

A DRAFT PROPOSAL FOR A UNIVERSAL DECLARATION ON COMMON SECURITY

Posted by Joan Russow

Tuesday, 13 December 2016 11:29 - Last Updated Thursday, 15 December 2016 09:23



□ DRAFT PROPOSAL FOR A UNIVERSAL DECLARATION ON COMMON SECURITY

OUTLINE

A. NEED TO REDEFINE WHAT CONSTITUTES TRUE SECURITY: COMMON SECURITY

B. NEED TO REDEFINE WHAT CONSTITUTES REALTHREATS TO SECURITY: THREATS TO COMMON SECURITY;

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I. FAILING TO ACHIEVE A STATE OF PEACE, AND DISARMAMENT; AND FAILING TO REALLOCATE MILITARY EXPENSES AND TO WORK FOR THE DELEGITIMIZATION OF WAR;

II. FAILING TO ENSURE THE PRESERVATION AND PROTECTION OF THE ENVIRONMENT, THE RESPECT FOR THE INHERENT WORTH OF NATURE BEYOND HUMAN PURPOSE, THE REDUCTION OF THE ECOLOGICAL FOOTPRINT, THE ENSHRINING OF ECOLOGICAL RIGHTS, RIGHT TO A HEALTHY ENVIRONMENT AND THE MOVING AWAY FROM THE CURRENT MODEL OF OVERCONSUMPTION;

III. –PROMOTING FREE TRADE RATHER THAN FAIR TRADE;

IV. –FAILING TO PROMOTE SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND ENTERPRISES AND RIGHT TO DEVELOPMENT;

V. –FAILING TO PROMOTE AND FULLY GUARANTEE RESPECT FOR HUMAN RIGHTS

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INCLUDING LABOUR RIGHTS, WOMEN'S RIGHTS CIVIL AND POLITICAL RIGHTS, INDIGENOUS RIGHTS, SOCIAL AND CULTURAL RIGHTS – RIGHT TO FOOD, RIGHT TO HOUSING, RIGHT TO SAFE DRINKING WATER AND SEWAGE TREATMENT, RIGHT TO EDUCATION AND RIGHT TO UNIVERSALLY ACCESSIBLE NOT FOR PROFIT HEALTH CARE SYSTEM;

VI. –FAILING TO SIGN AND RATIFY INTERNATIONAL CONVENTIONS. COVENANTS AND TREATIES AND ENACT LEGISLATION TO ENSURE. COMPLIANCE AND TO EMBRACE PEREMPTORY NORMS REFLECTED IN COMMON SECURITY INTERNATIONAL LAW.

□ □ □ C. NEED TO CONSIDER WHAT CONTRIBUTES TO REAL TERRORISM □ INCLUDING STATE TERRORISM

I. INTERNATIONAL IMPASSE TO A COMPREHENSIVE INTERNATIONAL DEFINITION OF TERRORISM

II. UNITED NATIONS PASSED A RESOLUTION ON TERRORISM THAT STRESSES THAT MEASURES AGAINST TERRORISM MUST COMPLY WITH INTERNATIONAL LAW

III. MISCONSTRUING ARTICLE 51- SELF DEFENCE OF THE CHARTER OF THE UNITED NATIONS AND PRETEXTS FOR WAR HAS CONTRIBUTED TO STATE TERRORISM

IV. STATE CONTRIBUTION TO TERRORISM; AGGRESSION INTO ANOTHER STATE AS A CAUSE OF TERRORISM

States have been complicit or responsible for using the following pretexts for aggressive intervention in other sovereign states "human security" (Iraq 1991), "Humanitarian intervention"

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(Kosovo, 1999), "self-defence" (Afghanistan 2001), "Pre-emptive/ preventive" attack (Iraq, 2003) "Responsibility to Protect (Haiti, 2004, Libya, 2011) or "will to intervene" (Mali, 2013). Each time the pretext was discredited, a new pretext arises. States must support the drafting of a treaty for the abolition of nuclear weapons and end coercing other states to increase their military budget, and purchase weapons like F 35 and armed drones, the destabilizing other nations, through setting up military bases around the world, through war games and military exercises, through circulating nuclear powered and nuclear arms capable vessel. Etc.

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□ □ D.A PROPOSAL FOR A UNIVERSAL DECLARATION ON COMMON SECURITY

A.

BACKGROUND

2005 SUBMISSION TO THE SENATE ON THE REVIEW OF BILL 36 –THE ANTI TERRORISM ACT AND DRAFT □ OF A COMMON SECURITY INDEX.

In 2005, I was invited to give a presentation to the Canadian Senate on the five year review of Bill- 36 – the Anti- terrorism Act.

https://pejnews.com/index.php?option=com_content&view=article&id=10633:submission-to-the-senate-committee-reviewing-the-anti-terrorism-act-commonsecurity-index&catid=7

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5:cjustice-news&Itemid=218

In my submission, I pointed out that what constitutes true security is common security and to further Common security, the member states of the United Nations have incurred obligations through Conventions, Treaties and Covenants, made commitments through Conference Action Plans, and created expectations through UN General Assembly resolutions, and declarations. I then submitted what I called the Common Security Index:

(i) A list of international obligations incurred through conventions, treaties, and covenants, of commitments made through conference action plans and expectations created through UN General Assembly resolutions related to “common security”;

(ii) State Activity: very preliminary comments about state compliance or non-compliance with the obligations, commitments and expectations related to “common security”;

(iii) Advocacy Activity

Advocacy activity in relation to these international instruments was delineated;

The purpose of the Index was to indicate the range of international obligations and commitments which if discharged or acted upon would contribute to global common security and to point out that it is generally the advocates, protesters and dissenter.

B

NEED TO REDEFINE WHAT CONSTITUTES TRUE SECURITY: COMMON SECURITY

"true security is not militarized security. We must reappropriate the word "security" and not allow it to be distorted by the military". (Dr. Ursula Franklin, Dr. Report from the 1994 Conference on True Security, prior to the UN Conference on Women Nairobi,1985).

