, enhancing capacities and building human resources to achieve future progress and prosperity.

## **“The search for consensus and unanimity within the international organizations”<sup>604</sup>**

**H.E. Mr. Christian Guillermet Fernández**

*Vice-Minister of Foreign Affairs of Costa Rica*

**H.E. Mr. David Fernández Puyana**

*Ambassador and Permanent Observer of the University for Peace to the United Nations Office and other international organizations in Geneva*

*Consensus is a process of non-violent conflict resolution. Everyone works together to make the best possible decision for the group. All concerns are raised and addressed, until all voices are heard. Since proposals are not the property of the presenter, a solution can be made cooperatively. Reaching consensus on a proposal does not mean that everyone is in agreement<sup>605</sup>. Consensus decision making is a creative and dynamic way of reaching agreement between all members of a group. Instead of simply voting for an item and having the majority of the group getting their way, a group using consensus is committed to finding solutions that everyone actively supports, or at least can live with. At the heart of consensus is a respectful dialogue between equals. It is about helping groups to work together to meet both the individual's and the group's needs. Consensus is looking for 'win-win' solutions that are acceptable to all, with the direct benefit that everyone agrees with the final decision, resulting in a greater commitment to actually turning it into reality. Consensus seeks to synthesize the wisdom of the group unity: everyone has a piece of the truth<sup>606</sup>.*

### **Introduction**

This paper will analyse the historical roots of consensus decision making. In particular, the elaboration of this type of decision making process by the three main religions (i.e. Christian, Muslim and Jewish) and indigenous peoples will carefully be analysed. Both the Haudenosaunee Confederacy and the Hanseatic League decisively influenced this approach in some legal systems.

604 The paper was published in Guillermet Fernández, C. and Fernández Puyana, D., “The search for consensus and unanimity within the international organizations”, *US- China Law Journal*, Vol. 13, No. 1, January 2016, *New York (USA)*, p. 53-66. ISSN: 1548 – 6605

605 Guillermet Fernández, C. and Fernández Puyana, D., “The 70<sup>th</sup> Anniversary of the creation of the United Nations: giving peace a chance”, *Cadmus*, Vol. 2, Issue 4, April 2015, World Academy of Art and Science, State of California (USA), p. 26

606 Guillermet Fernández, C. and Fernández Puyana, D., op. cit. 597, p. 27

Additionally, an assessment about the rule of unanimity accepted by the League of Nations will also be studied, in the context of the debate about the efficiency of this rule held at the Permanent Court of International Justice and the Hague Conference for the Codification of International Law. They concluded that resolutions or instruments on questions affecting the well-being of humankind as a whole could not be adopted against the will of some other States.

Finally, a reflection about consensus building within the United Nations, and in particular the Security Council, the General Assembly and the Human Rights Council will be provided, concluding with an emphasis that the adoption of resolutions by consensus is the clear tendency and practice at the United Nations. In fact, some intergovernmental organizations, specialized agencies and social movements have expressly accepted consensus in their respective rules of procedures and have also concluded that the term "consensus" refers to an established practice under which every effort is made to reach without vote an agreement that is generally accepted.

#### I. **Historical roots of consensus decision making**

One of the most widely cited historical roots for consensus decision-making is the Quakers traditions and to a lesser extent, the Anabaptists of which perhaps the best known descendants are the Mennonites<sup>607</sup>.

Consensus as a decision-making formula has served the Jewish communal system throughout much of the 20th century. In understanding the term "consensus" we find the following core definition: "the collective opinion by most of those concerned." Rela Mintz Geffen, in 1997, acknowledged that consensual decision-making was one of the core "constitutional principles" that served to define the Jewish experience in America<sup>608</sup>.

*Ijmā'* is an Arabic term referring to the consensus or agreement of the Muslim community basically on religious issues. Various schools of thought within Islamic jurisprudence may define this consensus to be that of the first generation of Muslims only; or the consensus of the first three generations of Muslims; or the consensus of the jurists and scholars of the Muslim world, or scholarly consensus; or the consensus of all the Muslim world, both scholars and laymen<sup>609</sup>.

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607 See at <https://rhizomenetwork.wordpress.com/2011/06/18/a-brief-history-of-consensus-decision-making/>

608 Windmueller, S., "Consensus As a Symbol of Jewish Citizenship", *Sh'ma*, October 2003, p. 5

609 Omar Farooq, M., "The doctrine of Ijma: is there a consensus?", 2006



Another common reference in the quest for consensus decision-making's heritage are indigenous peoples. Many peoples from different parts of the globe are cited. The Haudenosaunee Confederacy are frequently mentioned (sometimes referred to as the Iroquois League – the name given to them by the French). The confederacy still exists today<sup>610</sup>.

In 1987, the U.S. Senate formally acknowledged, in a special resolution, the influence of the Haudenosaunee Great Law of Peace on the U.S. Constitution, as follows :

“Acknowledges the historical debt of the United States to the Iroquois Confederacy and other Indian nations for their demonstration of democratic principles and their example of a free association of independent Indian nations”<sup>611</sup>

Other indigenous peoples are quoted as using consensus, for example African Bushmen. Usually, this seems to be defined as a system of decision-making in which a council of elders makes decisions based on a consensus of the wider community<sup>612</sup>. This form of decision making process still is applied in many African countries.

The Hanseatic League is another example of a group that utilizes strong elements of what we understand to be consensus in their governance structure. The League was “an economic alliance of trading cities and their merchant guilds that dominated trade along the coast of Northern Europe. It stretched from the Baltic to the North Sea and inland during the Late Middle Ages and early modern period (c. 13th–17th centuries)”<sup>613</sup>.

The European Union follows the historical example of the Diet of the Hanseatic League about the rule of consensus<sup>614</sup>. In particular, art. 16.4 of the European Union's Treaty of Lisbon decrees that “except where the Treaties provide otherwise, decisions of the European Council shall be taken by consensus”.

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610 National Museum of the American Indian, “**Haudenosaunee Guide for Educators**”, Smithsonian Institution, 2009, p. 3

611 Senate resolution 76 — 100th Congress (1987-1988)

612 Hitchcock, R. K., *Communities and Consensus: An Evaluation of the Activities of the Nyae Nyae Development Foundation and the Nyae Nyae Farmers Cooperative in Northeastern Namibia*, Nyae Nyae Development Foundation and New York, Ford Foundation, New York, Windhoek, Namibia, 1992

613 Windmueller, S., “Consensus As a Symbol of Jewish Citizenship”, *Sh'ma*, October 2003, p. 5

614 Miller, P., Vandome, A.F., and J. Mcbrewster, J., *Consensus Decision Making*. Alphascript Publishing, 2009

## II. The rule of unanimity in the practice of the League of Nations

The *Hague Peace Conferences* supported the traditional doctrine of unanimity, but disguised them “by the fiction of quasi-unanimity”, which recognized as unanimously accepted a proposal receiving a substantial majority of the votes cast. Certain proposals of the Proceedings of the First Hague Conference were adopted unanimously with the exception of two votes –United States and Great Britain- and one abstention – Portugal-<sup>615</sup>.

At the close of World War I, the *Treaty of Versailles* established the League of Nations which stipulates in article 5 of its Covenant the unanimity rule for all decisions of the Council or Assembly except as otherwise expressly provided in the Covenant. Consequently, voting in the League of Nations was normally based on the so-called unanimity rule<sup>616</sup>.

Under the *League Covenant*, the Council was governed by the unanimity rule except in procedural matters, and this proved a serious handicap, particularly when the Council was acting under Article 11 of the *Covenant*. It was possible for a member of the Council, accused of threatening or disturbing the peace, to prevent any effective action under this Article by the interposition of its veto, as happened in the case of Japanese aggression in Manchuria in 1931 and the threat of Italian aggression in Ethiopia in 1935<sup>617</sup>.

The Permanent Court of International Justice stated that the rule of unanimity was “in accordance with the unvarying tradition of all diplomatic meetings or conferences” and noted that in the Council of the League, “observance of the rule of unanimity is naturally and even necessarily indicated”<sup>618</sup>.

Additionally, the Permanent Court also added in regards to the organs of the League of Nations that “in a body constituted in this way, whose mission is to deal with any matter within the sphere of action of the League or affecting the peace of the world, observance of the rule of unanimity is naturally and even necessarily indicated....Moreover,

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615 Jessup, P.C., “Parliamentary Diplomacy”, *Recueil des Cours*, official review from the International Law Academy, vol. 89, 1956, I. 13, p. 242

616 Rosenne, S.H., “United Nations Treaty Practice”, *Recueil Des Cours*, Volume 86 (1954/II), p. 312

617 Goodrich, L. M., “From League of Nations to United Nations”, *International Organization*, Vol. 1, No. 1 (Feb., 1947), p. 11

618 Advisory Opinion concerning Article 3, Paragraph 2, of the Treaty of Lausanne (Frontier between Turkey and Iraq), 1925, ser. B, No. 12, at 29-30

it is hardly conceivable that resolutions on questions affecting the peace of the world could be adopted against the will of those amongst the members of the Council who, although in a minority, would, by reason of their political position, have to bear the larger share of the responsibilities and consequences ensuing therefrom<sup>619</sup>.

When the Hague Conference for the Codification of International Law met in 1930, the President of the Conference (Heemskerk, the Netherlands) stated that "we should maintain the principle that we must adopt unanimous resolutions and that unless we do so, we cannot have any codification of international law"<sup>620</sup>. On the other hand, While Politis (Greece) agreed that "it was undoubtedly the wish of all to take unanimous decisions and also added that no State or minority group of States will be permitted at this Conference to prevent the majority from embodying the results of its deliberations in a diplomatic instrument"<sup>621</sup>.

Proponents of consensus and unanimity consider it to have many advantages over majority voting, because it cultivates discussion, participation and responsibility, and avoids the so-called "tyranny of the majority". However, the drawback is a lengthy and difficult decision making process<sup>622</sup>.

The so-called unanimity rule has been much criticized. Critics often tend to lose sight of that fact that the League was an association of independent states and must proceed by the way of unanimous compromise and not by majorities imposing decisions on minorities. No state today will put itself in the position of being legally compelled to take action or commit its national policy by a vote of foreign powers<sup>623</sup>.

A text is said to be adopted by consensus when all the members of the organ tasked with taking the decision give their tacit consent. No voting takes place. Consensus differs from unanimity which is an explicit agreement, resulting from a vote in which all members cast a vote. In summary: a consensus is obtained without voting when no one opposes the decision, and unanimity is when everyone agrees and votes in favour of the text.

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619 *Publications of the Permanent Court of International Justice*, Series B, No. 12, p. 29

620 *Acts of the Conference for the Codification of International Law*, Plenary Meetings, L.N. Doc. C. 351.M.145.1930.V.14, at 21 (1930)

621 *Op. cit.*, at 611

622 Mossel, E. and Tamuz, O., "Making Consensus Tractable", *Google Europe Fellowship in Social Computing*, October 2013, p. 1

623 Howard-Ellis, C. *The Origin, Structure & Working of the League of Nations*. Boston: Houghton Mifflin **Company, 1929, p. 124-125**

### III. Approach to consensus building within the United Nations

The main change introduced into the United Nations since 1945 was the abolition of the unanimity rule and the decentralization and dissipation of the functional competence, through various organs, with a residuary and coordinating power of control in the General Assembly's exclusive competence over the United Nations budget<sup>624</sup>.

The substitution of majority decisions for unanimity in the drafting of international conventions will have far-reaching consequences. This issue was discussed by the General Assembly in its fifth and sixth session on the subject of reservations to multilateral conventions, and it is also relevant that the International Court of Justice has drawn its attention to this aspect as follows :

"The majority principle, while facilitating the conclusion of multilateral conventions, may also make it necessary for certain States to make reservations"<sup>625</sup>.

If the unanimity rule in the past led to a tendency to overplay the unattainable high standard, which had as a consequence that agreements could be watered-down by representing the minimum to which all States would or could agree, the abolition of unanimity was perceived as an example of progress and democracy. However, this abolition led to other consequences, such as, firstly, it did not make easier the work to draft worth-while conventions having universal effects and secondly, it resulted in a multiplication of reservations going to the root of the agreements. Consequently, the question raised is whether the price of the abolition of unanimity was not too high<sup>626</sup>.

As was the practice prior to the First World War, the text of a multilateral convention has to be adopted by unanimity. Unanimous consent as regards the admissibility of reservations was the logical concomitant of the unanimity rule applying to the establishment of the text of multilateral conventions<sup>627</sup>.

In the context of a proposal (E/CN.9/L. 110) on the rules of procedure of the World Population Conference, the President of the Conference wanted to know whether the decisions on important matters related to the substance should be adopted, if possible, by consensus.

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624 Rosenne, SH., "United Nations Treaty Practice", Recueil Des Cours, Volume 86 (1954/II), p. 313

625 *Reservation* case, I.C.J., Reports 1951, p. 22

626 Rosenne, SH., "United Nations Treaty Practice", Recueil Des Cours, Volume 86 (1954/II), p. 313

627 Sinclair, I., *The Vienna Convention on the Law of Treaties*, Manchester University Press, 1984, p. 56

In 1974, the Director of the General Legal Division at the Office of UN Legal Affairs made a statement about the use of the term consensus in the United Nations practice in the following terms<sup>628</sup>:

“No plenipotentiary conference under United Nations auspices had included in its rules of procedure a provision on consensus, partly due to the fact that it was somewhat difficult to arrive at an exact definition of consensus, and partly because the objective which was usually sought, namely, that every effort should be made to achieve a consensus before a vote was taken, could better be achieved by simply an understanding at the beginning of the conference. In United Nations organs, the term “consensus” was used to describe a practice under which every effort is made to achieve unanimous agreement; but if that could not be done, those dissenting from the general trend were prepared simply to make their position or reservations known and placed on the record”

The consensus system assures that decision-making as a multilateral negotiation of a legal instrument will not be dominated by the numerical superiority of any group of nations. Since it is difficult to obtain acceptance of voting systems that overtly recognize the differences in nations' importance, the consensus approach permits the maintenance of an egalitarian procedure which in practice may assure that multilateral negotiations reflect the real geopolitical power of the participating nations<sup>629</sup>.

It follows that consensus decision making is “an attempt to achieve an agreement of all the participants in a multilateral conference without the need for a vote and its inevitable divisiveness”<sup>630</sup>. In other words, it is an agreement of all taken unanimously by means other than voting and consequently, “the effort to achieve consensus ... protects the interests of those who risk becoming permanent minorities at each institution”<sup>631</sup>.

Consensus decision making as a mode of procedure became popular in the 1970s as a result of the growing number of independent states

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628 Summary of a statement made at the 311th meeting of the Population Commission, on 6 March 1974

629 Buzan, B., “Negotiating by Consensus: Developments in Technique at the United Nations Conference on the Law of the Sea”, *The American Journal of International Law* 75 (1981), p. 327

630 Berridge, G. R., *Diplomacy: Theory and Practice* (3rd ed., Basingstoke: Palgrave Macmillan, 2005, p. 24

631 Khaler, M., *Leadership Selection in the Major Multilaterals* (Washington: Institute for International Economics, 2001, p. 24

taking an active part in international politics. This large number of independent states were welcomed to take part in the international organizations through the encouragement of an "international governance of many" or multilateralism which was linked with the principle of "the sovereign equality of states"<sup>632</sup>.

### **A. Security Council**

Since the three vetoes by Russia and China over Syria in 2011 and 2012 and the inability of the Security Council to find a solution to the conflict, there has been a common perception that the Council is divided. Likewise, following the war in Iraq in 2003, the Council was viewed as having become badly fractured. However, looking at decisions adopted, the Council is actually divided on just a limited number of issues and otherwise largely operates by consensus<sup>633</sup>.

Presidential statements require consensus, and press statements are issued only with the agreement of all 15 members. All sanctions committees, with a few exceptions, and working groups also operate by consensus. Resolutions, which are put to a vote, are the only Council outcome that can be adopted with or without the unanimity of the Council. Most resolutions, however, have been adopted by consensus: 93.5 percent of those adopted since 2000 to 15 December 2013. Contrary to public perceptions, this is a noticeable increase from 88.9 percent in the 1990s, a period when the Security Council was viewed as highly active and comparatively more effective and less divided due to the end of the Cold War<sup>634</sup>.

Consensus in Council decision-making seems to be the preferred mode even during years that generated bitter feelings among members. Despite recent divisions on Syria or prior to and following the 2003 Iraq war, consensus resolutions during these periods still prevailed at levels above 92 percent. Thus, it seems that either the Council looks at the merits of each situation instead of allowing divisions on specific issues to permeate into its other work or it makes a more concerted effort to at least appear united on other fronts<sup>635</sup>.

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632 Khaler, M., "Multilateralism with Small and Large Numbers," in J. Ruggie (ed.), *Multilateralism Matters: The Theory and Praxis of an Institutional Form* (New York: Columbia University Press, 1993), p. 295

633 Security Council Report, "In Hindsight: Consensus in the Security Council", New York, January 2014

634 Security Council Report, "In Hindsight: Consensus in the Security Council", New York, January 2014

635 op. cit. 625

## B. General Assembly

Each of the 193 Member States in the Assembly has one vote. Votes taken on designated important issues — such as recommendations on peace and security, the election of the Security Council and Economic and Social Council members, and budgetary questions — require a two-thirds majority of Member States, but other questions are decided by simple majority<sup>636</sup>.

During the Cold War, the United Nations was very divided and it was difficult for resolutions to pass with more than 60-70% support of the members. Following the end of the Cold War, the United Nations has increasingly tried to work toward consensus, where many resolutions are adopted unanimously by all voting members. In recent years, an effort has been made to achieve consensus on issues, rather than deciding by a formal vote, thus strengthening support for the Assembly's decisions<sup>637</sup>.

Additionally, it should be noted that the rule of consensus has been included in the Rules of Procedure of the General Assembly in its article 104 with regards to the financial issues, as follows :

“The Special Committee considers that the adoption of decisions and resolutions by consensus is desirable when it contributes to the effective and lasting settlement of differences, thus strengthening the authority of the United Nations. It wishes, however, to emphasize that the right of every Member State to set forth its view in full must not be prejudiced by this procedure”

Unlike decisions regarding treaties and conventions, in which the system of reservations is applied by States, the adoption by consensus of Declarations on peace matters by the General Assembly has been a clear tendency since the creation of the United Nations.

In particular, it should also be recalled that the *Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples* of 1965, the *Declaration on the Protection of Women and Children in Emergency and Armed Conflict* of 1974, *Declaration on the Participation of Women in Promoting International Peace and Co-operation* of 1982 and the *Political Declaration on the peaceful resolution of conflicts in Africa* of 2013, were adopted by consensus. Neither the Declaration on Preparation

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<sup>636</sup> See at <http://www.un.org/en/ga/about/background.shtml>

<sup>637</sup> op. cit. 625

of Societies for Life in Peace of 1978, the *Declaration on the Right of Peoples to Peace* of 1984 nor the *Declaration and Programme of Action on a Culture of Peace* of 1999 were adopted by the General Assembly with the opposition of regional groups.

Finally, it should also be noted that most of Declarations, Rules and Guidelines on human rights adopted by the General Assembly since 1945 were adopted by consensus. In particular, the General Assembly has adopted around thirty Declarations in different fields of human rights, such as children rights, racial discrimination, persons with disabilities, women, enforced disappearance, development, among others, after all different regional groups reached relevant agreements<sup>638</sup>. Only three important Declarations on human rights were adopted with some oppositions, such as *Declaration on the Right to Development*<sup>639</sup> or Indigenous Peoples<sup>640</sup>, or abstentions, such as the

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638 Declaration of the Rights of the Child, United Nations Declaration on the Elimination of All Forms of Racial Discrimination; Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples; Declaration on the Elimination of Discrimination against Women; Declaration on the Rights of Mentally Retarded Persons ; Declaration on the Protection of Women and Children in Emergency and Armed Conflict ; Declaration on the Rights of Disabled Persons ; Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ; Political declaration on Africa's development needs ; United Nations Declaration on Human Rights Education and Training ; Political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action "United against racism, racial discrimination, xenophobia and related intolerance"; Political declaration of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases ; Political Declaration on the peaceful resolution of conflicts in Africa ; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law ; Political Declaration on HIV/AIDS ; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment ; United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) ; United Nations Rules for the Protection of Juveniles Deprived of Their Liberty ; Basic Principles for the Treatment of Prisoners, The protection of persons with mental illness and the improvement of mental health care ; Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities ; Declaration on the Protection of All Persons from Enforced Disappearance ; Standard rules on the equalization of opportunities for persons with disabilities ; Declaration on the Elimination of Violence against Women ; Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms ; Declaration and Programme of Action on a Culture of Peace ; Millennium declaration ; United Nations Declaration on the New Partnership for Africa's Development ; Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power ; Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with special reference to Foster Placement and Adoption Nationally and Internationally ; Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

639 1 vote against and 8 Abstentions

640 4 vote against and 11 Abstentions



**Universal Declaration of Human Rights**<sup>641</sup>. But the rest of Declarations have been adopted by consensus.

Most of the declarations contain political statements only and thus have no binding effect in international law. However, the General Assembly has often adopted declarations which, although non-binding, have influenced the development of international law or in some cases have been regarded as reflecting customary law on the relevant topic. For this reason, the consensus or unanimity in the decision making process within the General Assembly has been critical in order to advance international law and reflect the existence of a particular customary law among all States.

### **C. Human Rights Council**

In accordance with Article 4 of the *Rules of Procedure*, the Council applies the rule of majority of votes for the adoption of resolutions and decisions. However, it should also recalled that the "United Nations Human Rights Council: InstitutionBuilding"<sup>642</sup> establishes that the search for consensus plays an important role in the negotiation process. In particular, article 127 indicates that:

"The sponsors of a draft resolution or decision should hold open-ended consultations on the text of their draft resolution(s) or decision(s) with a view to achieving the widest participation in their consideration and, if possible, achieving consensus on them".

Consensus in the decision-making process has had an important effect in the works of the Council since its inception. Most of resolutions are adopted by consensus, representing around 82 % of the totality of them.

The most controversial resolutions are those related to country situation, notably, Belarus, Syria, Israeli settlements in the Occupied Palestinian Territory, right of the Palestinian people to self-determination, Iran, North-Korea, the occupied Syrian Golan.

Additionally the Council has widely worked on topics, which have not been supported by all Council members, such as foreign debt, right of peoples to peace, international solidarity, integrity of the judicial system, non-repatriation of funds of illicit origin, the promotion of a democratic and equitable international order, the use of remotely piloted aircraft or

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641 8 Abstentions

642 UNGA Resolution 5/1, Institution-building of the United Nations Human Rights Council, 18 June 2007

armed drones in counter-terrorism and military operations, promotion and protection of human rights in the context of peaceful protests, unilateral coercitive measures, right to development, mercenaries and sexual orientation and gender identity.

#### **D. Other intergovernmental bodies, United Nations Agencies and social movements**

In the disarmament affairs all resolutions are adopted by consensus. In fact, in the rules of procedure of the Conference of Disarmament the rule of consensus is compulsory for the adoption of resolutions.

In addition, many conventions and treaties on disarmament operate through the rule of consensus among all countries. In particular, the **Chemical Weapons Convention** specifies in its article 18 that "...decisions on matters of substance should be taken as far as possible by consensus". In addition, the Anti-Personnel Mine Ban Convention regulates in Article 6 that "...the Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach a decision by consensus". The Arms Trade Treaty also indicates in article 17.2 that "the Conference of States Parties shall adopt by consensus its rules of procedure at its first session". Finally, the Rarotonga, Pelindaba and Bangkok treaties also specify that decisions shall be taken by consensus.

The principle of consensus has been adopted by the Association of South East Asian Nations (ASEAN), Executive Committee of International Monetary Fund (IMF), General Agreement on Tariffs and Trade (GATT) and World Trade Organization (WTO), North Atlantic Treaty Organization (NATO) and (Organization for Security and Cooperation in Europe) OSCE<sup>643</sup>.

It should be noted the extension of the International Labour Organization (ILO) system to certain of the Specialized Agencies, which expressly rejected the decision-making process adopted by the United Nations<sup>644</sup>. It is significant to stress that the undesirable features derived from the abolition of unanimity in 1945 by the United Nations are less in evidence in the ILO Conventions. The ILO system was partially extended to certain of Specialized Agencies, notably United Nations Educational, Scientific and Cultural Organization (UNESCO), Food and Agriculture Organization (FAO), World Health Organization (WHO) and International Civil Aviation Organization (ICAO), which has permitted

<sup>643</sup> Movsisyan, M., "Decision making by consensus in international organizations as a form of negotiation", *21-st Century*, 1 (3), p. 78

<sup>644</sup> Rosenne, SH., "United Nations Treaty Practice", *Recueil Des Cours*, Volume 86 (1954/II), p. 313

them a more satisfactory progress at the technical, legal and functional level<sup>645</sup>.

In accordance with article 28 of the Rules applicable to the Governing Body of the International Labour Office, the agenda of each session is determined by a tripartite screening group, which will take the decisions, to the extent possible, by consensus. If there is no consensus, the issue will be referred to the Officers.

The ILO understands consensus as the following :

"... The term "consensus" refers to an established practice under which every effort is made to reach without vote an agreement that is generally accepted. Those dissenting from the general trend are prepared simply to make their position or reservations known and placed on the record..."<sup>646</sup>.

The rule of consensus is also applied in the procedure for the elaboration, examination, adoption and follow-up of declarations, charters and similar standard-setting instruments adopted by the General Conference of UNESCO. In particular, stage 3 indicates that "the declaration, charter or similar standard-setting instrument shall be adopted by a resolution of the General Conference. Every effort shall be made to adopt the declaration, charter or similar standard-setting instrument by consensus"<sup>647</sup>.

The feminist and anti-nuclear movements of the 1970s are often credited with the pioneering of consensus as many activists know it today. Ethan Mitchell cites 4 US-based organisations – the Federation of International Communities, the American Friends' Service Committee, the Clamshell Alliance, and Food Not Bombs<sup>648</sup>.

The consensus process has also been used within political movements, nonprofit organizations, intentional communities, and worker cooperatives. Recently, consensus decision-making is being embraced by government entities and corporations (i.e. Mitsubishi, Levi Strauss & Co., and Starbucks)<sup>649</sup>.

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645 Rosenne, SH., op. cit. 40, p. 315

646 Article 46, Rules applicable to the Governing Body of the International Labour Office, International Labour Organization, Geneva, 2001

647 Adopted by the General Conference at its 33rd session, 33 C/Resolutions, pp. 141-2

648 Op. cit. 596

649 Op. cit. 596

## **Conclusion**

The roots of the consensus decision making process can be found in the three main religions (i.e. Christian, Muslim and Jewish) and indigenous peoples. The Haudenosaunee Confederacy, the Hanseatic League and Bushmen have all decisively shaped some legal systems, namely the United States of America and European Union and still continue influencing in many African countries.

Additionally, the League of Nations stipulated in article 5 of its **Covenant** the unanimity rule for all decisions of the Council or Assembly except as otherwise expressly provided in the Covenant. The Permanent Court of International Justice concluded that resolutions or instruments on questions affecting the well-being of humankind as a whole could not be adopted against the will of some other States. Additionally, the President of the Hague Conference for the Codification of International Law stressed in 1930 that the international community should adopt unanimous resolutions and that unless we do so, we cannot have any codification of international law.

Despite abolishing the unanimity rule in 1945, the adoption of resolutions by consensus has continued to be the clear tendency and practice at the United Nations since its inception. In 1974, the Director of the General Legal Division at the Office of UN Legal Affairs concluded that every effort should be made to achieve a consensus before a vote and that this term was used to describe a practice under which all efforts are made to achieve unanimous agreements.

Because of the inability of the United Nations to find a solution to some conflicts and problems, there has been a common perception that States are divided in the main UN bodies, namely the Security Council, the General Assembly or the Human Rights Council. However, looking at decisions adopted, the United Nations is actually divided on just a limited number of issues and otherwise largely operates by consensus. In particular, most of the Declarations on peace matters and human rights adopted by the General Assembly since 1945 have always been adopted by consensus.

Finally, important intergovernmental organizations, specialized agencies and social movements have expressly accepted consensus in their respective rules of procedures and have also concluded that the term "consensus" refers to an established practice under which every effort is made to reach without vote an agreement that is generally accepted.

In conclusion, the consensus system assures that decision-making regarding a legal instrument recognize the differences among nations and also permits the maintenance of an egalitarian procedure which in practice may assure that multilateral negotiations reflect the real geopolitical power of all participating nations.



## **“Inclusivity and civil participation in decision making processes in the context of multilateral organizations: the case of Agenda 2030”**

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### **We celebrated but nobody saw it coming**

When the *Agenda 2030 for Sustainable Development* was adopted in New York at the United Nations General Assembly in September 2015, the world celebrated and all UN member states embraced this new roadmap. Implementation of the Sustainable Development Goals (SDGs) started at the beginning of 2016 with renewed optimism, after the limited success of the *Millennium Development Goals* (MDGs) pursued during the previous decade. I remember the initial discussions on the SDGs and everyone’s focus on monitoring and evaluation of the new goals, as well as on the need to develop and adopt indicators to measure progress. There were some ruminations about what could be the biggest risks or challenges that the implementation of the Sustainable Development Agenda could face from that moment until its expected completion in the year 2030.

The UN and its member states gave priority to policy coherence and the need to fund governments’ plans to achieve the SDGs, and we at the UN in Geneva joined forces with UN DESA in New York and with all UN Regional Commissions around the world to build capacity and engage senior government officials from developing nations through a series of regional capacity-building events under the name ‘A2030 Learning Conferences’ conceived by UN Assistant Secretary-General Nikhil Seth, the Executive Director of UNITAR. That strategy was opportune and productive, generating serious policy analysis and deep conversations with senior politicians and bureaucrats in many countries while we co-hosted these conferences in 2017 and 2018 with colleagues from New York and from every UN Regional Commission.

We discussed at length the what, why, how, who, where and when of the SDGs implementation, but I have to say that we failed to forecast possible

risks that could disrupt implementation. We all understood that war and conflict could indeed become an insurmountable challenge, as peace and proper governance are pre-requisites for any virtuous policy cycle or for the implementation of a global campaign like Agenda 2030. We also discussed how natural or man-made disasters could become a serious challenge in the global fight against poverty and the quest for sustainable development, but none of us saw issues of global health as a potential disruptor. Who would have conceived at that moment that a global pandemic would arrive and create havoc around the world for more than a year, bringing entire countries to their knees and halting global progress almost to zero? Nobody in those dialogues saw it coming and the few that may have seen it were not there.

### **Inclusivity and civil participation in global decision-making processes: a first in the history of multilateral architecture**

I have always believed and still maintain that the key factor to achieve the level of acceptance the SDGs enjoy around the world today had been the involvement of Civil Society in its conceptualization and adoption. History would recognize UN Secretary-General Ban Ki-Moon for his visionary role in creating something different from the MDGs. Building up on the limited space they had achieved as no more than a suggestion for what could be considered as one of the first global development policies. But first, let's go back in time and remember how this all started.

During Ban's tenure his team envisioned a global consultation that would end-up engaging more than 1 million people. They provided their perspectives on what the future should bring, answering questions and submitting comments on the '**world we want**'. There were 88 national consultations organized by the United Nations Development Group (UNDG) and the UN Development Group (UNDP) in as many countries. The UN also organized 11 thematic dialogues with full involvement of Civil Society organizations and gave voice to the common citizen through a survey on the internet hosted at '**MyWorld2015.org**'. The decision to listen to these voices certainly contributes to reaching a global consensus on what was needed to move towards a common sustainable future. Secretary-General Ban launched the report "A Million Voices: The World We Want" on 10 September 2013 in New York.

The report was well received and praised as a critical tool to make the adoption of the 'post-2015 agenda' (as it was called at the time) a legitimate process. Paragraph 246 of the "**Future We Want**" outcome



document forms the link between the Rio+20 agreement and the **Millennium Development Goals**: “We recognize that the development of goals could also be useful for pursuing focused and coherent action on sustainable development. The goals should address and incorporate in a balanced way all three dimensions of sustainable development (environment, economics, and society) and their interlinkages. The development of these goals should not divert focus or effort from the achievement of the Millennium Development Goals”. Paragraph 249 states that “the process needs to be coordinated and coherent with the processes to consider the post-2015 development agenda”.

During the years preceding the adoption of the 2030 Agenda, beginning in 2012, an important role was played by the Special Advisor to the UN Secretary-General on Post-2015 Development Planning. Amina Mohammed of Nigeria, the current UN Deputy Secretary-General, ensured that NGOs had a space in the process to adopt the SDGs and gave them a voice at the High Level Panel of Eminent Persons (HLP), and the General Assembly’s Open Working Group (OWG) that ultimately shaped Agenda 2030. Another important actor during this time was Kenya’s ambassador to the United Nations, Macharia Kamau. He was the co-chair of the General Assembly Working Group on the Sustainable Development Goals from 2012 to 2014, and also served as co-facilitator of the post 2015 Development Agenda in 2014 and 2015. In addition, it must be said that Nikhil Seth (at the time with UN DESA) was also instrumental in integrating stakeholders in this historic global consultation and in including their inputs in the actual drafting of the document that would become the UN Resolution adopting Agenda 2030. A first in the history of multilateral architecture and an example of inclusivity and civil participation in global decision-making processes. I mention all these protagonists because many see them as unique leaders that made the SDGs legitimate in a way that the MDGs never were.

### **The SDGs and the road to 2030: it was different now**

Moving on to the years after 2015, it was auspicious to see that the world really got at it with the adoption of the Agenda 2030 at the highest levels of government and also with the adaptation to the local realities (what we call ‘localization’ in UN jargon) of the SDGs in every nation, developed or developing, rich or poor, from the global North or the global South. I am a witness to the commitment every government made towards Agenda 2030 and also to the level of energy that every actor involved with the SDGs brought to the table during 2018 and 2019,

as I travelled from country to country 'preaching' on the new goals and the need to build capacity to ensure we achieve them by the year 2030.

The best reason I have to say that is the increasing quality and the level of the country reports presented at the High Level Political Forum in New York every July, as part the Voluntary National Review (VNRs) that are organized at the UN Secretariat. This was more than evident to me because I had been a senior government official during the MDGs implementation, more than a decade before, and I can attest to the low importance that developing nations like my country in Latin America assigned to this UN policy recommendation. It was different now. It was really something that had gotten traction and also something that went beyond governments, as the media, academia, private sector and even every citizen seemed to be interested in. It went beyond the halls of the UN and of public sector institutions. The SDGs were really advancing. They were succeeding where the MDGs had failed, and finally were galvanizing our societies. And their implementation accelerated, having become top priorities for governments around the world. Until they were no longer.

What happened? At the end of 2019 we saw the news about a strange virus called Corona that had recently appeared in China. In Geneva our colleagues at the World Health Organization (WHO) started a global monitoring of the spread of the Coronaviris disease (COVID19) from the very beginning of 2020. As most of you would know, COVID19 is a highly contagious disease caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2). This virus belongs to the SARS family and is easily transmitted amongst humans by proximity via air ways and respiration. It can kill and it did so. In a few months, COVID19 was present in almost all countries of the world and on 11 March 2020 the Director-General of WHO Dr. Tedros Adhanom Ghebreyesus declared COVID19 a global pandemic. In the following weeks this declaration and the rapidly advancing rate of contagion mobilized a vast majority of UN member states' governments to declare the fight against COVID19 a matter of national emergency and of the utmost priority. And when this happens, every level and lever of a government is dedicated to that task. The President, Primer Minister, all Cabinet members, all their authority, institutions, budgets, personnel, infrastructure and policy is concentrated on saving lives. Nothing was more important and media outlets maintained the pressure, as it should be in any democracy. The numbers of citizens infected by COVID19 and the number od deaths became a permanent fixture in the news.

### **The conundrum: important but not urgent**

The global fight against COVID19 has taken resources away from any other government task non related to the crisis. This meant that the commitment and priority assigned to Agenda 2030 and the accomplishment of the SDGs had to be put to the side. National budgets and personnel assigned to the 17 goals were now secondary -still somehow important, but definitely not urgent. The continuation of the global fight against poverty and all our common efforts to safeguard vulnerable populations, to protect the environment, to improve education and social standards, was no longer possible as we must first ensure that the citizens of our countries are alive and well. That is in itself the *raison d'être* of every government and the core mandate of every public servant. Most efforts related to **Agenda 2030** and its SDGs were unfortunately put on hold during the initial months of 2020.

More than a year later, the level of urgency assigned to the pandemic has allowed the world to develop several vaccines in record time and to implement vaccination campaigns in every country that are slowly producing results, but when I write these lines in June 2021, the pandemic is far from over. Almost two hundred million people have been infected and more than 4 million are dead. What was initially a global health crisis became a global social crisis with dire consequences, by-product of the harsh measures introduced by governments to lock-down entire cities, regions and countries, to stop the spread of the virus. This in turn created a global economic crisis not seen in decades, as most productive systems we halted or slowed, affecting services and industry alike, with transportation networks entirely grounded for months on end. The global economy decelerated, and global GDP decreased 3.5% in 2020 with a cumulative loss of approximately 9 trillion dollars, similar to the size of the economies of Germany and Japan, combined. Who would have said that this could be in the horizon back in 2017 when we were discussing potential disruptors to the SDGs? No one.

