

FAITH SHARED WISDOM AND INTERNATIONAL LAW

KUALA LUMPUR, 3-7 OCTOBER 2010

A Consultation of some sixty religious scholars, legal experts and leading thinkers and policy makers was held on the theme Faith, Shared Wisdom and International Law in Kuala Lumpur during October 3rd–7th 2010. It was jointly convened by the International Movement for a Just World (Kuala Lumpur), the Weeramantry International Centre for Peace Education and Research (Colombo), the Centre for Dialogue, La Trobe University (Melbourne), and the Sri Ramanuja Mission Trust (Chennai).

The Consultation agreed on a Global Action Plan which draws its inspiration from the moral wisdom shared by the world's religious and ethical traditions, including indigenous spiritualities. The endeavour to find common ethical ground holds the key to constructing a more peaceful and ecologically sustainable world order – a task that must be approached with new thinking and great urgency.

Central to this task, is the conceptual and practical integration of this shared wisdom into international law.

The Consultation, convened with the generous support of the Malaysian Government, believes that finding common ethical ground can help overcome mistrust and suspicion, weaken religious and political extremism, and pave the way for collaboration in a dangerously divided world.

This Consultation particularly welcomes the statement by the Prime Minister of Malaysia who in a recent speech at the UN General Assembly on 27 September gave unwavering and continuing support for the United Nations and the multilateral principles based on International Law which it embodies. The Prime Minister also made timely and effective comment about those *“who intensified the divide between broad Muslim world and those in the West. The real issue is not between Muslims and non-Muslims but between the moderates and extremists of all religions be it Islam, Christianity and Judaism. Across all religions we have inadvertently allowed the ugly voices of the periphery to drown out the many voices of reason and common sense”*. We applaud those remarks. They encapsulate much of the reason behind the holding of this Consultation.

UNPRECEDENTED CHALLENGES FACING HUMANITY

This Consultation meets at a time of particular urgency unparalleled in the history of the human race. While the world has negotiated difficult and dangerous times in past years, there are today new causes for concern. The proliferation of nuclear weapons has spread apace. 8 or 9 countries have nuclear arsenals including one of the poorest countries in the world. 40 countries have the technology to build nuclear weapons and the knowledge for the construction of nuclear weapons is becoming more readily available as each year passes. There are a limited number of advanced countries who could have fully armed missiles available for launch within a matter of months. The non-proliferation treaty has not been applied equally. Friends of nuclear states have been allowed to develop weapons while others have been sanctioned by the international community even though they have acted within the permissible bounds of the non-proliferation treaty. Others have ignored that treaty and the restraints that it imposes.

Unless steps are taken to abolish nuclear weapons nuclear war is inevitable. A limited conflict in South Asia between India and Pakistan would not only kill countless millions of people, but would devastate the environment and have severe consequences for the impoverished masses in the entire region. There is also a dangerous situation on the Korean Peninsula and because of Israel's nuclear weapons and the fears that Iran seeks to develop them.

The danger of a nuclear conflict grows in part because the war in Afghanistan has serious consequences for Pakistan where there is instability and the possibility that extremists could gain control of her nuclear arsenals.

Such a nuclear war would end the planet as we know it.

Secondly, again for the first time in the human race we have the capacity to destroy the planet slowly. Scientific evidence for global warming is beyond legitimate dispute. Unless developed and developing countries take significant steps to change the paradigm by which they live, global warming over time will do the work that a nuclear war could do in a matter of days.

With these challenges in mind, the Consultation broke into working groups to address the relevant issues.

BUILDING A MORE PEACEFUL WORLD

Against the background of the 140 wars since the end of World War 2 and the danger of nuclear war as set out at this Consultation, it becomes essential to consider the core principles which are overwhelmingly important to humanity if peace and security are to be achieved.

The Consultation concerned itself with building a more peaceful world based on justice. The core principles and recommendations enunciated below seek to strengthen those elements of the United Nations whose purpose is to outlaw war and to put practical and humanitarian limits on the conduct of war. These re-emphasize and strengthen articles limiting the legality of war, the conduct of war and, strengthen provisions designed to prevent war.