"True security exists when all are secure, through common security" (Olaf Palme,Chair Common Security: a Programme for Disarmament Report of the Independent Commission on Disarmament and Security Issue 1982)

For all to be secure, the complexity and interdependence of norms for true security should be advocated and the objectives of common security could be seen to include the following:

(i) to achieve a state of peace, and disarmament; through reallocation of military expenses and delegitimization of war;

(ii) to prevent discrimination on the following grounds:

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. (Article 2, International Covenant on Civil and Political Rights 1966);

(iii) to promote and fully guarantee respect for human rights including labour rights, women's rights LGBTQ rights civil and political rights, migrant workers and indigenous rights,

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social and cultural rights –right to unadulterated food, right to housing, right to safe drinking water and sewage treatment , right to education and right to universally accessible not for profit health care system;

(iv) to ensure the preservation, conservation and protection of the environment, the respect for the inherent worth of nature beyond human purpose, to reduce the ecological footprint and to move away from the current model of unsustainable and excessive overconsumption;

(v) to enable socially equitable and environmentally sound employment, energy and transportation, and just transition and ensure the right to development and social justice;

(vi) to embrace fair trade not free trade that fulfills all the objectives of common security to create a global structure that respects the rule of law, the international court of justice, and the international criminal court;

(vii) to implemented all of the 17 Sustainable Development Goals (SDGs);

In 1992, the UN Conference on the Environment and Development (UNCED) including Agenda 21 was intended to address the interdependence of norms through its 33 chapters; subsequently, there were conferences addressing norms related to the above objectives. In 2001, in preparation for the 2002 World Summit on Sustainable Development under Secretary General Nitun Desai stated that he was expecting the World Summit on Sustainable Development (WSSD) to not only be an implementation plan for UNCED but also the culmination of the subsequent UN conferences. The 2013 seventeen Sustainable Development Goals (SDGs), if seen as being interdependent, might fulfill the Nitun Desai's vision.

C.

NEED TO REDEFINE WHAT CONSTITUTES REAL THREATS TO SECURITY: THREATS TO COMMON SECURITY;

I. FAILING TO ACHIEVE A STATE OF PEACE, AND DISARMAMENT; AND FAILING TO REALLOCATE MILITARY EXPENSES AND TO WORK FOR THE DELEGITIMIZATION OF WAR

There needs to be a new vision starting in 2017 that no longer (a). Ignores that "Warfare is inherently destructive of sustainable development" (Rio Declarations. Principle 24, UNCED, 1992) (b) forgets the social, environmental, health, human rights, economic consequences of war, and fails to recognize that under no circumstance or condition is war just or legal; (c). Undermines the international resolve to prevent the scourge of war (d) condones the existence of a UN Security Council which violates not only a fundamental principle of the charter of the United Nations; the sovereign equality of states, but also currently has ten major weapons producers deciding the fate of the world.

The following threats to common security must be avoided:

1. Ignoring the acknowledgement that "Warfare is inherently destructive of sustainable development" (Rio Declarations. Principle 24, UNCED, 1992.

2. Participating in war; - Given the social, environmental, health, human rights, economic consequences of war, under no conditions or circumstance is war legal or just.

3. Undermining the international resolve to prevent the scourge of war; this would include engaging in intimidation, in cajoling or in offering economic incentives in exchange for support

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for military interventions.

4. Refusing to abide by the 1975 Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity.

5. Failing to reallocate military spending as proposed at Habitat I in 1976:

``The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. Part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries`` (II, 12 Habitat 1).

Also, in 1992, all member states recognized that in Chapter 33, of Agenda 21, member states of the United Nations made a commitment to the "the reallocation of resources presently committed to military purposes" (33.18e, Agenda 21, UNCED).

6. Misconstruing of Article 51 (self-defence) of the Charter of the United Nations to justify premeditated non-provoked military aggression, or to use various such pretexts for invading other sovereign states'.

7. Invading other sovereign states, with troops on the ground, aerial bombing, drones, and prohibitive weapons such as cluster bombs and personnel land mines.

8. Using "human security" which has been extended to "humanitarian intervention", along with the "responsibility to protect" or with the right to intervene with a view to justifying aggressive intervention in other states.

9. Relying on the following pretexts for aggressive interventions in other sovereign states "human security" (Iraq 1991), "Humanitarian intervention" (Kosovo, 1999), "self-defence"

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(Afghanistan 2001), "Pre-emptive/ preventive" attack (Iraq, 2003) "Responsibility to Protect (Haiti, 2004, Libya, 2011) or "will to intervene" (Mali, 2013). Each time the pretext was discredited, a new pretext emerged.

10. Using the guise of pre-emptive/preventive attack which has resulted in aggressive invasion on sovereign states and which has been in violation of the Article 2 of United Nations Charter and international law as being the 'supreme' international crime of a war of aggression.

11. Participating wars and abandoning a decade of diplomatic inactivity, with the foreign ministries largely sidelined and marginalized by efforts to promote states as a "warrior nations and relying on the so-called device of "hearts and minds.

12. Conceiving of the role of "contributing to international peace and security" as the one to intervene with armed forces in sovereign states or to use so-called "defence diplomacy" (DPR).

13. Supporting the invoking Chapter VII of the Charter of the United Nations rather than invoking Chapter VI - the peaceful resolutions of disputes - and refusing to be judged by the International Court of Justice.

14. Disrespecting the jurisdiction and decisions of the International Court of Justice.

15. Tolerating military involvement and occupation of a people by opposing and targeting civil society's campaigns, such as BDS.

16. Trumping health, environment, civil and political and human rights for the sake of "militarized security", power and profit.

17. Targeting or assisting in the assassination of leaders of other sovereign states, and of engaging in "regime change".