### **What is next? Will the SDGs become a priority again?**

When I talk to my daughters and their young university friends about what should we expect in the months and years ahead, I get imbued with the optimism of their generation; but at the same time remain aware of a certain realism that my generation cannot easily get rid of. I remain confident that things will somehow be back to a new 'normal', with COVID19 vaccination campaigns delivering the results we expect, with the virus becoming part of our lives but under control, with our societies regaining the freedom we have always enjoyed in recent

decades, with the economy getting back on track, growing and creating much needed employment. That is very likely and we should remain optimistic, but, how many years would it take for things to resemble certain normalcy? How long would it take for all governments to say: back to the important, back to the quest for sustainable development?

We do not know the answer. And most importantly, we do not know how many years of achievements would be 'erased' in the process towards 2030. Imagine how much terrain we have lost in terms of global poverty and social advance that our societies need to ensure to improve the lives of their citizens. Due to the COVID pandemic, and for the first time in a generation, the global quest to end poverty has suffered a setback. The World Bank reports that in 2019 about 120 million additional people started living in poverty as a result of the pandemic, with the total expected to rise to 150 million by the end of 2021.

What we know is that as of the end of 2019 approximately 10% of the global population lived on \$1.90 a day or less, meaning 770 million people out of a total population of 7,7 billion. Even worse, the UNDP's Global Multidimensional Poverty Index (MPI) 2019 reported that across 101 countries, 1.3 billion people are multidimensionally poor. However, we have to remember that we had indeed advanced relentlessly in the fight against poverty, as more than a third of the world lived in extreme poverty 30 years ago. The World Bank had also reported that between 2000 and 2015, 15 countries lifted 802.1 million people out of extreme poverty. Seven of these 15 countries were in Sub-Saharan Africa and the MDGs and subsequently the SDGs were part of the roadmap they followed in the previous two decades, with the support of international organizations and Official Development Assistance from developed nations.

Aware that we have lost so much during the pandemic and that we will still see more people becoming poor, we must focus on the post-COVID era. On what should be the policies needed to create recovery and what priorities should a resurgence period have. The UN Secretary-General has become the global preacher on the need to 'build-back-better', meaning that whatever the new 'normal' would be, we should avoid the mistakes of the past. Sounds reasonable but require that every government, every member of our societies agree on the need to avoid 'leaving anyone behind' as the seminal document creating Agenda 2030 and the SDGs actually postulates. That concept remains vital today,

several years after its conception. We must protect the vulnerable and include the disenfranchised in the recovery.

One of the best ways to legitimize the post-COVID recovery process is to follow the example of the SDGs global consultation before their adoption. Can we have again 1 million (or several million) voices telling us what they think? Can we open the gates of the highest level in government or of the international organizations, so they can ensure inclusivity and civil participation in the decision-making processes? Can we leverage the power of social media to involve every citizen in a global discussion about the future?

Yes, we can. But not only governments and international organizations. We all should do our part. I invite you to think about this, no matter how many years we are into the pandemic, there will always be a need to hear everyone, everywhere, everytime. And you can help.



## **“Education and support to action: the John Paul II Center for Interreligious Dialogue’s work in preparing next generation of leaders in dialogue”**

**Mrs. Elyse Brazel**

**Mrs. Elena Dini**

**Mr. Taras Dzyubanskyy**

*John Paul II Center for Interreligious Dialogue*

The John Paul II Center for Interreligious Dialogue has a special place in preparing religious leaders for interfaith work and peacebuilding. It is a centre that was born out of a partnership between a Jewish philanthropic foundation – the Russell Berrie Foundation– and the Pontifical University of St. Thomas Aquinas (the Angelicum) in Rome and is administered by the Institute of International Education (IIE). In its mission it is directly stated that the Center aims to build bridges between Christian, Jewish and other religious traditions by providing the next generation of religious leaders with a comprehensive understanding of and dedication to interfaith issues and action.<sup>650</sup>

Since its establishment in 2008, 13 Cohorts have been welcomed for a special academic program at the Angelicum undertaking a number of courses in Catholic-Jewish dialogue, history of dialogue and related subjects.

The Fellowship offers students a chance to live in Rome and study for one academic year at The Pontifical University of St. Thomas Aquinas, a rich diverse learning environment with over 1200 students and professors from 90 countries. Fellows have come from all around the world to learn about dialogue in the heart of the Catholic world; over the past 13 years the program has supported over 120 clergy, religious leaders, and lay community members from 37 countries. Alongside the academic program, the Center coordinates experiential learning opportunities and workshops that provide Fellows with the skills and tools to engage in interreligious dialogue (IRD) from theological and practical perspectives with people across lines of difference. The Fellowship also

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650 See <https://www.jp2center.org/>

includes a study-visit to Israel with an intense academic program, site visits and meetings with local leaders engaged in dialogue.

Fellows walk away with newfound insights and memorable experiences that impact their lives and their work moving forward. An alum from Rwanda, now a John Paul II (JPII) Leader of our Center, has said of his Fellowship year, "There is no doubt that the Russell Berrie Fellowship has had an impact on my life, both personal and professional, I see dialogue as a way of being and living, as a method, rather than just a theory of teachings and books."<sup>651</sup>

Another JPII Leader from India describes her Fellowship experience: "It was a blessing for me. It brought me a new vision to build a society of peace and an eye opener towards the entire humanity."<sup>652</sup>

Rabbi Jack Bemporad, founder and director emeritus of the John Paul II Center for Interreligious Dialogue, keeps sharing with the Fellows his lifelong experience in dialogue as well as his personal story of fleeing Nazi-occupied Italy in the late 1930s as a young Jewish boy. One of our JPII Leaders shares about what it meant to him to learn about the Holocaust and Jewish-Catholic dialogue from such a witness: "It is a fascinating juxtaposition, for someone with a lifetime of experience and study to reflect on events that are among their earliest memories. It is always good to know someone's personal motivations for their vocation and work."<sup>653</sup>

Rabbi Jack Bemporad is one of the rare Jewish leaders to have had a personal audience with Pope John XXIII as well as numerous personal audiences with Pope John Paul II. Most recently, he met with Pope Francis. He has dedicated a large part of his life to build and strengthen dialogue among people of faith and train the next generation of religious leaders in dialogue. In 2016 he received an honorary Ph.D. in theology from the Pontifical University of St. Thomas Aquinas in Rome. His intuition to establish the John Paul II Center for Interreligious Dialogue has been made possible thanks to the support and the vision of Mrs. Angelica Berrie, President of The Russell Berrie Foundation that funds the Center and the Fellowship.

"First we must ask and answer the question: How can I be true to my faith without being false to yours?" This is a question that Rabbi Bemporad always asks his students to have them reflecting on the necessary steps

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651 <https://www.jp2center.org/programs/fellowship/>

652 <https://www.jp2center.org/programs/fellowship/>

653 <https://www.jp2center.org/activity/news/2021/01/26/yad-vashem-visit/>



to make to enter into a deep and sincere dialogue. "The great Sage Hillel enjoined us not to judge our fellow human being until you stand in his or her place. One must do something more, to look at yourself with the eyes of the other,"<sup>654</sup> he explains.

Religions have many resources to offer to support peace and the common good. Rabbi Bemporad comments on this aspect: "We must dialogue to discover the common moral and ethical elements that are essential to our religions and try to unite on a common ethic independent of our theological perspectives. We cannot expect the major religions to agree on theological issues but for the sake of our future and the future of our children they must agree on moral issues."<sup>655</sup>

The JP2 Center has a Network of very active alumni, JP2 Leaders in Interreligious Dialogue who are based in all continents. It keeps supporting and sponsoring their initiatives on the ground fostering dialogue and aiming at peace in their local contexts through a successful system of alumni grants.<sup>656</sup>

In the Nigerian multireligious context, the JP2 Center for Interreligious Dialogue sponsored the establishment of 5 peace clubs in some secondary schools, facilitating interaction among Christians and Muslims, through the initiative of one of its JP2 Leaders, also serving as the head of the ecumenical and interreligious dialogue commission in the Catholic Diocese of Maiduguri. The initiative aimed at enhanced interaction between Muslim and Christian students as well as helped exchange knowledge about each other. In this way, the initiative broke the barriers of ignorance, distrust and mutual suspicion among the student bodies and further contributed to developing common interfaith activities, building a peaceful and cohesive society.

Another important area of work of the John Paul II Center is its support of training programs for religious leaders coming from diverse religions and faith traditions. A project run in Bangladesh by another JP2 Leader – an Interreligious Dialogue Training for Female Catholic Graduate students as a tool to build inclusive societies – has won a prestigious award from the Ministry of Foreign Affairs of the Republic of Austria (the Intercultural Achievement Award 2019). The initiative was chosen among over 300 intercultural and interreligious initiatives worldwide.<sup>657</sup>

654 <https://www.jp2center.org/interreligious-dialogue/>

655 <https://www.jp2center.org/interreligious-dialogue/>

656 See more examples about the JP2 Center sponsored alumni grants here: [https://jp2center.s3.amazonaws.com/medialibrary/2019/04/Alumni\\_Grant\\_Program\\_Final.pdf](https://jp2center.s3.amazonaws.com/medialibrary/2019/04/Alumni_Grant_Program_Final.pdf)

657 Read more about it here: <https://www.jp2center.org/activity/news/2019/12/13/sister-paschalina-chiran-intercultural-award-austria/>

Education is a key concern of the JPII Center and its JPII Leaders. Many of their projects focus on sustaining dialogue and peace in their societies and communities through education and encounters. A JPII Leader in India has been organizing over the past years through the alumni grants a series of seminars targeting priests, religious sisters, catechists, youth as well as people from other Christian denominations, and the Hindu, Muslim, Buddhist and Jain communities. The programs were designed to educate participants on each other's religion and promote peace between them through active dialogue.

In Ukraine, a few years ago another JPII Leader run a School of Interreligious Journalism. She developed this initiative to equip journalists with skills and tools to cover interfaith issues and portray religion accurately in the media. Her goal was to promote dialogue and fight propaganda and fake news in the media. In a time of conflict in Ukraine, this project stood out as a greatly needed, innovative and timely initiative to consolidate the society in times of crisis and unrest.

Projects run by JPII Leaders are always tackling the present day and local situation of their own communities. A recent example of a JPII Center sponsored project was the initiative of one of the JPII Leaders in North America who organized an online Multifaith Panel on Resilience having a Jew, a Christian and a Muslim speaker offering reflections on the present challenging times of pandemic and how our spiritual resources allow us to go through it.

Another important dimension of the work in the interreligious field is the openness to establish contacts, connections and partnerships with other institutions and organizations pursuing the same goals in dialogue, education and peacebuilding.

In 2019, to celebrate its 10<sup>th</sup> anniversary, the JPII Center organized an international conference under the title "Education for Action" that gathered about twenty interfaith organizations to participate in a fair-like exhibition. This was the very first time for such a gathering at a Pontifical University that has opened its doors for important players in the field of interfaith dialogue.

The JPII Center keeps working in that direction, aware of the importance to support each other in the good work by learning from each other's experiences and establishing best practices as well as combining efforts and expanding our networks to make them a resource for all people of goodwill.

**Featured actions**  
**“Teaching of diplomacy and international law.  
The Egyptian Institute for Diplomatic Studies:  
an effective tool in the promotion of peace,  
cooperation and dialogue”**

**H.E. Mr. Khaled Rady**

*Ambassador, Assistant to the Minister of Foreign Affairs and Director of the  
Institute for Diplomatic Studies of the Ministry for Foreign Affairs of Egypt*

Since the end of the Second World War, peace, cooperation and dialogue gained significant importance as they represented the common aspiration of all countries. Diplomacy and international law consequently rose in prominence as cornerstones of the promotion of peace and as effective instruments enabling countries to peacefully meet their foreign policy objectives. While diplomacy acts as the vessel for peaceful cooperation, dialogue, negotiation, cohesion and harmony between and among nations, international law is the tool used to ensure and maintain global peace.

The study of diplomacy and international law plays a crucial role in sustaining peace, enhancing cooperation and promoting dialogue. It equips its learners with the tools and skills that enable them to become change agents in their societies and the international community.

In Egypt, the Institute for Diplomatic Studies (hereinafter IDS) is the designated governmental entity responsible for equipping Egyptian diplomats with the required knowledge for serving their country. The IDS provides its students with a comprehensive education with a special focus on international law, public diplomacy and preventive diplomacy.

**About IDS**

The IDS was established in 1966 by a Presidential decree, with the aim of providing the latest practical training and applied learning to members of the Diplomatic and Consular Corps in order to achieve the highest levels of competence within the Corps. The Institute provides tailored training programs targeting different groups varying in ranks, skills and capacity building needs. These groups are:

1. Newly enlisted Egyptian Attachés who successfully completed the entry examinations of the Ministry of Foreign Affairs and were appointed by a Ministerial decree.
2. Egyptian Diplomatic Corps' members from various ranks, on the occasion of their transfer abroad representing their country in Egyptian embassies and consulates. For example, In August 2020, IDS offered qualifying courses for 86 members of Egyptian diplomatic corps ranking from Third Secretary to Counselor. Moreover, in December 2020, IDS provided intensive training program to 21 First Secretaries before their promotion to Counselors.
3. Spouses of the Egyptian Diplomatic corps' members in accordance with their respective roles. For instance, in 2020, a training opportunity was provided by IDS to 24 spouses of Egyptian Diplomats on the occasion of the transfer of their spouses to Egyptian embassies and consulates abroad.
4. Technical Attachés, who are members of different Egyptian ministries, and their spouses, before they are posted abroad to join the technical offices affiliated with the Egyptian Embassies. In October 2020, 140 Defense Attachés and their spouses received a training program provided by IDS before their transfer abroad to fulfill their missions.
5. Members of prominent national institutions and ministries.
6. The IDS also provides training programs for Diplomatic corps members from different countries and several regions in the world with the aim of exchanging experiences and methodologies.

The IDS is not only concerned with offering training opportunities to professionals, but it also offers programs that are tailored to undergraduates, especially those studying Economics and Political Science and who could be interested in a diplomatic career. In 2020, the IDS held trainings for 30 students from the American University in Cairo and 15 students from Cairo University.

The above training programs are extensive, yet they are designed with many credit hours dedicated to the study of Diplomacy and International law.

In addition to an inspired vision taking into account the continuous and rapid international developments, the IDS has identified the

priorities and tools that a diplomat needs to face the challenges the new millennium. The multitude of international issues and topics, the information revolution and the emergence of new forms of diplomacy have prompted a dire need to re-explore the concepts and the philosophy behind the training of young diplomatic cadres.

### **How Does the IDS Promote Peace, Cooperation and Dialogue?**

Traditionally, the Egyptian Ministry of Foreign Affairs aims to instill values of peace, cooperation and dialogue in all its diplomats. In that regard, knowledge of international law and diplomacy is a core criterion in selecting new candidates through a series of written and oral tests.

After the selection, the IDS's role comes in place to build the capacities of young diplomats and enrich their experience of with an all-encompassing two-year program in different fields including but not limited to: diplomacy, armed conflicts, human rights, economic relations, conflict resolution, dispute settlement, international relations, negotiation skills and development diplomacy which is a pivotal field that every diplomat should be aware of due to its contribution in maintaining peace and security.

The training programs are delivered by a distinguished group of academic professors specialized in various disciplines and highly experienced diplomatic personnel among which are former ministers and retired prominent ambassadors.

The IDS is keen to transfer the accumulated experiences from older generations to new diplomats, as well as anchoring in the Junior Egyptian Diplomat the Egyptian diplomacy principles that are mainly based on the United Nations' principles of non-interference in domestic affairs, peaceful settlement of disputes and refraining from the threat of or use of force and respect for international law.

It should also be noted that the IDS invites several Egyptian Diplomatic figures who excelled in their career of peacekeeping, peacebuilding, disarmament and peaceful resolution of disputes to transfer their knowledge to the junior diplomats. The Institutes aims to ensure that junior Egyptian diplomats will carry the message of peace, cooperation and dialogue during their long and fruitful journey in diplomacy.

The main tools of IDS in teaching International law and diplomacy are highlighted below:

## **Training Programs for Junior Egyptian Diplomats**

There is no doubt that achieving peace and security is the world's longest standing goal. For this reason, IDS designs a comprehensive 2-year program for junior Egyptian diplomats teaching them principles of International Law, in addition to enhancing their diplomatic, negotiation and public diplomacy skills. The program includes two main sections: the first section includes core modules such as: diplomatic skills, international law, history of Egyptian diplomacy, ethics and code of conduct, substantive and technical issues, external visits and trainings. The second section includes additional training programs which consist of scientific and academic research, linguistic courses, national interest and identity as well as internal visits.

The international law course consists of seminars given by prominent international law scholars and practitioners. This particular course adopts an interactive approach that allow the participants to share experiences, exchange ideas, write research papers and memorandums that promote greater understanding of legal matters. The international law curriculum includes the following topics: introduction to international law, treaty law, state responsibility, international peace and security, peaceful settlement of international disputes, diplomatic and consular law, international human rights law, international humanitarian law, international criminal law, and the law of the sea.

The external training program aims to develop Junior Diplomats' skills and further deepen their knowledge of the international organizations' mechanisms, as well as widen their exposure to bilateral and multilateral questions, in addition to integrating them in cultural exchange activities.

The institute has recently organized the following external visits, among others:

- Brussels: Attachés were invited to participate in a four-day training program hosted by the NATO.
- Geneva: A one-week training program, during which the Attachés were introduced to the United Nations entities in Geneva and other international organizations such as WIPO, in addition to visiting think tanks and academic institutions.
- Germany: A one-month training program at the German Foreign Office in Berlin and an external visit to the States of Bavaria and Saxony.

- India: Attachés attend a two-week training program organized in collaboration with the Indian Foreign Service Institute (FSI) in New Delhi.
- United States of America: Attachés received an intensive two-week training program in Washington and New York on diplomatic skills and were further familiarized with the organs and functions of the United Nations, international organizations, research centers and think tanks.

Every year the IDS welcomes new batch of Egyptian Junior Diplomats who were recently accepted to work at the Ministry of Foreign Affairs. In that regard and by the end of 2020, 15 Egyptian Junior Diplomats who represents (Batch 52) finished their 2-year comprehensive program offered by IDS. While new 18 Junior Diplomats of (Batch 53) were enrolled in November to start their training journey that will last also for the upcoming 2 years.

### **Training Programs for Foreign Diplomatic Corps Members**

It is worth mentioning that the IDS is exerting efforts to promote the culture of dialogue, cooperation and peace. In that regard, the IDS is keen to include south-south cooperation on its agenda. It offers capacity building programs to calibers and diplomats from the MENA region, Africa, Central Asia and the Balkans. In addition, the Institute provides training opportunities to diplomats from Eastern Europe and some diplomats from EU countries specializing in the MENA Region.

For example, in 2020, almost 74 African Anglophone and Francophone diplomats received intensive trainings offered by the IDS. These programs covered topics relating to protocols, ceremonies, current political affairs, bilateral relations and addressed security and military subjects.

### **Partnerships with institutions of law and peace building**

Egyptian Diplomacy is one of the most ancient diplomacies worldwide and it is very well known for its balanced relationships and openness to different parties. The Institute has successfully built ongoing partnerships with national, regional and international entities, public and private institutions, NGOs as well as UN entities, among which are institutes fully mandated with peacebuilding and dialogue. This includes: American University in Cairo, Cairo University, French Institute in Cairo, Goethe-Institute Agypten, International Organization for Migration (IOM), United Nations High Commissioner for Refugees

(UNHCR), United Nations Department of Political Affairs (UNDPA), United Nations Alliance of Civilization (UNAOC), Egyptian Council of Foreign Affairs, and the Cairo Regional Center for International Commercial Arbitration (CRCICA).



## **“Peace on the Seas Initiative”**

**H.E. Mr. Gustavo Campos Fallas**

*Ambassador of Costa Rica to the Republic of Turkey*

*‘How inappropriate to call this planet Earth,  
when clearly it is Ocean.’<sup>658</sup>*

Peace on the Seas Initiative is a joint initiative that seeks to establish an academic platform for studying and researching good practices to analyse maritime disputes and conflicts in a preventive way. Under the study of successful cases of bilateral, multilateral, and tribunals resolutions and the International Law, it pretends to offer tools and academic support to peace on the seas.

The initiative is promoted by the University for Peace of the United Nations Organization (UPEACE), the Research Center of the Sea and Maritime Law at Ankara University based in Turkey (DEHURAM), and the Embassy of the Republic of Costa Rica in the Republic of Turkey.

Under the cooperation protocol signed between both universities and the support of Costa Rica, the peace in the Seas Initiative will serve as a guide for academic research and will cover topics such as the peaceful solution of maritime and island disputes, the protection of maritime traffic, cooperation in the protection of species, the impact of climate change, the food security, among others, under a focus of the United Nations Sustainable Development Goals.

As an academic program, Peace on the Seas will involve the study of good practices and non-contentious and peaceful ways of resolving conflicts related to coexistence in the seas and oceans around the world. For example, maritime border areas, the safety of the waters, flagging and transportation, climate change and biodiversity, food security, and natural resources may be a source of conflicts.

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658 A quotation attributed to Arthur C. Clarke.

## **Examples of conflict areas of the sea**

Wars and conflicts have multiplied in the 21st century. The marine surface is just over 70% of the planet, in which an essential part of human activity exercises: fishing, the transport of people and material goods, tourism, the exploitation of underwater deposits, the production of electrical energy, and others.<sup>659</sup>

Most of the world trade moves by sea routes, mainly between large economic centres. This maritime scene can be affected by military actions, disputes over the sovereignty of maritime regions, piracy, illegal activities, dumping of toxic waste on the sea surface, and many others.

According to Elizabeth Nyman<sup>660</sup>, in coming years, international maritime conflicts are most likely to result from one of five areas:

- The pursuit of living resources like fish
- The pursuit of offshore nonliving resources like oil
- Increasing pollution
- Alterations in ocean usage due to climate change
- Uncertainty about sovereignty over uninhabited islands or rocks

These areas have caused conflicts in the past, and their potential for producing future disputes appears to be elevating.

Desire to claim more ocean space and obtain more resources from the waters or seabed and the conflicts that arise do not always manifest themselves in the same ways. The interlink associated with a desire and a dispute over these resources requires intensive study in these five areas, as mentioned above.

As Nyman mention, conflicts over sovereignty differ from conflicts over the usage of the sea, like fishing or asserting ownership of islands, which have resulted in maritime exercises and a real fear of escalation. Also, these issues vary in significance around the world; thus, regional differences remain of vital importance.

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659 Enrique Martínez Díaz. Conflicts at sea: a vision at the beginning of the 21st century. International Policy Research Center. [http://biblioteca.clacso.edu.ar/Cuba/cipi/20180206034808/EE05\\_conflictos.pdf](http://biblioteca.clacso.edu.ar/Cuba/cipi/20180206034808/EE05_conflictos.pdf)

660 Elizabeth Nyman. Oceans of Conflict: Determining Potential areas of Maritime Disputes. SAS Review of International Affairs, volume 33, No. 2, Summer-Fall 2013, pp. 5-14 (Article) The Johns Hopkins University Press. DOI: 10.1353/sais.2013.0025. Enrique Martínez Díaz. Conflicts at sea: a vision at the beginning of the 21st century. International Policy Research Center. [http://biblioteca.clacso.edu.ar/Cuba/cipi/20180206034808/EE05\\_conflictos.pdf](http://biblioteca.clacso.edu.ar/Cuba/cipi/20180206034808/EE05_conflictos.pdf)

Disputes can have different gradations and motivations. Some have resulted in armed confrontations between nations. In others, negotiations are taking place, and truces or regulations agreed between the parties are maintained; others have been taken to international bodies to resolve disputes.

Given the extensive number of cases and situations faced both in national and international waters and even in the so-called landlocked countries, the Costa Rican embassy in the Republic of Turkey held a series of conversations with the University for Peace and DEHUKAM of the University of Ankara to create the "Peace on the Seas" program.

### **Pillars of Costa Rica's foreign policy**

Costa Rica builds its foreign policy on the following strategic axes<sup>661</sup>:

- The defence of democracy, territorial integrity, and national sovereignty.
- The promotion, protection, and respect of human rights and fundamental freedoms.
- The promotion of peace, disarmament, and national, regional, and world security
- The strengthening of International Law and the development of effective multilateralism.
- The promotion of sustainable development and political coordination and representation in international environmental negotiations.

These axes make up the political and legal bases in constructing a civil, pacifist, and environmentalist society in the concert of nations.

Based on its history and its convictions on the struggle for human rights and peace, in such a way, Costa Rica's foreign policy requires constant coordination with the different public and private, national, and international institutions favouring national and regional objectives.

The validity of human rights and peace has been a fundamental condition of the country's foreign policy. Costa Rican history is rich in norms and institutional actions to guarantee its inhabitants protection of their fundamental rights and freedoms. Thus, the country became one of the Universal Declaration of Human Rights promoters and the first country to ratify the ***International Covenant on Civil and Political Rights***. In addition, Costa Rica was one of the main promoters of creating a United Nations High Commissioner for Human Rights.

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661 Ministry of Foreign Affairs, Republic of Costa Rica. <https://www.tree.go.cr/?sec=exterior&cat=ejes%20accion>

Likewise, the promotion of sustainable development and political coordination and representation in international environmental negotiations axis reflects in Costa Rican foreign policy the environmental policy developed by the country in recent years. Costa Rica seeks to play a leading and active role nationally and internationally in policies related to sustainable human development.

Also, concerning the pillar of peace, disarmament, and national, regional, and world security, Costa Rica defends the position favouring disarmament and world peace and against all kinds of terrorism, organised crime, and other actions threatening security and public order.

Costa Rica sponsors and co-sponsors resolutions from international organisations on nuclear, conventional, chemical, biological and bacteriological disarmament and promotes the registry of conventional weapons based at the UN.

In the achievement of peace, Costa Rica has promoted and supported disarmament initiatives such as the **Arms Trade Agreement** (ATT), eliminating antipersonnel mines and cluster munitions, being the host of the V Meeting of States Parties to the **Convention on Cluster Munitions** in September 2014.

Currently, Costa Rica is also part of the Council of the International Seabed Authority based in Kingston, Jamaica.

### **Mission and vision of the University for Peace**

Costa Rica abolished the death penalty in 1882 and its army in 1949. Since 1865, Costa Rica has offered asylum to those facing persecution for political reasons. From 1907 to 1918, Costa Rica hosted the Central American Court of Justice. This first permanent international tribunal allowed individuals to take legal action against states on international law and human rights issues.

- In that tradition, efforts to establish the University for Peace began at the United Nations under the leadership of the President of Costa Rica, Rodrigo Carazo. On the 5th of December 1980, the General Assembly of the United Nations adopted Resolution 35/55, which sets out in its annexes the **International Agreement for the Establishment of the University for Peace**.

The **Charter of the University** is an integral part of that agreement. Forty-one countries have become Signatory States to the UPEACE Charter. In addition, as part of the continuing process of United Nations

reform, former UN Secretary-General Annan took some measures to reorganise, strengthen, and internationalise the University for Peace to contribute more effectively to the peace and security objectives of the United Nations.

The Council has defined an innovative programme of education, training, and research for peace - focused on key issues, including conflict prevention, human security, human rights, environmental security, and post-conflict rehabilitation.

The vision of the University for Peace is to be a forward-thinking, transformational, inspirational and educational institution dedicated to the goals of quality teaching, research, and service for serving humanity in building a peaceful world. Established as a **Treaty Organization** with its **Charter in an International Agreement** adopted by the General Assembly in Resolution 35/55 of the 5th of December 1980, the University for Peace has the mission:

“To provide humanity with an international institution of higher education for peace and to promote, among all human beings, the spirit of understanding, tolerance and peaceful coexistence, to stimulate cooperation among peoples and to help lessen obstacles and threats to world peace and progress, in keeping with the noble aspirations proclaimed in the Charter of the United Nations.”

The **Charter of the University** sets out in its appendix the following general principles<sup>662</sup>:

- The persistence of war in the history of humanity and the growing threats against peace in recent decades endanger the very existence of the human race and make it imperative that peace cease to be seen as a negative concept. That is, to see peace as the end of the conflict or as a simple diplomatic commitment, and must be achieved and ensured through the most valuable and effective resource that man has, education
- Peace is the primary and irrevocable obligation of a nation and the fundamental objective of the United Nations; it is the reason for its existence. Unfortunately, however, the best tool for achieving this supreme good for humankind, namely education, has not been used.
- Many nations and international organisations have attempted to attain peace through disarmament. This effort must continue, yet

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662 University for Peace, United Nations. <https://www.upeace.org/pages/mission-and-vision>

facts show that man should not be too optimistic as long as the human mind does not imbue with the notion of peace from an early age. Therefore, it is necessary to break the vicious circle of struggling for peace without an educational foundation.

- This is the challenge all nations and all men face as the twenty-first-century approaches: save the human race, threatened by war, through education for peace. If education has been the instrument of science and technology, there is more reason to use it to achieve this primary right of the human being.

It is crucial to count on a repository of good practices and resolutions, declarations, treaties, and other instruments to analyse, in an academic but also preventive manner, conflicts that may arise on the Seas.

### **About Research Center of the Sea and Maritime Law at Ankara University<sup>663</sup> (DEHUKAM)**

The founding purpose of DEHUKAM is to conduct scientific research and train specialist personnel in the sea and maritime law and policy fields, and provide consultancy to related institutions and organisations. Furthermore, gathering the understaffed academics institutions under one national roof, organise national and international symposiums, cooperate with similar global research centres, DEHUKAM contributes to the progress of the sea and maritime law and helps to raise awareness nationally and internationally.

The scientific activities organised under DEHUKAM count with the participation of expert lecturers, and joint studies with foreign institutions will encourage scientific studies on the sea and maritime law and policy. In addition, the Research Center of the Sea and Maritime Law at Ankara University also performs research and academic activities in the whole fields of law of the sea and maritime law, but especially on the maritime security and safety law.

DEHUKAM understands that the law of maritime areas and the law of maritime activities are strictly connected and should be studied together. Since the sea in the world connects every State regardless of land boundaries, the existence of DEHUKAM as a national centre would favour the bona fide implementation and interpretation of the sea and maritime law by the cooperation with other similar national or global institutions in the world. Furthermore, best practices of the International Law and the protection of maritime resources and values

<sup>663</sup> Ankara University is one of the well-known and reputable state universities in Turkey. DEHUKAM is located in Ankara University Law Faculty, founded in 1925 as the first academic institution of the Republic of Turkey.

of the nature of common heritage of humankind, such as maritime peace, marine environment, human rights at sea, and others, requires the good understanding of nations to each other thanks to the joint academic activities of the national or global centres of the same kind.

### **Costa Rica at the International Court of Justice**

As a disarmed nation, its commitment to the peaceful solution of conflicts, diplomacy, International Law and multilateralism is Costa Rica's way to resolve its crisis.

On the 25th of February 2014, Costa Rica instituted proceedings against Nicaragua about a "[d]ispute concerning maritime delimitation in the Caribbean Sea and the Pacific Ocean." As a result, the Court determined the single maritime boundaries between Costa Rica and Nicaragua in the Caribbean Sea and the Pacific Ocean.

On the 16th of January 2017, Costa Rica filed an Application instituting proceedings against Nicaragua relating to a "dispute concerning the precise definition of the boundary in the area of Los Portillos/Harbor Head Lagoon and the establishment of a new military camp by Nicaragua" on the beach of Isla Portillos.

The Court found that Costa Rica has sovereignty over the northern part of Isla Portillos, including its coast (except for Harbor Head Lagoon and the sandbar separating it from the Caribbean Sea). Therefore, Nicaragua must remove its military camp from Costa Rican territory.<sup>664</sup>

Costa Rica obtained access to the thermal dome, gained square kilometres in the Caribbean Sea, and extensive fishing areas in the North Pacific zone in a peaceful way. In addition, the International Court of Justice ordered the withdrawal of a military camp from the Costa Rican beach in Isla Portillos<sup>665</sup>.

### **Would control of the seas be the cause of the next world conflict?**

The sea is becoming an increasingly crucial geographical area, given its resources and the demand for human consumption. New potential conflict, climate change, and specialisation of technology and communications added to this situation. For example,

- Global offshore petroleum resources are still of world interest despite the decline in oil/gas prices.

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<sup>664</sup> International Court of Justice, ICJ. List of All Cases <https://www.icj-cij.org/en/list-of-all-cases>

<sup>665</sup> Presidency of the Republic of Costa Rica. Historical judgement of the ICJ accepts Costa Rica's arguments on the maritime delimitation with Nicaragua. <https://www.presidencia.go.cr/comunicados/2018/02/historico-fallo-de-la-corte-internacional-de-justicia-acoge-argumentos-de-costa-rica-en-la-delimitacion-maritima-con-nicaragua/>

- The global growing fishing industry,
- Seabed mining and increased demand for rare earth minerals to be used in high technology industries,
- Climate change with the associated problems as ocean acidification, the destruction of marine environments, and environmental issues like plastic pollution conservation and sustainable use of marine biological diversity
- The sea also transmits Ninety-five per cent of electronic communications in cables on the ocean floor. The flow of information in such lines could, however, be intercepted and or manipulated.
- Arctic and Antarctic melting process and their impact.

All of the mentioned areas and others foreshadow different scenarios and different ways to deal with them.

These scenarios could provide a tendency to seize control and security over the different corners of the oceans and their contents. Under the trends of the new specialised era of maritime issues and maritime space, the question “who controls what” can result in two paths, either increasing sea-related conflicts or increasing sea cooperation.

In both paths, the study and analysis are necessary to feed and provide fundamental arguments to obtain possible solutions and practical scenarios exploration to apply forecast and prospective techniques to seek possible prevention alternatives.

The initiative pretends a peace on the seas-oriented program. Therefore, academic efforts can provide the foundation for an integrated vision to foresee future peace on the seas.

### **The Cooperation Protocol regarding the Law of the Sea for Peace.**

The University of Peace and the Ankara University National Center for the Sea and Maritime Law (DEHUKAM) signed the cooperation protocol that entered into force on the 17th of May, 2021. According to Article 1, the protocol's purpose is to establish educational and research activities regarding the sea law for peace. Furthermore, in article 2, the parties will propose the programs, courses and workshops, and joint LLM and PhD studies.

This scope would allow shaping the structure of the study and research of the topics, but it will also create a repository of an essential number of sources to be applied to the case analysis. This repository will gather



a serial of agreements and treaties, resolutions and declarations, decisions and international jurisprudence, good practices, and others to search for peaceful solutions to controversial issues and situations that threaten peace and peaceful coexistence on the seas.

To support the processes mentioned earlier, the University for La Paz and DEHUKAM can evaluate the creation and feeding of a Research Guide on the Sea Law for Peace.

Counting on an essential and robust research guide where universities, international organisations, NGOs, governments, and civil society can acquire data and information, we will then have elements to forecast and supervise, prospectively, possible conflict scenarios or cooperative solutions on the sea. Without a doubt, this would result in a better coexistence in the seas.

The initiative will provide basic academic studies to contribute to the peace in the vast and deep ambit of the sea.



## **“The unique contribution of the Kingdom of Bahrain in promoting peace, coexisting and religious tolerance”**

**Counsellor Husain Makhlooq**

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### **Introduction**

The kingdom of Bahrain has been through its long and rich history a haven where people from different ethnicities and religious backgrounds, enjoy peace, coexistence, stability and prosperous living. Arising from the strong commitment of His Majesty King Hamad bin Isa Al Khalifa to cultural diversity and to religious freedom, the kingdom is home to hundreds of churches, synagogues and temples, building on the ancient Bahraini tradition of peace.

As illustrated in this article, the unique contribution of the Kingdom to peace and security is remarkable at the international level as well, with the active presence and collaboration of the Kingdom with International Organizations, its various partnerships and initiatives with specialized institutions in order to promote peace, and with the importance it attaches on women empowerment as a path to stability, laying strong foundation for a more peaceful world.

### **The collaboration with the United Nations to promote peace:**

The longstanding vision and ambition of His Majesty King Hamad bin Isa Al Khalifa to build a prosperous future for the people of Bahrain and the world for the benefit of all mankind based on the principles and culture of tolerance and coexistence contributed to peace and development through trust and respect and was reinforced by its fruitful cooperation with the United Nations since the admission of the Kingdom in September 1971 as a fully-fledged member of the United Nations. Since then, the Kingdom of Bahrain has always played an active and constructive role in promoting peace and stability worldwide. For instance, Bahrain contributed significantly to the adoption of resolution S/RES/1265 on *Protection of civilians in armed conflict* on

17 September 1999<sup>666</sup>, resolution 1261 on *Children and armed conflict* on 30 August 1999, and resolution 1269 on *Responsibility of the Security Council in the maintenance of international peace and security* adopted on 19 October 1999. Furthermore, the remarkable presence of Bahrain at the international scene is mainly perceived by its active contribution to the UN system and in particular the promotion of human rights which has been a longstanding engagement and has shaped the human rights agenda during its membership of the Human Rights Commission (2002-2004) and its memberships of the Human Rights Council (2008-2010) and (2019-2021). Moreover, led by Bahrain, the General Assembly of the United Nations adopted on 25 July 2019, the resolution A/RES/73/329 entitled "*Promoting the Culture of Peace with Love and Conscience*"<sup>667</sup>, declaring April 5 the International Day of Conscience. The designation of April 5 as the *International Day of Conscience* serves to encourage self-reflection to improve both individuals and their communities, "*mobilizing the efforts of the international community to promote peace, tolerance, inclusion, understanding and solidarity, in order to build a sustainable world of peace, solidarity and harmony*"<sup>668</sup>.

