

is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized».

55. With regard to participation at the international level:

(g) Most importantly, States should rigorously observe the obligations contained in Article 2, paragraph 3, of the United Nations Charter, which enjoins all States to settle disputes by peaceful means, and in Article 2, paragraph 4, which prohibits the threat of or the use of force. 88 States must negotiate in good faith and refrain from bullying, drawing «red lines» or formulating «ultimatums». States should recognize a right and a duty to peace and to solidarity in their Constitutions and statutes.

(h) States should abandon reliance on unilateral measures, particularly when such measures hinder international cooperation and give rise to unnecessary tensions in the international community; in particular, States should refrain from direct and indirect interference in other countries.

56. Concerning participation at the domestic level:

(a) States should strengthen the rule of law and implement the principle of separation of powers. In particular, States should take all necessary legislative and administrative measures to make civil society participation in decision-making more effective, in particular by allowing more direct democracy through the instruments of popular initiative, referenda, recall and impeachment. Moreover, not only the law but also the actual practice must be assessed. Empowerment of the public requires education programmes on human rights, including the right to peace.

#### *B. Recommendations to the Council*

57. The Independent Expert makes the following recommendations:

(a) The Independent Expert welcomes the progress made by the Human Rights Council in discussing the Draft Declaration on the Right to Peace elaborated by the Advisory Committee, and encourages the Council to continue its deliberations as a constructive step toward a democratic and equitable international order. The declaration should be referred to the General Assembly for adoption.

(f) The Council should consider recommending to the General Assembly to bring specific legal questions concerning self-determination, war, peace, democracy, corporate social responsibility and debt cancellation to the International Court of Justice for advisory opinions.

### **G) Regional Organisations**

#### **Charter of the Organization of American States (1948) (excerpts)**

In the name of their peoples, the States represented at the ninth international conference of American States,

## DOCUMENTS

Convinced that the historic mission of America is to offer to man a land of liberty and a favorable environment for the development of his personality and the realization of his just aspirations;

Conscious that that mission has already inspired numerous agreements, whose essential value lies in the desire of the American peoples to live together in peace and, through their mutual understanding and respect for the sovereignty of each one, to provide for the betterment of all, in independence, in equality and under law;

Convinced that representative democracy is an indispensable condition for the stability, peace and development of the region;

Confident that the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man;

Persuaded that their welfare and their contribution to the progress and the civilization of the world will increasingly require intensive continental cooperation;

Resolved to persevere in the noble undertaking that humanity has conferred upon the United Nations, whose principles and purposes they solemnly reaffirm;

Convinced that juridical organization is a necessary condition for security and peace founded on moral order and on justice; and

In accordance with Resolution IX of the Inter-American Conference on Problems of War and Peace, held in Mexico City,

Have agreed upon the following

## CHARTER OF THE ORGANIZATION OF AMERICAN STATES

### Article 1

The American States establish by this Charter the international organization that they have developed 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. Within the United Nations, the Organization of American States is a regional agency.

The Organization of American States has no powers other than those expressly conferred upon it by this Charter, none of whose provisions authorizes it to intervene in matters that are within the internal jurisdiction of the Member States.

### Article 2

The Organization of American States, in order to put into practice the principles on which it is founded and to fulfill its regional obligations under the Charter of the United Nations, proclaims the following essential purposes:

a) To strengthen the peace and security of the continent;

## DOCUMENTS

- b) To promote and consolidate representative democracy, with due respect for the principle of nonintervention;
- c) To prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States;
- d) To provide for common action on the part of those States in the event of aggression;
- e) To seek the solution of political, juridical, and economic problems that may arise among them;
- f) To promote, by cooperative action, their economic, social, and cultural development;
- g) To eradicate extreme poverty, which constitutes an obstacle to the full democratic development of the peoples of the hemisphere; and
- h) To achieve an effective limitation of conventional weapons that will make it possible to devote the largest amount of resources to the economic and social development of the Member States.

### Article 3

The American States reaffirm the following principles:

- a) International law is the standard of conduct of States in their reciprocal relations;
- b) International order consists essentially of respect for the personality, sovereignty, and independence of States, and the faithful fulfillment of obligations derived from treaties and other sources of international law;
- c) Good faith shall govern the relations between States;
- d) The solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy;
- e) Every State has the right to choose, without external interference, its political, economic, and social system and to organize itself in the way best suited to it, and has the duty to abstain from intervening in the affairs of another State. Subject to the foregoing, the American States shall cooperate fully among themselves, independently of the nature of their political, economic, and social systems;
- f) The elimination of extreme poverty is an essential part of the promotion and consolidation of representative democracy and is the common and shared responsibility of the American States;
- g) The American States condemn war of aggression: victory does not give rights;
- h) An act of aggression against one American State is an act of aggression against all the other American States;
- i) Controversies of an international character arising between two or more American States shall be settled by peaceful procedures;
- j) Social justice and social security are bases of lasting peace;
- k) Economic cooperation is essential to the common welfare and prosperity of the peoples of the continent;
- l) The American States proclaim the fundamental rights of the individual without distinction as to race, nationality, creed, or sex;

- m) The spiritual unity of the continent is based on respect for the cultural values of the American countries and requires their close cooperation for the high purposes of civilization;
- n) The education of peoples should be directed toward justice, freedom, and peace.