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18. Engaging in covert and overt "Operations" against sovereign states; from "Operation Zapata", and "Operation Northwoods" against Cuba, through "Operation Condor" in Chile, or. Mollifying public opposition by couching aggressive acts in euphemistic "operations" such as "Operation Just Cause" against Panama and more recently "Operation enduring freedom" against Afghanistan,) "Operation Iraqi Freedom" against Iraq.

19. Destabilizing states and regions through the sale of arms, including through the guise of "foreign aid" or through infiltration of NGOs.

20. Failing to revoke charters and licences of corporations that have violated common security such as (human rights, including labour rights, that have contributed to war and violence, and that have led to the destruction of the environment; and permitting Corporations to be deemed to be citizens and in this capacity they can vote in elections.

21. Selling of arms around the world including nations that have violated human rights, not phasing out the production of and trade in arms, refusing to ratify the arms trade treaty.

22. Holding International Arms Trade Fair "Any propaganda for war shall be prohibited by law (Art. 20, International Covenant on Civil and Political Rights, 1966).

23. Producing and using land mines in violation of the Ottawa Convention Against Landmines.

24. Procrastinating, to remove land mines from all areas of the world where land mines are known to exist.

25. Developing and promoting Ballistic Missile Defence.

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26. Funding universities for the production of drones “that are configurable to military purposes.

27. Using armed drones even though they will be shown to contravene the principles delineated in the Geneva Protocols; and refusing to punish anyone who abused the drone or surveillance programs, to name innocent drone victims, to make public the administration’s criteria for its “targeted killings and to make public all surveillance agreements with private companies.

http://www.tomdispatch.com/post/176217/tomgram%3A_pratap_chatterjee%2C_obama%27s_last_chance

28. Condoning threats, by Lockheed Martin, against those states who fail to continue with the purchase F35.

29. Failing to establish a time –table for phasing our fossil fuel and nuclear energy and for the rapid development of solar and other forms of non-polluting energy, and for more efficient energy use (1992 Nobel Laureate Declaration).

30. Condoning nuclear arms states which have failed to ratify the NPT, and parties to the NPT that are in non-compliance with the Nuclear Non-Proliferation Treaty, and failing to implement Article VI of the Treaty, (Article VI: commits all parties to pursue negotiations in good faith on measures to end the nuclear arms race and to achieve disarmament).

31. Failing to sign and ratify all Geneva Protocols, including Protocol V, which requires the removal of remnants of war, to abide by the Geneva protocols on prohibited weapons and to sign and ratify the Convention for the Banning of Landmines.

32. Voting against the abolition of nuclear weapons on May13 2016;and against the Vote in the UNGA, related to drafting a treaty on the abolition of nuclear weapons and supporting the following:

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- 1) Nuclear weapons must be maintained indefinitely No! Says Article VI & Steps 6, 9 and 11.

- 2) We will improve their use and accuracy (modernize them). No!, says Article VI of the NPT, via Steps 2, 6, 9.

- 3) We can use them first.. No! Say Steps 6 and 9.

- 4) We can target non-nuclear weapon states. No! says NPT Article II

- 5) We can threaten to use them. No! says the NPT (implicitly).

- 6) We can keep them in Europe as they are now doing. No! says Article II. (NPT)

- 7) We can launch some on 15 minutes warning. No! Says Step 9

- 8) 8) We say “they are essential for peace”. Canada accepts. No! Says the Non Proliferation Treaty and its 13 Steps” (Assessment made by Murray Thompson **CNANW**)³³. Reneging on the agreement to not move one inch further east of Germany

34. Disregarding the rule of international law, including the objective of the Charter of the United Nations, and the Convention against Torture.

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35. Engaging in propaganda for war (ICCPR), including establishing or supporting military bases, engaging in war games, producing and selling armaments, holding arms exhibitions, and supporting government investment in weapons systems.

36. Maintaining weapons of mass destruction such as nuclear, chemical (some still stockpiled), and biological (some still stockpiled), in contravention of what was agreed to UNCHE in 1972, and in specific conventions.

37. Refusing to ratify the Treaty on Cluster bombs.

38. Producing uranium, exporting uranium, using weapons, in war games such as those with depleted uranium and continuing to make profit- from the sale of arms and trade in small arms.

39. Mining uranium and exporting uranium to be used by nuclear weapon states.

40. Voting against the UN Resolution on Depleted Uranium.

41. Condoning the destabilizing impact of the Middle East as a result of the possession, by Israel, of nuclear weapons and voting against UN resolutions related to Israel.

42. Opposing the draft final document from the NPT review conference based on the declaring nuclear arms free Middle East.

43. Contravening the obligations under the 1967 Outer Space Treaty to do the following: ensure that exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind [humanity]. US mining in space law may violate the Outer Space Treaty of 1967, which declares, among other things, "states shall avoid harmful contamination of space and celestial bodies." http://www.spacedaily.com/reports/New_US_space_mining_law_may_

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violate_international_treaty_999.html

44 Failing to repeal legislation which is violating civil and political rights, including racial profiling, which contravenes the international Covenant on Civil and Political Rights and fails to clearly define what constitutes real “threats”, “real terrorism” and “true security”.

45. “Rendering”- sending “persons of interests” to countries which are known to condone torture.

46. Refusing to be judged by an international tribunal for any actions that might be deemed to violate international law related to crimes against the peace, to war crimes, or to genocide.

47. Misusing UN “peacekeeping” forces to clean up aggressive acts of destruction and occupation caused by other states.

48 failing to convert, to peaceful purposes, all foreign military bases in sovereign states around the world.

49. Producing, circulating and berthing of nuclear powered or nuclear arms-capable vessels throughout the world.

50 Participating in “War Games” or “Military Exercises” such as Exercise Trident Fury Northwest Training Range Complex. And TRIDENT JUNCTURE –the largest Maritime exercise in nearly two decades.

51. Expanding sonar testing and other warfare training off the Northwest coast and proposing 30 bombing exercises a year, as well as increased air-to surface missile exercises.