**Promoting peaceful coexistence through different partnerships, projects and initiatives:**

The noble approach as it is pursued by His Majesty King Hamad bin Isa Al Khalifa, places the Kingdom of Bahrain in the ranks of the leading countries that support security, peace and stability in worldwide, and this is what Bahraini diplomacy has embodied for decades at the regional and international levels as reflected by the recent decision of the Board of Trustees of Moscow State University of International Relations to award His Majesty King Hamad bin Isa Al Khalifa an honorary directorate, in recognition of His Majesty's exceptional role in promoting peaceful coexistence, religious tolerance, dialogue between religions and cultures, and mutual respect between different peoples and civilizations. Furthermore, the establishment of the King Hamad Global Center for Peaceful Coexistence in 2018, and the launching of the King Hamad Chair in Interfaith Dialogue and Peaceful coexistence held under royal patronage at the Italian Sapienza University confirm that Bahrain is indeed the kingdom of peace, with the continuous efforts and initiatives it offers in order to spread peace and security around the globe. The center promotes the idea of accepting the other

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666 <http://unscr.com/en/resolutions/1265>

667 <https://undocs.org/pdf?symbol=en/A/RES/73/329>

668 <https://digitallibrary.un.org/record/3813085#record-files-collapse-header>

through several different activities, including organizing conferences and seminars and using technology to protect societies especially young people from the scourge of extremism and hatred. In addition, the launch of the King Hamad Program for Faith in Leadership, in cooperation with the two prestigious British universities, Oxford and Cambridge, qualify a new generation of young leaders aspiring to spread peace and love among all human beings.

**Women empowerment in the diplomacy of peace:**

The joint statement entitled “a Joint statement on Women, Peace and Diplomacy” prepared and delivered by the Permanent mission of Bahrain during the 4<sup>th</sup> Human Rights Council session which was held from 13 September 2021 to 08 October 2021, is consistent with the distinguished Bahraini experience in terms of empowering women and enhancing their leading role in laying the foundation for international peace and security through their remarkable and renowned diplomatic presence in intentional fora. In fact, it conveys an important message of peace stemming from the deep-rooted values of the Bahraini society and the vision of its wise leadership. This joint statement, which was cosponsored by more than 60 countries in collaboration with the University of PEACE, was the first formal initiative of its kind, constitutes a great achievement in terms of reaffirming women’s fundamental role in peace processes and the importance the Kingdom of Bahrain places on conflict prevention and peace building diplomacy especially in the middle east. In fact, this breakthrough in diplomacy replicates other important achievements such as the appointments of women in high level positions in the recent history of the Kingdom of Bahrain, for instance the appointment of H.E. Sheikha Haya Bint Rashed Al Khalifa –third women and first Gulf, Arab and Muslim woman - as President of the UNGA in 2006, H.E. Houda Nonoo - first Jewish ambassador - to the United States of America in 2008, H.E. Alice Samaan – first Christian Ambassador - to the United Kingdom in 2011.

**Conclusion:**

At the G20 Interfaith Forum “Time to Heal: Peace Among Cultures, Understanding Between Religions” that was held in September this year in Italy, the Kingdom of Bahrain reiterated the significance of collective efforts and international cooperation to ensure that people of different religions work together to promote development, coexistence and mutual respect, in order to prevent conflicts that erupt on the basis of religious, ideological or racial doctrines which undermine

stability, and constitute a serious danger to coexistence and peace, while emphasizing that religions are universal and should be for the common good of mankind. These traditional values have always marked the history of the Kingdom of Bahrain which thanks to its openness, cultural diversity and refined heritage, will always endeavor to promote coexistence among different communities.

# **The European Union: A Federal Project of Peace, Multilateralism and Dialogue**

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**Abstract:** The European Union is a unique political invention in the world that combines the defence of democracy, respect for human rights and the social market economy while developing the most advanced multilateral system based on distribution of sovereignty between common institutions and distribution of powers among them. The European Union should defend this legacy leading the institutional reforms at the system of United Nations to provide solutions for the international community.

1. Introduction: Federalism, A Force for Peace. 2. The European Union's Institutions. 3. The European Union and the Challenges of the XXI Century. 4. The Federalist Agenda Towards the Reform of the United Nations. 5. Conclusion

## **1. INTRODUCTION: FEDERALISM, A FORCE FOR PEACE**

Federalism is a political philosophy that draws among others on the contributions of Immanuel Kant, Alexander Hamilton and Pierre Joseph Proudhon, authors who developed the principle of unity in diversity as a formula to organise multinational political entities. Moreover, the main goal of Federalism is to achieve global peace, but there cannot be peace without freedom, social justice and a habitable planet. In addition, peace is not just the absence of conflict, but also a harmonious "living together" in a multi-ethnic, multi-cultural and cosmopolitan society. Thus, political federalism aims to achieve civil and international peace. Federalism is based on the principle of subsidiarity and its implementation, ensuring that decisions are taken

at the most effective level of governance, thus tackling at the European and global level transnational challenges.

In Europe, the idea of establishing “an ever closer union” (as enshrined in the Treaties) of peoples leading to a stable peace that respected individual rights through decentralised forms of power has been discussed since ancient times. Numerous theorists, politicians, writers, or activists have addressed the question of a peaceful unification of Europe, including Plato, Aristotle, Kant, Voltaire, Bentham, Coudenhove-Kalergi, Spinelli, Monnet, Delors, Scholl and Veil among many others. Altiero Spinelli and Ernesto Rossi in the Ventotene Manifesto for a Free and United Europe, written 80 years ago, underlined these guidelines of the federalist philosophy and denounced the dogma of the absolute sovereignty of the nation states as the cause of the World War II.

Indeed, the main issues humankind is facing, such as pandemics, sustainable economic growth and climate neutrality, delivering proper assistance to migrants, the digitization of our societies or the regulation of financial markets, are cross-border, transnational challenges by nature, requiring supranational and federal institutions subject to democratic control and capable of guaranteeing the same rights and freedoms to all citizens. This federal model can be applied both at the regional and global level. The European Union (EU) is therefore the most perfect model of regional integration according to the supranational template. Thus, it can constitute a blueprint for other regional organizations, or even for the United Nations (UN).

If the Congress of The Hague in 1948 embodied the impulse of civil society, and the Schuman Declaration of 1950<sup>669</sup>, which advocated establishing a European federation, constituted the political roadmap, the Treaty of Paris was the first legal step in the construction of the European Communities. This 2021 marked the 70th anniversary of the signing of this Treaty that gave birth to the European Coal and Steel Community (ECSC).

The ECSC was the first milestone of a transcendental construction for the advancement of democracy in the world. For the first time, supranational institutions were laid down to solve endemic problems

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<sup>669</sup> On the basis of Franco-German reconciliation, the Schuman Declaration represents in this context the first multilateral agreement with a federalist matrix that gave rise to the European integration process. The Declaration is the first and only political text of the European Union that sets the federalist goal to the completion of the integration process: *“By pooling basic production and by instituting a new High Authority, whose decisions will bind France, Germany and other member countries, this proposal will lead to the realisation of the first concrete foundation of a European federation indispensable to the preservation of peace”*.



and conflicts through a clear federal orientation. The Union to which the ECSC gave birth established the first of the European communities on the basis of shared sovereignty, through the pooling of competences whose management was entrusted to a High Authority of a supranational nature and independent of national governments (origin of the current European Commission), therefore overcoming the old scheme of intergovernmental cooperation. This supranational construction at its origins was completed with the legislative competences of the Council of Ministers, a consultative Parliament and a Court of Justice, key in the generation of jurisprudence to consolidate the federal integration process.

The Union has produced as well the longest period of peace and prosperity in the history of Europe, based on achievements as important as the internal market, a single currency, cohesion policy, educational exchange programs (Erasmus) and research (Horizon 2020), European citizenship and the right to free movement (removal of borders), common subsidies for European agriculture, a Charter of Fundamental Rights and the establishment of a shared political system, including today a Parliament elected by universal suffrage that has the capacity to co-legislate with the institution that represents the Member States (the Council). This element, alongside the use of qualified majority as an ordinary decision-making method by this second institution, confirms the essentially federal nature of the EU (as a union of states and citizens).

## **2. THE EUROPEAN UNION'S INSTITUTIONS**

The European Union was conceived as a unique political invention in order to avoid violent conflicts, and destructive competition between individual states. The institutions that are part of the EU are an example of this democracy and arise from the need to establish stable and transparent connections with the Member States, to improve the welfare of each country that is part of the Union like the branches of a tree. In a way, the EU is the deepest model of multilateral governance.

The European Parliament, created as a mere consultative assembly following the Schuman Declaration and the Treaty of Paris in 1951, is, since 1979 directly elected by the EU Citizens and represents Europe's democratic legitimacy, having three main functions: legislative (in equal footing with the Council in the vast majority of areas), budgetary and that of political control. Among their competences it is important to highlight its capacities for initiating the revision of the Treaties and its right of appeal to the European Union Court of Justice. In addition,

the European Parliament maintains a global dialogue network thanks to the work of its parliamentary delegations with other national parliaments and assemblies around the world, through which the Members of the European Parliament carry out diplomatic work and the defence of democracy and the human rights beyond EU borders.

The Council of the European Union is the representative institution of the Member States at European level. As a proto-chamber of territorial representation contributes to part of the EU legal framework as co-legislator but also to the implementation of policies and laws. The Council still retains the possibility of deciding by unanimity on policies as important as the common foreign and security policy, EU finances (income and multiannual budget), or social protection. Especially in foreign policy, unanimity still blocks the possibility of a more autonomous and incisive European foreign action in the international scene.

The European Commission serves the general interests of the entire Union as guardian of the Treaties and has the exclusive power of legislative initiative.

The European Court of Justice has been part of the institutional set-up of the European Community from the very start and embodies the judiciary of the Union. As the treaties of the EU are the legal building blocks of the Union, the Court of Justice ensures that they are respected. The European Court of Justice has played a crucial role by enabling integration through compliance with laws<sup>670</sup>.

The European Council represents the Member States with each country's head of government. The European Council's task is to set the general political direction and express the union's political impetus by defining priorities; however, the European Council has no legislative, executive or judicial powers.

The joint work of the institutions and its vocation towards a fairer and sustainable global cohabitation has made the EU and its Member States the world's leading donors of Official Development Assistance (0.50% of collective gross national income in 2020) and one of the world's leading trading power, being the EU trade policy a vehicle to promote European values and principles, from democracy and human rights to the defence of social rights and the protection of the environment. The EU currently has signed 41 trade agreements with 72 countries around

<sup>670</sup> A., Cuyvers, (2017). The Institutional Framework of the EU. In Cuyvers A., Ugirashebuja E., Ruhangisa J., & Ottervanger T. (Eds.), *East African Community Law: Institutional, Substantive and Comparative EU Aspects* (pp. 79-102). LEIDEN; BOSTON: Brill.

the world extending fair competition and trade without discrimination in accordance with the World Trade Organization<sup>671</sup> (WTO) principles.

### **3. THE EUROPEAN UNION AND THE CHALLENGES OF THE XXI CENTURY**

Since the beginning of the XXI Century, the entire planet has been shaken by global crises such as the 9/11 terrorist attack of 2001 and the Global Finance Crisis that started in the USA in 2007 and then expanded on a global scale. It is worth recalling the responses and actions taken by the EU in addressing these issues.

During the first half of the second decade, the EU went through the euro crisis, caused by the Greek debt default. Social inequalities and poverty increased. In the EU, the stimulus policies of the 2008-2009 period were abandoned in favour of adjustment programs. The frustration caused by the absence of a solidary response, the increase in social precariousness and the division of the EU between the countries of the north (creditors) and the south (debtors) paved the way for the increase of national-populism and Euro-scepticism. During the second part of the decade, starting 2014 with the VIII Legislature, we witnessed a social shift that materialized through a more flexible application of the Stability and Growth Pact, and the implementation of the Investment Plan for Europe (known as the Juncker Plan). The European Central Bank, chaired by Mario Draghi, began to buy public debt from Member States in secondary markets, while the official interest rate was set at 0%. All these measures put the EU back on the path of economic growth with a considerable recovery in employment, but without solving the social inequality that originated in the preceding years. The European Pillar of Social Rights was also adopted, even if not in a binding manner.

In the external dimension, the EU has experienced instability on our immediate border with the invasion of Ukraine by Russia in March 2014, the civil wars in Syria and Libya, product of the Arab springs of 2011, which also led to the great refugee flows of the year 2015 and 2016. In June 2016, the Brexit referendum took place, which resulted in a very narrow victory for the supporters of the United Kingdom's departure from the EU, which was a shock to the European consciousness. The same year, Trump won the Presidential election thereby shaking the Transatlantic relation.

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<sup>671</sup> Principles of the Trading System, World Trade Organization (WT)  
website: [https://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/fact2\\_e.htm](https://www.wto.org/english/thewto_e/whatis_e/tif_e/fact2_e.htm)

However, despite the initial feeling of uncertainty, Brexit has increased the cohesion of the Member States, institutions and citizens of the EU. In 2017, reflecting these trends, the Eurobarometer<sup>672</sup> highlighted that 73% of Europeans had a positive opinion of the EU and supported the euro, 68% felt they were “EU citizens” and recorded the most positive public perception on the EU and the European economy since 2004.

This landscape has been completed with the acceleration of climate change, the digitization of our societies, the pandemic and the questioning of the multilateral order by national-populist governments. In addition, in these years Europe has suffered various terrorist attacks that have increased the feeling of insecurity among citizens. China has become not just an industrial powerhouse, but an assertive geopolitical actor.

Unfortunately, some EU governments continue to seriously violate fundamental rights of migrants coming from the Libyan and Syrian civil wars. Even after the UN (2016) and the EU (2019) Summit for Refugees and Migrants, the challenge of migration, asylum and reception systems, labour and social integration has yet to find a concrete and common approach from EU Member States.

Concerning the environment, a big step was taken with the approval of the Paris Agreement on Climate Change of 2015, as a legally binding deal for all the co-signatories. This agreement was a success of the European diplomacy. In addition, the European New Green Deal, which set clear targets to be achieved in the coming years with the completion of the legislative process for the European Climate Law, seeks the goal of carbon neutrality by 2050 and provides for a reduction of 55% in greenhouse gas emissions by 2030 (in relation to 1990 levels) and the investment of a third of the 1.8 trillion euro investments from the EU Recovery Plan, beside the EU’s seven-year budget contribution to the same purpose.

On 11 March, 2020, the World Health Organization (WHO) declared that the coronavirus outbreak registered in the province of Wuhan, China in December 2019, had acquired the dimensions of a pandemic. Since then, Covid-19 has affected our population in a public health crisis that was not remembered since the so-called Spanish flu of 1918. In July 2021, according to sources from the European Center for Disease Control, more than 194 million of citizens around the world have suffered from the coronavirus infection, which has forced economic closures in the

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672 Standard Eurobarometer 87 - Spring 2017, European Union website: <https://europa.eu/eurobarometer/surveys/detail/2142>

different waves of contagion of the virus, with the consequent increase in unemployment and uncertainty in broad layers of the citizenship all over the world.

As a response to the pandemic, the EU has launched the Recovery Plan for Europe including the issuance of Eurobonds and new forms of taxation, the launch of the Health Union and the common vaccination campaign. The EU is also supporting the COVAX initiative as one of the pillars of the Accelerator of Tools against Covid-19 (ACT), launched by the World Health Organization (WHO), in order to provide diagnostics and drugs to treat the disease caused by the coronavirus, as well as the vaccine against it. Together with the Member States under the name "Team Europe" the EU has made great efforts to secure and redirect resources to provide vaccine doses to countries around the world, especially to the most vulnerable ones. The European Union has doubled its contribution to Covax<sup>673</sup> by 1 billion € along with the 2.2 billion € previously invested to guarantee 92 low- and middle-income countries 1.3 billion doses by the end of 2021. Also additional 100 million € have been committed in humanitarian aid to support the development of the vaccination campaign in Africa.

As a consequence of this constitutional momentum with the launch of the European Recovery Plan, the Conference on the Future of Europe constitutes a crucial step forward. Initiated on 9 May 2021, it is a one-year reflection with citizens, Civil Society Organizations, and institutional representatives about how to improve European Democracy, the international role of the European Union or how to strengthen the Health Union, among other topics. In this context, the Conference on the Future of Europe must be the lever to advance on key institutional reforms: improving European democracy by setting up a European-wide constituency for the next European Parliament elections, strengthening the European Parliament with a reinforced right of initiative and inquiry; reforming of the Treaties to make possible that Parliament can decide on new taxes, and ending the national veto in the Council in matters of foreign policy, taxation, to advance in social policy, and to include the climate neutrality goals in the Treaty. Therefore, it is urgent to strengthen the political union through the approval of a new Federal Constitutional Treaty.

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673 GAVI, the Vaccine Alliance website: [https://www.gavi.org/covax-facility?gclid=Cj0RCQ-jw-NaJBhDsARIsAAja6dNL6kgINBYV3AmR49Gm00RA2drqD2vRaHoV8\\_5o16NOz1oW-rm5GI-UaAmIEELw\\_wcB](https://www.gavi.org/covax-facility?gclid=Cj0RCQ-jw-NaJBhDsARIsAAja6dNL6kgINBYV3AmR49Gm00RA2drqD2vRaHoV8_5o16NOz1oW-rm5GI-UaAmIEELw_wcB)

Europe needs to assert itself once again as a model of peace, dialogue and multilateralism. The need to strengthen the binding action of the European Union both in terms of climate change and migration, and in its external action is fundamental.

#### **4. THE FEDERALIST AGENDA TOWARDS THE REFORM OF THE UNITED NATIONS**

Today, 12 years after the entry into force of the Lisbon Treaty, which represented a major step forward in the political integration of the Union and a push towards a better cooperation for external action and foreign policy, there is a need to strengthen the action of the European Union and its interactions with the other regions in the world.

In line with this goal, on 3 and 4 July 2021, the XXVII Congress of the Union of European Federalists (UEF) took place in Valencia (Spain) and several political resolutions were adopted. The resolution entitled *"The EU as a global actor in the post-covid 19 era: a stronger common foreign and security policy"* highlighted the context and need to accelerate global governance mechanisms and the European Commission's goal to promote, in President von der Leyen's words, a *"world-leading EU with strong strategic autonomy in the field of foreign policy and security and defence"*.

Following this resolution, UEF has called for a review of the EU global strategy of 2016, in view of the new challenges and crises of contemporary society. Moreover, in order to enable the adoption of a European Action Plan reflecting the values and strategies of the Multilateral approach and its methodology, it is necessary, above all, to support the action of the High Representative of the Union for Foreign Affairs and Security Policy, as he represents the highest political office regarding the decisions to be taken in the EU external action and foreign policy. Among the innovative initiatives launched by the HR/VP Josep Borrell, the EU Global Human Rights Sanctions Regime, adopted on 7 December 2020, is fundamental to counter human rights violations around the world. This could be a very useful tool to deal with delicate situations such as the forced imprisonment of the Russian political opponent Alexei Navalny, the Uyghurs persecution in China and other similar cases in the world as Belarus or Myanmar. After the unfortunate withdrawal of U.S. troops from Afghanistan, the fall of Kabul and the return of a Taliban regime, the EU must do its utmost to protect the rights of the Afghan people.

In the abovementioned resolution, UEF requested a stronger World Health Organization (WHO) to reinforce the existing global, regional, and national coordination mechanisms in the response to future health crises applying the EU scheme to this organization. This resolution also called to strengthen the COVAX solidarity mechanism as a way to strengthen vaccine delivery to poorer countries.

The UEF, as part of the World Federalist Movement (WFM), calls for an ambitious EU reform agenda for the UN, thereby making it more supranational, democratic and effective. The WFM seeks **“to exercise our rights and responsibilities as citizens of the whole world in order to achieve the high purposes of the United Nations<sup>674</sup>”** having as its main goal **“to promote global governance to address inequality, violent conflict, mass atrocities, climate change and corruption”**. This is not a utopian project. The WFM led the Global Coalition for the creation of the International Criminal Court (ICC) under the Rome Statute in 1998. Currently adopted by 123 nations, was in itself a historic event, marking a milestone in humankind’s efforts towards a Global Justice System. Its reality is proof of what civil society is able to achieve also in the global scene.

As examples of the campaigns developed by the WFM and Democracy without Borders, we should highlight the Campaign for the United Nations Parliamentary Assembly<sup>675</sup> (UNPA) that would allow the involvement of UN Member States’s citizens democratically elected in decisions and political negotiations on global issues, thus breaking the mere inter-state decision-making mechanism between national governments.

The Campaign for a United Nations World Citizen’s Initiative<sup>676</sup> also seeks the citizen’s involvement taking the example of the European Citizen’s Initiative (ECI), thereby promoting a direct democratic initiative supported by a certain number of citizens around the world to be send to the UN Security Council or UN General Assembly, so these initiatives could be discussed in these fora and the representatives of the proposal be heard.

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674 World Federalist Movement website: <https://www.wfm-igp.org/about-us/>

675 A United Nations Parliamentary Assembly. A policy review by Democracy without borders, by Maja Brauer and Andreas Bummel, Berlin 2020: [https://cdn.democracywithoutborders.org/files/DWB\\_UNPA\\_Policy\\_Review.pdf](https://cdn.democracywithoutborders.org/files/DWB_UNPA_Policy_Review.pdf)

676 “A voice for global citizens: A UN’s World Citizens Initiative. A Report of the Campaign for a UN World Citizens’ Initiative” by Dr. James Organ and Dr. Ben Murphy Published in 2019 by Democracy Without Borders, Democracy International, CIVICUS: World Alliance for Citizen Participation [https://www.worldcitizensinitiative.org/files/unwci\\_study.pdf](https://www.worldcitizensinitiative.org/files/unwci_study.pdf)

Beside all these proposals a reform of the UN Security Council is needed to review the right of veto, the limited composition of its members and its possible extension to the G-20 Member States, while obtaining a seat for the European Union, are initiatives that would contribute to an update of the functioning of the UN System. It is essential as well, in order to strengthen the legitimization of the UN System in the global scene to guarantee the responsibility to protect peoples and populations in risk of suffering atrocities by increasing the political base in the Security Council to make decisions in a timely manner, preventing crimes against humanity and guaranteeing the protection of populations. To take into account and make effective all these proposals a reform of the UN Charter is required.

All these institutional reforms need to be reinforced with political initiatives to promote international dialogue, and the prevention of conflicts. The European Federalists advocate the strengthening of the UN Alliance of Civilizations<sup>677</sup>, an initiative launched by the Spanish Prime Minister, José Luis Rodríguez Zapatero in order to foster intercultural dialogue and preventing radicalisation and conflicts between the West and the Arabic-Muslim world. Nowadays, this initiative is at the heart of the UN and led by the former Spanish Minister of Foreign Affairs, Miguel Ángel Moratinos as High Representative, and it is supported by 119 countries and 26 international organizations.

The UEF<sup>678</sup> encourages the European Union to join the ranks of the Alliance's Group of Friends ***"With the goal to advance through concrete steps towards the promotion of human rights and political reform, media and access to information, intercultural dialogue and cultural diversity, including people to people contacts, immigration and integration, the role of civil society in prevention of polarisation and radicalisation."***

Considering the federalist approach as uniquely capable of fulfilling the task set by the Alliance of Civilizations as it is intrinsically linked to the values of supranationalism, multilateralism, dialogue and solidarity, and recognising peace as a precondition for achieving justice, protecting human rights, and stimulating fair and democratic systems, the UEF calls on the European institutions to make a greater commitment towards this Alliance.

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677 United Nations Alliance of Civilizations (UNAOC) Action Plan 2019 - 2023: <https://www.unaoc.org/resource/unaoc-action-plan-2019-2023/>

678 UEF Resolution on a UN Alliance of Civilizations. Adopted by the UEF Federal Committee, Rome, 23-24 November 2019: [https://www.federalists.eu/fileadmin/files\\_uef/FC/FC\\_Rome\\_22-24\\_November\\_2019/UEF\\_FC\\_Rome\\_Resolution\\_3.2.pdf](https://www.federalists.eu/fileadmin/files_uef/FC/FC_Rome_22-24_November_2019/UEF_FC_Rome_Resolution_3.2.pdf)



The objectives of the Alliance of Civilizations complements in the cultural field the idea of Global Federalism that promotes transnational, global, multilevel governance. Nowadays, with the erosion of human rights observed worldwide, and increasing international polarisation, European Union must reassert its role as the promoter of democracy, defender of civil and human rights and must urgently become a stronger international actor.

## **5. CONCLUSION**

The European Union is a unique political invention in the world that combines the defence of democracy, respect for human rights and the social market economy while developing the most advanced system of distribution of sovereignty, thanks to the federal method that creates common institutions and the distribution of powers among them in order to generate consensus and the peaceful resolution of conflicts.

However, it is necessary for the European Union to play a more ambitious role on the international scene, advancing its political integration and taking the Conference on the Future of Europe as the opportunity to carry out pending institutional reforms. Decision-making by qualified majority in foreign policy in a possible reform of the Treaties would open the door for a strengthened role of the EU as a global actor in the world and as a tool for the implementation of an ambitious agenda of reforms at the system of United Nations to provide solutions for the international community in line with our common values of democracy, respect of human rights, equality and justice.



## **"Arkansas Global Changemakers and the effect of collaborative and disruptive strategies"**

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Since its popularization in the 1990s, the meaning and scope of so-called disruptive innovation has expanded dramatically. What was at first a concept limited to analyses of business performance and the impact of new technologies on consumer markets has since come to encompass a wide range of organizational activity. Crucially, the discussion has shifted from considerations of disruption as a simple effect of change to discussions of disruption as strategy. Along with this transformation have come new questions about those who carry out ostensibly disruptive innovations, how innovations come to be disruptive, and to what ends.<sup>679</sup>

In this essay, we consider the ways in which disruptive strategies align with collaborative strategies to produce innovations aimed at ameliorating global challenges in the twenty-first century. Specifically, we consider how they work through our current initiative, Arkansas Global Changemakers, which creates new international partnerships at the local level in order to challenge long-standing obstacles to global social change.

Our project began in 2018 at the University of Arkansas in Fayetteville, Arkansas, USA. The purpose was to find new ways of enhancing local approaches to issues that manifest at the local level but that also possess clear global corollaries. We accomplish this by facilitating dialogue among change agencies at home with organizations facing similar challenges in communities around the world. The goals are to exchange ideas, harness the power of local agency, and use a cross-

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<sup>679</sup> Clayton M. Christensen, Rory McDonald, Elizabeth Altman, and Jonathan E. Palmer, "Disruptive Innovation: An Intellectual History and Directions for Future Research," *Journal of Management Studies* 55, no. 7 (2018):1043-1078; 1048-51.

border and cross-cultural dialogue to disrupt old ways of thinking about global problems and develop more effective approaches. The initiative builds upon longstanding research into the notion of “glocalism,” which, as the sociologist Roland Robertson has explained, posits a mutually-constitutive relationship between notions of globality and locality.<sup>680</sup> This dynamic, we believe, applies equally to the ways in which many global social and environmental problems manifest themselves uniquely in specific communities, countries, and regions. Cultural, geographic, and infrastructural differences not only shape the ways in which societies experience common challenges, but also inform the ways that the issues are conceived, addressed, and measured.

With this point of departure, Arkansas Global Changemakers endeavors to study and understand these differences and find ways to utilize the opportunities that they create for innovation. In this way, the project reflects the familiar adage, “think global, act local,” but it also flips the idea, “think local, act global.” In other words, it disrupts simple distinctions between notions of locality and globality and expands the scope of possibility for what constitutes active engagement in global integration. It also treats local or national organizations as components of a broader global civil society, inviting them to rethink their community work as part of a larger framework.

Arkansas Global Changemakers creates space for new collaboration and for new collaborators, beginning with students. The project seeks to train the next generation of changemakers through experiential and global learning combining classroom study, study abroad, and hands-on community engagement. Guided by a multidisciplinary faculty team, students learn about the global and local dimensions of key challenges that affect our home state. Salient issue areas include food insecurity, public health, sustainable urban development, and job skill development. Participating faculty help students situate local challenges in a broader context and align them with the **United Nations Sustainable Development Goals**. At the same time, students and faculty participate in targeted on-campus courses, where they interact with partner organizations in Arkansas, with analogous organizations in communities abroad, and with university partners around the world. To prepare students for these interactions, the course training includes intercultural competence modules modeling

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680 Roland Robertson, *Globalization: Social Theory and Global Culture* (London: Sage, 1992); Robertson, “Glocalization: Time-Space and Homogeneity-Heterogeneity,” in *Global Modernity*, edited by Mike Featherstone, Scott Lash, and Roland Robertson (London: Sage, 1995), 25–44.

successful intercultural encounters and leading students to reflect on conversations with international partners. At the same time, hands-on analysis of community organizations and supportive mentorship from community practitioners help students learn about the importance of social innovation and social business development while also cultivating networks to promote advanced learning through internships, field research, or other experiential opportunities.

Networks are critical to our approach because they facilitate a better understanding of how social change ecosystems operate within communities. They help us learn not only how individuals and individual organizations address specific challenges, but also how organizations across sectors—government agencies, NGOs, INGOs, and academic institutions—work together to effect change. During the process of analyzing these organizations and ecosystems, students collaborate with community partners to identify operational problems, inefficiencies, or opportunities for improvement. They also join faculty in investigating the areas in which organizations could strengthen relationships or identify new ways to collaborate with other agencies in their communities.

At each step, students apply intercultural skills and global learning while also practicing social innovation techniques by participating in and even facilitating dialogue between organizations in Arkansas communities and those in selected cities and international regions. For the partner agencies, the connections serve to raise awareness of the global dimension of their work while also showcasing the differences in conceptions of and approaches to similar challenges. For advanced students and for faculty, a successful outcome can include adapting innovations across cultural boundaries to improve approaches or increasing the scalability, sustainability, and viability of innovations, both at home and abroad.

As a final component of the project, the team maintains a website (<http://globalchangemakers.uark.edu>) highlighting our initiatives and inviting the public to take part in book club discussions and lectures on global issues. This serves to expand the circle of local agency and to foster the bonds within and among communities. Here, Arkansas Global Changemakers offers an opportunity to debate firsthand the role of social innovation strategies in our global efforts to build a more prosperous, peaceful, and sustainable future. It creates a space for insiders and outsiders alike to reflect critically on both the individual outcomes and the Arkansas Global Changemakers approach itself.

Such debates are critical, since there is no doubt that discussing social innovation strategies as vehicles for a sustainable future can be controversial. Even academic debates about the purpose of social innovation and its place in a free-market economy can take on an unyielding, ideological character. This includes the debate over disruptive strategies, but also more specifically the question over whether collaborative strategies can act as positive disruption to generate impact in the social or economic spheres. It seems that for every theorist who claims that the potential of these strategies is overlooked, there is another who insists that their impact is overblown.<sup>681</sup> It is not our purpose here to rehearse the debate, but merely to our experience with Arkansas Global Changemakers, we believe that they often intersect in important and productive ways.

Let us start with some sort of consensus. For many, collaborative strategies are an opportunity to connect and celebrate the vision and value proposition of the community we want to create. They offer a way for individual concerns to grow into effective community-wide efforts. As an example, what initially may have started as an effort to address the particular disability of a loved one (think of a mom determined to help her autistic child develop basic job skills), potentially could be transformed into a scalable social enterprise, as long as the proposed solution—the entrepreneurial endeavor—is designed and executed within the context of a collaborative strategy. This kind of strategy is capable of fostering networks, community partners, and like-minded initiatives eager to address significant social gaps. Collaborative strategies are at the core of many successful social innovations, as they can optimize existing resources rather than including or incorporating new ones. Moreover, they serve to enlist capacity available close to home, enhance local agency, and draw upon on-the-ground knowledge. Rather than relying solely on outside intervention or looking to the next technological invention, the social innovations that will help us move the needle will come from our ability to understand the problem as well as the ecosystem in which this problem has emerged and to effectively utilize the resources on hand to address it.

Disruptive strategies, meanwhile, operate in a much larger and more ideologically ambiguous field. In her writing for the *New York Times*,

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<sup>681</sup> See for instance Michael Avitel, et al, "The Collaborative Economy: A Disruptive Innovation or Much Ado about Nothing?" *Proceedings of the 35<sup>th</sup> International Conference on Information Systems*, edited by Elena Karahanna, Ananth Srinivasand, and Bernad Tan (Atlanta: Association for Information Systems, 2014), Accessed 26 April 2021, <http://icis2014.aisnet.org/>. See also John Kania and Mark Kramer, "Collective Impact," *Stanford Social Innovation Review* (Winter 2011): 36–41.

journalist Jill Lepore has revealed vastly different perspectives on what “innovation,” “innovators,” and “disruption” mean.<sup>682</sup> Whether an approach, technique, or mechanism is innovative depends on a number of factors, including the environment into which it is introduced, the degree to which a new aspect is anticipated or even possible within a community or organization, and the way in which its effects are perceived by agents and beneficiaries. In a similar way, what is considered disruptive in certain places under certain socioeconomic or cultural circumstances may not be so in other cases. Within this context, in which disruption and innovation are valued but uncertain, it is possible to conceive a role for collaborative approaches. Indeed, Steve Davis argues that collaboration can be a defining feature of positive innovation. As he unapologetically writes:

The kind of innovation I am describing –whether in health care, economic development, or other areas—requires a high level of collaboration rather than competition. It means sticking with good ideas until the end—making sure that we put the mechanisms and support in place to bring them through research, development, and introduction, and to scale them up so that we can reach as many people as possible. It means adapting to geopolitical and technological evolutions, and working across borders and sectors to turn great ideas into transformational changes.”<sup>683</sup>

As the founders of Arkansas Global Changemakers, we similarly believe “disruption” and “innovation” matter, and the place where they matter most is in the collective efforts to improve the socio-economic and environmental viability of our existence. In a world of limited resources and fragile ecosystems, the combination of collaborative and disruptive strategies aimed at doing more with less, are crucial to our approach. By promoting basic principles in social innovation and intercultural competency as the preamble for global social change, we share and explore with our faculty and students the tools and methodologies designed to support, execute, optimize, and scale cross-sector collaborations.

In his writings on innovation, business and enterprise researcher Jaideep Prabhu reminds us that “the creation of faster, better and cheaper solutions for more people employing minimal resources—is already taking place in core sectors such as manufacturing, food,

682 Jill Lepore. “The Disruption Machine,” *The New Yorker* 90, no. 17 (2014): 30.

683 Davis, Steve. “Disruptive Innovation: Where It Matters Most,” *Stanford Social Innovation Review* (24 June 2014), Accessed 25 April 2021, [https://ssir.org/articles/entry/disruptive\\_innovation\\_where\\_it\\_matters\\_most#](https://ssir.org/articles/entry/disruptive_innovation_where_it_matters_most#)

automotive, and energy in developing and developed economies.”<sup>684</sup> Disruptive strategies are not only about the optimization of existing resources to accomplish more, with less, for more but also about cross-sector collaborations. They are characterized by their expressed mission to foster the interaction between large and small firms as well as between firms, international organizations, and consumers, all to make change possible. Disruptive strategies include the participation of governments and public institutions in helping implement initiatives whenever free-market mechanisms alone will not suffice and assessing impact to determine the scalability of a particular innovation.

Up to this point, there has been no significant controversy in the ways we have considered collaborative and disruptive strategies in this essay. We can even identify at least two areas of meaningful overlap between them:

- Collaboration is critical to procure meaningful, disruptive change.
- Disruptive change depends on the efficient optimization and collaboration of existing resources.

But what happens when disruptive strategies challenge the foundation of the very same structures that make the strategy possible? In other words, what happens when the disruptive strategy becomes an attempt, in and of itself, of challenging and if possible changing the same organizations, networks, and hierarchies that constitute the *status quo*? At the global level, this is clearly what is needed to tackle the most pressing worldwide issues of our day. On a planet of 7.5 billion people projected to grow to 10.5 billion in a matter of 30 years, where the majority of the population will live competing with the same finite resources, we must learn, as the title of Prabhu’s suggests, “to do more, with less, for more.”<sup>685</sup> This is a guiding principle in the world of disruptive strategies, but does it apply to societies as well as to corporations and organizations? This is an especially daunting problem in a post-industrial age of great wealth. In 1958, John Kenneth Galbraith asked whether the future could be secured through the creation of “the affluent society,” and now the question is whether our future can survive it. In a wealthy, comfortable society, in which, to borrow Galbraith’s words, “the production of goods and services is the measure of civilized success,” can we reinvent ourselves?<sup>686</sup>

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684 Jaideep Prabhu, “Frugal Innovation: Doing More, with Less, for More,” *Philosophical Transactions of the Royal Society* 375, no. 2095 (2017): <https://doi.org/10.1098/rsta.2016.0372>.

