



Advancing the human rights to peace, nuclear abolition and climate protection

Proposal by Aotearoa Lawyers for Peace, Basel Peace office, Hawai'i Institute for Human Rights and World Future Council

Proposal:

That the *UN Summit of the Future*, through the *PACT for the Future* **re-affirms** the Human Rights to Peace, nuclear abolition and climate protection, and **calls** for full implementation of these rights in UN Human Rights bodies, including by:

- **The Human Rights Council** taking action whenever a UN member causes serious violations of the human right to peace through illegal military operations, especially acts of aggression;
- **UN Member States**, in the *Universal Periodic Review* of their obligations under human rights law, being required to report on their implementation of the obligation to achieve the global elimination of nuclear weapons, and to refrain from any threat or use of nuclear weapons pending global abolition;
- **UN Member states and UN Human Rights bodies** engaging in the case being initiated in the International Court of Justice on climate change and human rights, and preparing to implement the decision once it is rendered.

Background

- Human Right to Peace

The United Nations has affirmed a *Human Right to Peace* in a number of resolutions, most notably [Resolution 39/11](#) entitled *Declaration on the Right of Peoples to Peace* adopted 12 Nov 1984 and [Resolution 71/189](#) entitled *Declaration on the Right to Peace* adopted on 19 December 2016. The 2016 version was also adopted by the Human Rights Council on 1 July 2016 in Geneva.

In general, UN Human Rights bodies have taken very little action to implement this right. However, the Russian invasion of Ukraine in February 2022, and the serious impact the continuing invasion is having on the human right to peace and the human right to life, was addressed by the Human Rights Council which, on April 7 pursuant to a resolution adopted in the UN General Assembly, suspended Russia's membership from the Human Rights Council in light of its gross violations of human rights and humanitarian law in Ukraine.

While this action is a good precedent for similar action for serious violations of the Human Right to Peace in the future, it is not a strong precedent due to a relatively weak vote. 93 countries supported, 23 opposed and 76 abstained. So, in reality, less than half the UN membership sided with the Human Right to Peace, while others opted for political allegiance or neutrality in defending such a right.

The UN Summit should affirm the importance of the Right to Peace, encourage UN Member States to defend this right above political expediency, and encourage the Human Rights Council to take action when it is violated in the future.

- **Human Right to the non-use of nuclear weapons and achievement of nuclear abolition**

In October 2018, the UN Human Rights Committee, in [General Comment 36 on Article 6 the International Covenant on Civil and Political Rights](#), affirmed that “*The threat or use of weapons of mass destruction, in particular nuclear weapons, is incompatible with respect for the right to life and may amount to a crime under international law.*” and that States parties to the ICCPR (virtually every country in the world) “*must pursue in good faith negotiations in order to achieve the aim of nuclear disarmament under strict and effective international control.*” (General Comment 36 paragraph 66. See [UN Human Rights Committee concludes that the threat or use of nuclear weapons violates the Right to Life](#)).

This affirmation reflects the [1996 decision of the International Court of Justice](#) that the threat or use of nuclear weapons is generally illegal and that there is an unconditional obligation to negotiate to achieve a nuclear-weapon-free world.

The UN Summit of the Future, in its Pact for the Future, should call on the Human Rights Council to require **UN Member States** - in the *Universal Periodic Review* (UPR) of their obligations under human rights law - to report on their implementation of the obligation to achieve the global elimination of nuclear weapons, and to refrain from any threat or use of nuclear weapons pending global abolition.

Several NGOs, including ours, have been [raising this in the UPR process](#), but have so far have not had much pick-up from the Human Rights Council and member states.

- **Human right to a sustainable climate and the ICJ climate case**

The UN Human Rights Committee [General Comment 36 on Article 6 the International Covenant on Civil and Political Rights](#) also affirmed that climate change constitutes “*a most pressing and serious threat to the ability of present and future generations to enjoy the right to life.*”

On February 20, 2023, the government of Vanuatu submitted a [draft UN General Assembly resolution](#), along with 17 other co-sponsoring governments, entitled *Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change*. This initiative to take the issue of climate change to the ICJ was launched three years ago by [World’s Youth for Climate Justice](#) and will include application of human rights and environmental law to the climate issue.

Such legal action is necessary because the diplomatic processes on climate change, such as the COP conferences, are not generating sufficient action by the international community to cap or reduce carbon emissions, and so the world is currently catapulting towards climate catastrophe.

The UNGA is expected to adopt the resolution in March or April. The ICJ will likely take 18-24 months to consider the case and render its decision. The *Global Futures Forum* and *UN Summit of the Future* should encourage UN Member states and UN Human Rights bodies to support and engage in the case, and to prepare to implement the decision once it is rendered.