52 Propping up and financing military dictators and relying on the long standing policy enunciated against Somoza "he's a bastard but he is our bastard".

53. Refusing to demilitarize the economy by reallocating resources presently committed to military purposes to provide for the needs of citizens, and to pass on the peace dividend to the developing countries as undertaken through number of UN General Assembly Resolutions and Conference Action Plans.

54. Engaging in misplaced spending priorities: on militarism, on adulterated unsafe food, on production of products and substances harmful to the environment and human health, and failing to redirect budgetary expenses to eradicate poverty.

Summary: Threats to security arise: through military expansion, through being in a nuclear weapons alliance, and opposing the abolition of nuclear weapons, through coercing other states to increase their military budget, and purchase weapons like F 35 and armed drones, through destabilizing other nations, through setting up military bases around the world, through war games and military exercises, through circulating nuclear powered and nuclear arms Capable vessels

II FAILING TO ENSURE THE PRESERVATION AND PROTECTION OF THE ENVIRONMENT, THE RESPECT FOR THE INHERENT WORTH OF NATURE BEYOND HUMAN PURPOSE, THE REDUCTION OF THE ECOLOGICAL FOOTPRINT, THE ENSHRINING OF ECOLOGICAL RIGHTS, RIGHT TO A HEALTHY ENVIRONMENT AND THE MOVING AWAY FROM THE CURRENT MODEL OF OVERCONSUMPTION

There needs to be a new vision beginning now in 2017, to enact the necessary legislation to ensure compliance with the following: conventions: Convention on Biological Diversity; UN Framework Convention on Climate Change and to implement the international version of the

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precautionary principle, which appears in the Rio Declaration, the UN Framework Convention on Climate Change and the Convention on Biological Diversity, as a general and enforceable principle of law. To embark immediately on the transition to socially equitable and environmentally sound energy and transportation system, and disaster prevention.

The following threats to common security must be avoided:

55. Engaging in unsustainable patterns of production and consumption, particularly with industrialized countries; this pattern has contributed to poverty, to the inequitable distribution of resources within countries and between countries, has increased the vulnerability to natural disasters and has threaten the well-being of future generations. .

56. Failing to recognize that “Land is one of the fundamental elements in human settlements. Every State has the right to take the necessary steps to maintain under public control the use, possession, disposal and reservation of land. Every State has the right to plan and regulate use of land, which is one of its most important resources, in such a way that the growth of population centres both urban and rural are based on a comprehensive land use plan. Such measures must assure the attainment of basic goals of social and economic reform for every country, in conformity with its national and land tenure system and legislation. “(11 IO Habitat I).

57. Failing to recognize that “The nations must avoid the pollution of the biosphere and the oceans and should join in the effort to end irrational exploitation of all environmental resources, whether non-renewable or renewable in the long term (11 IO Habitat I).. The environment is the common heritage of humanity and its protection is the responsibility of the whole international community. All acts by nations and people should therefore be inspired by a deep respect for the protection of the environmental resources upon which life itself depends.” (II, 11 Habitats I).

58. Failing to discharge the obligation under Article 1 of the legally binding International Covenants on Civil and Political Rights and on Economic Social and Cultural Rights Is the following obligation: “In no case may a people be deprived of its own means of subsistence”. Failing to ratify the Convention on Biological Diversity, and the Law of the Sea, and adopt the UN Declaration on the Rights of Indigenous Peoples.

59. Dumping wastes, including military wastes in pristine watersheds; rivers and the oceans.

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60. Contributing to climate change by contemplating increase development and distribution of fossil fuels and by subsidizing the fossil fuel industry and expanding extraction of fossil fuels, through fracking, constructing pipe lines using tankers and thus failing to discharge its obligations under the UN Framework Convention on climate change.

61. Permitting dams, which will cause the flooding of land and the destruction of food security, and the undermining the water rights and subsistence of indigenous peoples.

62. failing to adopt the UN declaration on the Rights of Indigenous peoples.

63. Failing to act on the urgency to immediately move to socially equitable and environmentally sound renewable energy such as solar, wind, wave, tidal and geothermal.

64. Causing Environmental Devastation which contributes to Health problems

65. Exploiting Nature instead of adopting the 1982 World Charter of Nature that every form of life is unique, warranting respect regardless of its worth to humans, and to accord other organisms such recognition's, humans must be guided by a moral code of action.

66. Increasing the ecological footprint which has contributed to a socially inequitable and environmentally unsound world; converting nature into a source of raw materials, and promoting of "built-in obsolescence" (in opposition to Habitat II, 1996).

67. Misconstruing the international version of the precautionary principle – The international version is in the Rio Declaration, the Convention on Biological Diversity, and the Framework Convention on Climate Change- as a general and enforceable principle of internal customary law: where there is a threat of irreversible harm the lack of full scientific certainty shall not be used as a reason for postponing measure to prevent the threat.

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68. Ignoring the scientific evidence about the contribution of salmon aquaculture to causing disease in wild salmon contravenes the precautionary principle.

69. Permitting strategic lawsuit against public participation, or SLAPP, a term coined in the 1980s by two University of Denver law professors.¹ A SLAPP effectively censors public speech by invoking the court system to intimidate critics. Faced with the time and attorney's fees involved in defending against such a lawsuit, the easier path for a defendant often is to retract an unflattering statement about a merchant or service provider, even if the statement is true.

70. Failing to revise the reverse onus principle which places the onus not on the proponent of an intervention to prove safety but on the opponent, to demonstrate harm.

71. Causing Natches- natural disasters through technology or technological disasters caused by natural disasters and relying on after-the fact attempts to reduce or mitigate disasters rather than preventing harm.

72. Discounting the precautionary principle, and producing and distributing genetically engineered food and crops, and engaging the practice of biopiracy of genes of indigenous peoples, the dumping of GE food and adventitious materials [living modified organisms] on developing countries, and condoning the placing, on the shelves, processed foods containing genetically engineered material.