685 Prabhu, “Frugal Innovation.”

686 John Kenneth Galbraith, *The Affluent Society*, Fortieth Anniversary Edition (New York: Houghton Mifflin, 1998), ix.



Thinking creatively about our future might be the reason why Chamath Palihapitiya, one of the original members of the Facebook team, believes that if talented innovators are spending their time inventing the next must-have product for middle-class families, they are missing a tremendous opportunity to use their talent on the issues where disruptive innovation truly matters most. They could, for example, pursue initiatives to save people's lives, including our own, as the viability of our existence becomes more and more uncertain. Innovating with a focus on a quick return is not, as he explains, "how you solve diabetes. It is not how you use precision medicine to cure cancer. It is not how you educate broad swaths of the world's population."<sup>687</sup>

Perhaps one reason that many innovators hesitate to heed Palihapitiya's advice is the fine and, at times, blurry line between the notion of social entrepreneurship and social innovation. Some insist on a strict understanding of social entrepreneurship as the art of having a triple bottom line. It is not only about a financial return, but also about a social and environmental return of investment. Social innovation is thus a preamble to social entrepreneurship and an indispensable element. David Bornstein and Susan Davis have gone so far as to define social entrepreneurship in these terms, calling it "a process by which citizens build or transform institutions to advance solutions to social problems ... in order to make life better for many."<sup>688</sup> Yet it is easy to lose sight of this point, in part because social innovation extends beyond the realm of business. Solutions to social problems have historically come from the nonprofit, grass-roots, and the governmental and non-governmental sectors. These varied sources of change share a primary commitment to creating social value. This means a lot of the initiatives that impact our communities, are not necessarily rooted in the expectation of a financial return on investment.

Nevertheless, entrepreneurial principles can make profound contributions to social innovation, perhaps most significantly through the insertion of financial incentives along the value chain. Social value creation is a slow, difficult process, and it can be greatly accelerated and amplified through financial incentives and business innovations. They can also provide a means of tracking impact through both financial and non-financial indicators. In this way, social entrepreneurship

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687 Quoted in Bill Snyder, "Chamath Palihapitiya: Why Failing Fast Fails." *Insights by Stanford Business* (12 December 2017). Accessed 26 April 2021, <https://www.gsb.stanford.edu/insights/chamath-palihapitiya-why-failing-fast-fails>

688 David Bornstein and Susan Davis, *Social Entrepreneurship: What Everyone Needs to Know* (New York: Oxford University Press, 2010), 1.

and innovation coalesce as a potential point of intersection among collaborative and disruptive innovative strategies.

A second fundamental obstacle to this sort of innovative social change stems from the conflation of economic and moral values. In this case, the virtue of social entrepreneurship can also be its greatest challenge, as balancing profit and purpose can appear to be a zero-sum game. In *Utopia for Realists*, Rutger Bregman argues that our lack of imagination when confronting the pressing issues of our day is the result of a one-dimensional notion of what is good. "Progress," he writes, "has become synonymous with economic prosperity, but the twenty-first century will challenge us to find other ways of boosting our quality of life."<sup>689</sup> Even within the realm of economics, we often miss the opportunity to adopt a better, more moral approach. Indeed, this view has informed the work of historian Riane Eisler, whose call for a new "caring economics" begins with a rejection of the *status quo*. She declares, "We must also develop new economic indicators, rules, policies, and practices guided by values appropriate for the more equitable and sustainable future we want and need."<sup>690</sup>

A third obstacle to collaborative and disruptive strategies relates to our preconceptions about social innovators and the innovations they champion. We tend either to romanticize them as unfailing geniuses, or we dismiss them as dreamers or outliers. The first view precludes our sense of urgency for collaboration. We find cause to abandon our own social responsibility to be an active part of any solutions, because we use the promise of innovation as a panacea and as an excuse to wash our own hands of any responsibility to change. The second view leads to fatalism about disruption. We see no way out of our present circumstances and thus close the door on the possibility of meaningful change. The only way we can demystify innovators is to get to know them. As the students in our program learn, these real heroes are among us, and it is simply a matter of appreciating their work, their genuine limits, and their actual potential. Moreover, it is about finding points where others can support their work and even join their ranks.

Our region, Northwest Arkansas, is home to a large academic institution, the University of Arkansas, and a number of large corporations, including Walmart, Tyson Foods, and J.B. Hunt Transportation. But there is also a vibrant and growing community of smaller social innovators and entrepreneurs who are pushing the envelope of value

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689 Rutger Bregman, *Utopia for Realists: How We Can Build the Ideal World* (New York: Hachette, 2017), 19.

690 Riane Eisler, *The Real Wealth of Nations: Creating a Caring Economics* (Oakland: Berrett-Koehler, 2007), 21.

generation. The Station, Seeds that Feed, Partners for Better Housing, Arkansas Support Network, Food Loops, Potter's House, Beautiful Lives Boutiques, Rockin' Baker, the Blue Door, Soul Harbor, the Bilingual Project, and many, many others, are all concrete examples of inclusive, collaborative, and in some cases disruptive social innovations, either with a for profit or non-for profit angle. Through the Arkansas Global Changemakers project, our students learn from these innovators, and at the same time work with faculty and international partners to help them improve their work and enhance their impact.

If we are genuinely interested in generating real, long-lasting social change, there are a few things we need to know:

- Collaboration is key. We will never do it alone;
- We must shoot for a sense of justice. At its minimum, we need to follow a fundamental (and universal) sense of justice, and
- Real change takes time. Actual, long-lasting transformation is more about connecting the existing dots and optimizing existing resources than trying to disrupt, with one shot, the entire system. Aim instead to disrupt the conditions that create the injustice, one step at the time.

Such considerations are probably the only way to create agency in people. This is the only way for us, as potential users, customers, or beneficiaries of a disruptive strategy to embrace the change and make it ours.

And this is precisely why we created Arkansas Global Changemakers. The initiative is not only an opportunity to fill our days with purpose, but also a tremendous opportunity to create, to innovate, and to meet outstanding changemakers, making a difference in the world on a daily basis. It is a unique window on the world, one that beckons our fellow Arkansans to look outside their communities and that invites others to see the extraordinary innovators in our state who are transforming the world. If we want to foster collaborative and disruptive strategies to do more, with less, for more, and to secure sustainable peace in our planet, it is imperative to connect and recognize in each other our fears and aspirations. Learning globally to act locally and vice versa become *sine qua non* mindsets to propel effective change and to remind us that the viability of our future depends on the sustainability of our entire ecosystem. This is the reason why the Arkansas Global Changemakers team believes that the power of meaningful innovations resides on four essential characteristics:

- The simplicity and universality of the initiative;
- The agency and sense of ownership such initiative creates;
- The commitment to develop and execute rigorous impact assessments; and
- The commitment to the core mission of the project.

Disruptive transformation requires collaboration. There is no such thing as a disruptive strategy without a collaborative strategy. At Arkansas Global Changemakers, we believe that change does not start with more aware and conscious entrepreneurs, but with more aware and conscious citizens, and as citizens, we do not only vote through our purchasing power; rather, we impact the world through our ability to connect and empathize.

Change starts with us.

## **FINAL REMARKS**

### **Du consensus de Washington au consensus de Paris : un nouveau chemin pour la Paix ?**

### **From Washington Consensus to Paris Consensus: A New Path for Peace?**

**H.E. Mr. Jean-Pierre Raffarin**

*Prime Minister of the Government of France (2002-2005)  
President of Leaders for Peace*

#### **Une epidemie mondiale, peu multilatérale**

Le coronavirus a fait reculer le multilatéralisme. La pandémie, par sa fulgurance, ses violences, ses rebonds et sa durée, a bouleversé les relations internationales.

Dans les crises précédentes, le multilatéralisme avait profité des circonstances pour progresser. La Covid, cette fois, a fait reculer la gouvernance mondiale.

En effet, les relations internationales ont choisi leur camp, plutôt la compétition que la coopération. Au départ, en franchissant une à une les frontières, le virus était plutôt un agent de la globalisation. Mais au fur et à mesure que les ripostes se sont organisées, il est devenu l'interlocuteur des nations.

Alors que, dans la crise précédente en 2008/2010, le multilatéralisme s'était renforcé par la mobilisation du G20 au niveau des chefs d'Etat, dans cette pandémie, les tensions entre les nations sont apparues plus nombreuses et plus agressives. Les masques, les tests, les vaccins...ont fait l'objet de multiples guérillas.

Il faut reconnaître que le Président Trump a mis du sien pour crispier la situation. Son successeur Joe Biden et son secrétaire d'Etat, Antony Blinken, déploient beaucoup d'énergie pour reconquérir le terrain perdu.

## **La nouvelle Guerre Froide**

En effet, la pandémie a explosé au moment où la rivalité sino-américaine commençait à prendre les allures d'une nouvelle guerre froide.

Les tensions se sont ajoutées aux crispations. « Le piège de Thucydide » s'est refermé et la rivalité entre le numéro un mondial et son second s'est installée de manière durable, parce que systémique.

La puissance de cette rivalité, avec son lot de propagande, génère plusieurs effets négatifs tels que l'affaiblissement de la croissance mondiale, les pressions exercées sur ceux qui sont attachés à leur indépendance comme l'Europe ou l'Afrique, et aussi les blocages du système multilatéral.

La radicalisation de cette tension serait dangereuse pour la Paix du monde.

Pour faire face à cette nouvelle donne mondiale, nous comptons notamment sur l'exceptionnelle énergie de la nouvelle directrice générale de l'Organisation Mondiale du Commerce, Ngozi Okonjo-Iweala.

## **La planetisation, nouvel ordre mondial**

Heureusement, au milieu des multiples crispations, un espace de consensus est en train d'émerger au cœur des relations internationales. L'espace est encore étroit, mais, pour construire un renouveau du multilatéralisme, il est nécessaire de s'appuyer sur des consensus partiels, que l'on espère pouvoir progressivement élargir.

Ce consensus pour l'avenir de la Planète s'appuie sur une condition largement partagée : la protection de la planète est une urgence pour la protection de l'humanité. Les mots de Joe Biden, quand il rejoint l'accord de Paris, ne sont pas très éloignés de ceux de XI Jinping, quand il a signé cet accord.

L'initiative américaine des 22 et 23 avril 2021 permettant à quarante chefs d'Etat de s'exprimer sur le sujet, dans cette période difficile, est cependant de bon augure.

Certes, on sent que la compétition pour le leadership de la démarche est lancée, l'Europe et beaucoup d'autres ne souhaitent pas abandonner les premiers rangs, mais ce jeu des coudes ne fait que renforcer la crédibilité du projet.

Il est rare que l'on se batte pour une cause sans avenir !

## **Ouverture de la diplomatie aux sociétés civiles**

L'accord de Paris peut-il prendre le relais du Consensus de Washington ? On peut en formuler l'espoir, pour des avancées multilatérales.

La perspective de Paix ne peut exister que quand les nations acceptent des objectifs qui dépassent leur égoïsme. Ces objectifs supérieurs doivent concerner tous les Pays.

C'est aujourd'hui le cas de la Planétisation de nos consciences. Bien sûr, ce nouveau champ de préoccupations communes peut aussi devenir le nouveau champ de bataille des grandes puissances. Les "sommets" se multiplient sur tous les continents.

Face à ce risque de dispersion, nous pouvons compter sur les sociétés civiles, et notamment les jeunes du monde entier, qui ont compris que leur avenir et celui de la planète étaient directement solidaires. Le rapport 2021 de notre organisation, *Leaders pour la Paix*, exprime notre confiance dans l'élargissement aux sociétés civiles des nécessaires innovations de la diplomatie.

### **English version**

#### **A global epidemic with little multilateralism**

The coronavirus has set back multilateralism. The pandemic, with its rapid spread, its violence, the recurring waves and long duration, has turned international relations on their head.

In previous crises, multilateralism had taken advantage of the circumstances to make progress. This time, COVID has set back global governance.

Indeed, international relations have chosen sides, engaging in competition rather than cooperation. Initially, by penetrating borders one by one, the virus acted as an agent of globalisation. However, as the responses became more organised, it became the interlocutor of nations.

Whereas in the previous crisis in 2008–2010, multilateralism was strengthened by the mobilisation of the G20 at the level of heads of state, in this pandemic we have seen tensions between nations become both more numerous and more aggressive. Masks, testing, vaccines... All these have been the subject of multiple guerrilla battles.

To his credit, President Trump put a lot of effort in to escalate the situation further. His successor, Joe Biden, and his Secretary of State, Antony Blinken, are working hard to regain lost ground.

### **The new Cold War**

Indeed, the pandemic exploded just as Sino-American rivalry was starting to look like a new Cold War.

Tensions have been poured on top of tensions. "The Thucydides trap" has snapped shut and the rivalry between the world's number one power and its runner-up has taken hold in a lasting, systemic way.

The power of this rivalry, along with the propaganda, generates several negative effects such as the weakening of world growth, pressure heaped on those who are attached to their independence, such as Europe and Africa, while also hampering the multilateral system.

The radicalisation of this tension would be dangerous for world peace.

To take on this new global situation, we are counting on the exceptional energy of the new Director General of the World Trade Organization, Ngozi Okonjo-Iweala.

### **Planetisation, the new world order**

Fortunately, in the midst of these many tensions, a space for consensus is emerging at the heart of international relations. The space is still narrow, but in order to forge a renewal of multilateralism, it is necessary to build on partial consensuses, which we hope to be able to expand gradually.

This consensus for the future of the planet is based on a widely shared condition: the protection of the planet is crucial for the protection of humanity. Joe Biden's words, when he joined the Paris agreement, are not far from those of XI Jinping, when he signed that agreement.

The American initiative of 22 and 23 April 2021, allowing forty heads of state to express themselves on the subject, in this difficult period, is a good omen.

While it is true that the competition for the leadership of the process is underway, Europe and many others do not wish to cede their position, but this elbowing only strengthens the credibility of the project.

It is not common for one to fight for a cause without a future!

### **Opening up diplomacy to civil societies**

Can the Paris agreement take over from the Washington Consensus? We can hope for multilateral progress.

The prospect of peace can only exist when nations accept objectives that go beyond their selfishness. These higher objectives must concern all countries.



This is the case today with the planetisation of our consciences. Of course, this new field of common concern can also become the new battlefield of the great powers. “Summits” are multiplying on all continents.

In the face of this risk of dispersion, we must rely on civil societies, and in particular young people throughout the world, who have understood that their future and that of the planet are directly linked. The 2021 report of our organisation, *Leaders for Peace*, expresses our confidence in extending the necessary innovations in diplomacy to civil societies.

**H.E. Mr. Emmanuel Macron**  
*President of France*

Presidential statement on multilateralism and peace delivered on the occasion of the Annual Conference of Leaders for Peace on 11 May 2021 in Paris<sup>691</sup>

Je suis très heureux d’intervenir à la conférence annuelle des « Leaders pour la paix ». Je me souviens de nos échanges, il y a maintenant quelques années. Vous m’aviez invité à partager, en guise d’ouverture, mes réflexions sur le multilatéralisme et la paix en cette année 2021. Ce sujet, particulièrement prégnant en cette année précisément, car elle est marquée à la fois par la perspective de sortie de la pandémie – qui nous oblige à penser ce fameux « monde d’après » – et le retour en force des Etats-Unis dans les enceintes multilatérales, qui nous encourage à retrouver le chemin d’un multilatéralisme efficace, compatible avec les rapports de force du 21e siècle.

Votre rapport de 2019 sur le sujet dressait bien le constat d’un ordre multilatéral fragilisé, contesté, affaibli. Au fond, trois questions se posent à nous face à ce constat:

La première, devons-nous chercher à revenir au « monde d’avant », en actionnant en quelque sorte la marche arrière? Ou assumer d’engager la transition, qui par nature est incertaine, peut-être plus périlleuse, vers un nouveau multilatéralisme, repensé dans ce nouveau rapport de force, et les apprentissages de la crise?

Certains font mine de penser que la crise que nous traversons n’est qu’une parenthèse. Comme si le vaccin permettait de retrouver le statu quo ante. Ce serait à mes yeux une erreur historique. Je crois profondément que nous arrivons à la fin d’un cycle. Nous savons

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691 Permission for its reproduction has been obtained from the Élysée and Leaders for Peace

maintenant à quel point nos trajectoires de croissance du tournant du millénaire nous menaient dans une impasse: elles étaient génératrices d'inégalités pleinement explosives au sein même de nos sociétés; elles consumaient le capital naturel de la planète; et elles en quelque sorte exaltaient les tensions géopolitiques déjà existantes. De la Californie au Sahel en passant par les îles du Pacifique, nous en subissons absolument tous les conséquences aujourd'hui, et ces conséquences sont encore plus dommageables pour les Etats les plus vulnérables, pour les sociétés les plus fragiles, pour les pays d'ores et déjà les plus pauvres.

Il nous revient donc de définir, façonner, le cycle suivant. Notre réponse en France, notre réponse collective en Europe, consiste à mettre à profit cet ultime coup de semonce pour réorienter résolument notre trajectoire de développement. J'en suis convaincu, ce qu'on a longtemps appelé le « consensus de Washington » est mort et enterré. Le 11 novembre dernier nous avons tenté de faire émerger ce « consensus de Paris», au fond ce nouveau consensus universel, à l'occasion du Forum de Paris pour la Paix, porteur d'une transition vers de nouveaux modèles économiques, sociaux, démocratiques. Nous devons continuer à le façonner, à le consolider; et vos réflexions à cet égard nous permettront d'avancer.

La seconde grande question est à mes yeux : que voulons-nous faire des « communs » tels que le climat, la santé, la biodiversité, l'internet ? La fin du siècle précédant nous avait permis de définir un agenda commun, de penser ces biens communs de l'humanité, avec il faut bien le dire des réalisations qui demeuraient tâtonnantes, bien souvent incertaines, des prises de conscience qui ne datent que de quelques années. Je pense en particulier à la lutte contre le terrorisme, contre les contenus haineux en ligne et sur les réseaux sociaux. Mais ces biens communs sont en effet une composante aujourd'hui essentielle de ce nouveau multilatéralisme. Les préserver ensemble au bénéfice de tous, ou se résigner à les voir s'éroder sous l'effet de la captation, de la surconsommation ou de la prédation?

J'ai porté, depuis le début de la pandémie, la vision de la lutte contre la Covid-19 comme « bien public mondial ». Cette vision, qui n'allait pas de soi, s'est matérialisée par la création de l'accélérateur ACT-A, qui permet de mettre à disposition des pays les plus pauvres des diagnostics, 3 des traitements, des vaccins, de renforcer les capacités de leurs systèmes de santé à lutter contre la pandémie. Nous pouvons être fiers de ce qui a été accompli, mais nous devons aller beaucoup plus loin et nous le

savons : en partageant le mois dernier des premières doses de vaccins avec l'Afrique pour la vaccination du personnel soignant, la France a initié ce qui sera, j'en suis absolument convaincu, un vaste mouvement de solidarité contre la Covid-19. J'ai appelé mes partenaires du G7 à le rejoindre sans plus tarder. Et nous savons ce qui nous attend, en G7 comme en G20: une réponse profonde en matière sanitaire pour tirer toutes les leçons de cette crise et réussir à vaincre cette pandémie qui ne sera gagnée que si nous livrons ce combat de manière coopérative et universelle.

Au-delà de cette réponse de court terme, où se joue la confiance dans le système multilatéral, nous devons réformer l'architecture internationale de la santé pour renforcer notre outil de sécurité collective contre les pandémies. La réussite dépendra de notre capacité d'assurer en quelque sorte la « paix sanitaire » – c'est-à-dire à préserver la coopération internationale en santé de la montée des rivalités géopolitiques. Et c'est possible : il y a 40 ans, en pleine guerre froide, l'humanité triomphait de la variole, grâce à une collaboration entre chercheurs et médecins du monde entier, y compris russes, chinois et américains. C'est cet agenda sanitaire qui est devant nous aujourd'hui.

Il en va de même pour l'environnement: si la lutte contre le changement climatique ou contre l'effondrement de la biodiversité devenaient otages de la montée des rivalités entre grandes puissances, nous serions alors certains, là-aussi, de construire nos propres impasses, nos propres échecs d'aujourd'hui et de demain. Nous sommes sur ce chemin de crête, faute d'avoir agi plus tôt, il faut bien le dire. Mais il y a des raisons d'être raisonnablement optimistes: nous avons su, avec nos partenaires européens, africains, chinois aussi, préserver le multilatéralisme climatique et les Accords de Paris durant quatre ans, malgré la sortie des Etats-Unis qui portait le risque alors, de leur délitement. Les coalitions d'acteurs des sommets « one planet », qui rassemblaient Etats, entreprises, collectivités, fondations organisations de la société civile... nous ont permis d'avancer dans la transformation en profondeur de nos économies avec des résultats concrets.

Le sommet pour le climat accueilli par Joe Biden le mois dernier, pour lequel l'ensemble des leaders du G20 ont répondu présent, a montré que la préservation de l'environnement peut constituer un combat partagé, et a marqué surtout le retour des Etats-Unis d'Amérique, qui marque leur rattrapage. Il est maintenant urgent d'accélérer la transition, et d'accroître l'ambition: Glasgow en novembre prochain doit en quelque sorte être le Bretton Woods du 21<sup>e</sup> siècle: la COP26 doit nous permettre

de dessiner l'organisation des systèmes productifs du « monde d'après », avec le nouvel étalon-or – celui de la neutralité climatique.

L'Union européenne est en pointe sur ce sujet. Nous avons pris les engagements les plus forts, les plus radicaux, nous aurons apporté des innovations profondes, et la présidence française s'y engagera pleinement, comme le mécanisme d'inclusion carbone. Nous n'avons pas à rougir, au contraire, nous devons continuer de tirer la géopolitique internationale climatique et de biodiversité, en continuant à nos côtés d'engager la Chine et les Etats-Unis d'Amérique.

Enfin, l'espace digital est aussi un bien commun, qui doit faciliter la communication entre les individus, les cultures, les peuples et les nations. Il doit être accessible à tous et régi par les principes de la souveraineté démocratique. Pour cela il doit être gouverné, régulé, et non capté, piraté, instrumentalisé. Le temps est venu de poser ensemble les principes fondamentaux de l'espace global de l'information et de la communication afin de préserver un Internet unique, ouvert et de confiance. Je porterai au sein du G7 et du G20 des propositions concrètes pour assurer un « ordre public du numérique ». Et nous avons là aussi, depuis 2017, fortement agi en la matière. Dès l'été 2017, avec Theresa May pour lutter contre le terrorisme en ligne. Puis lors de l'Appel de Christchurch, ici-même à Paris, en mai 2019, qui a permis des réalisations concrètes, des avancées européennes votées il y a quelques semaines notre parlement, et des progrès qui se traduiront dans le sommet du 14 et 15 mai prochain.

Troisièmement, cet agenda de protection des biens publics mondiaux, essentiel à la paix, pose une question de méthode. Dans la course contre la montre, nous ne pouvons pas attendre l'unanimité parfaite pour agir. Nous ne devons jamais exclure personne, a priori, mais l'approche doit être celle qui nous a guidés en Europe et qui doit encore nous guider davantage: qu'aucun État membre ne puisse être contraint d'aller plus loin qu'il ne peut et ne veut, mais que celui qui ne veut pas continuer d'avancer ne puisse pas non plus empêcher les autres de le faire. En quelque sorte, il faut toujours permettre à une avant-garde de l'ambition d'agir.

Croire au multilatéralisme, ce n'est pas défendre le statu quo. Ce n'est pas non plus attendre l'unanimité pour avancer. C'est agir, concrètement, pour la mise en œuvre des principes qui fondent l'ordre multilatéral. C'est travailler à la réforme et à la modernisation des organisations internationales pour les rendre plus efficaces dans leur capacité à

apporter des résultats tangibles pour les citoyens, à commencer par les plus vulnérables. C'est porter des initiatives innovantes dans les secteurs où la gouvernance internationale est encore insuffisante, comme le numérique. C'est veiller à associer les partenaires de la société civile à la recherche des solutions. Je souhaiterais au fond, substituer au multilatéralisme des mots un « multilatéralisme des actes ». Je crois très profondément à cette méthode. Et pour cela, il nous faut laisser ces avant-gardes de l'ambition agir, et il nous faut aussi resynchroniser nos agendas, remettre en cohérence nos agendas. Cette avant-garde de l'ambition elle est possible en matière climatique ou en matière sociale, mais elle ne tient pas si nous continuons d'avoir un agenda commercial qui fait fi de la dimension sociale ou environnementale. Comment demander aux européens d'avancer sur une ambition climatique si le jour d'après les mêmes européens vont passer des accords commerciaux avec des régions qui ne les respectent pas. Le multilatéralisme est aussi enfant de la cohérence, pour qu'il soit accepté par nos peuples. Et donc le commercial, l'économique, le financier, le social, l'environnemental 6 doivent marcher de pair dans une resynchronisation des agendas, dans une cohérence retrouvée.

Monsieur le président, mesdames et messieurs, comme toutes les crises de grande ampleur, celle provoquée par la pandémie de Covid-19 est porteuse d'une opportunité. Elle nous oblige à mettre à jour le logiciel même de l'action collective internationale, dans tous les domaines où celle-ci est requise pour répondre aux défis globaux. C'est dans ce sens que seront orientés cette année les travaux du Forum de Paris sur la Paix, qui tiendra sa quatrième session en novembre prochain. Il a été d'ailleurs conçu comme un laboratoire pour faire émerger des solutions innovantes, concrètes, sur les grands sujets de la gouvernance mondiale. J'aurai à cette occasion plaisir à retrouver tous ceux qui œuvrent à ce que vous appelez la « planétisation », cher Jean-Pierre Raffarin – cette priorité donnée à la protection de la Planète, condition essentielle de la préservation de la paix mondiale.

Alors merci pour vos travaux, votre engagement, et il me tarde de vous retrouver physiquement et de pouvoir à nouveau vous accueillir ici même à l'Élysée. Je vous remercie.

### **English version**

I am very pleased to be speaking at the annual "Leaders for Peace" conference. I remember our discussions, a few years ago now. You have invited me to share my thoughts on multilateralism and peace in

2021. This subject is particularly topical this year, marked both by the prospect of an end to the epidemic – meaning we must conceive the “world of after” – and the return of the influence of the United States in multilateral forums, which is an encouragement to rediscover the path of effective multilateralism, suited to the power relations of the 21st century.

Your 2019 report on the subject clearly set out the picture of an undermined, challenged and weakened multilateral order. Ultimately, we have three questions to address on this point:

Firstly, should we seek to return to the “world of before”, going into reverse, if you will? Or should we choose to start the transition, by nature more uncertain, perhaps more dangerous, to a new multilateralism, redesigned for these new power relations and the lessons learned from the crisis?

Some seem to think that the current crisis is merely an interlude, that the vaccine will take things back to how they were. That is, I believe, a historical mistake. I deeply believe we are at the end of a cycle. We now know how much our growth trajectories at the turn of the millennium were a dead end: they generated highly inflammable inequalities within our very societies, while consuming the planet’s natural capital and, in a way, they exacerbated pre-existing geopolitical tensions. From California to the Sahel and to the Pacific, all of us are now suffering the consequences, and these consequences are particularly damaging for the most vulnerable States and the most fragile societies, for the countries that are already the poorest.

We therefore need to conceive and shape the next cycle. Our response, in France, and collectively in Europe, means seizing the opportunity of this last warning shot to determinedly shift our development trajectory. I am convinced that what we have long called the “Washington Consensus” is now dead and buried. On 11 November last year, we sought to bring about a “Paris Consensus”, a new universal consensus, at the Paris Peace Forum, to bring a transition towards new economic, social and democratic models. We need to continue shaping and consolidating this consensus, and your thoughts on the subject will help us progress.

The second major question is, in my eyes, what we are to do with “commons” such as the climate, health, biodiversity and the Internet. At the end of the last century, we defined a shared agenda and conceived these common goods of humankind. Of course, the achievements were tentative, often uncertain; our awareness was only a few years old. I particularly have in mind the fight against terrorism and against

hate content online and on social media. But these common goods are a now an essential aspect of the new multilateralism. Should we preserve them for the benefit of all, or resign ourselves to seeing them eroded by exploitation, overconsumption and predation?

Since the beginning of the pandemic, I have promoted the vision of the fight against COVID-19 being a “global public good”. This vision, which was not evident, has given rise to the creation of the Access to COVID-19 Tools Accelerator (ACT-A), helping provide the poorest countries with diagnostics, therapeutics and vaccines, and to strengthen their health systems for the fight against the pandemic. We can be proud of what has been accomplished, but we know that we must go much further: when it shared, last month, the first vaccine doses with Africa to vaccinate healthcare workers, France sparked 3 what I am absolutely convinced will be a vast movement of solidarity in the fight against COVID-19. I have called on my G7 partners to join it as soon as possible. And we know what we have to do, at the G7 and the G20: a profound public health response to learn all the lessons of the crisis and overcome this pandemic, which can only be achieved if we fight this battle cooperatively and universally.

Beyond this short-term response, where confidence in multilateralism is at stake, we need to reform the international health architecture to strengthen our collective security in the face of pandemics. Success will depend on our ability to bring “public health peace” – meaning to preserve international health cooperation from rising geopolitical rivalries. And that is possible. Some 40 years ago, at the height of the Cold War, humankind overcame smallpox thanks to cooperation between scientists and doctors from around the world, including Russians, Chinese and Americans. It is this public health agenda that we must address today.

The same goes for the environment: if the fight against climate change or against the collapse of biodiversity were to become hostages to rising rivalries between great powers, we would be certain to be building our own dead ends, our own failures for today and for tomorrow. The path ahead is narrow and perilous, because we failed to act earlier, it must be said. But there is cause to be reasonably optimistic: with our European, African and also Chinese partners, we preserved climate multilateralism and the Paris Agreement for four years, despite the exit of the United States that could have caused its collapse. The coalitions of actors formed at the One Planet summits, bringing together national and local governments, companies, philanthropic foundations and civil

society organizations have enabled us to make progress in overhauling our economies, bringing tangible results.

Joe Biden's climate summit last month, attended by all the G20 leaders, showed that preserving the environment can be a shared fight, and above all marked the return of the United States of America and their catching-up. It is now urgent to speed up the transition and increase the level of ambition: COP26 in Glasgow in November must, if you will, be the Bretton Woods of the 21st century, defining the organization of productive systems in the "world of after" with our new gold standard: climate neutrality.

The European Union is a leader on this subject. We have made the strongest, most radical commitments, we have brought in profound innovations, and the French EU Presidency will commit to it fully, with the carbon border adjustment mechanism. We have nothing to blush about. On the contrary, we need to continue driving international climate and biodiversity geopolitics, and engaging with China and the United States of America.

Lastly, cyber space is also a common good, which should facilitate communication between individuals, cultures, peoples and nations. It needs to be accessible to all and governed by the principles of democratic sovereignty. That means it must be governed and regulated, not captured, pirated and instrumentalized. The time has come to set down together the fundamental principles of the global information and communication space in order to preserve a single, open and trusted Internet. At the G7 and G20, I will submit tangible proposals to ensure "digital public order". And here too, we have done a lot in this area since my election in 2017. In summer 2017, firstly, with Theresa May, to fight terrorism online. Then with the Christchurch Call to Action, here in Paris in May 2019, which brought tangible results. And a few weeks ago, progress was made in Europe, adopted in parliament, and more will be achieved at the summit on 14 and 15 May.

Thirdly, this agenda to protect global public goods is essential for peace, but there is a question of method. In this race against the clock, we cannot wait for perfect unanimity to act. We should never exclude anyone in principle, but the approach must be that that guided us in Europe and now should guide us even further: no Member State can be forced to go further than it can go and wishes to go, but those who do not wish to continue moving forward must not be able to stop others doing so. If you will, an ambitious avant-garde must always be allowed to act.



Believing in multilateralism does not mean defending the status quo. Nor does it mean waiting for unanimity before moving forward. It means taking action to implement the principles that are the foundations of the multilateral order. It means working on the reform and modernization of international organizations to make them more effective in bringing tangible results for citizens, and especially the most vulnerable. It means promoting innovative initiatives in sectors where international governance remains insufficient, such as digital technology. It means involving civil society partners in seeking solutions. Really, I would like to replace the "multilateralism of words" by the "multilateralism of actions". I am deeply convinced of this method. And that means we must allow their ambitious avantgarde action, and re-synchronize our agendas, ensure they are coherent. This ambitious avant-garde action is possible on the climate and on social issues, but will not stand up if we continue with a trade agenda that ignores social and environmental dimensions. How can we ask the Europeans to move forward on climate ambition, when the next day they are to conclude trade agreements with regions that do not? Multilateralism must also be the child of coherence, if it is to be accepted by our peoples. And so trade, the economy, finance and social and environmental issues must go hand in hand in the resynchronization of our agendas, with renewed coherence.

Mr President, ladies and gentlemen, like all major crises, that caused by the COVID-19 pandemic brings an opportunity. It requires us to update the very logic of international collective action, in all fields where it is required to address global challenges. That will be the focus of the work at this year's Paris Peace Forum, which will hold its fourth session in November. It has been designed as a laboratory to bring innovative, tangible solutions concerning the major subjects of global governance. At the forum, I will be pleased to see all those open to what you call "planetization", my dear Jean-Pierre Raffarin, giving priority to the protection of the planet, which is an essential condition for preserving global peace.

So I would like to thank you for your work, your efforts, and I look forward to seeing you again in person and being able to welcome you to the Élysée. Thank you.

## Conclusions

In light of the Sustainable Development Goal 16 on peace and strong institutions, and the Declaration and Program of Action on a Culture of Peace, which 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, the current reflection on the UN's work shall permit to delve more into the idea of conflict prevention, conflict resolution and post conflict peace-building as a part of the UN collective security system.

Inspired in the different regional instruments, this book includes a series of topics which show that the pursuit of global agreements based on the dialogue and cooperation has been the tendency not only in international relations, but the United Nations.

In this context, this book brings to the different regions, the peace promoting history and current debates happening within the United Nations with the purpose of studying those possible elements or components aimed at moving towards a sustainable peace in the world. The experience of the United Nations shows that the notion of peace elaborated in the past decades since 1945 goes beyond to the use of violence or force.

The conclusions of the research could be the following:

1. The outlaw of war and conflict was declared as main principle of international law in both the League of Nations and the United Nations. The **UN Charter** states clearly that the threat or use of force against other States is unlawful. Since 1945, war has no longer been an acceptable way to settle differences between States.
2. Despite of difficulties, dilemmas and tragic failures that have occurred in the last 70 years, the message which emerges from the **UN Charter** still shines in the world with the same intensity as in the past. The original vision enshrined in the **UN Charter** is a source of inspiration for those new impulses of peace, which continues to emerge in the world. To achieve this noble peace vision, the United Nations offers its experience and multilateralism to promote the principles and values of humanity and world peace. The United Nations is the indispensable common house of the entire human family.
3. The book analyzes the work performed by the SC, the UNGA and the ECOSOC taking into account that the recent practice has stressed

the strong linkage and interdependence of peace and security with broader conditions of social development. Consequently, peace and prosperity are indivisible and lasting peace and security requires effective cooperation for the eradication of poverty and the promotion of a better life.

4. Since the creation of the United Nations the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States should be elaborated through the promotion of international cooperation in economic, social and related fields and the realization of human rights and fundamental freedoms.
5. The book envisages the following possible measures aimed at preventing and creating a world free of the scourge of war and conflict in compliance with the United Nations system. Firstly, Chapter VI of the Charter, which is devoted to the pacific settlement of disputes, states that the parties to any dispute shall seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice. The United Nations has repeatedly called all parties involved in conflict to work for the urgent achievement of a solution.
6. The founding principles of the United Nations, such as freedom, justice and equality, have extensively been elaborated in the different existing standard-setting instruments. These three principles are extensively codified by consensus at the United Nations. The consensus-based approach guarantees the existing pluralism within the United Nations on the one hand, while promoting intercommunal harmony among different societies on the other. Although the ongoing consensus appears fragile from time to time, these large agreements among regional groups should be seen in a positive light and nurtured.
7. The three UN pillars have been recognized by the United Nations as a fundamental element aimed toward promoting peace. The different UN bodies emphasize 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. Therefore, it follows that the three UN pillars are strongly linked to the issue of the maintenance of global security and stability.
8. Both the UNGA and SC have recently initiated a global debate on the review of the United Nations peacebuilding architecture. Both

UN bodies stressed that international human rights standards offer a global transversal normative framework essential to prevent and address conflicts, whilst recognizing that the specific realization of human rights may vary across contexts.

9. The United Nations has sought to eliminate nuclear weapons ever since its establishment. The first resolution adopted by the UNGA in 1946 established a Commission to deal with problems related to the discovery of atomic energy among others. The Commission was to make proposals for, *inter alia*, the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes.
10. The book focuses its attention in some of the following UN ongoing debates on peace and human rights, which are fundamental for all those peacebuilding efforts aimed at reinforcing the interconnectivity between peace, sustainable development, and human rights, namely: Environment, peace and development; the universal and regional protection of human rights and fundamental freedoms as a requirement to promote peace worldwide; the promotion of democracy and rule of law as vital requirements for peace and development in the understanding that every State has the sovereign right to elect and freely determine its own political, social, economic and cultural system; the United Nations World Summit on the information society as useful platforms that collect, strengthens and spreads information in line of the UN principles; the safety of journalists and the right to freedom of expression, which should be exercised in accordance with certain conditions based in international law; the freedom of expression and countering hate speech on internet to prevent youth radicalization; the challenges posed by migrants and refugees within the field of peace and security in the world; the promotion and protection of the rights of indigenous people; the role played by education in countering violent extremism; the Global Citizenship Education; the countering of violence and violent extremism through the United Nations system; the promotion of peace through the elimination of racism, racial discrimination, xenophobia and other forms of intolerance; the fight against terrorism; social justice as a basis of universal peace; the role played by women and youth as peace-builders; promotion of development and peace through sport and the Olympic ideal and the prevention and punishment of genocide.
11. The book concludes recalling the invitation to all stakeholders embodied in the recent 2016 *Declaration on the Right to Peace*

to guide themselves in their activities by recognizing the great importance of practicing tolerance, dialogue, cooperation and solidarity among all peoples and nations of the world as a means to promote peace.