### **African Charter on Human and Peoples' Rights (1981) (excerpts)**

#### Article 22

- 1. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.
- 2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

#### Article 23

- 1. 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 Organization of African Unity shall govern relations between States.
- 2. For the purpose of strengthening peace, solidarity and friendly relations, States parties to the present Charter shall ensure that: (a) any individual enjoying the right of asylum under 12 of the present Charter shall not engage in subversive activities against his country of origin or any other State party to the present Charter; (b) their territories shall not be used as bases for subversive or terrorist activities against the people of any other State party to the present Charter.

#### Article 24

All peoples shall have the right to a general satisfactory environment favourable to their development.

### **Constitutive Act of the African Union (2000) (excerpts)**

#### Article 3. Objectives

The objectives of the Union shall be to:

- a. Achieve greater unity and solidarity between the African countries and the peoples of Africa;
- b. Defend the sovereignty, territorial integrity and independence of its Member States;
- c. Accelerate the political and socio-economic integration of the continent;
- d. Promote and defend African common positions on issues of interest to the continent and its peoples;

- e. Encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights;
- f. Promote peace, security, and stability on the continent;
- g. Promote democratic principles and institutions, popular participation and good governance;
- h. Promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments; [...].

### **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003) (excerpts)**

#### Article 10. Right to Peace

1. Women have the right to a peaceful existence and the right to participate in the promotion and maintenance of peace.
2. States Parties shall take all appropriate measures to ensure the increased participation of women:
  - (a) in programmes of education for peace and a culture of peace;
  - (b) in the structures and processes for conflict prevention, management and resolution at local, national, regional, continental and international levels;
  - (c) in the local, national, regional, continental and international decision making structures to ensure physical, psychological, social and legal protection of asylum seekers, refugees, returnees and displaced persons, in particular women;
  - (d) in all levels of the structures established for the management of camps and settlements for asylum seekers, refugees, returnees and displaced persons, in particular, women;
  - (e) in all aspects of planning, formulation and implementation of post-conflict reconstruction and rehabilitation.
3. States Parties shall take the necessary measures to reduce military expenditure significantly in favour of spending on social development in general, and the promotion of women in particular.

### **Charter of the Association of Southeast Asian Nations (2007) (excerpts)**

#### Article 1. Purposes

The Purposes of ASEAN are:

1. To maintain and enhance peace, security and stability and further strengthen peace-oriented values in the region;
3. To preserve Southeast Asia as a Nuclear Weapon- Free Zone and free of all other weapons of mass destruction;
4. To ensure that the peoples and Member States of ASEAN live in peace

with the world at large in a just, democratic and harmonious environment;

6. To alleviate poverty and narrow the development gap within ASEAN through mutual assistance and cooperation;

7. To strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms, with due regard to the rights and responsibilities of the Member States of ASEAN;

9. To promote sustainable development so as to ensure the protection of the region's environment, the sustainability of its natural resources, the preservation of its cultural heritage and the high quality of life of its peoples;

10. To develop human resources through closer cooperation in education and life-long learning, and in science and technology, for the empowerment of the peoples of ASEAN and for the strengthening of the ASEAN Community;

11 To enhance the well-being and livelihood of the peoples of ASEAN by providing them with equitable access to opportunities for human development, social welfare and justice;

13 To promote a people-oriented ASEAN in which all sectors of society are encouraged to participate in, and benefit from, the process of ASEAN integration and community building; [...].

### **Charter of Fundamental Rights of the European Union (2000) (excerpts)**

#### PREAMBLE

The peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values.

Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice.

The Union contributes to the preservation and to the development of these common values while respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels; it seeks to promote balanced and sustainable development and ensures free movement of persons, goods, services and capital, and the freedom of establishment.

To this end, it is necessary to strengthen the protection of fundamental rights in the light of changes in society, social progress and scientific and technological developments by making those rights more visible in a Charter.

This Charter reaffirms, with due regard for the powers and tasks of the

Community and the Union and the principle of subsidiarity, the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the Treaty on European Union, the Community Treaties, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Social Charters adopted by the Community and by the Council of Europe and the case-law of the Court of Justice of the European Communities and of the European Court of Human Rights.

Enjoyment of these rights entails responsibilities and duties with regard to other persons, to the human community and to future generations.

The Union therefore recognises the rights, freedoms and principles set out hereafter.

### **Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community (2007) (excerpts)**

#### Article 2

1. The Union's aim is to promote peace, its values and the well-being of its peoples.
2. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.
5. In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. 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 particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.

### **H) Local Authorities and Civil Society**

#### **Luarca Declaration on the Human Right to Peace (2006)**

##### Preamble

The General Assembly,

- (1) Considering that, in accordance with the Preamble to the United Nations Charter and the purposes and principles established therein,