73. Exempting, under the Stockholm Convention, certain persistent Organic Pollutants (POPs) which are bioaccumulative and toxic, and are capable of traveling long distances from their original source.

74. Refusing to support adding chrysotile to the list of hazardous substances in the Rotterdam Convention.

75. Permitting the use of Neonicotinoid pesticides which have been associated with the decimating bee populations.

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76 .Opposing the prosecution of countries for violating the transboundary principle that holds that adjacent states shall be held legally responsible for any pollution, in other states, caused by activities under their own jurisdiction.

77. Causing environmental devastation and then relying on restorative or clean-up technologies to remediate the environmental destruction rather than taking the preventive approach so as to avoid costly and inadequate subsequent measures to "rehabilitate" the site.

78. Engaging in unsustainable forest management, converting of forests into agricultural land and expanding large-scale agro-industrial monocultures for food, fibre.

79. Tolerating the engaging in the land grab for biofuel, by developed states, in developing states.

80. Causing land degradation, soil erosion, salinization, water logging, and soil pollution, which all contribute to loss of soil fertility.

81. Substituting proposals of adaption to or offsetting of climate change rather than seriously addressing the issue of preventing climate change by reducing greenhouse gas emissions. Using the guise of `transition` `to justify continuation of the fossil fuel industry such as oil exploitation, LNG. Carbon capture, Pipelines.

82. Ignoring the urgency for immediately move to socially equitable and environmentally sound renewable energy such as solar, wind and geothermal.

83.Failing to call upon the corporate sector to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following: "Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed

consent of Indigenous peoples before proceeding with economic development projects”.

84. Undermining the divestment of fossil fuels, especially those from the unconventional sources such as the tar sands, opposing reduction of other greenhouse gas producing activities, supporting fracking and denying the substantial contribution to greenhouse gas emissions caused by methane gas resulting from the dependency on animal protein.

85. Promoting false "solutions" to climate change such as biofuels, large hydro projects, and nuclear energy which are not socially equitable and environmentally safe and sound renewable energy sources.

86 Supporting a market based proposal of the so-called ``Green Economy`` that commodifies nature through giving market value to “ecological agents”.

87. Disregarding the failure of the Intergovernmental Panel on Climate Change to investigate and estimate the full impact of greenhouse gas emissions by the military, and opposing the demand that each state release information related to the greenhouse gas emissions from the production of all militarism, from military exercises, war games, weapons testing, military aviation troop transfer, military operations, and waste generation, to reconstruction after acts of violent interventions etc.

88. Supporting at COP15, the practice of member states relying not on the emerging scientific data, but on the IPCC 2007 report which was based on 2004 and 2005 data. The emerging data now indicates the urgency of keeping the rise in temperature below the dangerous level of 1 °C, [which is the point at which global systems on land, water and air will be so affected as to create vicious feedback cycles and destabilise many ecosystems and human societies]; whereas the IPCC 2007 Report had indicated that 2 degrees was the safe threshold. The emerging scientific data also indicates that there are more serious climate-induced events than anticipated in the 2007 IPCC Report. In COP21, failing to recognize that even at 1 degree rise in temperature from pre-industrial levels, there are climate incidence that contravenes article 2 of the UNFCCC. The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic

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development to proceed in a sustainable manner.

89. Failing at COP 21 to respect the original baseline of 1990 and target of, and opting for making "contributions" rather than binding commitments as required under UNFCCC.

90. Disregarding the climate injustice of using the atmospheric space of developing countries, and refusing to pay compensation.

91. Misappropriating agricultural land for the growing of biofuel and contributing to food insecurity, and purchasing and using of land for biofuels to serve foreign markets and undermine food security.

92. Condoning the practice, by the International Atomic Energy Agency (IAEA), of violating the principle that a regulator must not be a promoter of promoting civil nuclear energy.

93. Justifying the use of civil nuclear energy, and accepting nuclear energy as the solution to climate change and supporting Article IV of the NPT which bestows the inalienable right of states to access so-called "peaceful" use of nuclear energy.

94. Relocating and transferring to other States any activities and substances that cause severe environmental degradation or are found to be harmful to human health. (Principle 14 Rio Declaration, 1992).

95. Showing defiance of principle 7 of the 1992 Rio Declaration which was adopted by all states at the UN Conference on Environment and Development (UNCED). This principle states that: "States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. (Principle 7, Rio Declaration).

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96. Causing environmentally induced diseases, refusing to address the social determinants of health problems- such as poverty, and provide universal access to a publicly-funded not-for-profit health non-two tier health care system.

97 Supporting the lack of commitment to ensure, as agreed in, 1976, at Habitat II, that Corporations, including transnational corporations, comply with international law, including international environmental law.

98. Tolerating the notion of 'prior consent" to persuade the poor, disadvantaged and vulnerable countries or communities within developed countries to accept the dumping of products and substances that are potentially harmful to the environment and human health.

99. Promoting the ruse of using extra-territorialism. -what right do we have to impose our higher standards on a developing country with lower standards.

100. Condoning Pharmaceutical collusion between university and Pharmaceutical corporations, and the policy of permitting Universities to sell products of research to corporations

101. Disregarding the practice of the Pharmaceutical and PR industry creating new health problems to justify market potential for new drugs ("Selling Sickness", Alan Cassels).

102. Condoning corporate patenting of genes under the WTO TRIPS provision.

103.Tolerating Pharmaceutical industry pushing drugs when change in life style could effectively address the health problem.

104. Producing and exporting of products that have been banned... or withdrawn.

105. Exporting products banned or not yet approved in country of origin.

□

III – FAILING TO PROMOTE FAIR TRADE RATHER THAN FREE TRADE

There needs to be a new vision beginning now in 2017, to embark on the transition from `Free` `trade` to FAIR trade and to avoid the following threats to common security:

106. Engaging in exploitative trade and the undermining, by International Trade organizations, such as GATT, and the subsequent WTO, of measures which would advance and promote socially equitable environmentally safe and sound renewable energy, transportation, agriculture, forestry etc.