12. To reach this end, the **UN Charter** states that present generations should ensure that both they and future generations learn to live together in peace with the highest aspiration of sparing future generations the scourge of war.
13. H.E. Mr. Carlos Alvarado Quesada, President of Costa Rica, says that the COVID-19 has brought a lot of severe consequences, which is an early warning of what humanity must face in the future. Solidarity and multilateralism are needed to solve the future problems that we face. The resources and priorities should be placed to the 2030 Agenda and the Sustainable Development Goals. He quoted his speech to the UN General Assembly in September 2020 that Costa Rica renews its commitment to a multilateralism. He hopes that the United Nations will fulfil its duty to all humanity and contribute to peace with good deeds. He congratulates the University for Peace to publish the book **Multilateralism, Human Rights and Diplomacy: A Global Perspective** in cooperation with the Muslim World League. He called upon to continue to forge new partnerships based on education for peace and harmony among different cultures and religions.
14. H.E. Mr. Josep Borrell, High Representative of the European Union for Foreign Affairs and Security Policy, states that the 75<sup>th</sup> anniversary of the United Nations marks the world coming together after years of devastating wars to choose cooperation over confrontation and the EU shares a similar origin as the UN. The EU and its member states are among the main advocates for multilateralism and the largest contributor to and supporter of the UN and its funds, agencies and program, such as contributing greatly to Paris Agreement and the COVAX. He says that a world governed by agreed rules is the very basis of our shared security, peaceful coexistence and resolution of conflicts. Despite multifaceted crisis, the EU takes it as an opportunity to foster positive transformation towards more inclusive and democratic societies. The new technologies that are shaping our future are in a regulatory vacuum so we must form agreed rules, norms and standards to ensure that they are applied correctly. The EU insists that reform should take place by design rather than by destruction.

15. Hon. Mr. Francisco Rojas, Aravena, Rector of University for Peace, states that establishing peace capital will be a basic and fundamental instrument for achieving sustainable peace. He says that building peace capital means bringing together the different views, criteria and visions of political leaders, religious authorities, diplomats and academics on the topics of multilateralism, human rights and diplomacy. The current global context shows a weakened multilateralism and the uncertainties are manifold due to the Covid-19. Thus, new conceptual maps and new ways of thinking are needed to understand these complex and multilevel relationships. Among the powers, tensions and conflicts are reappearing with force, especially the Global South. In this transition to a new era, cooperation is needed, which implies sharing information and ideas and establishing common rules and norms. Building peace requires us to work for peace and multilateralism. He expresses his gratitude to the co-authors who make contribution to this book.
16. H.E. Mr. Larbi Djacta, Under-Secretary General of the United Nations and Chair of the International Service Commission (ICSC) continues to contribute to the culture of peace and tolerance after the launch of the book *Promoting Peace, Human Rights and Dialogue among Civilizations* last year. He recalls that the UN and the specialized agencies embody the highest aspirations of the peoples of the world and the international civil society bears responsibility for translating these ideals into reality. He reminds again the period 2013-2022 as the International Decade for the Rapprochement of Cultures and calls upon the member states to enhance their activities relating to interreligious and intercultural dialogue.
17. H.E. Mr. Alvaro Irazo Gutiérrez, Ambassador of Spain to the Kingdom of Saudi Arabia, recalls the launch of the book *Promoting Peace, Human Rights and Dialogue among Civilizations* in November, 2020 and expresses his gratitude to have the honor to participate in the meeting in Jeddah, Saudi Arabia. He outlines in the meeting that the interpretation of the role of cultures and religion in world history is complicated. Spain has made great effort to enhance peace, dialogue between societies and religion domestically and internationally, such as supporting the establishment of Alliance of Civilizations. He remarked that KAICIID has actively facilitated dialogue and understanding between religious actors and expressed his gratitude for the University for Peace and Muslim World League.

18. H.E. Mr. Francisco Chacón, Ambassador of Costa Rica to the Kingdom of Saudi Arabia, United Arab Emirates and the Hashemite Kingdom of Jordan indicated the importance of liberty in the history of Costa Rica and the efforts that Costa Rica made in peace and peaceful coexistence. He explains Costa Rica's foreign policy in trust building and mutual respect. The book published last year was another effort to enhance peace and dialogue among different civilizations. He recognized the work done by Muslim World League and the University for Peace to advance world peace and hope the cooperation can continue.
19. H.E. Mrs. Lubna Qassim, Deputy Permanent Representative of the United Arab Emirates to the United Nations Office at Geneva and other international organizations started by expressing his gratitude to participate in the writing of the book *Promoting Peace, Human Rights and Dialogue among Civilizations* and is delighted to contribute a new book again. He said that the UN and its organs play an important role in promoting and protecting human rights. He outlined the contribution that the UAE made in this aspect, such as principles of tolerance and respect for cultural and religious diversity. He reiterates the importance of the UN and states that multilateral diplomacy is important to build relationships between national and regional partners to prevent conflict and secure sustainable peace.
20. Mr. Abdulaziz Almuzaini, Director, Charge de Mission, Partnerships Public and Private at the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris, congratulated the launch of the book *Promoting Peace, Human Rights and Dialogue among Civilizations*. He outlined the resolutions adopted by UNGA to promote interreligious and intercultural dialogue in 2006, 2010 and 2013. After the UNGA proclaimed the 2013-2022 as the International Decade for the Rapprochement of Cultures in 2013, he indicated that Member States should utilize this opportunity to enhance interreligious and intercultural dialogue. He wishes to continue to contribute to this effort.
21. H.E. Archbishop Mr. Ivan Jurkovic, Apostolic Nuncio and Permanent Observer of the Holy See to the United Nations Office at Geneva and other international organizations discusses process on peace, human rights and dialogue among civilizations in Jeddah. Due to

Covid-19, a culture of peace is more needed than ever. He says the book published in Jeddah in November 2020 is an important step in the promotion of intercultural and interreligious dialogue as a tool for peaceful coexistence and fraternity among peoples. He outlines Pope Francis' contribution to interreligious dialogues and promotion of culture of peace, such as his signing of the "Document on Human Fraternity for World Peace and Living Together" and his journey to Iraq in 2021. He says that the main aim of interreligious dialogue is to share values and learn from one another and plays an important role in building an inclusive society. Interreligious collaboration promotes the rights of all human beings. He concludes that we must engage in open and sincere dialogue at all levels of social and political life.

22. Mr. Santiago Ripol Carulla, Professor, Department of International Law, University Pompeu Fabra, first introduces multilateralism and its roots by outlining the development of League of Nations, a case of advancing peace through law, and explaining the theoretical bases of multilateralism—functionalism. He further demonstrates the incorporation of civil society in the processes of creation and formation of international law, a challenge for multilateralism. He explains specifically what International civil society is, Kofi Anan's effort and the challenge of the Global Compact, law in the face of technology with example of the Paris Agreement (2015). He concluded that new actors have emerged and acquired a growing role in international community, such as transnational corporations, NGOs and the individual. The interests of these actors must be addressed by international law.
23. Mrs. Yolanda Gamarra Chopo, Professor of Public International Law and Public Relations, Zaragoza University, discusses the origins of multilateralism around the League of Nations and the constitution of an international law with social content in the interwar period. She explores the thoughts in the twenties and thirties, and the principles and structures in the League of Nations Pact. She states that the ideas of law relating to peace, justice and solidarity were reflected in the Covenant of the League of Nations. Liberal politicians, diplomats and jurists tried to build a world system based on law. But the League of Nations didn't survive at that time. Later the United Nations was created, which addresses the characteristics of institutionalized multilateralism and its effects on international law as a result of new technical and functional needs.



24. Mr. Pablo Nuño García, Head of Legal and Social Affairs, Human Rights Office. Ministry of Foreign Affairs, European Union and Cooperation of Spain, creates human rights' multilateral system commitment index to rank a country's openness and trust in the system. His work focuses on a field of international public law with a statistical methodology based on OHCHR's databases. He emphasizes that the results cannot be taken as an explanation of the actual situation of human rights in countries. However, from a political and diplomatic perspective it's interesting to have been able to demonstrate that there are certain premises that need to be revisited. He concluded that Spain has a leading role within this system, and European countries, excluding Portugal, Italy and Spain, are not exactly the best off.
25. H.E. Mr. Spyridon Flogaitis, Director, European Public Law Organization and President of its Board of Directors first stated the decline of multilateralism. However, collective solutions are more needed to solve the world problems in such difficult time due to Covid-19, such as climate change, migration flows and economy. He emphasized the importance of intergovernmental organizations to multilateralism. The private sector, civil society, advocacy groups and others have taken some responsibilities of member states on global governance. EPLO promoted the rule of law and respect of fundamental rights through open dialogue conferences between various actors. Its main objective is to develop the concept of the Rule of Law within the context of a dialogue of civilizations with special emphasis on equality and respect of all.
26. H.E. Mr. Mark J. Cassayre, Permanent Observer of the International Development Law Organization to the United Nations in Geneva, discusses the rule of law and access to justice—foundations of Peace, Stability, and development. He first explains the importance of rule of law and the necessity to promote multilateralism. He takes IDLO as an example to demonstrate building strong institutions that work for people. He states the customary and informal justice to strengthen the rule of law. He outlines the contribution of IDLO to the global response to Covid-19, including enabling legal and policy frameworks, mitigating impact on justice systems and justice seekers and continued investment in a culture of justice. He also introduced IDLO's efforts in advancing gender equality and multilateral action, climate justice and sustainable use of natural resources, economic growth through the rule of law. He concluded

- that IDLO is engaged in advancing the rule of law as a principle of governance and as a foundation to build more peaceful, just, and inclusive societies at all levels.
27. H.E. Mr. David Fernández Puyana, Ambassador and Permanent Observer of the University for Peace to the United Nations Office and other international organizations in Geneva focuses on the University for Peace, which is towards an innovative conceptualization of peace. He first introduces the term of intergovernmental organization (IGO) and then focuses on several IGOs, including the League of Nations, the United Nations, UNESCO and University for Peace. Next, he provides an analysis about subsidiary organs of the United Nations. Later he introduces training and research institutions and its types, including the UNITAR, UNU, UNIDIR and United Nations System Staff College. He draws conclusions on the characteristics about the IGOs, the developments of the subsidiary organs of the UN and their relationships based on his above analysis.
  28. H.E. Mrs. Marie-Thérèse Pictet-Althann, Ambassador and Permanent Observer of the Sovereign Order of Malta to the United Nations Office at Geneva and other international organizations introduces the long history of the Sovereign Order of Malta whose mission is to protect the faith and serve the sick and the poor. The Sovereign Order of Malta deploys humanitarian diplomacy and maintains neutral, impartial and non-political in the international stage. It signed cooperation agreements with more than 50 states. It has multilateral background and carries out multilateral activities. It promotes interfaith dialogue as religion has become a central topic on today's international policy agenda. She says that reforms are needed for the UN and believes that multilateralism is the most appropriate tool to solve the problems in our world. The renewal of multilateral cooperation and humanitarian law are needed to achieve the SDGs and protect innocent civilians and forcibly displaced persons.
  29. H.E. Mrs. Catalina Devandas Aguilar, Ambassador and Permanent Representative of Costa Rica to the United Nations Office and other international organizations in Geneva, introduces special procedures of the Human Rights Council. She explains the purpose of the establishment of the United Nations and the three founding pillars of the UN system—human rights, peace and security, and development. She introduces the special procedures in conflict situation, which usually finished with the adoption of a resolution.

She also mentioned special procedures in the prevention. She mentioned that sustainable and long-term prevention of armed conflict must include a focus on strengthening respect for human rights and addressing core issues of human rights violations. She concludes that those special procedures are able to help defuse tensions at an early stage since they cover all types of human rights.

30. Mr. Eric Tistoune, Chief, Human Rights Council Branch, Office of the High Commissioner for Human Rights (OHCHR), discusses Human Rights Council achievements fifteen years after its establishment. He first emphasizes the importance of the Council, the problems that exist in the Council and some negative views about it. However, the author believes that we should consider its strengths and values carefully and honestly. He aims to envisage the extent to which the Council has been in a position to contribute positively to the human rights conversation and the implementation of human rights norms throughout the world. He believes that an empirical method should be used decrypting or dissecting the activities of the Council in a practical manner. Such method infers the contribution of the Council in promoting and protecting human rights as well preventing the occurrence of human rights violations from a body of convergent evidence.
31. Mrs. Milena Costas Trascasas introduces the Advisory Committee's contribution to advancing the human rights' agenda. It was established in 2008 to advise the Human Rights Council and function as the Council's "think tank." Its main function consists in elaborating research-based studies at the request of the Human Rights Council, submitting research proposals and making up complaint procedure. The main outcomes of the Committee's studies include triggering a standard-setting process, establishing a new special procedure's mandate, developing principles and guidelines to improve the protection of specific groups and organizing promotional activities. It makes substantive contribution to human rights by fostering human rights implementation at different levels, raising awareness on the impact of certain issues on human rights enjoyment, providing recommendations to foster common understanding on a certain issue and studying pressing contemporary human rights issues. The lack of financial and human resources is one of the challenges that the institution meets.
32. Mr. Mikel Mancisidor, member of treaty bodies, discusses the useful tools to improve the human rights standards in the world. He first

talks about the place of the treaty bodies in the general system of the UN for the promotion and protection of Human Rights and the treaties and their bodies. Later he discusses the tasks of the treaty bodies, including forming periodic reports system, studying individual communications, and adopting general comments. He carried out a general assessment of the treaty bodies as a tool to impose the human rights standards in the world. He comments that the work of the committees has allowed for the best definition of the rights, of their content and elements, of their scope and the committees have made their forms operation more flexible to encourage the active participation of civil society. He believes that the treaty bodies have been key agents in the development of International Human Rights Law over the past 50 years and they have collaborated in the improvement of the global Human Rights standards.

33. Mrs. Mona M'Bikay, Executive Director, UPR Info, The Universal Periodic Review: a unique opportunity for dialogue and cooperation in the field of human rights, presents the mechanism of the Universal Periodic Review and how it contributes to promote human rights through dialogue and cooperation. One of the key features of the UPR is its multi-stakeholders and participatory approach. The UPR is a powerful mechanism to prevent and respond to human rights violations. The UPR recommendations as well as NMRIF provide a benchmark Government actions to strengthen the legal and institutional framework and reduce discrimination and inequalities in law and practice. The UPR is also important to advance the SDGs. Through dialogue and cooperation, the UPR can contribute to make transformative change.
34. Mr. Ibrahim Salama, Chief of the Human Rights Treaties Branch, Office of the High Commissioner for Human Rights (OHCHR) and Mr. Michael Wiener Human Rights Officer, Office of the High Commissioner for Human Rights (OHCHR), talk about inter-religious dialogue between faith-based actors, academia, human rights mechanisms and multilateral institutions. They believe that it's important to carry out projects that give priority to education and capacity-building of faith actors within a shared vision and framework across different religious communities. They concluded that it's worth exploring means of developing sustainable partnerships with specialized academic institutions and improve both the religious literacy of human rights actors and the human rights literacy of faith-based actors and better understand both "faith" and "rights."

35. Mrs. Carmen Parra Rodríguez, Director UNESCO Chair Peace, Solidarity and Intercultural Dialogue and Professor of International Public Law and European Union at the Abat Oliba University CEU, discusses the role of European multilateralism in the migration crisis. She first introduces the multilateralism in the European Union. Then she discusses multilateralism in European migration policy by introducing the provision of aid to Member States that face the increase in the refugee and migrant flux, the measures to discourage irregular migration, a newly created EU external borders management system, the European asylum policy and programs that allow migrant's social integration. She concluded that the migratory policy is one of the topics that the EU worries most and it's fundamental to cooperate with third states to create safe spaces.
36. Mr. José L. Gómez del Prado, former member of the Office of the High Commissioner for Human Rights (OHCHR) and Coordinator of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban), discusses promoting peace through the elimination of racism, racial discrimination, xenophobia and other forms of intolerance. He started by the causes of the WWI. After the WWI and the WWII, the elimination of racism, racial discrimination, xenophobia and intolerance is implicit in the Purposes and Principles of the United Nations Charter. Despite all the instruments and measures adopted by the UN, the international community continues to be alarmed by the violation of such principles in the world. He concluded that racism, racial discrimination, xenophobia and intolerance continue to survive and threaten world peace and international relations.
37. Dr. Maram Stern, Executive Vice President of the World Jewish Congress, discusses how to combat hate speech and antisemitism as a threat to peaceful societies. He says that the World Jewish Congress (WJC) has been working to eliminate antisemitism and all forms of hatred since its founding in 1936. He points out racism and antisemitism as an international danger. He says that hate speech can be prevented through education. He concluded that hatred and prejudice exist on all levels of society and are constantly transforming and adapting to new realities so international organizations, governments, civil society and all stakeholders need to increase their efforts and create strong long-term alliances to combat them effectively.

38. Mrs. Adriana Alberti, UNDESA, first introduces some of the key social, economic and political consequences of the Covid-19 pandemic. She illustrates the weaknesses exposed by the crisis in terms of public institutions and examines what a “new normal” call for. She reflects what kind of society we want for the future and emphasizes the need for a shift in values and mindsets such as solidarity, greater governments’ focus on addressing the needs of the vulnerable groups. She highlights the 2030 Agenda for Sustainable Development and its principles of leaving no one are critical for any meaningful recovery and the SDG16 are central to ensuring effective social programmes and services for all. It’s necessary to strengthen multilateralism and global institutions to safeguard public goods and promote peace and security. She argues that countries need to rethink their governance systems and reconsider national development framework. Strengthening the capacities of public institutions are needed to overcome the crisis and prepare for future crises.
39. Mr. Morris V. Tidball Binz, UN Special Rapporteur on extra-judicial summary or arbitrary executions, Former Director of the Forensic Unit at the International Committee of the Red Cross, discusses humanitarian forensic, which is a new discipline of forensic sciences and a useful tool for the implementation of international law and the construction of peace. He first introduces the definition of humanitarian forensic action and then its origins. He stated that humanitarian forensic action has proven invaluable for preparedness and response in situations of natural disasters with large numbers of fatalities. In recent years, humanitarian forensic action has shown that it may contribute to building peace. He concluded that humanitarian considerations have always informed aspects of forensic practice and continuing development of humanitarian forensic action are required to address the new challenges and human emergencies.
40. Mr. Joaquin Álvarez, Trainer Officer, WIPO Academy, talks about the humanistic meaning of the Marrakesh Treaty to facilitate access to published works for people who are blind, visually impaired or have other difficulties in accessing printed text. He says that the Marrakesh Treaty administered by the World Intellectual Property Organization, represents not only an important framework in copyright law but also in the field of human rights and their effectiveness. He introduces the definition of copyrights and then

the humanitarian background of this treaty. He also outlines the discussions within the Sessions of the Standing Committee on Copyright and Related Rights (WIPO-SCCR). Later he briefly points out the content of the Treaty which contains specific rules on limitations and exceptions of copyrights, both at the national level and for cross-border exchange.

41. H.E. Mrs. Mónica Baldi, Board member, European Parliament Former Members Association, discusses cultural diplomacy and peace. She believes that it is important to promote peace, human rights and dialogue among civilizations. She writes that cultural diplomacy intends to enhance supranational interrelationships to build socio-cultural cooperation tools and also strengthen the political and economic interests of nations. Cultural diplomacy should be understood as a bilateral exchange, where the main purpose is to foster mutual understanding and support among different countries. She says that the universal value of peace is the common denominator of these artistic and architectural works. She concludes that she intends to contribute to peace-building by organizing concerts, conferences, seminars, meetings, exhibitions, courses and scholarships.
42. Mr. Jaime Aranzadi, Paz Sin Fronteras, discusses art, culture and multilateralism through a general reflection with concrete examples and his personal experience. He says that our cultural identity is influenced by the community to which we belong. He says that the communities which share the similar cultural roots are easier to have cooperation. He also says that multiculturalism is about cooperation. Therefore, it's necessary to respect cultures that do not resemble one's own in order to achieve multilateralism. He mentions that the acceptance of cultural differences leads to the acceptance of other people. But it would be too simplistic to think that a cultural act, an artistic expression or a work of art can unite peoples with different traditions and resolve the mutual non-acceptance all at once. He emphasizes that he does not propose a cultural event to resolves all differences but to bring different cultural entities together and generate an energy of acceptance and mutual respect between them.
43. Dr Hanan Balkhy, Assistant Director-General, Antimicrobial Resistance Division, WHO, discusses women's rights in times of COVID-19 in the context of International Women's Day. He started by expressing his gratefulness for his mother and then stated

the development of women's right in Saudi Arabia. He said that there are notable disparities between men and women in terms of exposure, vulnerability, access to health services, and health outcomes in the context of COVID-19. The 2020 Global Gender Gap Report highlighted that the largest gender disparity was the political empowerment gap. He believes that we should take action to make gender equality a reality for our generation.

44. H.E. Ambassador Aviva Raz and Prof. Ruth Halperin stress that Resolution 1325 of 2000 comprise the UN agenda on Women, Peace and Security (WPS). They added that the Covid-19 pandemic proved that 'security' means all aspects of the human existence and that women (as well as minorities and the poor) were disproportionately affected by the pandemic. According to them, the pandemic has also brought forth another crucial truth: it has shown that it is imperative fully to include women in leadership and in decision-making positions. They also say that a significant example for the adoption of WPS agenda was recently reflected in the Human Rights Council in Geneva with the historic Joint Oral Statement (JOS) on Women, Peace and Diplomacy delivered by Bahrain, Israel, United Arab Emirates and Morocco, process which was initiated by the Israel's Special Envoy for the implementation of UNSCR 1325 and the Permanent Representative of UPEACE in Geneva.
45. H.E. Mrs. Somia Djacta, Permanent Delegate of the Islamic World Educational, Scientific and Cultural Organization to UNESCO, International Organisation of the Francophone and European Union, discusses the contribution of women to intercultural dialogue. She says that countries with female leaders have better managed the effects of the crisis according to various analysis. However, women are more easily affected by the global health crisis and such gender dimensions of crisis is understudied. Women and girls shoulder more family burdens. Women also constitute the main part of the health workforce and are therefore more exposed to the virus. At the same time, domestic violence is increasing and reproductive health is impacted by the crisis. She questions the paradox between the recognition of women's contribution and commitment and the persistence of inequalities. She continues the unfair treatment that women receive in employment and migration. It's time to recognize the role of women as actors for peace and stability. She concludes that the involvement



of women in wartime in peacemaking and peacekeeping determines the success of peace and its sustainability.

46. Mr. Alfonso Barragués Fernández, Deputy Chief, United Nations Population Fund (UNFPA) Office in Geneva, states that human rights mechanisms have provided insufficient attention to the rights of youth but UPR and TBs have generated recommendations to help articulate a compelling narrative linking the rights of youth with economic growth and sustainable development. While TBs have generated important guidance to highlight key factors affecting the demographic dividend. The UPR provides space for broad and inclusive national dialogue for the implementation and monitoring of human rights recommendations and action plans. Most of human rights mechanisms include youth rights recommendations related to the demographic dividend, mainly in the areas of protection, education and health. He hopes that this study will help guide the advocacy strategies of development practitioners and youth organizations.
47. H.E. Dr. Salim AlMalik, Director-General, Islamic World Educational, Scientific and Cultural Organization, discusses ICESCO's vision for Inter-civilizational Dialogue. It centers on the educational, scientific, and cultural facets that cater to the needs of its member states and fulfilling its key roles within the scope of its competence. It believes the importance of civilizational dialogue lies in building bridges between cultures and civilizations through strengthening the ties which bind peoples together. It sets up the Center for Civilizational Dialogue to serve as a specialized organ with the capacity to implement the Islamic world's civilizational vision. He says that ICESCO endeavors to advance civilizational dialogue for strengthening world peace and security.
48. H.E. Mr. Christian Guillermet Fernández, Vice-Minister of Foreign Affairs of Costa Rica and H.E. Mr. David Fernández Puyana, Ambassador and Permanent Observer of the University for Peace to the United Nations Office and other international organizations in Geneva analyses the historical roots of consensus decision making, particularly the decision-making process by the three main religions (i.e. Christian, Muslim and Jewish) and indigenous peoples. Additionally, he assesses the rule of unanimity accepted by the League of Nations in the context of the debate about the efficiency of this rule held at the Permanent Court of International Justice and the Hague Conference for the Codification of International Law. He

- reflects about the consensus building within the United Nations, and in particular the Security Council, the General Assembly and the Human Rights Council and concludes with an emphasis that the adaptation of resolutions by consensus is the clear tendency and practice at the United Nations. Some intergovernmental organizations, specialized agencies and social movements have expressly accepted consensus in their respective rules of procedures.
49. Mr. Alex Mejía, Director of the Division for People and Social Inclusion, United Nations Institute for Training and Research (UNITAR), discusses multilateralism, human rights and diplomacy from a global perspective with focus on peace, art and diplomacy. He says that people celebrated the adaptation of the Agenda 2030 for Sustainable Development in 2015 but failed to forecast possible risks that could disrupt implementation, such as war and conflict and global pandemic. He says that inclusivity and civil participation in global decision-making processes in the adaptation of the SDGs was its first in the history of multilateral architecture. He continues that the Covid-19 has made the SDGs and the road to 2030 different now, because it has taken resources away from all government, meaning that the commitment and priority assigned to Agenda 2030 had to be put aside. The author wonders if the SDGs become a priority again when Covid-19 are under control. He concluded that one of the best ways to legitimize the post Covid-19 recovery process is to follow the global consultation like the SDGs before their adoption.
50. Mrs. Elyse Brazel, Mrs. Elena Dini and Mr. Taras Dzyubansky talk about education and support to action with the case of the John Paul II Center for Interreligious Dialogue. They introduce that the John Paul II Center for Interreligious Dialogue has a special place in preparing religious leaders for interfaith work and peacebuilding. They introduce the achievements of the Center since its establishment in 2008, such as offering resources to support peace and the common good and cultivating religious leaders. They say that education a key concern of the JPPII Center and its JPPII leaders. Many of their projects focus on sustaining dialogue and peace in their societies and communities through education and encounters. The JPPII Center keeps aware of the importance to support each other in the good work by learning from each other's experiences and establishing best practices.

51. H.E. Mr. Khaled Rady, Ambassador, Assistant to the Minister of Foreign Affairs and Director of the Institute for Diplomatic Studies of the Ministry for Foreign Affairs of Egypt, explores teaching of diplomacy and international law. He says that diplomacy and international law rose in prominence as the cornerstones of promoting peace and as effective instruments enabling countries to peacefully meet their foreign policy objectives. He introduces the Egyptian Institute for Diplomatic Studies (IDS) and regards it as an effective tool in the promotion of peace, cooperation and dialogue. The IDS plays a role in building the capacities of young diplomats and enrich their experience with an all-encompassing two-year program. The IDS also works to promote the culture of dialogue, cooperation and peace and is keen to include South-South cooperation and offers training to calibers and diplomats from the MENA region. It also builds partnership with institutions of laws and peace building.
52. H.E. Mr. Gustavo Campos Fallas, Ambassador of Costa Rica, discusses Peace on the Seas Initiative. He first explains the purpose of this initiative and its proponents—UPEACE, the Research Center of the Sea and Maritime Law at Ankara University based in Turkey (DEHUKAM) and the Embassy of the Republic of Costa Rica in the Republic of Turkey. This initiative will serve as a guide for academic research and cover topics such as the peaceful solution of maritime and island disputes, the protection of maritime traffic, cooperation in the protection of species, the impact of climate change, food security and so on. He listed the examples of conflict areas of the sea, introduces pillars of Costa Rica's foreign policy and mission and vision of the University for Peace. Later he introduces DEHUKAM and the situation of Costa Rica at International Court of Justice. He wonders whether the control of the seas would be the cause of the next world conflict given its importance in human activities. He introduces the cooperation Protocol regarding the Law of the Sea at & for Peace.
53. H.E. Mr. Hussain Abdali Makhlooq, Permanent Mission of the Kingdom of Bahrain to the United Nations Office in Geneva, introduces the Kingdom of Bahrain and its strong partnership with peace. He introduces Bahrain's long relationship with the United Nations and its contribution to the UN system of human rights. He says that Bahrain is a state party of the Charter of the Gulf Cooperation Council (GCC) and the GCC Geneva chapter will launch

the “PEACE Award for Excellency in Diplomacy.” He mentions in the conclusion part the Bahrain’s contribution in advancing women’s right and the national commitment to guide the government, society and economy by his majesty King Hamad bin Isa Al Khalifa—sustainability, fairness and competitiveness.

54. H.E. Mr. Domènec Ruiz Devesa, Member of the European Parliament and Spokeperson in the Committee on Constitutional Affairs and Vice-president of the Union of European Federalists, Mr. Alejandro Peinado García, Accredited Parliamentary Assistant in the European Parliament and Member of the Federal Committee of the Union of European Federalists, and Mrs. Martina Ciaï, External consultant and freelance writer, write that the European Union is a federal project of peace, federalism, multilateralism and dialogue. They first introduce federalism as a key for peace in the European Union history and then elaborate the European Union Model of peace and prosperity. In a way, the EU is the deepest model of multilateral governance. They later explain the EU paradigm in the multilateral system. Despite some uncertainties and challenges, the EU has tried to establish a multilateral dialogue with key actors to manage both the migration flows and the environmental crisis. They illustrate the pro-European agenda towards the reform of the United Nations. They concluded that the EU shows a persistent drive towards the evolution of multilateral solutions suitable for tackling the problems of the contemporary world but needs find ways to work together to establish a common front capable of facing today’s new challenges.
55. Mr. Laurence Hare, Associate Professor and Chair, Department of History, University of Arkansas, and Mr. Rogelio Garcia Contreras, Clinical Faculty, SEVI Department, Director, Social Innovation, Sam M. Walton College of Business, discusses the ways in which disruptive strategies align with collaborative strategies to produce innovations aimed at ameliorating global challenges in the twenty-first century. They especially focus on how they work through their current initiative, Arkansas Global Changemakers, which began in 2018 and aimed to exchange ideas and harness the power of local agency to disrupt old ways of thinking about global problems and develop more effective approach. They concluded that disruptive transformation requires collaboration and the awareness and consciousness of the citizens.

56. H.E. Mr. Jean-Pierre Raffarin, Prime Minister of the Government of France (2002-2005), President of Leaders for Peace, remarks that the coronavirus has set back multilateralism. During the pandemic, the countries chose competition rather than cooperation, which worsened the multilateralism. Tensions multiplied as the rivalry between China and the US appeared as a new Cold War. The increasing tension would be dangerous for world peace. Fortunately, in the midst of many tensions, the international community has certain consensus on the future of the Planet, which is based on a widely shared condition—the protection of the planet is an emergency for the protection of human. He says that the prospect of peace relies on countries to accept objectives that go beyond their selfishness. He concludes that civil society, especially young people, are important to protect our planet and diplomacy should be innovated and extended to civil society.
57. H.E. Mr. Emmanuel Macron, President of France, delivered statement on multilateralism and peace on the occasion of the Annual Conference of Leaders for Peace on 11 May, 2021. He put forward three questions. The first question is about whether France should return to the “word of before.” He thinks that the current circle is at the end and people need to conceive and shape the next cycle. The second question is about what people are to do with “commons” such as climate, health, biodiversity and the Internet. He says that these common goods are now essential aspects of new multilateralism. He continues that the agenda to protect global public goods is essential for peace but there is a question of method. Actions are needed to implement the principles that are the foundations of the multilateral order. Reform and modernization of international organizations are needed to be more effective in bringing tangible results for citizens. The crises caused by the COVID-19 also brings opportunities. We should update international collective action.
58. H.E. Mr. David Sassoli, President of the European Parliament, starts his contribution by indicating that from the ashes of that conflict, great men and women, had the courage to lay the foundations of our home. The EU is built on fundamental values of individual freedom, political freedom, the rule of law, democracy and human rights. He also indicates that our future must focus on cooperation, multilateralism and solidarity and that the COVID-19 pandemic shows that a common response is essential. He stresses that disinformation, populism, nationalism, xenophobia and

authoritarianism have found supporters across broad sections of global society. He ends by saying that Europe must take its place, make its voice heard, define its strategic interests, in order to be able to carry out stabilization, peace building, and development action together with our partners in a multilateral framework.

59. H.E. Dr. Mohammad bin Abdulkarim Alissa, Secretary General of the Muslim World League, initiated his reflection by underlining that we as humans always have been fascinated by our differences and that differences define us as individuals, communities and cultures, reflecting our uniqueness and our original characters. He says that the United Nations was designed to re-establish tolerance and, more so, celebration of our differences, and to rebuild the foundational conception of a unity in diversity that this world so badly needs. The United Nations was built on these positive values of foundational rapprochement and cooperation. He also indicates that this international project is based on universal principles of love, respect, tolerance, compassion, education and enlightenment. He adds that we must build a life in which we denounce evil, fight extremism, nurture a culture of peace and seek to achieve the common goals of humanity.

## **LEGAL INSTRUMENTS FOR DIALOGUE AMONG CULTURES AND COUNTER HATE SPEECH**

### **Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence<sup>692</sup>**

#### **Conclusions and recommendations emanating from the four regional expert workshops organized by OHCHR in 2011, and adopted by experts at the meeting in Rabat, Morocco, on 5 October 2012**

##### **I. Preface**

1. In 2011, the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized a series of expert workshops, in various regions, on incitement to national, racial or religious hatred as reflected in international human rights law. During the workshops, participants considered the situation in the respective regions and discussed strategic responses, both legal and non-legal, to incitement to hatred.
2. The workshops were held in Europe (Vienna, 9 and 10 February 2011), Africa (Nairobi, 6 and 7 April 2011), the Asia Pacific region (Bangkok, 6 and 7 July 2011) and the Americas (Santiago de Chile, 12 and 13 October 2011).<sup>693</sup> In doing so, OHCHR aimed to conduct a comprehensive assessment of the implementation of legislation, jurisprudence and policies regarding advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence at the national and regional levels, while encouraging full respect for freedom of expression as protected by international human rights law. This activity focused on the relationship between freedom of expression and hate speech, especially in relation to religious issues – a matter that has unfortunately created friction and violence among and within

<sup>692</sup> Article 20, paragraph 2 of the International Covenant on Civil and Political Rights states that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.” Throughout this document, such incitement will be referred to as “incitement to hatred”.

<sup>693</sup> The four regional expert workshops and the Rabat meeting brought together some 45 experts from different backgrounds, and more than 200 observers participated in the debates.

diverse communities, and which has come increasingly under focus.

3. The expert workshops in 2011 generated a wealth of information as well as a large number of practical suggestions for better implementation of the relevant international human rights standards.<sup>694</sup> To take stock of the rich results of the 2011 series of workshops, OHCHR convened a final expert workshop in Rabat, Morocco, on 4 and 5 October 2012, to conduct a comparative analysis of the findings of the four workshops; identify possible action at all levels and reflect on the best ways and means of sharing experiences.
4. The four moderators and the experts who participated in all four regional workshops, including the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on freedom of religion or belief, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, a member of the Committee on the Elimination of Racial Discrimination and a representative of the non-governmental organization, Article XIX, attended the Rabat workshop.
5. In line with the practice of the regional workshops, Member States were invited to participate as observers and were encouraged to include experts from their capitals in the delegations. Relevant United Nations departments, funds and programmes as well as relevant international and regional organizations, national human rights institutions and civil society organizations (including academia, journalists and faith-based organizations) could also participate as observers.
6. The following outcome document reflects the conclusions and recommendations agreed upon by the experts who participated in the Rabat workshop.

## **II. Context**

7. As the world is ever more inter-connected and as the fabric of societies has become more multicultural in nature, there has been a number of incidents in recent years, in different parts of the world, which have brought renewed attention to the issue of

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<sup>694</sup> The High Commissioner's message to the four expert workshops as well as the background studies, expert papers, contributions from stakeholders and meeting reports are available at [www.ohchr.org/EN/Issues/FreedomOpinion/Articles1920/Pages/Index.aspx](http://www.ohchr.org/EN/Issues/FreedomOpinion/Articles1920/Pages/Index.aspx)



incitement to hatred. It should also be underlined that many of the conflicts worldwide in past decades have also – to varying degrees – contained a component of incitement to national, racial or religious hatred.

