



General Assembly

Distr.: General
10 September 2012

English only

Human Rights Council

Twenty-first session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Joint written statement* submitted by the Women's
International League for Peace and Freedom (WILPF), the
International Association of Schools of Social Work
(IASSW), OCAPROCE International, International
Educational Development, Inc., non-governmental
organizations in special consultative status, the Indian
Council of South America (CISA), the International Human
Rights Association of American Minorities (IHRAAM), non-
governmental organizations on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Support and call for the mandate of the promotion of a democratic and equitable international order**

Our Nations, Peoples and Organizations fully support the mandate of the Independent Expert on the Promotion of a Democratic and Equitable International Order. We want to make a contribution to the work so as to achieve a report that canvasses all the areas of concern to us.

In this spirit, we want to convey to you some of our thoughts and ideas:

Article 2 of the ICCPR call upon States to ensure and give effect to the rights recognized in the Covenant and to grant recourse for violations and enforcement of remedies. In this light we would ask that you not fall prey to promoting impunity or to backslide with the actual human rights standards and obligations in international human rights instruments by reducing these obligations to the so-called the “best practice” or “good practice” paradigm invented by States who refuse to address the right to self-determination and human rights violations on the ground and who essentially just want to keep their advantages and the status quo.

The violation of the right to self-determination is the basis for grave human rights violations, including crimes against humanity, ethnic cleansing and genocide. You are fully justified to utilize your mandate with our broad support to undertake a study on the right to self-determination based on the annual resolution adopted by the General Assembly calling on the Human Rights Council to address violations of the right to self-determination (A/RES/66/145).

In this regard we fully support working with other Experts and Special Procedures to implement the Final Report of Professor Miguel Alfonso Martinez in his “Study on Treaties, Agreements and Other Constructive Arrangements Between States and Indigenous Populations” (E/CN.4/Sub.2/1999/20).

In exercising your mandate, it is important to bring to light and to utilize the Hèctor Gros Espiell study, “The Right to Self-determination: Implementation of United Nations Resolutions”, (E/CN.4/Sub.2/405/Rev.1) and the Aurelia Critescu study, “The Right to Self-determination: Historical And Current Development on the Basis of United Nations Instruments”, (E/CN.4/Sub.2/404/ Rev.1), both are studies of the former Sub-Commission on the Prevention of Discrimination and Protection of Minorities.

States often accuse Special Procedures or Treaty Bodies of “duplication”, when in fact there is mostly lip service to the norms and no implementation, so that the victims on the ground are left without any concrete remedy or rehabilitation. It is not duplication to re-examine human rights violations with the view to getting to the root cause to address or to promote preventative measures with an aim to eradicate the violations.

We wish to raise the following points to be given consideration in the development of a framework for the promotion of a democratic and equitable international order:

- International Order must be rooted in the United Nations Charter. This is a challenging task that begs to be developed to fulfill the aspirations of Peoples as set out in the Charter stated objectives to achieve and maintain peace and friendship through respectful order. This includes the “equal right and self-determination of all

** The Indigenous Peoples and Nations Coalition, International Council for Human Rights, Koani Foundation, Ke Aupuni O Hawaii, NGOs without consultative status, also share the views expressed in this statement.

peoples”, including for Indigenous Peoples in their participation and consent in all matters of governance and in standard setting processes at every level.

- One of the most pressing areas in the area of promotion of equitable order is to deal with the continued effects of colonization and the effects on the rights of Peoples whose territories and resources are used against their free, prior and informed consent. It is a continued source of conflict that leads to violations.
- In this process, a universal periodic review of how states adhere to the United Nations Charter could be an important mechanism to further develop and strengthen the Charter.
- The Second UN Conference on Human Rights, held in 1993 in Vienna, Austria, stressed the universality and indivisibility of human rights set out in the Declaration of Human Rights and the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. Although some progress has been made in promoting economic, social and cultural rights, these rights continue to lag behind in treatment and implementation, as do the right to self-determination and the right to development. This lack of progress needs urgent attention to ensure a just social and international order. As one component, the symptoms of extreme poverty can be reviewed through the rights of peoples, including for Indigenous Peoples through a study of their economic, social, political and cultural right to self-determination.
- The 1993 human rights conference also stressed the “full and equal participation of women in political, civil, economic, social and cultural life”, at all levels, and stated that the “eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.” Again, progress has been made, but the “glass cage” has yet to be broken.
- Article 71 of the UN Charter provides for the ECOSOC to make arrangements for consultation with non-governmental organizations. Consultative arrangements now exist throughout the UN system. ECOSOC granted consultative status to 41 NGOs in 1946. By 1996, the number had risen to 700; today it stands at more than 3,600. We heartily welcome UN’s outreach to civil society worldwide. We are concerned, however, that at the same time the consultative process is being increasingly restricted by physical access to the UN buildings and by access to important meetings, as well as by the time and space given to NGOs to make a meaningful input. NGOs have also been increasingly subjected to sanctions based on political grounds. In brief, channels of communication need further opening to be consistent with the original intentions of ECOSOC’s mandates.

The UN as a whole – governments and the secretariat – has acknowledged the added value that NGOs bring to its work and has referred to us as invaluable partners. However, we find it increasingly difficult to function effectively, being handicapped by lack of access, adequate space and time to participate meaningfully. We consider this issue to be taken into account as an aspect of a democratic order.

The above are select issues that we see as requiring special attention as the U.N. continues to move toward a more democratic and equitable international order, being especially urgent in these extremely challenging times of increasing environmental degradation and global misdistribution of wealth.