107. Opposing the dismantling or abrogating of trade institutions and agreements, such as WTO and NAFTA, FIPA CETA .TPP which do or would promulgate globalization, deregulation and privatization; these institutions and agreements undermine the rule of international public trust law, and condone and actively facilitate corporations benefiting and profiting from war and from environmental destruction.

108. Tolerating all proposals which will result, through the practice of harmonization of standards and regulations, in the arriving at the lowest common denominator for health and environmental standards.

109. Condoning the practice of "testing once. That if the private sector has already tested the substance or product, Environmental agencies would have to justify before congress if they want to test again. "Testing once" to eliminate redundancy by testing once so that if a product is tested in one of the three countries it does not have to be tested in the other two. This practice would undermine the ability of states to carry out their own tests and ban substances 110. Supporting the IMF Structural Adjustment Program which has led to the violation of human rights, which has exploited citizens in the developing world, which has resulted in years of privatization, and elimination of essential services throughout the world and which has

adversely impacted on vulnerable and indigenous peoples around the world.

IV – FAILING TO PROMOTE SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND ENTERPRISES AND RIGHT TO DEVELOPMENT

There needs to be a new vision beginning now in 2017, to embark on transition to socially equitable and environmentally sound enterprises and to avoid the following threats to common security:

111. Promulgating Corporatism and questionable Financial Institutions.

112. Condoning the privatization, including Public Private Partnerships, of public services such as water, sewage and health care, and opposing the affirmation that the access to water is a human right.

113. Promoting corporate funding of education, including the corporate direction of research, and opposing principle that research must be arms-length and not tied to corporations.

114. Opposing the international commitment made to ensure that corporations, including transnational corporations, comply with international law including international environmental law. And supporting corporate "voluntary compliance" such as ISO 14000.

115. Promoting the subsidizing and investing, of public funds, including pension funds, in corporations that have developed weapons of mass destruction and "conventional arms" that

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have violated human rights that have denied social justice, that have exploited workers, and that have destroyed the environment. Condoning the failure to require positive and negative screens in Pension funds.

116. Opposing the revocation of charters of corporations, including transnational corporations, which have engaged in activities that impact on health and environment, including on the right to food, and right to water; tolerating the legal fiction that the corporate form has constitutional rights as a person and prohibit corporate funding of political parties.

117. Opposing the phase-out of sunset industries-ones that are harmful to human health and the environment and the instituting of a fair and just transition for workers and communities affected by the phase out, and condoning the lucrative profits made on money trading.

118. Engaging in the egregious practice of derivatives and other banking schemes, and supporting non-cooperative and non-community banks

119. Bailing-out of corporations and banks under the guise of their being "too big to fail", and reclassifying of function, by financial institutions, such as Goldman Sachs in order to take advantage of the bail -out.

120. Supporting the centralization of banks and the egregious funny money banking systems and promoting the capitalist, exploitative, competitive economic model, and condoning corporate funding of politicians,

121. Disregarding the shifting, by corporations, of their addresses offshore to lower their taxes, and the evading, by corporations, of criminal charges by spinning off their companies.

V – FAILING TO PROMOTE AND FULLY GUARANTEE RESPECT FOR HUMAN RIGHTS

INCLUDING LABOUR RIGHTS, WOMEN'S RIGHTS CIVIL AND POLITICAL RIGHTS, INDIGENOUS RIGHTS, SOCIAL AND CULTURAL RIGHTS – RIGHT TO FOOD, RIGHT TO HOUSING, RIGHT TO SAFE DRINKING WATER AND SEWAGE TREATMENT, RIGHT TO EDUCATION AND RIGHT TO UNIVERSALLY ACCESSIBLE NOT FOR PROFIT HEALTH CARE SYSTEM , AND MOBILITY RIGHTS

There needs to be a new vision beginning in 2017 to implement fully the human rights instruments related to common security and to enact the necessary legislation to ensure compliance with the following conventions: Convention for the Elimination of all Forms of Discrimination Against Women and its protocols; the International Convention on the Elimination of all Forms of Racism, the Convention on the Rights of the Child: The International Covenant on Civil and Political Rights, and, its Optional Protocols. Convention Against Torture to ratify the International Covenant of Social economic, and Cultural Rights, and International Labour Conventions as well as enacting legislation to comply with the adoption of the UNDRIP, and to enshrine in the constitution the rights protected in the International Covenant on Economic, Social Rights; to ratify the Convention on the rights of migrant Workers and their families, and to prevent discrimination on the grounds of ``social condition`` Failing to support the World Health recognition that . “The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition”.

.And to avoid the following threats to common security:

122. Promulgating social injustice, human rights violations, and poverty.

123. Disregarding the widening gap between the developed and the developing countries and opposing the steadily accelerating economic and social development and peace and justice for present and future generation... (Preamble, Declaration on the Establishment of a new international economic order, 1974).

124. Refusing to cancel Third World debt and to implement the longstanding international commitment to transfer .7% of the GDP for overseas development aid (ODA).

125. Condoning the practice of sending arms as ODA and tying in the extension of active assistance to developing countries to political or military conditions.

126. Tolerating the discrimination on some of the following grounds: - race, tribe, or culture; - colour, ethnicity, national ethnic or social origin, or language; nationality, place of birth, or nature of residence (refugee or immigrant, migrant worker); - gender, sex, sexual orientation, gender identity, marital status, or form of family, [including same-sex marriage] - disability or age; - religion or conviction, political or other opinion, or - class, economic position, or other status to include LBGTQ Rights and social condition. [Which is enshrined in the following "The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.

While Mobility rights are enshrined in the constitution, social condition may limit access to the obtaining of a passport because proof of impending travel may be required. [a condition easier to be fulfilled by those with means].