8. All human rights are universal, indivisible and interdependent and interrelated. Nowhere is this interdependence more obvious than in the discussion of freedom of expression in relation to other human rights. The realization of the right to freedom of expression enables vibrant, multi-faceted public interest debate giving voice to different perspectives and viewpoints. Respect for freedom of expression has a crucial role to play in ensuring democracy and sustainable human development, as well as in promoting international peace and security.
9. Unfortunately, individuals and groups have suffered various forms of discrimination, hostility or violence by reason of their ethnicity or religion. One particular challenge in this regard is to contain the negative effects of the manipulation of race, ethnic origin and religion and to guard against the adverse use of concepts of national unity or national identity, which are often instrumentalized for, *inter alia*, political and electoral purposes.
10. It is often purported that freedom of expression and freedom of religion or belief are in a tense relationship or even contradictory. In reality, they are mutually dependent and reinforcing. The freedom to exercise or not exercise one's religion or belief cannot exist if the freedom of expression is not respected, as free public discourse depends on respect for the diversity of convictions which people may have. Likewise, freedom of expression is essential to creating an environment in which constructive discussion about religious matters could be held. Indeed, free and critical thinking in open debate is the soundest way to probe whether religious interpretations adhere to or distort the original values that underpin religious belief.
11. It is of concern that perpetrators of incidents, which indeed reach the threshold of article 20 of the International Covenant on Civil and Political Rights, are not prosecuted and punished. At the same time members of minorities are *de facto* persecuted, with a chilling effect on others, through the abuse of vague domestic legislation, jurisprudence and policies. This dichotomy of (1) non-prosecution of "real" incitement cases and (2) persecution of minorities under the guise of domestic incitement laws seems to be pervasive.

Anti-incitement laws in countries worldwide can be qualified as heterogeneous, at times excessively narrow or vague. Jurisprudence on incitement to hatred has been scarce and ad hoc, and while several States have adopted related policies, most of them are too general, not systematically followed up, lacking focus and deprived of proper impact assessments.

12. Holding the four workshops in different regions of the world and the wrap-up workshop in Rabat was a very timely and useful initiative. They enjoyed the full participation of relevant treaty body experts and special procedures mandate holders.

### **III. Implementing the prohibition of incitement to hatred**

13. Against this background, the following conclusions and recommendations constitute the synthesis of this long, transparent and deep reflection by experts. The conclusions – in the area of legislation, judicial infrastructure, and policy – are intended to better guide all stakeholders in implementing the international prohibition of any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

#### **A. Legislation**

##### **Conclusions**

14. Under international human rights standards, which are intended to guide legislation at the national level, expression labelled as “hate speech” can be restricted under articles 18 and 19 of the International Covenant on Civil and Political Rights on different grounds, including respect for the rights of others, public order or sometimes national security. States are also obliged to “prohibit” expression that amounts to “incitement” to discrimination, hostility or violence (art. 20, para. 2, of the Covenant and, under some different conditions, art. 4 of the International Convention on the Elimination of All Forms of Racial Discrimination).
15. Discussions in the various workshops demonstrated the absence of a legal prohibition of incitement to hatred in many domestic legal frameworks worldwide, while legislation that prohibits incitement to hatred uses variable terminology and is often inconsistent with article 20 of the Covenant. The broader the definition of incitement to hatred is in domestic legislation, the more it opens the door for arbitrary application of the laws. The terminology relating to offences on incitement to national, racial or religious hatred varies from country to country and is increasingly vague, while new

categories of restrictions or limitations to freedom of expression are being incorporated in national legislation. This contributes to the risk of misinterpretation of article 20 of the Covenant and additional limitations to freedom of expression that are not contained in article 19 of the Covenant.

16. Some countries consider incitement to racial and religious hatred as offences, while others consider incitement to hatred along racial/ethnic lines only as offences. Some countries also recognize prohibition of incitement to hatred on other grounds. National provisions vary between civil law and criminal law: in many countries, incitement to hatred is a criminal offence, while in some countries, it is an offence under both criminal and civil law or under civil law only.
17. At the international level, the prohibition of incitement to hatred is clearly established in article 20 of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. In its general comment No. 34 (2011) on freedoms of opinion and expression, the Human Rights Committee stresses that  
“[p]rohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant. Such prohibitions must also comply with the strict requirements of article 19, paragraph 3, as well as such articles as 2, 5, 17, 18 and 26 of the ICCPR. Thus, for instance, it would be impermissible for any such laws to discriminate in favour of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith” (para. 48).
18. Article 20 of the Covenant requires a high threshold because, as a matter of fundamental principle, limitation of speech must remain an exception. Such threshold must take into account the provisions of article 19 of the Covenant. Indeed the three-part test (legality, proportionality and necessity) for restrictions also applies to cases involving incitement to hatred, in that such restrictions must be provided by law, be narrowly defined to serve a legitimate interest, and be necessary in a democratic society to protect that interest.

This implies, among other things, that restrictions are clearly and narrowly defined and respond to a pressing social need; are the least intrusive measure available; are not overly broad, so that they do not restrict speech in a wide or untargeted way; and are proportionate so that the benefit to the protected interest outweighs the harm to freedom of expression, including with respect to the sanctions they authorize.<sup>695</sup>

19. At the national level, blasphemy laws are counterproductive, since they may result in de facto censure of all inter-religious or belief and intra-religious or belief dialogue, debate and criticism, most of which could be constructive, healthy and needed. In addition, many blasphemy laws afford different levels of protection to different religions and have often proved to be applied in a discriminatory manner. There are numerous examples of persecution of religious minorities or dissenters, but also of atheists and non-theists, as a result of legislation on what constitutes religious offences or overzealous application of laws containing neutral language. Moreover, the right to freedom of religion or belief, as enshrined in relevant international legal standards, does not include the right to have a religion or a belief that is free from criticism or ridicule.

### **Recommendations**

20. In terms of general principles, a clear distinction should be made between three types of expression: expression that constitutes a criminal offence; expression that is not criminally punishable, but may justify a civil suit or administrative sanctions; expression that does not give rise to criminal, civil or administrative sanctions, but still raises concern in terms of tolerance, civility and respect for the rights of others.
21. Bearing in mind the interrelationship between articles 19 and 20 of the International Covenant on Civil and Political Rights, States should ensure that their domestic legal framework on incitement to hatred is guided by express reference to article 20, paragraph 2, of the Covenant ("...advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence..."), and should consider including robust definitions of key terms such as hatred, discrimination, violence, hostility, among others. In

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<sup>695</sup> See Article XIX, *Camden Principles on Freedom of Expression and Equality*, (London, April 2009), principle 11.

this regard, legislation can draw, *inter alia*, from the guidance and definitions<sup>696</sup> provided in the Camden Principles.<sup>697</sup>

22. States should ensure that the three-part test – legality, proportionality and necessity –  
for restrictions to freedom of expression also applies to cases of incitement to hatred.
23. States should make use of the guidance provided by international human rights expert mechanisms, including the Human Rights Committee and the Committee on the Elimination on Racial Discrimination and their general comment No. 34 (2011) and general recommendation No. 15 (1993) respectively, as well as the respective special procedures mandate holders of the Human Rights Council.
24. States are encouraged to ratify and effectively implement the relevant international and regional human rights instruments, remove any reservations thereto and honour their reporting obligations thereunder.
25. States that have blasphemy laws should repeal them, as such laws have a stifling impact on the enjoyment of freedom of religion or belief, and healthy dialogue and debate about religion.
26. States should adopt comprehensive anti-discrimination legislation that includes preventive and punitive action to effectively combat incitement to hatred.

## **B. Jurisprudence**

### **Conclusions**

27. An independent judicial infrastructure that is regularly updated with regard to international standards and jurisprudence and with members acting in an impartial and objective manner, as well as respect for the rules of due process, are crucial for ensuring that the

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<sup>696</sup> Pursuant to principle 12, national legal systems should make it clear, either explicitly or through authoritative interpretation, that the terms ,hatred and ,hostility refer to intense and irrational emotions of opprobrium, enmity and detestation towards the target group; the term ,advocacy is to be understood as requiring an intention to promote hatred publicly towards the target group; and the term ,incitement refers to statements about national, racial or religious groups which create an imminent risk of discrimination, hostility or violence against persons belonging to those groups.

<sup>697</sup> These Principles were prepared by ARTICLE 19 on the basis of multi-stakeholder discussions involving experts in international human rights law on freedom of expression and equality issues. The Principles represent a progressive interpretation of international law and standards, accepted State practice (as reflected, *inter alia*, in national laws and the judgments of national courts), and the general principles of law recognised by the community of nations.

facts and legal qualifications of any individual case are assessed in a manner consistent with international human rights standards. This should be complemented by other checks and balances to protect human rights, such as independent national human rights institutions established in accordance with the Paris Principles.

28. There is often very low recourse to judicial and quasi-judicial mechanisms in alleged cases of incitement to hatred. In many instances, victims are from disadvantaged or vulnerable groups and case law on the prohibition of incitement to hatred is not readily available. This is due to the absence or inadequacy of legislation or lack of judicial assistance for minorities and other vulnerable groups who constitute the majority of victims of incitement to hatred. The weak jurisprudence can also be explained by the absence of accessible archives, but also lack of recourse to courts owing to limited awareness among the general public as well as lack of trust in the judiciary.
29. It was suggested that a high threshold be sought for defining restrictions on freedom of expression, incitement to hatred, and for the application of article 20 of the International Covenant on Civil and Political Rights. In order to establish severity as the underlying consideration of the thresholds, incitement to hatred must refer to the most severe and deeply felt form of opprobrium. To assess the severity of the hatred, possible elements may include the cruelty or intent of the statement or harm advocated, the frequency, quantity and extent of the communication. In this regard, a six-part threshold test was proposed for expressions considered as criminal offences:
  - (a) **Context:** Context is of great importance when assessing whether particular statements are likely to incite discrimination, hostility or violence against the target group, and it may have a direct bearing on both intent and/or causation. Analysis of the context should place the speech act within the social and political context prevalent at the time the speech was made and disseminated;
  - (b) **Speaker:** The speaker's position or status in the society should be considered, specifically the individual's or organization's standing in the context of the audience to whom the speech is directed;
  - (c) **Intent:** Article 20 of the International Covenant on Civil and Political Rights anticipates intent. Negligence and recklessness are not sufficient for an act to be an offence under article 20 of the Covenant, as this article provides for "advocacy" and "incitement"

rather than the mere distribution or circulation of material. In this regard, it requires the activation of a triangular relationship between the object and subject of the speech act as well as the audience.

- (d) **Content and form:** The content of the speech constitutes one of the key foci of the court's deliberations and is a critical element of incitement. Content analysis may include the degree to which the speech was provocative and direct, as well as the form, style, nature of arguments deployed in the speech or the balance struck between arguments deployed;
- (e) **Extent of the speech act:** Extent includes such elements as the reach of the speech act, its public nature, its magnitude and size of its audience. Other elements to consider include whether the speech is public, what means of dissemination are used, for example by a single leaflet or broadcast in the mainstream media or via the Internet, the frequency, the quantity and the extent of the communications, whether the audience had the means to act on the incitement, whether the statement (or work) is circulated in a restricted environment or widely accessible to the general public;
- (f) **Likelihood, including imminence:** Incitement, by definition, is an inchoate crime. The action advocated through incitement speech does not have to be committed for said speech to amount to a crime. Nevertheless, some degree of risk of harm must be identified. It means that the courts will have to determine that there was a reasonable probability that the speech would succeed in inciting actual action against the target group, recognizing that such causation should be rather direct.

### **Recommendations**

- 30. National and regional courts should be regularly updated about international standards and international, regional and comparative jurisprudence relating to incitement to hatred because when confronted with such cases, courts need to undertake a thorough analysis based on a well thought through threshold test.
- 31. States should ensure the right to a fair and public hearing by a competent, independent and impartial tribunal established by law.
- 32. Due attention should be given to minorities and vulnerable groups by providing legal and other types of assistance for their members.
- 33. States should ensure that persons who have suffered actual harm

as a result of incitement to hatred have a right to an effective remedy, including a civil or non-judicial remedy for damages.

34. Criminal sanctions related to unlawful forms of expression should be seen as last resort measures to be applied only in strictly justifiable situations. Civil sanctions and remedies should also be considered, including pecuniary and non-pecuniary damages, along with the right of correction and the right of reply. Administrative sanctions and remedies should also be considered, including those identified and put in force by various professional and regulatory bodies.

### **C. Policies**

#### **Conclusions**

35. While a legal response is important, legislation is only part of a larger toolbox to respond to the challenges of hate speech. Any related legislation should be complemented by initiatives from various sectors of society geared towards a plurality of policies, practices and measures nurturing social consciousness, tolerance and understanding change and public discussion. This is with a view to creating and strengthening a culture of peace, tolerance and mutual respect among individuals, public officials and members of the judiciary, as well as rendering media organizations and religious/community leaders more ethically aware and socially responsible. States, media and society have a collective responsibility to ensure that acts of incitement to hatred are spoken out against and acted upon with the appropriate measures, in accordance with international human rights law.
36. Political and religious leaders should refrain from using messages of intolerance or expressions which may incite violence, hostility or discrimination; but they also have a crucial role to play in speaking out firmly and promptly against intolerance, discriminatory stereotyping and instances of hate speech. It should be made clear that violence can never be tolerated as a response to incitement to hatred.
37. To tackle the root causes of intolerance, a much broader set of policy measures is necessary, for example in the areas of intercultural dialogue – reciprocal knowledge and interaction –, education on pluralism and diversity, and policies empowering minorities and indigenous people to exercise their right to freedom of expression.



38. States have the responsibility to ensure space for minorities to enjoy their fundamental rights and freedoms, for instance by facilitating registration and functioning of minority media organizations. States should strengthen the capacities of communities to access and express a range of views and information and embrace the healthy dialogue and debate that they can encompass.
39. Certain regions have a marked preference for a non-legislative approach to combating incitement to hatred through, in particular, the adoption of public policies and the establishment of various types of institutions and processes, including truth and reconciliation commissions. The important work of regional human rights mechanisms, specialized bodies, a vibrant civil society and independent monitoring institutions is fundamentally important in all regions of the world. In addition, positive traditional values, compatible with internationally recognized human rights norms and standards, can also contribute towards countering incitement to hatred.
40. The importance of the media and other means of public communication in enabling free expression and the realization of equality is fundamental. The traditional media continue to play an important role globally, but they are undergoing significant transformation. New technologies – including digital broadcasting, mobile telephony, the Internet and social networks – vastly enhance the dissemination of information and open up new forms of communication, such as the blogosphere.
41. Steps taken by the Human Rights Council, in particular the adoption without a vote of resolution 16/18 on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief, which constitutes a promising platform for effective, integrated and inclusive action by the international community. This resolution requires implementation and constant follow-up at the national level by States, including through the Rabat Plan of Action which contributes to its fulfilment.

### **Recommendations to States**

42. States should enhance their engagement in broad efforts to combat negative stereotypes of and discrimination against individuals and communities on the basis of their nationality, ethnicity, religion or belief.

43. States should promote intercultural understanding, including on gender sensitivity. In this regard, all States have the responsibility to build a culture of peace and a duty to put an end to impunity.
44. States should promote and provide teacher training on human rights values and principles, and introduce or strengthen intercultural understanding as part of the school curriculum for pupils of all ages.
45. States should build the capacity to train and sensitize security forces, law- enforcement agents and those involved in the administration of justice on issues concerning the prohibition of incitement to hatred.
46. States should consider creating equality bodies, or enhance this function within national human rights institutions (that have been established in accordance with the Paris Principles) with enlarged competencies in fostering social dialogue, but also in relation to accepting complaints about incidents of incitement to hatred. In order to render such functions efficient, new adapted guidelines, tests and good practices are needed so as to avoid arbitrary practices and improve international coherence.
47. States should ensure the necessary mechanisms and institutions in order to guarantee the systematic collection of data in relation to incitement to hatred offences.
48. States should have in place a public policy and a regulatory framework which promote pluralism and diversity of the media, including new media, and which promotes universal and non-discrimination in access to and use of means of communication.
49. States should strengthen the current international human rights mechanisms, particularly the human rights treaty bodies such as the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, as well as the special procedures mandate holders, as they provide advice and support to States with regard to national policies for implementing human rights law.

### **Recommendations to the United Nations**

50. The Office of the High Commissioner for Human Rights (OHCHR) should be properly resourced to adequately support the international expert mechanisms working to protect freedom of expression and freedom of religion, and prevent incitement to

hatred and discrimination and on related topics. In this regard, States should support the efforts of the High Commissioner for Human Rights with a view to strengthening the human rights treaty bodies as well as ensuring the provision of adequate resources for the special procedures mechanisms.

51. OHCHR is invited to work together with States that wish to avail themselves of its services in order to enhance their domestic normative and policy framework regarding the prohibition of incitement to hatred. In this regard, OHCHR should consider – inspired by the four regional expert workshops – developing tools, including a compilation of best practices and elements of a model legislation on the prohibition of incitement to hatred as reflected in international human rights law. OHCHR should also consider organizing regular judicial colloquia in order to update national judicial authorities and stimulate the sharing of experiences relating to the prohibition of incitement to hatred which would enrich the progressive development of national legislation and case law on this evolving issue.
52. Relevant human rights treaty bodies and special procedures mandate holders should enhance their synergies and cooperation, including through joint action, as appropriate, to denounce instances of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.
53. Various entities of the United Nations system, including OHCHR, United Nations Alliance of Civilizations, and the Office of the Special Advisor on the Prevention of Genocide should enhance their cooperation in order to maximize synergies and stimulate joint action
54. Cooperation and information-sharing (a) between various regional and cross- regional mechanisms, such as the Council of Europe, the Organization for Security and Co- operation in Europe, the European Union, the Organization of American States, the African Union, the Association of Southeast Asian Nations, as well as the Organisation of Islamic Cooperation, and (b) between these organizations and the United Nations Organization should be further enhanced.
55. Consider implementing, at the national level and in cooperation with States, measures to realize the recommendations addressed to States.

### **Recommendations to other stakeholders**

56. Non-governmental organizations, national human rights institutions as well as other civil society groups should create and support mechanisms and dialogues to foster intercultural and interreligious understanding and learning.
57. Political parties should adopt and enforce ethical guidelines in relation to the conduct of their representatives, particularly with respect to public speech.
58. Self-regulation, where effective, remains the most appropriate way to address professional issues relating to the media. In line with principle 9 of the Camden Principles, all media should, as a moral and social responsibility and through self-regulation, play a role in combating discrimination and promoting intercultural understanding, including by considering the following:
  - (a) Taking care to report in context and in a factual and sensitive manner, while ensuring that acts of discrimination are brought to the attention of the public.
  - (b) Being alert to the danger of furthering discrimination or negative stereotypes of individuals and groups in the media.
  - (c) Avoiding unnecessary references to race, religion, gender and other group characteristics that may promote intolerance.
  - (d) Raising awareness of the harm caused by discrimination and negative stereotyping.
  - (e) Reporting on different groups or communities and giving their members the opportunity to speak and to be heard in a way that promotes a better understanding of them, while at the same time reflecting the perspectives of those groups or communities.
59. Furthermore, voluntary professional codes of conduct for the media and journalists should reflect the principle of equality, and effective steps should be taken to promulgate and implement such codes.

#### **IV. Conclusion**

60. While the concept of freedom of expression has received systematic attention in international human rights law and in many national legislations, its practical application and recognition is not fully respected by all countries worldwide. At the same time, international human rights standards on the prohibition of incitement to national, racial or religious hatred still need to be integrated into domestic legislation and policies in many parts of the world. This explains both the objective difficulty and political sensitivity of defining this concept in a manner that respects the freedom of expression.
61. The preceding conclusions and recommendations are steps towards addressing these challenges. It is hoped that they will boost both national efforts and international cooperation in this area.



## Beirut Declaration on “Faith for Rights”

*“There are as many paths to God  
as there are souls on Earth.” (Rumi) <sup>698</sup>*

1. We, faith-based and civil society actors working in the field of human rights and gathered in Beirut on 28-29 March 2017, in culmination of a trajectory of meetings initiated by the Office of the United Nations High Commissioner for Human Rights (OHCHR), <sup>699</sup> express our deep conviction that our respective religions and beliefs share a common commitment to **upholding the dignity and the equal worth of all human beings**. Shared human values and equal dignity are therefore common roots of our cultures. Faith and rights should be mutually reinforcing spheres. Individual and communal expression of religions or beliefs thrive and flourish in environments where human rights, based on the equal worth of all individuals, are protected. Similarly, human rights can benefit from deeply rooted ethical and spiritual foundations provided by religion or beliefs.
2. We understand our respective religious or belief convictions as a source for the protection of the **whole spectrum of inalienable human entitlements** – from the preservation of the gift of life, the freedoms of thought, conscience, religion, belief, opinion and expression to the freedoms from want and fear, including from violence in all its forms.
  - *“Whoever preserves one life, is considered by Scripture as if one has preserved the whole world.” (Talmud, Sanhedrin, 37,a).*
  - *“Someone who saves a person’s life is equal to someone who saves the life of all.” (Qu’ran 5:32)*

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<sup>698</sup> All quotations from religious or belief texts were offered by participants of the Beirut workshop in relation to their own religion or belief and are merely intended to be illustrative and non-exhaustive.

<sup>699</sup> OHCHR organized related international meetings, expert seminars and regional workshops, including in Geneva (October 2008), Vienna (February 2011), Nairobi (April 2011), Bangkok (July 2011), Santiago de Chile (October 2011), Rabat (October 2012), Geneva (February 2013), Amman (November 2013), Manama (2014), Tunis (October 2014 and April 2015), Nicosia (October 2015), Beirut (December 2015) and Amman (January 2017).

- *“You shall love the Lord your God with all your heart, all your soul, all your strength, and with your entire mind; and your neighbour as yourself.” (Luke 10:27)*
  - *Let them worship the Lord of this House who saved them from hunger and saved them from fear.” (Sourat Quraish, verses 3,4)*
  - *“A single person was created in the world, to teach that if anyone causes a single person to perish, he has destroyed the entire world; and if anyone saves a single soul, he has saved the entire world.” (Mishna Sanhedrin 4:5)*
  - *“Let us stand together, make statements collectively and may our thoughts be one.” (Rigveda 10:191:2)*
  - *“Just as I protect myself from unpleasant things however small, in the same way I should act towards others with a compassionate and caring mind.” (Shantideva, A Guide to the Bodhisattva’s Way of Life)*
  - *“Let us put our minds together to see what life we can make for our children.” (Chief Sitting Bull, Lakota)*
3. Based on the above, among many other sources of faith, we are convinced that our **religious or belief convictions are one of the fundamental sources** of protection for human dignity and freedoms of all individuals and communities with no distinction on any ground whatsoever. Religious, ethical and philosophical texts preceded international law in upholding the oneness of humankind, the sacredness of the right to life and the corresponding individual and collective duties that are grounded in the hearts of believers.
4. We pledge to disseminate the **common human values that unite us**. While we differ on some theological questions, we undertake to combat any form of exploitation of such differences to advocate violence, discrimination and religious hatred.
- *“We have designed a law and a practice for different groups. Had God willed, He would have made you a single community, but He wanted to test you regarding what has come to you. So compete with each other in doing good. Every one of you will return to God and He will inform you regarding the things about which you differed.” (Qu’ran 5, 48)*
  - *“Ye are the fruits of one tree, and the leaves of one branch.” (Ba-hā’u’llāh)*
5. We believe that freedom of religion or belief does not exist without the **freedom of thought and conscience** which precede all



freedoms for they are linked to human essence and his/her rights of choice and to freedom of religion or belief. A person as a whole is the basis of every faith and he/she grows through love, forgiveness and respect.

6. We hereby solemnly launch together from Beirut the **most noble of all struggles, peaceful but powerful**, against our own egos, self-interest and artificial divides. Only when we as religious actors assume our respective roles, articulate a shared vision of our responsibilities and transcend preaching to action, only then we will credibly promote mutual acceptance and fraternity among people of different religions or beliefs and empower them to defeat negative impulses of hatred, viciousness, manipulation, greed, cruelty and related forms of inhumanity. All religious or belief communities need a resolved leadership that unequivocally dresses that path by acting for equal dignity of everyone, driven by our shared humanity and respect for the absolute freedom of conscience of every human being. We pledge to spare no effort in filling that joint leadership gap by protecting freedom and diversity through “faith for rights” (F4R) activities.
  - *“We perfected each soul within its built in weakness for wrong doing and its aspiration for what is right. Succeeds he or she who elevate to the path of rightness.” (Qu’ran 91, 7-9)*
7. The present declaration on “Faith for Rights” **reaches out to persons belonging to religions and beliefs in all regions of the world**, with a view to enhancing cohesive, peaceful and respectful societies on the basis of a common action-oriented platform agreed by all concerned and open to all actors that share its objectives. We value that our declaration on Faith for Rights, like its founding precedent the Rabat Plan of Action on incitement to discrimination, hostility or violence (October 2012), were both conceived and conducted under the auspices and with the support of the United Nations that represents all peoples of the world, and enriched by UN human rights mechanisms such as Special Rapporteurs and Treaty Body members.
8. While numerous welcomed initiatives attempted over time to link faith with rights for the benefit of both, none of these attempts fully reached that goal. We are therefore convinced that **religious actors should be enabled**, both nationally and internationally, to assume their responsibilities in defending our shared humanity against incitement to hatred, those who benefit from destabilising

societies and the manipulators of fear to the detriment of equal and inalienable human dignity. With the present F4R Declaration, we aim to join hands and hearts in building on previous attempts to bring closer faith and rights **by articulating the common grounds** between all of us and **define ways in which faith can stand for rights** more effectively so that both enhance each other.

- *“Mankind is at loss. Except those who believe in doing righteous deeds, constantly recommend it to one another and persist in that vein.” (Qu’ran 103, 3)*
9. Building on the present declaration, we also intend to **practice what we preach** through establishing **a multi-level coalition**, open for all independent religious actors and faith-based organisations who genuinely demonstrate acceptance of and commitment to the present F4R declaration by implementing projects on the ground in areas that contribute to achieving its purpose. We will also be charting a roadmap for concrete actions in specific areas, to be reviewed regularly by our global coalition of Faith for Rights.
  10. To achieve the above goal, we pledge as believers (whether theistic, non-theistic, atheistic or other<sup>700</sup> to fully adhere to **five fundamental principles**:
    - a) Transcending traditional inter-faith dialogues into **concrete action-oriented Faith for Rights (F4R) projects at the local level**. While dialogue is important, it is not an end in itself. Good intentions are of limited value without corresponding action. Change on the ground is the goal and concerted action is its logical means.
    - *“Faith is grounded in the heart when it is demonstrated by deeds.” (Hadith)*
    - b) **Avoiding theological and doctrinal divides** in order to act on areas of shared inter-faith and intra- faith vision as defined in the present F4R declaration. This declaration is not conceived to be a tool for dialogue among religions but rather a joint platform for common action in defence of human dignity for all. While we respect freedom of expression and entertain no illusion as to the continuation of a level of controversy at different levels of religious discourse, we are resolved to challenge the manipulation

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<sup>700</sup> See UN Human Rights Committee, general comment no. 22 (1993), UN Doc. CCPR/C/21/Rev.1/Add.4, para. 2.

- of religions in both politics and conflicts. We intend to be a balancing united voice of solidarity, reason, compassion, moderation, enlightenment and corresponding collective action at the grassroots level.
- c) **Introspectiveness** is a virtue we cherish. We will all speak up and act first and foremost on our own weaknesses and challenges within our respective communities. We will address more global issues collectively and consistently, after internal and inclusive deliberation that preserves our most precious strength, i.e. integrity.
  - d) **Speaking with one voice**, particularly against any advocacy of hatred that amounts to inciting violence, discrimination or any other violation of the equal dignity that all human beings enjoy regardless of their religion, belief, gender, political or other opinion, national or social origin, or any other status. Denouncing incitement to hatred, injustices, discrimination on religious grounds or any form of religious intolerance is not enough. We have a duty to redress hate speech by remedial compassion and solidarity that heals hearts and societies alike. Our words of redress should transcend religious or belief boundaries. Such boundaries should thus no longer remain a free land for manipulators, xenophobes, populists and violent extremists.
  - e) We are resolved to **act in a fully independent manner**, abiding only by our conscience, while seeking partnerships with religious and secular authorities, relevant governmental bodies and non-State actors wherever Faith for Rights (F4R) coalitions are freely established in conformity with the present declaration.
11. Our **main tool and asset is reaching out to hundreds of millions of believers** in a preventive structured manner to convey our shared convictions enshrined in this F4R declaration. Speaking up in one voice in defence of equal dignity of all on issues of common challenges to humanity equally serves the cause of faith and rights. Human beings are entitled to full and equal respect, rather than mere tolerance, regardless of what they may believe or not believe. It is our duty to uphold this commitment within our respective spheres of competence. We will also encourage all believers to assume their individual responsibilities in the defence

of their deeply held values of justice, equality and responsibility towards the needy and disadvantaged, regardless of their religion or belief.

- *“People are either your brothers in faith, or your brothers in humanity.” (Imam Ali ibn Abi Talib)*
  - *“On the long journey of human life, Faith is the best of companions.” (Buddha)*
12. We aim to achieve that goal in a concrete manner that matters **for people at the grassroots level** in all parts of the world where coalitions of religious actors choose to adhere to this declaration and act accordingly. We will support each other’s actions, including through a highly symbolic annual Walk of Faith for Rights in the richest expression of our unity in diversity each 10<sup>th</sup> of December in all parts of the world.
  13. Articulating through the present declaration a common vision of religious actors, on the basis of the Rabat Plan of Action of 2012 and follow-up meetings, would provide the tipping point for **disarming the forces of darkness**; and help dismantling the unholy alliance in too many hearts between fear and hatred. Violence in the name of religion defeats its basic foundations, mercy and compassion. We intend to transform the messages of mercy and compassion into acts of solidarity through inter-communal social, developmental and environmental faith-based projects at the local, national, regional and global levels.
  14. We **fully embrace the universally recognised values** as articulated in international human rights instruments as common standards of our shared humanity. We ground our commitments in this F4R declaration first and foremost in our conviction that religions and beliefs share common core values of respect for human dignity, justice and fairness. We also ground these commitments in our acceptance of the fact that **“Everyone has duties to the community in which alone the free and full development of his personality is possible”**<sup>4</sup>. Our duty is to practice what we preach, to fully engage, to speak up and act on the ground in the defence of human dignity long before it is actually threatened.
    - *“Oh you believers, why don’t you practice what you preach? Most hateful for God is preaching what you don’t practice.” (Qu’ran 61: 2-3)*

- *“Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and needy.” (Proverbs 31:8-9)*
15. Both **religious precepts and existing international legal frameworks** attribute responsibilities to religious actors. Empowering religious actors requires actions in areas such as legislation, institutional reforms, supportive public policies and training adapted to the needs of local religious actors who often are one of the main sources of education and social change in their respective areas of action. International conventions and covenants have defined key legal terms such as genocide, refugee, religious discrimination and freedom of religion or belief.<sup>701</sup> All these concepts have corresponding resonance in different religions and beliefs. In addition, numerous declarations and resolutions<sup>702</sup> provide elements of religious actors’ roles and responsibilities that we embrace and consolidate in this F4R declaration.
  16. We agree as human beings that **we are accountable to all human beings** as to redressing the manner by which religions are portrayed and too often manipulated. We are responsible for

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<sup>701</sup> These include the Convention on the Prevention and Punishment of the Crime of Genocide (1948); Convention Relating to the Status of Refugees (1951); International Convention on the Elimination of All Forms of Racial Discrimination (1965); International Covenant on Civil and Political Rights (1966); International Covenant on Economic, Social and Cultural Rights (1966); Convention on the Elimination of All Forms of Discrimination against Women (1979); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); Convention on the Rights of the Child (1989); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); Convention on the Rights of Persons with Disabilities (2006); and International Convention for the Protection of All Persons from Enforced Disappearance (2006).

<sup>702</sup> These include the Universal Declaration of Human Rights (1948); Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (1981); Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992); Principles of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Response Programmes (1994); UNESCO Declaration on Principles of Tolerance (1995); Final Document of the International Consultative Conference on School Education in Relation to Freedom of Religion or Belief, Tolerance and Non-Discrimination (2001); Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools (2007); United Nations Declaration on the Rights of Indigenous Peoples (2007); The Hague Statement on “Faith in Human Rights” (2008); Camden Principles on Freedom of Expression and Equality (2009); Human Rights Council resolution 16/18 on Combating Intolerance, Negative Stereotyping and Stigmatization of, and Discrimination, Incitement to Violence and Violence against, Persons Based on Religion or Belief (and Istanbul Process, 2011); Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (2012); Framework of Analysis for Atrocity Crimes (2014); Secretary-General’s Plan of Action to Prevent Violent Extremism (2015); as well as the Fez Declaration on preventing incitement to violence that could lead to atrocity crimes (2015).

our actions but even more responsible if we do not act or do not act properly and timely.

- *“We will ask each of you about all what you have said and done, for you are accountable” (Quran, Assaafat, 24)*
  - *“Every man’s work shall be made manifest.” (Bible, 1 Corinthians iii. 13)*
17. While States bear the primary responsibility for promoting and protecting all rights for all, individually and collectively to enjoy a dignified life free from fear and free from want and enjoy the freedom of choice in all aspects of life, we as religious actors or as individual believers do bear a distinct responsibility to **stand up for our shared humanity and equal dignity of each human being** in all circumstances within our own spheres of preaching, teaching, spiritual guidance and social engagement.
    - *“Whoever witnesses an injustice or wrong doing should change its course by his hand. If He or she cannot do that, they by his words. If he or she is unable to do that then by their hearts. This would be the weakest of acts of faith” (Hadith).*
  18. **Religious communities, their leaders and followers** have a role and bear responsibilities independently from public authorities both under national and international legal instruments. By virtue of article 2 (1) of the 1981 UN Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion of Belief, “no one shall be subject to discrimination by any State, institution, group of persons or person on the grounds of religion or belief”. This provision establishes direct responsibilities of religious institutions, leaders and even each individual within religious or belief communities.
  19. As much as the notion of effective control<sup>703</sup> provides the foundation for responsibilities of non-State actors in times of conflict, we see a similar legal and ethical justification in case of religious leaders who exercise a **heightened degree of influence over the hearts and minds of their followers** at all times.
  20. Speech is fundamental to individual and communal flourishing. It constitutes one of the most crucial **mediums for good and evil sides of humanity**. War starts in the minds and is cultivated by

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<sup>703</sup> Under certain circumstances, in particular when non-State actors exercise significant/effective control over territory and population (e.g. as *de facto* authorities), they are also obliged to respect international human rights as duty bearers (see UN Docs. CEDAW/C/GC/30, para. 16; A/HRC/28/66, paras. 54-55).

a reasoning fuelled by often hidden advocacy of hatred. Positive speech is also the healing tool of reconciliation and peace-building in the hearts and minds. Speech is one of the most strategic areas of the responsibilities we commit to assume and support each other for their implementation through this F4R declaration on the basis of the thresholds articulated by the Rabat Plan of Action.

21. Under the International Covenant on Civil and Political Rights (article 20, paragraph 2), States are obliged to prohibit any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. This includes **incitement to hatred by some religious leaders in the name of religion**. Due to the speaker's position, context, content and extent of sermons, such statements by religious leaders may be likely to meet the threshold of incitement to hatred. Prohibiting such incitement is not enough. Remedial advocacy to reconciliation is equally a duty, including for religious leaders, particularly when hatred is advocated in the name of religions or beliefs.
22. The clearest and most recent guidance in this area is provided by the 2012 Rabat Plan of Action<sup>8</sup> which articulates **three specific core responsibilities of religious leaders**: (a) Religious leaders should refrain from using messages of intolerance or expressions which may incite violence, hostility or discrimination; (b) Religious leaders also have a crucial role to play in speaking out firmly and promptly against intolerance, discriminatory stereotyping and instances of hate speech; and (c) Religious leaders should be clear that violence can never be tolerated as a response to incitement to hatred (e.g. violence cannot be justified by prior provocation).

### **18 Commitments on "Faith for Rights"**

We, faith-based and civil society actors working in the field of human rights and gathered in Beirut on 28-29 March 2017, express the deep conviction that our respective religions and beliefs share a common commitment to **upholding the dignity and the equal worth of all human beings**. Shared human values and equal dignity are therefore common roots of our cultures. Faith and rights should be mutually reinforcing spheres. Individual and communal expression of religions or beliefs thrive and flourish in environments where human rights, based on the equal worth of all individuals, are protected. Similarly, human rights can benefit from deeply rooted ethical and spiritual foundations provided by religions or beliefs.

The **present declaration on “Faith for Rights” reaches out to persons belonging to religions and beliefs in all regions** of the world, with a view to enhancing cohesive, peaceful and respectful societies on the basis of a common action-oriented platform agreed by all concerned and open to all actors that share its objectives. We value that our declaration on Faith for Rights, like its founding precedent the Rabat Plan of Action, were both conceived and conducted under the auspices and with the support of the United Nations that represents all peoples of the world, and enriched by UN human rights mechanisms such as Special Rapporteurs and Treaty Body members.

The 2012 **Rabat Plan of Action**<sup>704</sup> articulates three specific core responsibilities of religious leaders:

- (a) Religious leaders should refrain from using messages of intolerance or expressions which may incite violence, hostility or discrimination;
- (b) Religious leaders also have a crucial role to play in speaking out firmly and promptly against intolerance, discriminatory stereotyping and instances of hate speech; and
- (c) Religious leaders should be clear that violence can never be tolerated as a response to incitement to hatred (e.g. violence cannot be justified by prior provocation).