127. Condoning the violation of human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to water right to sewage treatment, right to a universally accessible, not-for-profit health care system, right to education and social justice.

128. Denying the labour right to strike, and the right to have collective bargaining, and many other International Labour Conventions. Refusing to ratify ILO Conventions.

129. Opposing of the requirement of equal pay for work of equal value as guaranteed in the legally binding International Covenant on Social Economic and Cultural Rights.

130. Redefining what constitutes torture in contravention of the Convention against Torture through Cruel, Inhumane or Degrading Treatment or Punishment

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131. Engaging in the practice of rendition of citizens and of failing to abide by the Geneva Conventions.

132. Using cruel and inhumane punishment such as capital punishment, which violates accepted international norms.

133. Discriminating against immigrants, and refugees and Migrant Workers and their Families; implementing the Secure Fence Act and supporting the wall between the United States and Mexico, and the wall in Israel.

134. Condoning the no-fly`` list, and no-cross boarder lists.

135. Condoning Strategic Law suits Against Public Participation ("SLAPP) suits" against public participation.

136. Targeting, intimidating and discriminating against activists on the grounds of political and other opinion (a listed ground in the International Covenant on Civil and Political Rights).

137. Engaging in religious extremism and proselytization including the spread of Evangelical Christianity around the world, which has undermined local indigenous cultures, instilled fear through the dangerous beliefs in the "rapture", "Armageddon" and "left behind", and dispensationalist "end times" scenario which has serious irreversible consequences. And has led to the undermining of other established beliefs and practices.

VI –FAILING TO SIGN AND RATIFY INTERNATIONAL CONVENTIONS. COVENANTS AND TREATIES AND ENACT LEGISLATION TO ENSURE COMPLIANCE □ AND TO EMBRACE □ PEREMPTORY NORMS REFLECTED IN COMMON SECURITY INTERNATIONAL LAW

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There needs to be a new vision beginning in 2017 to ensure that states promote Common security and sign and ratify key international instruments which promote common security and enact the necessary legislation to ensure compliance.

138. Failing to ratify the Vienna Convention on the Law of Treaties, especially article 53 and 64 related to peremptory norms. Common Security international law reflects peremptory norms

Article 53 Treaties conflicting with peremptory norm (jus cogens)

A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purpose of the present convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of states as a whole]. From which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.

Article 64 emergence of a new peremptory norm or general international law (Jus cogens. If a new peremptory norm of general international law emerges, and y existing treaty which is in conflict with the norm becomes void and terminates.

The idea of international jus cogens as a body of 'higher law' of overriding importance for the international community is steadily gaining ground. First embodied in the 1969 Vienna Convention on the Law of Treaties, ² it was recently confirmed by the 1986 Vienna Convention on the Law of Treaties. ³ In its judgment in the Nicaragua Case the International Court of Justice (ICJ) clearly affirmed jus cogens as an accepted doctrine in international law.

There are peremptory norms found in the following related to common security.

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1. Commitments made through UN Conference Action Plans adopted through consensus by state delegation of the United Nations

2. Obligations incurred through treaties conventions, and covenants that have been either signed or ratified by a broad group of member states from a range of legal systems and geographical areas

3. limited obligation of those states that have signed but not ratified treaties, under the Convention on the Law of Treaties to not defeat the purpose of the Convention in the interim between the signing and the ratifying of the treaty. [noting that under the Convention of the law of Treaties, member states that have signed but not ratified are only obliged to not defeat the purpose of the treaty but the states are not obliged to comply with all the provisions of the treaty]. The fact that the agreements have not been adopted by consensus would not preclude the establishment of a peremptory norm.

139. Being defiant of the Geneva Conventions on the treatment of civilians, and of international human rights and humanitarian law, supporting unilateral actions that undermine global common security.

140. Condoning current irreversible practices that will violate the rights of future generations- intergenerational equity including the rights of future generations to their cultural, natural heritage and to a safe environment.

141. Refusing to respect the jurisdiction of the international Court of Justice and supporting revenge through military intervention rather than justice through the International Court of Justice.

142. Condoning the reluctance to do the following related to common security:

(i) to act on the recognition that Indigenous peoples are the most to suffer from but the least responsible, for militarism, climate change, loss of subsistence and exploitation of resources, and the most likely to further solutions for global problems;

(ii) to promote the Universal Declaration on the Rights of Mother Nature, as proposed by Bolivia in Cochabamba in 2010 and presented to the United Nations subsequently;

<http://therightsofnature.org/tag/universal-declaration-of-rights-of-mother-earth/>

(iii) to act on Kofi Annan 2000 campaign to urge all states to sign and ratify international instruments, and to enact the necessary legislation to ensure compliance;

(iv) to discharge obligations, related to common Security, under Treaties, Covenants and Conventions' to act on commitments, related to common security. under Conference Action Plans, and to fulfill expectations, related to common security, under UN General Assembly Resolutions;

(v) to propose the dissolution of the UN Security Council because the Council violates a fundamental principle of the UN Charter- the sovereign equality of states and to advocate that the real power should lie with the UN General Assembly;

(vi) to respect Secretary General Ban Ki Moon, request to negotiate with a global vision rather than from national private interest (press conference COP21);

(vii) to object to the anglocentricity in the working groups, at the United Nations, which marginalizes non-English negotiators;

(viii) to object to the disproportionate power of negotiating groups, such as JUSCANZ, which intervene in negotiations substantially more than the over 130 members of the G77;

(ix) to urge all states, at international conferences of the parties (COPs), to strive for consensus in each article with a fall back of 75%.