In order to give concrete effect to the above three core responsibilities articulated by the Rabat Plan of Action, which has repeatedly been positively invoked by States, we formulate the following chart of **18 commitments on “Faith for Rights”**,<sup>705</sup> including corresponding follow-up actions:

- I. Our most fundamental responsibility is to **stand up and act for everyone’s right to free choices** and particularly for everyone’s freedom of thought, conscience, religion or belief. We affirm our

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<sup>704</sup> See UN Doc. A/HRC/22/17/Add.4, annex, appendix, para. 36.

<sup>705</sup> See Article 18 of the International Covenant on Civil and Political Rights: “(1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. (2) No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. (3) Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. (4) The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”



commitment to the universal norms<sup>706</sup> and standards<sup>707</sup>, including Article 18 of the International Covenant on Civil and Political Rights which does not permit any limitations whatsoever on the freedom of thought and conscience or on the freedom to have or adopt a religion or belief of one's choice. These freedoms, unconditionally protected by universal norms, are also sacred and inalienable entitlements according to religious teachings.

- ***“There shall be no compulsion in religion.” (Qu’ran 2:256);***
- ***“The Truth is from your Lord; so let her or she who please believe and let her or she who please disbelieve” (Qu’ran 18:29);***
- ***“But if serving the Lord seems undesirable to you, then choose for yourselves this day whom you will serve...” (Joshua 24:15)***
- ***“No one shall coerce another; no one shall exploit another. Everyone, each individual, has the inalienable birth right to seek and pursue happiness and self-fulfilment. Love and persuasion is the only law of social coherence.” (Guru Granth Sahib, p. 74)***
- ***When freedom of conscience, liberty of thought and right of speech prevail—that is to say, when every man according to his own idealization may give expression to his beliefs—development and growth are inevitable.” (‘Abdu’l-Bahá)***

706 These include the Convention on the Prevention and Punishment of the Crime of Genocide (1948); Convention Relating to the Status of Refugees (1951); International Convention on the Elimination of All Forms of Racial Discrimination (1965); International Covenant on Civil and Political Rights (1966); International Covenant on Economic, Social and Cultural Rights (1966); Convention on the Elimination of All Forms of Discrimination against Women (1979); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); Convention on the Rights of the Child (1989); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); Convention on the Rights of Persons with Disabilities (2006); and International Convention for the Protection of All Persons from Enforced Disappearance (2006).

707 These include the Universal Declaration of Human Rights (1948); Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (1981); Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992); Principles of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Response Programmes (1994); UNESCO Declaration on Principles of Tolerance (1995); Final Document of the International Consultative Conference on School Education in Relation to Freedom of Religion or Belief, Tolerance and Non-Discrimination (2001); Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools (2007); United Nations Declaration on the Rights of Indigenous Peoples (2007); The Hague Statement on “Faith in Human Rights” (2008); Camden Principles on Freedom of Expression and Equality (2009); Human Rights Council resolution 16/18 on Combating Intolerance, Negative Stereotyping and Stigmatization of, and Discrimination, Incitement to Violence and Violence against, Persons Based on Religion or Belief (and Istanbul Process, 2011); Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (2012); Framework of Analysis for Atrocity Crimes (2014); Secretary-General’s Plan of Action to Prevent Violent Extremism (2015); as well as the Fez Declaration on preventing incitement to violence that could lead to atrocity crimes (2015).

- *“People should aim to treat each other as they would like to be treated themselves – with tolerance, consideration and compassion.” (Golden Rule)*<sup>708</sup>
- II. We see the present declaration on “Faith for Rights” as a **common minimum standard for believers (whether theistic, non-theistic, atheistic or other)**, based on our conviction that interpretations of religion or belief should add to the level of protection of human dignity that human-made laws provide for.
  - III. As religions are necessarily subject to human interpretations, we commit to **promote constructive engagement on the understanding of religious texts**. Consequently, critical thinking and debate on religious matters should not only be tolerated but rather encouraged as a requirement for enlightened religious interpretations in a globalized world composed of increasingly multi-cultural and multi-religious societies that are constantly facing evolving challenges.
  - IV. We pledge to **support and promote equal treatment** in all areas and manifestations of religion or belief and to denounce all forms of discriminatory practices. We commit to **prevent the use of the notion of “State religion” to discriminate against any individual or group** and we consider any such interpretation as contrary to the oneness of humanity and equal dignity of humankind. Similarly, we commit to prevent the use of “doctrinal secularism” from reducing the space for religious or belief pluralism in practice.
    - *“Then Peter began to speak: ‘I now realize how true it is that God does not show favoritism.’” (Acts 10:34)*
  - V. We pledge to **ensure non-discrimination and gender equality** in implementing this declaration on “Faith for Rights”. We specifically commit to revisit, each within our respective areas of competence, those religious understandings and interpretations that appear to perpetuate gender inequality and harmful stereotypes or even condone gender-based violence. We pledge to ensure justice and equal worth of everyone as well as to affirm the right of all women, girls and boys not to be subjected to any form of discrimination and violence, including harmful practices such as female genital mutilation, child and/or forced marriages and crimes committed in the name of so-called honour.

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<sup>708</sup> All quotations from religious or belief texts were offered by participants of the Beirut workshop in relation to their own religion or belief and are merely intended to be illustrative and non-exhaustive.

- *“A man should respect his wife more than he respects himself and love her as much as he loves himself.” (Talmud, Yebamot, 62,b)*
  - *“Never will I allow to be lost the work of any one among you, whether male or female; for you are of one another.” (Qu’ran 3, 195)*
  - *“O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another.” (Quran 49:13)*
  - *“In the image of God He created him male and female. He created them.” (Genesis 1, 27)*
  - *“The best among you is he who is best to his wife” (Hadith)*
  - *“It is a woman who is a friend and partner for life. It is woman who keeps the race going. How may we think low of her of whom are born the greatest. From a woman a woman is born: none may exist without a woman.” (Guru Granth Sahib, p. 473)*
  - *“The world of humanity is possessed of two wings - the male and the female. So long as these two wings are not equivalent in strength the bird will not fly. Until womankind reaches the same degree as man, until she enjoys the same arena of activity, extraordinary attainment for humanity will not be realized” (‘Abdu’l- Bahá)*
  - *“A comprehensive, holistic and effective approach to capacity-building should aim to engage influential leaders, such as traditional and religious leaders [...]” (Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices, CEDAW/C/GC/31-CRC/C/GC/18, para. 70)*
- VI. We pledge to **stand up for the rights of all persons belonging to minorities** within our respective areas of action and to defend their freedom of religion or belief as well as their right to participate equally and effectively in cultural, religious, social, economic and public life, as recognized by international human rights law, as a minimum standard of solidarity among all believers.
- VII. We pledge to **publicly denounce all instances of advocacy of hatred that incites to violence, discrimination or hostility**, including those that lead to atrocity crimes. We bear a direct responsibility to denounce such advocacy, particularly when it is conducted in the name of religion or belief.

- *"Now this is the command: Do to the doer to make him do." (Ancient Egyptian Middle Kingdom);*
- *"Repay injury with justice and kindness with kindness." (Confucius)*
- *"What is hateful to you, don't do to your friend." (Talmud, Shabat, 31,a)*
- *"Whatever words we utter should be chosen with care for people will hear them and be influenced by them for good or ill." (Buddha)*
- *"By self-control and by making dharma (right conduct) your main focus, treat others as you treat yourself." (Mahābhārata)*
- *"You shall not take vengeance or bear a grudge against your kinsfolk. Love your neighbor as yourself" (Leviticus 19:18)*
- *"Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets." (Matthew 7:12)*
- *"Ascribe not to any soul that which thou wouldst not have ascribed to thee, and say not that which thou doest not." (Bahá'u'lláh)*

VIII. We therefore pledge to establish, each within our respective spheres, policies and methodologies to **monitor interpretations, determinations or other religious views that manifestly conflict with universal human rights norms and standards**, regardless of whether they are pronounced by formal institutions or by self-appointed individuals. We intend to assume this responsibility in a disciplined objective manner only within our own respective areas of competence in an introspective manner, without judging the faith or beliefs of others.

- *"Do not judge, or you too will be judged. For in the same way you judge others, you will be judged, and with the measure you use, it will be measured to you." (Bible, Matthew 7:1-2)*
- *"Habituate your heart to mercy for the subjects and to affection and kindness for them... since they are of two kinds, either your brother in religion or one like you in creation... So, extend to them your forgiveness and pardon, in the same way as you would like Allah to extend His forgiveness and pardon to you"— (Letter from Caliph Ali to Malik Ashtar, Governor of Egypt)*
- *"The essential purpose of the religion of God is to establish unity among mankind. The divine Manifestations were Founders of the means of fellowship and love. They did not come to create discord, strife and hatred in the world. The religion of God is the*

*cause of love, but if it is made to be the source of enmity and bloodshed, surely its absence is preferable to its existence; for then it becomes satanic, detrimental and an obstacle to the human world.” (‘Abdu’l-Bahá)*

- IX. We also pledge to refrain from, advocate against and jointly **condemn any judgemental public determination by any actor who in the name of religion aims at disqualifying the religion or belief of another individual** or community in a manner that would expose them to violence in the name of religion or deprivation of their human rights.
- X. We pledge **not to give credence to exclusionary interpretations claiming religious grounds** in a manner that would instrumentalize religions, beliefs or their followers to incite hatred and violence, for example for electoral purposes or political gains.
- XI. We equally commit **not to oppress critical voices** and views on matters of religion or belief, however wrong or offensive they may be perceived, in the name of the “sanctity” of the subject matter and we urge States that still have anti-blasphemy or anti-apostasy laws to repeal them, since such laws have a stifling impact on the enjoyment of freedom of thought, conscience, religion or belief as well as on healthy dialogue and debate about religious issues.
- XII. We commit to further **refine the curriculums, teaching materials and textbooks** wherever some religious interpretations, or the way they are presented, may give rise to the perception of condoning violence or discrimination. In this context, we pledge to promote respect for pluralism and diversity in the field of religion or belief as well as the right not to receive religious instruction that is inconsistent with one’s conviction. We also commit to **defend the academic freedom and freedom of expression**, in line with Article 19 of the International Covenant on Civil and Political Rights, within the religious discourse in order to promote that religious thinking is capable of confronting new challenges as well as facilitating free and creative thinking. We commit to support efforts in the area of religious reforms in educational and institutional areas.
- *“The only possible basis for a sound morality is mutual tolerance and respect.” (A.J. Ayer)*
- XIII. We pledge to build on experiences and lessons learned in **engaging with children and youth**, who are either victims of

or vulnerable to incitement to violence in the name of religion, in order to design methodologies and adapted tools and narratives to enable religious communities to deal with this phenomenon effectively, with particular attention to the important role of parents and families in detecting and addressing early signs of vulnerability of children and youth to violence in the name of religion.

- *“Don’t let anyone look down on you because you are young, but set an example for the believers in speech, in conduct, in love, in faith and in purity.” (1 Timothy 4:12)*

XIV. We pledge to promote, within our respective spheres of influence, the imperative necessity of ensuring **respect in all humanitarian assistance activities** of the *Principles of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Response Programmes*, especially that aid is given regardless of the recipients’ creed and without adverse distinction of any kind and that aid will not be used to further a particular religious standpoint.

XV. We pledge **neither to coerce people nor to exploit persons in vulnerable situations** into converting from their religion or belief, while fully respecting everyone’s freedom to have, adopt or change a religion or belief and the right to manifest it through teaching, practice, worship and observance, either individually or in community with others and in public or private.

XVI. We commit to **leverage the spiritual and moral weight of religions and beliefs** with the aim of strengthening the protection of universal human rights and developing preventative strategies that we adapt to our local contexts, benefitting from the potential support of relevant United Nations entities.

- *“Love your neighbour as yourself. There is no commandment greater than these” (Mark 12, 31)*
- *“But love your enemies, do good to them and lend to them without expecting to get anything back. Then your reward will be great” (Luke 6, 35)*
- *“The God-conscious being is always unstained, like the sun, which gives its comfort and warmth to all. The God-conscious being looks upon all alike, like the wind, which blows equally upon the king and the poor beggar.” (Guru Granth Sahib p. 272)*
- *“The religion of God and His divine law are the most potent instruments and the surest of all means for the dawning of the*

*light of unity amongst men. The progress of the world, the development of nations, the tranquility of peoples, and the peace of all who dwell on earth are among the principles and ordinances of God.”(Bahá’u’lláh)*

- XVII. We commit to support each other at the implementation level of this declaration through **exchange of practices**, mutual capacity enhancement and regular activities of skills updating for religious and spiritual preachers, teachers and instructors, notably in areas of communication, religious or belief minorities, inter-community mediation, conflict resolution, early detection of communal tensions and remedial techniques. In this vain, we shall explore means of developing sustained **partnerships with specialised academic institutions** so as to promote interdisciplinary research on specific questions related to faith and rights and to benefit from their outcomes that could feed into the programs and tools of our coalition on Faith for Rights.
- XVIII. We pledge to **use technological means more creatively and consistently** in order to disseminate this declaration and subsequent Faith for Rights messages to enhance cohesive societies enriched by diversity, including in the area of religions and beliefs. We will also consider means to produce empowering capacity-building and outreach tools and make them available in different languages for use at the local level.





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**Francisco ROJAS ARAVENA** has been the Rector of the University for Peace since 2013. In 2018, the Council re-elected him for a second term. He holds a Ph.D. in Political Science from the University of Utrecht (The Netherlands) and is a specialist in International Relations, particularly in the area of International Security. He was Secretary-General of the Latin American Faculty of Social Sciences (FLACSO) between 2004–2012, and Director of FLACSO-Chile between 1996–2004. He is a member of the Editorial Councils of several professional journals, among them *Foreign Affairs Latin America* (Mexico), *Pensamiento Iberoamericano* (Spain); and *Ciencia Política* (Colombia). He is a prolific author and editor and has published a large number of books, as well as contributed extensively with chapters in many others. His articles have been published both within the region and outside of it, and have been translated into several languages. In 2016, he received the "Malinalli National Award" from the Universidad Juárez Autónoma de Tabasco. In 2012, the governments of Costa Rica, the Dominican Republic and Paraguay honoured him for his contributions to the integration and

improved relations between the countries that comprise the Latin American and Caribbean region. His latest book, *The Difficult Task of Peace* (Palgrave Macmillan), provides a holistic view on the topics of peace and conflict, peace education, international relations and regional studies during the end of the second decade of the twenty-first century.

**Mohammad bin Abdulkarim Alissa** is widely recognized as a leading global voice on moderate Islam, committed to bringing global awareness to the religion's true message of empathy, understanding and cooperation among all people. Since 2016, he has served as the Secretary General of the Muslim World League, a Makkah-based non-governmental organization that represents adherents of the Islamic faith around the world, building new partnerships among different communities, faiths and nations. Dr. Alissa's groundbreaking interfaith efforts include:

- Led the most senior Islamic delegation to Auschwitz in January 2020 for the 75th anniversary of the liberation of the death camp.
- Earned recognition by the American Jewish Committee, the American Sephardi Federation and the Combat Anti-Semitism Movement for his leadership and initiatives to combat anti-Semitism, Islamophobia and hate speech around the world.
- Signed a historic agreement among the Abrahamic religions in France for peace and solidarity in 2019.
- Lead a conference on reconciliation in Sri Lanka to heal interreligious divides created by the terrible Easter terrorist attacks.
- Met with His Holiness Pope Francis in 2017 to forge a first of its kind agreement between MWL and the Vatican.
- Joined German Chancellor Angela Merkel and U.S. Secretary of State Mike Pompeo in the AJC Virtual Global Forum opening plenary in June 2020, joining in their call for dialogue and cooperation to create a better, more equal world free of anti-Semitism, Islamophobia and any other form of prejudice. He joined Norway's Prime Minister Erna Solberg in a virtual symposium focused on fighting hate and discrimination later that month. The 2020 and 2019 U.S. State Department Country Reports on Terrorism recognized Dr. Alissa's achievements in countering violent extremism, noting that he "pressed a message of interfaith dialogue, religious tolerance, and peaceful coexistence with global religious authorities, including Muslim imams outside the Arab world. He also conducted outreach with a variety of Jewish and Christian leaders, including prominent U.S. rabbis and Christian evangelicals."

**Larbi DJACTA** began his four-year term as Chairman of the International Civil Service Commission (ICSC), on 1 January 2019, after serving five years as a member of the Commission. He is Under-Secretary General of the United Nations. Immediately upon his election by the UNGA, Mr. Djacta articulated his intentions to make transparency, integrity and accessibility a cornerstone of his tenure. His 35 years of professional history extends as far back as 1985 when first joined the Algerian Ministry of Foreign Affairs. Prior to taking up his appointment as the Chairman of the ICSC, Mr. Djacta held was promoted Ambassador by Algeria 2019; Minister Plenipotentiary in the Directorate General of Political Affairs and International Security, Ministry of Foreign Affairs; Minister Counselor at the Permanent Mission of Algeria to the UN, New York; Senior Advisor to the Director General of Economic Relations and International Cooperation, Ministry of Foreign Affairs; Senior Consultant to the Office of the Director General of the World Intellectual Property Organization (WIPO), Geneva, responsible for External Relations and liaison with Member States and the United Nations System and Deputy Permanent Representative/Minister Counselor in the Permanent Mission of Algeria in Geneva. In those year, Mr. Djacta also presided over regional groups (G77 & NAM) and Committees, led working groups, conducted negotiations, rapporteur of the UNGA Fifth Committee, and worked closely with many UN organizations.

**Álvaro IRANZO GUTIÉRREZ** is Bachelor in Law by the Complutense University, Madrid; Post-graduated degree in International Studies by Spanish Diplomatic Academy, (1980). He joined the Spanish Ministry of Foreign Affairs in 1981. In his diplomatic career, he was Second Secretary, Embassy of Spain in Libreville (Gabon, 1983-85); First Secretary, Embassy of Spain in Maputo (Mozambique, 1983-1985); Desk Officer North Africa, Ministry of Foreign Affairs (Madrid, 1985-1989); Deputy Head of Mission, Embassy of Spain in Algeria (189-1992); Deputy Director General for North Africa, Ministry Of Foreign Affairs (Madrid, 1992-1997); Ambassador of Spain in Angola (2001-2004); Ambassador of Spain in Malaysia; Director General for the Mediterranean, Near East and Africa, Ministry of Foreign Affairs (Madrid, 2004); Ambassador of Spain in Israel (2008); Senior Advisor (economic relations, MENA region), Ministry of Foreign Affairs, Madrid (2012-2013); Consul-General of Spain in Sydney (Australia, 2013-2017) and Ambassador of Spain in the Kingdom of Saudi Arabia (2017-nowadays).

**Francisco CHACON HERNÁNDEZ** is the Ambassador of Costa Rica to the Kingdom of Saudi Arabia, United Arab Emirates and the

Hashemite Kingdom of Jordan. Studied at the Costa Rican University General Studies in Collective Communication Sciences. Then he did his bachelor's degree in international Relations at the Autonomous University of Central America in San José, Costa Rica. He obtained his Master of Arts degree in International Politics at the University of Paris IX in Brussels, Belgium. He has been the Chief of Cabinet to the Deputy Foreign and Worship Minister, Professor of International Relations, Stage at the European Parliament/Office of Dr. Otto von Habsburg, Minister-Counsellor of the Permanent Mission of Costa Rica to the Organization of America States, at the Embassy of Costa Rica to the Kingdom of Belgium, at the Embassy of Costa Rica to the Grand Duchy of Luxembourg, and at the Mission of Costa Rica to the European Union. He has been Co-chairman of the Biregional Coordination and Cooperation Mechanism European Union-Latin American and the Caribbean on anti-drugs traffic policy. He was member of the Political Dialogue negotiations team/Association Agreement between the European Union and Central America. He was Minister- Counsellor and Consul-General at the Embassy of Costa Rica in Canada, for a period of time he was Charge des Affairs a.i. at this Embassy. Since 2016 he has been honored to be Ambassador in Special Mission to the Gulf Cooperation Council States. Before being appointed he was the Deputy Director- General of Foreign Policy at the Foreign and Worship Ministry.

**Lubna QASSIM** was appointed as the UAE's Deputy Permanent Representative to the UN and International Organisations in Geneva on 29 August 2019. She was appointed by a Presidential Decree on October 2018 as Minister Plenipotentiary of First Degree. Pursuant to this appointment, she joined the UAE Ministry of Foreign Affairs & International Cooperation and served as Senior Legal Counsel to the UAE's Minister of Foreign Affairs & International Cooperation after a span of 20 years of successful career in law, Trade, Economy, Finance, cross-border acquisitions and International Dispute Resolutions across Europe, US, Asia and the Middle East. She spent 8 of the 20 years with Clifford Chance LLP, one of the largest global law firms, in their offices in London and UAE. In 2009, she was the World Bank's public sector reform consultant for GCC. She was then appointed as Director of Economic Legislations Department at the UAE Ministry of Economy. In 2014, she was appointed as the first female executive board member, Group Company Secretary and the Group General Counsel for one of the largest financial institutions in MENA. She attended School and University in UK. She attained Honors of Law (LLB) from Brunel University, UK in 1999 and postgraduate in Law from Leeds University

in 2004. In 2009, she attended Walsh School of Foreign Service, George Town University, Washington DC and attained a diploma in International relations. She is a recipient of a number of international and regional awards, including IFRC who chose her, in 2018, as the best General Counsel of the Middle East in 2018. She was also recognized in the same year as one of the top 50 female leaders in the Arab World.

**Abdulaziz ALMUZAINI** holds a Ph.D. (1997) as well as a Diplôme d'Etudes approfondies (1993) in Information and Communication from the Sorbonne University of Panthéon-Assas Paris II. Prior to this, he had obtained a Masters degree in Communications from the University of Québec (Montreal) in 1990. From 1984 to 1996, he held several high-level posts in the Saudi Fund for Development (Riyadh). From 1996 to 1997, Mr Almuzaini served as an Advisor to the Saudi Ministry of Education on the utilization of communication and information technologies in distant education and learning. From 1997 to 2011, he worked as Chief Executive Officer and Founder of several public and private companies including the Saudi Basic Industries Corporation (SABIC, France). From 2009 to 2010, Mr Almuzaini served as the Counselor of Saudi Arabia in the country's delegation to the World Trade Organization (WTO, Geneva). Mr Almuzaini joined UNESCO in February 2011, as a Consultant in the Office of the Director General. In this capacity, he took part in fund-raising efforts, as well as in the development of public/private sectors partnerships. During his assignment, he contributed also to the mobilization of partnerships with government authorities, UN agencies and non-governmental organizations in the Organization's various fields of competence. He was the Director of the UNESCO Liaison Office at Geneva. Mr Almuzaini is the author of publications and articles on economic and political affairs.

**Ivan JURKOVIC** was ordained a priest in 1977 in Ljubljana where he graduated from the Faculty of Theology the following year. In 1980 he began his studies at the Pontifical Ecclesiastical Academy in Rome, at the end of which, in 1984, he entered the diplomatic service of the Holy See as Secretary of the Apostolic Nunciature in the Republic of Korea. In 1988 he completed a Doctorate in Canon Law from Lateran University. He served successively as Counselor at the Nunciatures in Colombia and the Russian Federation, as well as at the Holy See Secretariat of State. In October 2001 he was consecrated Titular Archbishop of Corbavia and, in the same year, assumed the role of Apostolic Nuncio. In this capacity he served in Belarus until 2004, in Ukraine, from 2004 to 2011 and at the Russian Federation, from 2011 to 2016. In March 2016

he was appointed Permanent Observer of the Holy See to the United Nations, the World Trade Organization and the Other International Organizations in Geneva.

**Santiago RIPOL CARULLA** is Professor of Public International Law at Pompeu Fabra University (Barcelona) since February 2010. Among his academic degrees, it is worth highlighting Bachelor of Law. Autonomous University of Barcelona (1986). Doctor of Law. Autonomous University of Barcelona (1990), Certificate from the Curatorium of The Hague Academy of International Law / Center for Studies and Research in International Law and International Relations (1993), Diploma in International Law. Helsinki University (1994). The years 1992-1998 Santiago served as Chief study officer (1992-1996) and Director (1996-1998) for the preparation courses of the diplomatic exams at the International Study Center (Barcelona University / Foreign Affairs Ministry), as well as Vice dean (2000-2002) and Dean (2003) of the Pompeu Fabra law school. The years 1992-1998 I served as Chief study officer (1992-1996) and Director (1996-1998) for the preparation courses of the diplomatic exams at the International Study Center (Barcelona University / Foreign Affairs Ministry). Vice dean (2000-2002) and dean (2003) of the Pompeu Fabra law school. From October 2003 to March 2015, he has been lawyer at the Constitutional Court of Spain. He is currently Principal Investigator of the project financed by the Ministry of Economy, Industry and Competitiveness The consolidation of the Charter of Fundamental Rights of the European Union in its application in the member states DER2017-89753-P and of the consolidated Research Group Civil Society and International and European Law. Santiago has coordinated various collective works and published more than 70 books and articles in specialized legal reviews. Among other prizes and recognition, he has obtained the Nuclear Inter Iura 2001 awards (awarded biannually by the International Nuclear Law Association), José Francisco de Querol y Lombardero Prize 2007 (Ministry of Defense), Eduardo Garcia de Enterría Prize for European Legal Studies (Spanish Association for the Study of European Law, 2019) and has been a finalist for the FUNDESCO Essay Prize (1990).

**Yolanda GAMARRA CHOPO** is Professor of Public International Law and Public Relations, Zaragoza University.

**Pablo NUÑO GARCIA** is the Head of Legal and Social Affairs, Human Rights Office. Ministry of Foreign Affairs, European Union and Cooperation of Spain. He has been engaged in different areas, involving European Union foreign policy, housing and more recently human rights

in his capacity as a diplomat. He has been engaged in different areas, involving European Union foreign policy, housing and more recently human rights. Of late, he has been serving at the Spanish Mission to the UN Geneva, acting as political advisor to the Head of Mission and as a human rights expert. In this role, he assisted the Chief of Mission who acted as Vice-President of the Human Rights Council (2018). As a human rights expert, he has been involved in multilateral negotiations and processes, leading key portfolios at the Human Rights Council. In his previous posting as Deputy Chief of Mission in Mauritania, he led the Political & Economic, and Communication Sections of a priority-country Embassy. Before that, he was a member of the private office of the Minister of Housing in charge of international and institutional relations, liaising with relevant international organisations, chiefly UN-Habitat and the European Commission. But he has also been active in the academia. At Comillas University, he lectured an introductory course on the European Union legal framework and Economic policies, fleshing out the most outstanding hallmarks in the integration process. Lately, also in Geneva, he lectured on the crosscutting nature of Human Rights and Sustainable Development Goal at Henri Dunant University School.

**Spyridon FLOGAITIS** is the Director of the European Public Law Organization and President of its Board of Directors. He is a Greek lawyer, jurist and academic who is currently a professor of public law at the University of Athens. He is the editor and founder of numerous legal journals, and is also a judge in the Council of State. He has formerly served as an Alternate Minister of European Affairs. He has also formerly served as an interim Minister of the Interior twice, once in 2007 and once in 2009.

**Mark CASSAYRE** assumed his duties as the Permanent Observer of the International Development Law Organization (IDLO) to the United Nations and International Organizations in Geneva on April 1, 2021. Before joining IDLO, Mr. Cassayre served for over 20 years as a career member of the United States Foreign Service, with his most recent assignment being the Deputy Chief of Mission and Chargé d'Affaires at the U.S. Mission in Geneva. His other overseas assignments included tours as the Deputy Chief of Mission at the U.S. Embassy in Maputo, Mozambique, and positions in Nairobi, Kenya; Kyiv, Ukraine; Windhoek, Namibia; and Geneva, Switzerland. Domestically, he served as the Director of the Office of Human Rights and Humanitarian Affairs in the Bureau of International Organizations of the State Department, the



Senior Advisor at the Department of State's Foreign Service Institute, and a year as a National Security Affairs Fellow at Stanford University's Hoover Institution. Mark has a master's degree in international relations from the Graduate Institute of International Studies in Geneva, Switzerland, and bachelors' degrees in political science and French from the University of California at Santa Barbara. He speaks French, Portuguese, and Ukrainian.

**Marie-Thérèse PICTET-ALTHANN** followed language studies in Fribourg (Switzerland) and London (G.B.). She holds a Diploma – European Academy for Secretarial Management and Languages, Vienna (Austria). From 1970 to 1983, she worked as International Civil servant with the United Nations Office and the Office of the UN High Commissioner for Refugees in Geneva. She married in 1983 to François-Charles Pictet, Ambassador of Switzerland to the United Kingdom, the Netherlands, Austria and the Holy See (1984-1994). She entered into the diplomatic service of the Sovereign Order of Malta in 1996 at the Permanent Observer Mission to the United Nations Office and other International Organizations in Geneva: First Counsellor (1995-2000), Minister Counsellor and Deputy Permanent Observer (2000-2005), Ambassador, Permanent Observer (since 2005). She is Honorary President of "Religions for Peace" (since 2019); International Gender Champion (since 2015); Vice-President of the Foundation "Caritas in Veritate" (2011-2015); Vice-President and Member of the Committee of the Geneva Diplomatic Club (2007 – 2014); Founding President of the Geneva Diplomatic Spouses' Circle (now "International Circle"), a project of the «Fondation pour Genève» (1999 – 2010). She is President and then Vice-President of the Geneva Association of Friends of the "Orchestre de la Suisse Romande" (since 2013); President of the Choir of St. Joseph, Geneva (since 2009); Member of the Board of the EORTC Cancer Research Fund (European Organization for Research and Treatment of Cancer) - Brussels (2005 – 2017). She published articles in magazines and books on humanitarian diplomacy, human rights, inter-religious dialogue, the role of faith-based organizations in humanitarian action. She was awarded with the Order of Malta Cross "pro Merito Melitensi" with crown (2002); Dame Commander Papal Order of Saint Gregory the Great (2014); Order of Malta Cross "pro Merito Melitensi" with Plaque (2015).

**Catalina DEVANDAS AGUILAR** is the Ambassador and Permanent Representative of Costa Rica to the United Nations Office and other international organizations at Geneva. She was appointed as the

first United Nations Special Rapporteur on the Rights of persons with disabilities in 2014, and served until August 2020. She has worked extensively on disability rights and inclusive development for the past 20 years, including with the World Bank, the United Nations Department for Economic and Social Affairs, and international donor organizations that supported the work of organizations of persons with disabilities to promote the implementation of the Convention on the Rights of Persons with Disabilities. She was previously part of the disability rights movement at national, regional and international level and continues to work closely with organizations of persons with disabilities.

**Ruth HALPERIN-KADDARI** Prof. Halperin-Kaddari is an expert on family law and international women's rights and is the Founding Academic Director of the Rackman Center for the Advancement of Women at Bar-Ilan University in Israel. She served three terms on the UN Committee on Elimination of all forms of Discrimination Against Women (CEDAW), during which she was twice Vice-Chair, Chaired the Working Group on Inquiries, and headed the Inquiry against the UK regarding the restrictive abortion regime in Northern Ireland. She is a recipient of numerous national and international research grants, including a grant within the H2020 framework (2019) and three grants from the Israel Science Foundation (2000, 2005, 2019). In July 2007 she was awarded with the International Award for Woman of Courage by the State Department of the United States, and in 2018 she was named on *Apolitical's* 100 most influential people in gender policy around the world.

**Aviva RAZ SHECHTER** is Ambassador and Special Envoy on Women, Peace and Security of the State of Israel. She was the Permanent Representative of Israel to the United Nations and other International Organizations in Geneva (2016-2020). She comes to the post after a distinguished diplomatic career with the Israeli Foreign Ministry, serving as Deputy Director-General for the Middle East and Peace Process Division between 2011 and 2016, Director of the Department for Combating Antisemitism and for Holocaust Issues (2005-2011) during which she established and chaired the Global Forum for Combating Antisemitism, Minister-counselor for Public Diplomacy in Washington DC (2000-2005), Political Counselor in Amman, Jordan (1997-1998) and Deputy Consul-General in Montreal (1991-1995). She was a member of different official delegations and represented Israel in International forums and seminars. Ambassador Raz Shechter holds B.A and M.A on Middle East Studies with honors from the Hebrew University in Jerusalem and is the recipient of the "Golda Meir Fellowship".

**Eric TISTOUNET** is currently Chief of the Human Rights Council Branch of the Office of the High Commissioner for Human Rights. Since joining the United Nations in 1987, Mr. Tistounet served *inter alia* as Secretary of various treaty bodies, External Relations Officer, and Chief of Cabinet of the High Commissioner. He also served as the last Secretary of the Commission on Human Rights and the first of the Human Rights Council. During a four months sabbatical leave at the Geneva Academy in 2018/2019 he wrote a comprehensive textbook entitled 'The UN Human Rights Council: A Practical Anatomy' which was later published by Elgar Publishing in February 2020. He is the author of a number of contributions and articles on human rights law, the human rights intergovernmental machinery, human rights treaty bodies and the future of the human rights architecture.

**Milena COSTAS TRASCASAS** is since 2019 member of the UN Human Rights Council's Advisory Committee where she has been appointed rapporteur of a study on the advancement of racial equality in the world. Holding a PhD in public international law from the University Complutense of Madrid, she is specialized in human rights, international humanitarian law and international criminal law. She has carried out research, published and taught these subjects in several universities and academic institutions of Spain, Italy and Switzerland. Milena works as independent expert and adviser for international organizations, governments and non-governmental organisations. She is currently involved in the development and implementation of the human rights strategy and training programme of the Spanish Red Cross and collaborates with the Universitat Oberta de Catalunya in the Master's Degree in Human Rights, Democracy and Globalization. Since 2016 she is member of the OSCE/ODIHR Panel of Experts on the Freedom of Assembly and Association.

**Mikel MANCISIDOR** is law graduated by the Universidad de Deusto, and Doctor in International Relations by Geneva School of Diplomacy. He is currently a member of the UN Committee on Economic, Social and Cultural Rights (2013-2024). He is also a member of the Governing Board of the University of Deusto where he teaches Public International Law, and International Negotiation. Since 2015, he is Adjunct Professor at the Washington College of Law (American University) where he has been in charge of the course Advanced Studies on International Human Rights Law. He has been invited to teach at the Summer Study Session of the René Cassin International Institute of Human Rights for the 2016, 17, 18, 20 & 21 editions and he has participated in many international conferences, especially at the UN and the UNESCO.

Recently he received the Eusko Ikaskuntza - Laboral Kutxa Prize of Humanities, Culture, Arts and Social Sciences (2020), Full member of the Real Sociedad Bascongada de Amigos del País (2019) (Royal Basque Society), and he was awarded with the Golden Medal for Human Rights by the Liga Pro-Derechos Humanos (2013). He has a weekly column on politics published in four newspapers.

**Mona M'BIKAY** is the Executive Director of UPR Info. She has gained during more than 20 years an extensive work experience in the field of justice, democratic governance, and human rights. She worked for the Swiss Government, UN agencies and is the director of UPR Info since September 2017. She provided technical assistance to various national stakeholders to support the implementation of programmes and projects in Africa, Asia, and Eastern Europe. She also led capacity building projects in Southern Africa and Bangladesh. Her specific areas of expertise include results-based management, organizational development, human rights, rule of law, democratic governance, sustainable development, and gender equality. She holds a Law degree from the University of Neuchâtel, Switzerland, a Master in International Studies with specialisation in International Law from the Graduate Institute of International and Development Studies in Geneva, Switzerland, a Postgraduate Certificate in Conflict Resolution Skills from the Centre for Peace and Reconciliation Studies at Coventry University, United Kingdom and a Diploma in Sustainable Development and Human Rights from the Human Rights Centre, University for Peace, San Jose, Costa Rica. She is a passionate runner and mother of two children.

**Ibrahim SALAMA** is Chief of the Human Rights Treaties Branch at the Office of the United Nations High Commissioner for Human Rights (OHCHR), where he also leads the "Faith for Rights" programme. Previously he headed the UN secretariat for the preparatory process of the 2009 United Nations World Conference Against Racism (Durban Review Conference), was independent expert of the Sub-Commission on the Promotion and Protection of Human Rights, and was elected Chairperson of the Intergovernmental Working Group on the Right to Development. The views expressed herein are those of the authors and do not necessarily reflect the views of the United Nations.

**Michael WIENER** has been working since 2006 at the Office of the United Nations High Commissioner for Human Rights. He was also part of the core team organizing the expert workshops that led to the

adoption of the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. Since 2017, he has been working on the design and implementation of the Beirut Declaration and its 18 commitments on “Faith for Rights”.

**Carmen PARRA RODRIGUEZ** has a law degree in Law by the University of Granada (1985), Graduate School of International Studies CIS (1986), Diploma in European Law from the Free University of Brussels (1987) and a Doctorate by the University of Barcelona (1997). Since 2004, she is the Director of the Department of Economic Solidarity and since 2017, Director UNESCO Chair Peace, Solidarity, Intercultural Dialogue (since 2017), both at the University Abat Oliba CEU (Barcelona). Currently, she is Professor of International Law and European Law at the Abat Oliba CEU University. She was Member of the Expert Group of the Ministry of Justice for the negotiation of international conventions (2004-2007) and Member of the Advisory Committee of the Ministry of Justice of the Generalitat de Catalunya (2004-2010).

**José Luis GÓMEZ DEL PRADO** served as Secretary of the International Committee on the Elimination of All Forms of Racial Discrimination in his quality of as UN Human Rights Officer. He assisted Mary Robinson in the preparations of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, from 31 August to 8 September 2001. From 2005 to 2011, he performed as one of the 5 Independent Human Rights Experts of the UN Working Group on the use of mercenaries.

**Maram STERN** has been the Executive Vice President of the World Jewish Congress since October 2019, having served for three months prior as the interim CEO of the organization. Prior to that he was Deputy CEO for Diplomacy (2013-2019) and Deputy Secretary General (1996-2013). He is also responsible for WJC participation in inter-religious dialogue and consultations with the Christian churches and other faiths. From 1983 to 1988 Mr. Stern served as President of the European Union of Jewish Students, the youth arm of the WJC. In 1988 he became Counsellor of the WJC and in 1989 was appointed Political Advisor to the President and to the Secretary General of the WJC. He heads a representative and research office located in Brussels (Belgium). Mr. Stern has extensive knowledge of and experience in Asia, Central & Eastern Europe, North America & South Africa. For over 15 years, he has nurtured relations with the government of the People’s Republic of China, and with other governments in South East Asia (especially

Indonesia, Malaysia, Singapore & Thailand). In February 2004, he was decorated with the Golden Laurel Medal of the Republic of Bulgaria, and in September 2004 was appointed as Honorary Consul of Bulgaria in Belgium (Province de Liège).

**Adriana ALBERTI** is Chief, Programme Management and Capacity Development Unit, Division for Public Institutions and Digital Government at the UN Department of Economic and Social Affairs. She brings to this position thirty years of innovative leadership, international knowledge and experience in leading research, policy analysis and coordinating capacity development initiatives in over 25 countries. She has recently led the development of a Curriculum on Governance for the Sustainable Development Goals, encompassing several training courses on key governance issues related to sustainable development. Before joining the United Nations, Mrs. Alberti worked at the University of Bologna and was Visiting Fellow at the Center for International Studies of Princeton University. She was awarded a number of fellowships, including from the Italian National Research Council, the European University Institute, the Government of Spain for the Salvador de Madariaga Research Grant, and from Harvard University. Mrs. Alberti has a Ph.D. in Political and Social Sciences from the European University Institute.

**Morris TIDBALL-BINZ** was appointed the UN Special Rapporteur on extra-judicial summary or arbitrary executions, on 1 April 2021. Over the past 35 years, he has conducted fact-finding, technical assessments and capacity building missions to over 70 countries in all regions. He is currently an Adjunct Clinical Professor in Forensic Medicine, School of Public Health and Preventive Medicine, Faculty of Medicine Nursing and Health Sciences, Monash University, Australia and a Visiting Professor of the Department of Forensic Medicine, Ethics and Medical Law, Faculty of Medicine, University of Coimbra, Portugal and of the Department of Biomedical Health Sciences, University of Milano, Italy. From 1990 until 2003, he directed regional and global human rights programs for Amnesty International (UK); the Inter-American Institute of Human Rights (Costa Rica); Penal Reform International (UK) and the International Service for Human Rights (Switzerland). From 2004 to 2020, he worked for the International Committee of the Red Cross (ICRC). He is the recipient of two Honoris Causa Doctorates, including from the National University of La Plata, Argentina, his *alma mater*, for his contribution to forensic science applied to human rights and the development of humanitarian forensic action.

**Joaquín ALVAREZ-SALAZAR** has academic training in Legal Sciences, International Relations and Foreign Trade, Intellectual Property and Technological Contracts, with a certificate of Research Sufficiency from the Faculty of Economic and Business Sciences, Distance Education of National University of Spain. From 1996 to 1998 he served as Minister Counselor of the Permanent Mission of Costa Rica to the United Nations in Geneva, which allowed him to participate and follow up different debates and committees in the field of Human Rights and International Labor Law of the United Nations System. Since the end of 1998 he has been an official of the World Intellectual Property Organization (WIPO), currently he is a Training Officer at the WIPO Academy.

**Mónica BALDI** is Board member of the European Parliament Former Members Association. She is a freelance architect, registered with the Order of Architects Planners, Landscapes and Conservators of Florence. She is an author, urbanist and former teacher in professional training courses. She was awarded the honor of Grande Ufficiale al Merito of the Italian Republic. She had many institutional appointments from 2001 to 2006, such as being a member of the Italian Parliament, a secretary of the Commission for Foreign and Community Affairs at the Chamber of Deputies and a member of the Commission for European Union Policies at the Chamber of Deputies. She also has rich institutional assignments from 1994 to 1999, such as being a member of the European Parliament, Deputy Chairman of the Commission for Culture, Youth, Education, Media and Sport. She actively took part in political activities, such as being head of the National Department of Urban Planning of Forza Italia, coordinator of the Tuscan Regional Department of Equal Opportunities of Forza Italia, member of the regional coordination of Forza Italia of Tuscany and delegate of College 11. She was also active in the socio-cultural field, such as being a member of the Board of Directors FMA, Vice President ARS-PACE, President Emeritus and founder of the CCultural Association Pinocchio by Carlo Lorenzini and President Pinocchiorworld-Shanghai World Expo 2010.

**Jaime ARANZADI** is a lawyer in Spain. He has been a specialist in intellectual property law for more than twenty years. He is a professor in the Master of Intellectual Property at the Universidad Carlos III de Madrid. For eight years he represented the young lawyers of Madrid at the national level, as president of his guild. He has given legal support and ideas to Paz Sin Fronteras since its inception, actively collaborating in all its projects. He is a member of the steering committee of the foundation United in Network Playwright and musician.

**Hanan BALKHY** is the WHO Assistant Director-General, Antimicrobial Resistance. She is a graduate of King Abdulaziz University in Jeddah, Kingdom of Saudi Arabia. She completed her paediatric residency at Massachusetts General Hospital in Boston USA 1993-1996 followed by a paediatric infectious diseases fellowship from 1996-1999 from the Cleveland Clinic Foundation and Case Western Reserve University, Cleveland, Ohio, USA. She is currently the Executive Director, Infection Prevention and Control at the Ministry of National Guard (MNG) and the Director of the GCC center for infection control. Dr Balkhy is also an Associate Professor of King Saud bin Abdulaziz University for Health Science, with over 100 publications in peer-reviewed journals. She is the Editor-in-Chief of the Journal of Infection and Public Health. She has been involved in the organization of many educational symposia and seminars in the field of infection control and antimicrobial resistance over the past 18 years, nationally and internationally, such as ESCMID, ICPIC, IDweek and others. Dr Balkhy has served on several WHO committees including: the Advisory group on integrated surveillance and antimicrobial resistance (AGISAR), the Strategic and Technical Advisory Group on Antimicrobial Resistance (STAG-AMR), and the International Health Regulations review committee (IHR-RC). Dr Balkhy, is the Chairman of the Infectious Disease unit at King Abdullah International Medical Research Center at King Saud bin Abdulaziz University for Health Sciences, MNG; where she leads a team of scientists with a focus on relevant infectious disease research for the rising public health concerns such as multidrug resistance pathogens, MERS-CoV, hospital acquired infections, and others. She has received the research award from her institution acknowledging her leading role in her field. Most recently has been given the ESCMID Fellows - honorary ESCMID title.

**Somia DJACTA** is currently Head of the UNESCO Office of the Islamic World Educational, Scientific and Cultural Organization (ICESCO) for the European region. She holds a Magistère in Sociology from the University of Ain-Shams, Egypt and a DEA in Politics and Sociology from the University of Paris VIII, France with a specialization in social mutations in the Arab region. Mrs. Djacta has over fifteen years of professional experience in international relations. Her current work focuses on developing cooperation with intergovernmental organisations in Europe to ensure a coherent approach to programme implementation. Prior to joining ICESCO, Ms Djacta was a consultant at UNESCO in Paris where she worked on projects related to the prevention of violent extremism through education and the media and on gender issues.



She also worked in the Cairo Office in Egypt where she contributed to the development of regional strategies including the mobilisation of extra-budgetary resources and partnerships in the Arab region. She was involved in the establishment of the Arab Network for Women in Science (ANWEST). She also contributed to the creation of the Al Nahda Award for Women Scientists in Saudi Arabia, in collaboration with the Al Nahda Philanthropic Society. She is frequently invited to address the social changes in the Arab region and the role of women in the society.

**Alfonso BARRAGUÉS** is the Deputy Chief of UNFPA's Representation Office in Geneva and the Senior External Relations Advisor. Prior to that position, he served as the UNFPA Senior Human Rights Advisor in New York, with a leading role in mainstreaming human rights across the work of the Fund and in coordinating UNFPA efforts to advance sexual and reproductive health and rights. He has 23 years of experience in the field of human rights at the UN system both with the Office of the High Commissioner for Human Rights (OHCHR) at its headquarters in Geneva, in Guatemala and Rwanda as well as with the Department of Peace Keeping Operations (DPKO) in Angola and Mozambique. During all these years, Mr. Barragués has been responsible for managing a range of programmes in the areas of national human rights protection systems, access to justice, human rights awareness and social accountability. Mr. Barragués has led UN inter-agency efforts to apply a human rights-based approach to development in global advocacy, UN common programming processes and national policies and budgets and has authored manuals, training tools and articles on those topics. Mr. Barragués is a human rights lawyer by training and holds a degree in Law from Universidad Autónoma de Madrid, Spain.

**Salim ALMALIK** is the Director of the Islamic World Educational, Scientific and Cultural Organization (ICESCO). Prior to being appointed as the Director General of ICESCO, Dr. Al Malik was the Advisor and General Director of International Affairs at the Ministry of Education (MOE), the Advisor on Health Affairs to the Minister of Education in Saudi Arabia, the Secretary-General of the Saudi National Commission for Education, Science and Culture, and a consultant on allergy and immunology for the King Abdulaziz Medical City. He also headed the knowledge-based industries sector at the Saudi Arabian General Investment Authority (SAGIA), where he led the development of its knowledge-based industry strategies. He previously held the position of Deputy Executive Director of Medical Services (Medical Director) for the National Guard Health Affairs, Central Region. Furthermore, Dr. Al

Malik is an expert in building strategic partnerships with international organizations and worked in developing national initiatives in the fields of education, culture, and health. Dr. Al Malik co-developed the first conceptual building blocks and fundamental plan for King Abdullah University for Science and Technology (KAUST), an instrumental contribution to the modernization of higher education in Saudi Arabia. He also worked as a consultant at ARAMCO, KAUST, and King Saud University, and was actively involved in developing the National Innovation Ecosystem at King Abdulaziz City for Science and Technology (KACST), and establishing international advisory boards for several Saudi universities. He holds a Master's degree from the Health Policy and Management Program at Harvard University, Administrative Fellowship Certificate as a physician executive, and a diploma in healthcare management from the American College of Physician Executives. Dr. Al Malik was a board member of the Saudi Red Crescent Society, Al-Aghar Group, and many international institutions. He also worked as an advisor to the World Health Organization, the Joint Commission International (JCI), and, briefly, to several international healthcare organizations. Dr. Almalik authored 7 books and is also a well-known poet admired for his beautiful poetries written over the years.

**Christian GUILLERMET FERNÁNDEZ** is the Vice-Minister of Foreign Affairs of Costa Rica. He is a diplomat of the costarican foreign service with a broad experience in multilateral affairs. He was the Director General for Foreign Policy at the Ministry of Foreign Affairs of Costa Rica. He conducted the negotiation process of the Declaration on the Right to Peace, adopted by the UN General Assembly on 19 December 2016. He was the Deputy Permanent Representative of Costa Rica to the United Nations in Geneva. During his diplomatic career, he also served as Deputy Permanent Representative of Costa Rica to the United Nations in New York and as the political coordinator to the UN Security Council during the last membership of Costa Rica to this important body of the UN. He was the regional representative of the Office of the High Commissioner for Human Rights for Latin America, Director General for Foreign Policy at the Ministry of Foreign Affairs of Costa Rica and he served at the Office of Ombudsperson of Costa Rica.

**Alex MEJÍA** was appointed Director of UNITAR's Division for People and Social Inclusion in 2018. Prior to these posts in Geneva, he served for three years as Director of UNITAR's Hiroshima Office in Japan, and for four years as Director of UNITAR's CIFAL training centre in Atlanta,

USA. In 1998, he joined his country's foreign service as a diplomat, serving as Counsellor at the Ecuatorian Embassy in Bogotá, Colombia. In 2001, he became Vice Minister of Economy for the Republic of Ecuador. From 2003 to 2005, he worked in Washington, DC as the Director of the Inter-American Council's Andean Program, an entity chartered by the Organization of American States. He holds a master's degree in Foreign Affairs from Georgetown University in Washington DC, and a master's degree in Business Administration from INCAE University in Costa Rica. He also holds a Diploma in Political Leadership from Harvard University. He is the recipient of the National Order of Merit of the Republic of Ecuador.

**Elyse BRAZEL** holds a BFA in Visual Art and Design and a MA in Public and Pastoral Leadership with a specialization in Indigenous and Interreligious Studies. She is a graduate of several international interreligious fellowship programs including the Russell Berrie Fellowship (Cohort VIII, 2016) as well as the Faith Act Fellowship (2010), the KAICIID International Fellows Programme (2017), and the IFYC Interfaith Innovation Fellowship (2021). She is the Media Coordinator at the JPPII Center for Interreligious Dialogue.

**Elena DINI** is the Senior Program Manager at the John Paul II Center for Interreligious Dialogue and a PhD candidate at the Pontifical Gregorian University in Rome in the field of Theology of Religions. Her academic background is in Catholic theology, Islamic studies, interreligious dialogue and journalism. She is a member of the steering committee of the International Abrahamic Forum.

**Taras DZYUBANSKYI** holds a PhD in Theology and Interreligious Dialogue. Since 2012, Taras has been working as an adviser for religious and ecumenical issues to the Mayor of Lviv. In May 2013, he inaugurated an interfaith centre, "Libertas," the first of its kind in Ukraine. He is Senior Alumni Advisor at the JPPII Center for interreligious Dialogue and lecturer at the Ukrainian Catholic University.

**Khaled RADY** is Ambassador and Assistant to the Minister of Foreign Affairs and Director of the Institute for Diplomatic Studies of the Ministry for Foreign Affairs of Egypt

**Gustavo CAMPOS FALLAS** is the Ambassador of Costa Rica to the Republic of Turkey. He has developed a specialized profile in international law, diplomacy and international relations. The combination of his extensive experience in multilateral as well as bilateral matters, together with his professional and academic training,

allowed him to develop a wide spectrum in legal negotiation and logic, especially in matters of diplomatic and legal complexity. Since 2018 he is the Ambassador of Costa Rica in the Republic of Turkey. Previously, he was Minister Counsellor and Consul General of Costa Rica in The Hague, Kingdom of the Netherlands (1995-1999 and 2010 – 2015), Santiago, Republic of Chile (2004-2009), Buenos Aires, Republic of Argentina (2001- 2004). He has been member of the Delegation of the Republic of Costa Rica before the International Court of Justice (1995-1998 and 2010- 2015). He has been invited Professor in the Master's Program in the National University of Costa Rica, Diplomatic and Consular Law of the National Autonomous University and the International University.

**Husain Abdali MAKHLOOQ** was appointed as the Kingdom of Bahrain's Deputy Permanent Representative to the UN and other International Organisations in Geneva on 1st August, 2018. Prior to this appointment, he served at the Kingdom's embassy in London during which he covered a wide aspects of British domestic and foreign policies. He represented the Kingdom of Bahrain in the Sixth Committee of the United Nations as well as covering numerous sessions of the Security Council. He played an instrumental role in the legal process of the Kingdom's accession to the International Atomic Energy Agency membership. In 2008, he not only graduated from the diplomatic Academy of the German Federal Foreign Ministry, but also interned at the international Tribunal for the Law of the Sea. Mr. Makhloq holds BSc in Law from Bahrain University, L.L.M in Public International Law from Oxford Brookes University and Post Graduate Certificate in International Studies and Diplomacy from London University.

**Domènec RUIZ DEVESA** Member of the European Parliament and Spokeperson in the Committee on Constitutional Affairs. Vice-president of the Union of European Federalists. Domènec Ruiz Devesa has a degree in Law and Economics from the Carlos III University, in Political Science and Sociology from the UNED, and a master's degree in International Relations from the Johns Hopkins University, with a specialty in European Studies, and a Diploma in Advanced Studies in Economic Growth and Sustainable Development by UNED. He has been a consultant for several international organizations such as the World Bank, the Inter-American Development Bank, or the Union for the Mediterranean, as well as international consultant for Oxford Policy Management and Family Health International. He also collaborates with think tanks such as Fundación Alternativas, and Fundación Sistema. He has been an advisor to the Minister of the Presidency

(2011), an advisor to the Spanish Socialist Delegation in the European Parliament (2014-2018) and deputy head for Political and Parliamentary Affairs in the cabinet of the Minister of Foreign Affairs, European Union and Cooperation. He is currently the Vice-President of the Union of European Federalist and a member of its Federal Committee and a member of the Executive Board of the Spanish Federal Council of the European Movement. In 2019, he was elected Member of the European Parliament, where he is the spokesperson for the Constitutional Affairs Committee and a full member of the Culture and Education Committee. He also carries out his parliamentary responsibilities from the Civil Liberties, Justice and Home Affairs Committee, as well as in the inter-parliamentary delegations with the Republic of Iraq, of which he is Vice-President and currently Acting Chair, beside the delegations of Mashreq and Palestine.

**Alejandro PEINADO GARCIA** Accredited Parliamentary Assistant in the European Parliament. Member of the Federal Committee of the Union of European Federalists. Alejandro Peinado García is a Phd. Candidate in Social Sciences in the Universidad Pablo Olavide of Sevilla. Previously he obtained a Bachelor Degree in Labour Sciences and a Master of Arts in Society, Administration and Politics. He has been a local Assistant in Andalusia supporting the tasks of Members of the European Parliament. After the European elections in May 2019, he joined the European Parliament as a parliamentary assistant, from where he is following-up the work in the Committee on Constitutional Affairs. In his role in civil society organizations, he is the former President of the Young Europeanists and Federalists of Spain (JEF España). and the current secretary of the Federal Council of the Europeanists and Federalists of Spain (UEF España). In the XXVII Congress of the Union of European Federalists on 3-4 July of 2021 in Valencia, Spain, he was elected member of its Federal Committee.

**Martina CIAI** Activist and freelance writer. Martina Ciai is graduated in languages and specialized in European studies: transnational and global perspectives in Leuven (Belgium). She has been an activist for migrants since 2018, in 2019 she worked in Niger for the NGO Search for Common Ground, gaining experience in migration and peace resolution. She is the author of the testimony and documentation book *Vento D'Europa*, written in 2020, that aimed at documenting the evolution of the Ventotene seminar and the pro-European expressions starting from the Pontine island. Volunteer for pro-European associations in 2021, she was part of the delegation that meets Ursula Von der Leyen in

Rome. She participated as a tutor within the project School of Europe, and taught children about the origins and development of Europe and international organizations in the elementary and middle school Altiero Spinelli, in Ventotene. Founder of the Ursula Hirschmann circle in Ventotene, active in proposing new events on the island. She is currently an external consultant and freelancer writer and she has helped organize the Ventotene Forum and meetings aimed at discussing topical issues from the island of Ventotene with high European personalities such as politicians, experts, and professors.

**Laurence HARE** is Associate Professor and Chair of the Department of History at the University of Arkansas. He earned a PhD from the University of North Carolina at Chapel Hill in 2007 with specialties in the cultural and intellectual history of modern Germany and Scandinavia. He is the author of *Excavating Nations: Archaeology, Museums, and the German-Danish Borderlands* (University of Toronto Press, 2015), and co-authored *Essential Skills for Historians: A Practical Guide for Researching the Past* (Bloomsbury, 2020) with Jack Wells and Bruce E. Baker. Hare's research has been supported by a German Chancellor Fellowship from the Alexander-von-Humboldt Foundation and recognized with the Aurora Borealis Prize from the Society for the Advancement of Scandinavian Study. At the University of Arkansas, Hare has served as Director of the European Studies and the International & Global Studies Programs in the Fulbright College of Arts & Sciences. An active proponent of global learning strategies, Hare holds the Cleveland C. Burton Professorship in International Programs and is the co-founder (along with Dr. Rogelio Garcia Contreras) of the Arkansas Global Changemakers initiative, which promotes local solutions to global challenges through education, community engagement, and partnerships with communities around the world.

**Rogelio GARCIA – CONTRERAS** is a Teaching Faculty and the Director of the Social Innovation Initiative at the Strategy, Entrepreneurship and Venture Innovation Initiative of the Walton College of Business of the University of Arkansas. He holds a doctorate degree from the Josef Korbel School of International Studies at the University of Denver. His teaching experience includes public and private institutions of higher education in Mexico, China, Spain, and the United States. Before arriving to the University of Arkansas, he was an Associate Professor at the Center for International Studies of the University of St. Thomas in Houston, Texas, where he founded and directed the Social Entrepreneurship Program. In 2015, Dr. Garcia-Contreras acted as a consultant during a

development and gender equality summit organized by the Vatican's Pontifical Council for Justice and Peace. He served for three years as a member of a UNESCO Steering Committee on the sustainability of peace. He is a member of the Cathedra UNESCO and a visiting scholar at the Master of Social Economy at Universidad Abat Oliba in Barcelona.

**Jean-Pierre RAFFARIN** is the President of Leaders for Peace. He graduated from the Ecole supérieure de commerce de Paris and was a lecturer at the Institut d'études politiques de Paris. Since 2007, he has been a professor at ESCP Europe. From 1988 onwards, as the youngest President of the region, he spent 18 years at the head of the Poitou-Charentes regional executive. He was also a member of the European Parliament, a Quaestor and President of the Association of French Regions. Domestically, he was Minister of Small and Medium-sized Enterprises, Trade and Crafts (1995—1997), Prime Minister of Jacques Chirac (05/2002—05/2005), Vice President of the Senate (03/2011—09/2014), and Chairman of the Senate Committee on Foreign Affairs, Defense and Armed Forces (10/2014—07/2017). Internationally, he was a Special Representative for the French Government for China since January 2018 and a President of the NGO "Leaders for Peace. He is a President of the Fondation Prospective et Innovation, Member of the Committee of Advisors of the BOAO Forum (Asia), President of the Annual Forum of the France-China Committee, Member of the Board of the China Europe International Business School (CEIBS) in Shanghai as well as a Member of the Board of "Premium Imperiale" in Tokyo. His latest work included *What China has taught us* (*Ce que la Chine nous a appris*, 2010), *I will always walk on emotion* (*Je marcherai toujours à l'affectif*, 2012), and *China, the great paradox: for the awakening of Europe* (*Chine, le grand paradoxe : pour le réveil de l'Europe*, 2019).

**Emmanuel MACRON** is a French politician who has been serving as the President of France since 14 May 2017. At the age of 39, Macron became the youngest president in French history. He was appointed a deputy secretary general by President François Hollande shortly after his election in May 2012, making Macron one of the senior advisors of Mr. Hollande. He was later appointed to the French cabinet as Minister of the Economy, Industry and Digital Affairs in August 2014 by prime minister Manuel Valls.

## **Support team**

**Yanlin YU** holds a MA in English Literature (American Studies) from China Foreign Affairs University and a BA in English Language and Culture from South China Normal University. She is currently a graduate of University for Peace majoring in Responsible Management and Sustainable Economic Development, and interning with University for Peace Geneva. She was the representative of her program in UPEACE to attend KACCID G20 Interfaith Fellows and Youth Forum in 2020. She was selected to attend a two-week seminar on Politics, Economy and Diplomacy of Contemporary China in University of Torino, Italy and also another two-week seminar on Holocaust studies in Yad Vashem (Jerusalem, Israel) in 2018. Besides, she interned with Siemens and Foreign Economic Cooperation Center, Ministry of Agriculture and Rural Affairs, China.

## **Cooperation Institutions** **University for Peace**

The University for Peace (UPEACE) has been training leaders for peace for the past 41 years. It is the world's leading educational institution in the field of peace and conflict resolution in its pursuit of the mandate given to it by the General Assembly in 1980, namely "to provide humanity with an international institution of higher education for peace and with the aim of promoting among all human beings the spirit of understanding, tolerance and peaceful coexistence, to stimulate cooperation among peoples and to help lessen obstacles and threats to world peace and progress, in keeping with the noble aspirations proclaimed in the Charter of the United Nations".

The University continues its pursuit of academic excellence through the systematic and critical study, understanding and analysis of the causes of multiple problems affecting human and global well-being; the exploration and formulation of strategies and practices in various contexts to address such problems and contribute to the processes of peacebuilding and peace formation; the cultivation of modes of thinking, inquiry and pedagogy that are critical, multidisciplinary, interdisciplinary, integrative, empowering and transformative; and the development of a diverse, inclusive, ethical, creative community of learning, sharing, networking and solidarity on campus and in the global environment.

41 States have signed the International Agreement for the Establishment of the University for Peace. The Secretary-General of the United Nations



is to be the Honorary President of UPEACE. The Council of UPEACE is to be the supreme authority of the University, and it is composed of 7 ex-officio members (the Rector of UPEACE, two representatives designated by the Secretary-General of the United Nations and by the Director-General of UNESCO, the Rector of the United Nations University, two representatives designated by the Government of the host country and the Chancellor of UPEACE). The Council is further enriched by the presence of ten representatives of the academic community or others persons eminent in the field of peace and security, appointed by the Secretary-General of the United Nations in consultation with the Director-General of UNESCO.

The academic offer of the University for Peace is divided into 5 departments: the Department of International Law, the Department of Peace and Conflict Studies, the Department of Environment and Development, the Distance Education Programme, and the Department of Regional Studies, for a total of ten resident M.A. programmes held at the UPEACE campus in San Jose, Costa Rica. Furthermore, UPEACE offers a Doctoral Degree Programme in Peace and Conflict Studies.

More than 2,000 alumni of the University, who originate from almost every Member State of the United Nations, are working for peace in every region of the world. The current international context demands an expansion of training and educating for peace, especially with regard to open and increasingly more complex conflicts, interrelations between local, national, regional and global spheres and strong but ominous links between politics and criminal activity. The University provides such a response through the ongoing academic training of future leaders of Governments, non-governmental organizations and the private sector on peaceful conflict resolution and the relationship between peace, development, human rights and environmental protection as the foundation for economic development and increased equality.

### **World Muslim League**

The Muslim World League is an international non-governmental Islamic organization based in the Holy City of Makkah. It aims to present the true Islam and its tolerant principles, provide humanitarian aid, extend bridges of dialogue and cooperation with all, engage in positive openness to all cultures and civilizations, follow the path of centrism and moderation to realize the message of Islam and ward off movements calling for extremism, violence and exclusion for a world full of peace, justice and coexistence.

The MWL also has offices in the majority of the countries around the world. The objectives of the MWL are: introduce Islam and its tolerant values as presented in the Holy Quran and the Sunnah; consolidate the concepts of centrism and moderation in the consciousness of the Muslim Ummah; strive to tackle and resolve issues facing the Muslim Ummah, and ward off factors causing conflict and discord; give emphasis to civilizational rapprochement and spread the culture of dialogue; give importance to Muslim minorities and their issues; solving them within the constitutions and regulations of the countries in which they are based; benefit from the Hajj season by facilitating meetings among the scholars, intellectuals and heads of organizations to provide scientific solutions to raise the standards of Muslims around the world and preserve the Islamic identity of the Ummah, strengthen its status in the world and make it more united.

The core activities of the MWL are: holding conferences, seminars and meetings around the world. With participation from scholars, intellectuals and opinion leaders to debate and discuss topics of interest to Muslims and others and sign agreements with various official and popular organizations around the world and take initiatives to achieve common objectives.

A new vision for a nongovernmental Islamic organization emanating from Makkah, it raises the banner of Islamic tolerance providing humanitarian aid and engaging in dialogue and cooperation with all, marching towards a world full of peace, justice and coexistence.

The Muslim World League was founded in accordance with a resolution adopted during the meeting of the General Islamic Conference, which was held in Holy Makkah on the 14th of Dhul Hijjah 1381 Hijra corresponding to the 18th May 1962.

The Secretariat General of the Muslim World League is the executive wing of the organization. It supervises the day to day activities of the 'League' and implements the policies and resolutions adopted by the Constituent Council, under the direction of the Secretary General, the assistant secretaries and the general staff.

### **Caritas in Veritate Foundation**

The Caritas in Veritate Foundation is grounded in Christian values and the social teaching of the Catholic Church. The latter is predicated upon the ethical foundation of natural law and the complementarity of faith and reason. Drawing upon collaboration with international

experts, the foundation promotes and disseminates the contributions of Christian social teaching in the international arena.

The foundation aims to provide the representatives of the Holy See, the Order of Malta and Catholic NGOs in Geneva with practical knowledge and with the rich experience of experts searching for an effective attainment of truth and justice. The aim is to make the positions of the Catholic Church more understandable and visible, thus increasing their impact on the elaboration of international culture and law.

### **World Jewish Congress**

The World Jewish Congress is the international organization that represents Jewish communities and organizations in 100 countries around the world. It advocates on their behalf towards governments, parliaments, international organizations and other faiths. The WJC represents the plurality of the Jewish people, and is politically non-partisan.

The Talmudic phrase “Kol Yisrael Arevim Zeh beZeh” (All Jews are responsible for one another), encapsulates the *raison d’être* of the WJC. Since its foundation in 1936, in Geneva, Switzerland, the WJC has been at the forefront of fighting for the rights of Jews and Jewish communities around the world.

For decades, the WJC has also maintained privileged relations with the Holy See in developing dialogue with the Roman Catholic Church. The Congress is also engaged in fostering interfaith relations with other Christian churches, representatives of Islamic communities, and other faiths.

Headed by President Ronald S. Lauder, the WJC Executive Committee meets regularly to conduct the affairs of the WJC. The WJC Governing Board meets annually, and the WJC Plenary Assembly, which takes place every four years, brings together delegates from all affiliated Jewish communities and organizations to elect WJC leadership and set policy for the Congress.

### **Islamic World Educational, Scientific and Cultural Organization**

The Islamic World Educational, Scientific and Cultural Organization (ICESCO) is a specialized organization that operates under the aegis of the Organization of Islamic Cooperation (OIC), and is concerned with fields of education, science, culture and communication in Islamic countries in order to support and strengthen relations among Member

States. The Organization's headquarters is located in Rabat, Morocco and its Director General is Dr. Salim M. AlMalik. ICESCO was founded by the OIC in May 1979.

ICESCO's objectives are "to strengthen and promote cooperation among the Member States in the fields of education, science, culture and communication; consolidate understanding among peoples inside and outside Member State; contribute to world peace and security through various means; publicize the true image of Islam and Islamic culture; promote dialogue among civilizations, cultures and religions; encourage cultural interaction and foster cultural diversity in the Member States, while preserving cultural identity and intellectual integrity".

The Charter of Islamic World Educational, Scientific and Cultural Organization (ICESCO), stipulates that every full Member State of the OIC shall become a member of ICESCO upon officially signing the Charter, and having completed the membership legal and legislative formalities and informed, in writing, the General Directorate of ICESCO. A State which is not a full member, or is an observer member of OIC, cannot become member of ICESCO.

ICESCO fifty-four (54) Member States, along with three (3) Observer States, out of the fifty-seven (57) Member States of the OIC.

### **European Public Law Organization**

The European Public Law Organization (EPLO) is an international organization dedicated to the creation and dissemination of knowledge in the area of Public Law *lato sensu* and Governance, including but not limited to, *inter alia*, national, comparative and European public law, human rights law and environmental law and the promotion of European values for a better generation of lawyers and democratic institutions worldwide.

The creation of the EPLO became effective on 21 June 2007, upon receipt by the Depositary of notifications by three parties (Hellenic Republic, Republic of Italy and Republic of Cyprus) to the Statute that, the formalities required by the national legislation of such parties, with respect to this Statute, had been accomplished.

The EPLO recognizes the importance of public law and the need to further promote its scientific, research, educational, training, institution building and other dimensions for a better generation of lawyers and democratic institutions worldwide, as well as the promotion of European values through public law throughout the world.

The “Agreement for the Establishment and Statute of the European Public Law Organization” remains open for adhesion by other powers. Seventeen countries have already ratified the International Treaty establishing the EPLO.

To this date, it has developed, organized, promoted and supported more than 200 educational, research, training, institution building and other activities and has provided assistance to democratic institutions in more than 70 countries. In order to accomplish its purposes, the EPLO promotes the cooperation with other institutions, organizations and bodies in particular within the United Nations system. The EPLO has been granted the Observer Status at the General Assembly of the United Nations, at the World Intellectual Property Organization, the International Labor Organization and the International Organization for Migration.

### **International Development Law Organization**

IDLO is an intergovernmental organization dedicated to the promotion of the rule of law. With a joint focus on the promotion of rule of law and development, it works to empower people and communities to claim their rights, and provides governments with the know-how to realize them.<sup>[1]</sup> It supports emerging economies and middle-income countries to strengthen their legal capacity and rule of law framework for sustainable development and economic opportunity. It is the only intergovernmental organization with an exclusive mandate to promote the rule of law and has experience working in dozens of countries around the world.

IDLO is headquartered in Rome, Italy and has a branch office in The Hague and is one of a number of entities that are United Nations General Assembly observers. IDLO has operated in dozens of sovereign states , focusing on institution-building and legal empowerment. Its alumni network includes more than 20,000 legal professionals in 175 countries and 46 independent alumni associations.

As an inter-governmental organization, membership to the organization is made up of thirty-seven Parties to the Establishment Agreement of IDLO.

### **Leaders pour la Paix**

Threats abound, challenges are growing. The forces and their forms change, the alliances and the methods move, but one thing remains constant: the risks are getting worse. The great nations are at war

but live in peace. We wage war against everything—unemployment, climate, pollution, corruption and even violence etc. The trivialization of the word blurs the measure of its reality.

To the multiple crises we fiercely oppose our emotion, but we mobilize little our reason and we often let ourselves be surprised. Our ability to anticipate remains weak. Thus, it appeared to us that the source of any start-up was the awareness by public opinion of the gravity of our situation. Awareness of war is the prerequisite for the spirit of peace. As Ambassador Pierre Vimont shows in this general report, the weakness lies not so much in analysis as in efficiency. Our methods are not very innovative, and our responses focus on the immediate and often avoid in-depth thinking. Today, we need to innovate in our understanding of things, but above all in the management of emerging crises in order to integrate new responses. Thus, for example, we can measure the insufficiency of the use of sanctions in the scale of international power relations. Dialogue in disagreement must be regenerated. The objective is not the radicalization of the adversary. The extension of bilateral procedures weakens the achievements of multilateralism. Manichaeism and complexity are advancing over the fragilities of multilateral institutions, which thus show the need for reform. These observations are at the origin of the creation of our NGO, "Leaders for Peace". Indeed, it seemed necessary to us to engage a collective approach based on three ambitions—to promote awareness of the seriousness of the world through a public pedagogy of crises; to promote innovative approaches to renew the thinking and methods of Peace and to choose a strategy of influence with international actors. To do so, we have gathered 25 personalities with both experience in international relations and knowledge of public opinion to carry out this project.

Words of Jean-Pierre Raffarin, Founder of Leaders for Peace

### **Paz sin Fronteras**

PEACE Without Borders is a movement inspired by the humanitarian work of its two top leaders, Juanes and Miguel Bosé; its purpose is to promote the building of PEACE in the world through art, culture and the support of well-known musicians.

In addition, PEACE Without Borders is the leader of the initiative called "Peace Has your Signature", which is aimed at collecting as many signatures as possible to present them to the United Nations General

Assembly in order to attain the recognition of peace as a universal human right.

To live in a world in which peace is recognized as a right and a way of life and in which everybody accepts the culture of peace. It aims to eliminate the causes of violence and encourage individuals to be responsible in the peaceful development of their societies. The Mission is to promote world peace through art and culture.

### **UNESCO Chair on peace of the Abat Oliba CEU**

Among the activities included in the action program of the International Decade for the Rapprochement of Cultures, the internationalization of research stands out, especially to promote knowledge and understanding of the conditions that foster the rapprochement of cultures and the promotion of human rights.

In this line, the UNESCO Chair on Peace, Solidarity and Intercultural Dialogue, which was created in 2017, will foster research work with the aim of analyzing the added value of peace as the first pillar of the United Nations and one of UNESCO's main objectives. The positive notion of peace, which is connected to the promotion and protection of human rights and development, should become a living notion that can be used by the different UN agencies and their specialized bodies in the field.

The general objectives include contributing to the general development objectives which take into account social, economic and cultural progress, supporting the Action Program of the International Decade for the Rapprochement of Cultures, analyzing peace programs developed by United Nations entities, creating networks and platforms based on multicultural programs with universities and civil society and supporting the Sustainable Development Goals.

### **Other governmental supports:**

Ministry of Foreign Affairs of Costa Rica

Permanent Mission of the United Arab Emirates in Geneva

Permanent Delegation of the Sovereign Order of Malta

Embassy of Spain in Saudi Arabia





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By self-control and by making dharma (right conduct) your main focus, treat others as you treat yourself."

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**UNIDIR**

The United Nations Institute for  
Disarmament Research

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