143. Failing to respect, to adopt or to sign, and ratify the following international instruments:

1945 International Court of Justice and to respect its jurisdiction and its decisions

1948 Universal Declaration of Human Rights

1951 Convention related to the Status of Refugees

1963 International Convention for the Elimination of all Forms of racism

1966 International Covenant of Economic, Social and Cultural Rights and the Optional Protocol

1966 International Covenant on Civil and Political Rights and its Protocols

1967 Outer Space Treaty

1968 Non- Proliferation Treaty

1969 Vienna Convention on the Law of Treaties

1972 UN Convention for the Protection of cultural and Natural Heritage

1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction

1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

1975 Convention the Elimination of all forms of Discrimination Against Women and its protocol

1976 Convention on the Rights of Persons with Disabilities

1982 UN Convention on the Law of the Seas

1984 Convention Against Torture

1989 Convention on the Rights of the Child

1990 Rome Statute International Criminal Court

1991 *Convention on Environmental Impact Assessment in a Transboundary Context.*

1992 Convention on Biological Diversity

1992 UN Framework convention on climate change

1992 Convention to Combat Desertification and Drought

1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction

1997 Ottawa Anti-Personnel Mine Ban Treaty

1997 The Montreal Protocol on Substances that Deplete the Ozone Layer

2007 the UN Declaration on the Rights of Indigenous Peoples

2013 Arms Trade Treaty

Geneva protocols on prohibited weapons

Geneva Protocols, including Protocol V, which requires the removal of remnants of war Treaty

LABOUR CONVENTION

[C029 - Forced Labour Convention, 1930 \(No. 29\)](#)

[C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\)](#) (

[r emuneration Convention, 1951 \(No. 100\)](#)

) [C105 - Abolition of Forced Labour Convention, 1957 \(No. 105\)](#)

[C111 - Discrimination \(Employment and Occupation\) Convention, 1958 \(No. 111\)](#)

ETC

2017 ? Comprehensive Convention on International terrorism

While the United Nations has not yet agreed internationally to a Comprehensive Convention on International Terrorism, there are references to “terrorism” in many international instruments. Even in the immediate aftermath of 9/11 the UN failed to adopt the Convention, and the deadlock continues to this day.

The definitional impasse which has prevented the adoption of a Comprehensive Convention on International Terrorism is

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The reluctance to define terrorism to include state terrorism which would include most of the military interventions listed above .

Under article 20 of the International Covenant on Civil and Political Rights is the following:

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Propaganda for war could include the following threats to common security such as multiple statements by States calling for military intervention in other states; provocative military advances near borders of other states; proposals to establish military bases on foreign soil; proposals for war games in disputed areas etc. The realization of these threats could be deemed to constitute a form of terrorism. Also threats to security would be advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence also when realized could be perceived to be a form of terrorism.

United nations passed a resolution on terrorism that stresses that measures against terrorism must comply with international law

United Nations a/res/69/127 General Assembly distr.: general 18 December 2014 sixty-ninth session agenda item 107 14-66984 (e) *1466984*

state contribution to terrorism; aggression into another state as a cause of terrorism

Kofi Annan, the former UN Secretary General, said the US-led invasion of Iraq was a mistake and helped to create the Islamist State militant group. He also blamed regional powers for making the conflict worse.

His comment builds on the statement made by at the Nuremberg Trial:

"In the Nuremberg trials there was a reference to the "supreme international crime" - the crime of aggression. That crime was defined clearly enough by Justice Robert Jackson, Chief of Counsel for the United States at Nuremberg. An "aggressor," Jackson proposed to the Tribunal in his opening statement, is a state that is the first to commit such actions as "invasion of its armed forces, with or without a declaration of war, of the territory of another State

If certain acts in violation of treaties are crimes, they are crimes whether the United States does them or whether Germany does them, and we are not prepared to lay down a rule of criminal conduct against others which we would not be willing to have invoked against us."

Read more at http://www.liveleak.com/view?i=345_1315751483#by7PvtecKDMYeSEE.99

If we adopt the principle of universality: if an action is right (or wrong) for others, it is right (or wrong) for us. Those who do not rise to the minimal moral level of applying to themselves the standards they apply to others—more stringent ones, **in fact—plainly** cannot be taken seriously when they speak of appropriateness of response; or of right and wrong, good and evil."

[6]

Chomsky 2002 TERROR AND JUST RESPONSE.

ZNet

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by engaging in criminal acts such as the bombing which was done, and now the use of armed drones which is being proposed by the will be fostering, through criminal acts, which appear to be outlawed under the above un declaration terrorism and it is not good enough that the military acts of terror shall be exempt from their acts being deemed terrorism

D

A PROPOSAL FOR A UNIVERSAL DECLARATION ON COMMON SECURITY

While the United Nations since its inception has, through obligations arising from covenants, conventions and treaties, through commitments from Conference Action Plans, and through expectations from UNGA Declarations and resolutions, created a blue print for peremptory norms which could be a foundation for a Universal Declaration of Common Security.

There is a real opportunity to consider a proposal for a Universal Declaration on Common Security

(i) by advocating the fulfilment the commitment made 40 years in Habitat I in Vancouver:

“The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. Part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries” (II, 12 Habitat 1, 1976).

(ii) by drafting a *Declaration, which would end the threats to common security*, and thus , fulfilling the visions of Olaf Palme’s “True security exists when all are secure, through “common security”, of Ursula Franklin’s ‘We must have true security and reappropriate the word “security” and not allow it to be distorted by the military and of Nitun Desai’s “interdependence resulting from the culmination of peremptory norms derived from years of

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international obligations, commitments and principles.

In 1992, the UN Conference on the Environment and Development (UNCED) including Agenda 21 was intended to address the interdependence of norms through its 33 chapters; subsequently, there were conferences addressing norms related to the above objectives. In 2001, in preparation for the 2002 World Summit on Sustainable Development under Secretary General Nitun Desai stated that he was expecting the World Summit on Sustainable Development (WSSD) to not only be an implementation plan for UNCED but also the culmination of the subsequent UN conferences. The 2013 seventeen Sustainable Development Goals (SDGs), if seen as being interdependent, might fulfill the Nitun Desai's vision.