Core Principles

- 1 Every human being must be treated humanely. We should treat others as we would wish them to treat us.
- 2 This principle rests on the view that every person is possessed of an inherent and inalienable dignity. Therefore, every person should be treated equally, without discrimination on the basis of age, sex, race, skin colour, physical or mental ability, language, religion, political opinion, ethnicity or national origin.
- 3 Every person has the right to live in safety and to the free development of their personality, insofar as they do not injure the rights of others.
- 4 It follows that no person has the right to harm, kill, torture, or injure another.

The Illegality of War

- 5 The use of force is outlawed unless explicitly sanctioned by the United Nations or unless a country is under attack and must defend itself.
- 6 No nation or people has the right to wage war with another. No government should wage war in order to gain economic wealth, to acquire natural resources or to win power and empire.
- 7 The commission by any nation or people of genocide, war crimes, crimes against humanity, ethnic cleansing, crimes of aggression or terrorist attack is absolutely prohibited.

- 8 Preventive war is unacceptable and contrary to International Law and the United Nations Charter.
- 9 When acting in self-defence, a sovereign government must respond to an actual or imminent attack only in a manner that is necessary and proportionate. Reprisal is impermissible. War must always be the last resort.
- 10 In exceptional circumstances, it may be permissible for the community of nations to act together in defence of peoples subject to or at risk of genocide, war crimes, crimes against humanity or ethnic cleansing. No such action may be taken, unless explicitly sanctioned by the United Nations.
- 11 The aim of national governments and the United Nations should be the achievement of a just and lasting peace among peoples. Occupation by one nation of another is contrary to International Law.
- 12 Weapons of mass destruction including nuclear, chemical or biological weapons should be prohibited. Nuclear powers should all affirm their support for the abolition of nuclear weapons. They are no longer relevant to the defence of any country. Until abolition occurs all nuclear powers should declare that they will never use nuclear weapons against a non-nuclear armed state and that they will never be the first to use nuclear weapons and should desist in any further development of nuclear arms.
- 13 Peace and security for all nations will not be achieved unless all nations great and small are prepared to comply with International Law.

Prevention of War

- 14 In all conflicts, contending parties must make every endeavour to resolve their dispute by negotiation, mediation, arbitration, judicial settlement or resort to representative international organizations.

The United Nations should:

- 15 Take every possible step to prevent the conditions from which threats to international peace and security may arise. State failure, whether through political corruption, economic collapse or civil war, should be anticipated and avoided.
- 16 Ensure that states at risk of failure are provided with the economic, social, political and technical assistance they require to attain minimum standards of stability and prosperity.
- 17 Ensure that global economic inequality and hence poverty is reduced to such an extent that all peoples may have the opportunity to create and inhabit viable, autonomous and decent states and societies.
- 18 Ensure that environmental degradation causing resource scarcity, population movements, pollution and widespread economic distress is prevented.

The Role of Religion

- 19 Different religious faiths, their institutions and leaders have an important role to play in the prevention of conflict at the local, national and international level. They should be active at each of these levels in combining forces to avoid and resolve political, social and military conflict.

THE FUTURE OF HUMANITY AND THE GLOBAL ENVIRONMENT

The Consultation emphasized humanity's relationship with and dependence upon the preservation of the planet. It reasserted the importance of effective national and international action to overcome pressing environmental problems including global warming.

The primary reason for our environmental crisis arises from our own behavioral patterns. Sections of society have become obsessed with conspicuous consumption, which demands an increasing and never ending supply of goods and services that can only be produced at the cost of environmental degradation. What is needed is the individual and collective transformation of human consciousness. The religious and ethical traditions have a major part to play in stimulating this transformation.

Our legal and political processes need to enshrine responsibilities centred on a different ethical standpoint. Key moral insights include the following:

- a. Economic and social arrangements should rest not on the notion of the self-centred, self-interested individual but on the needs of the entire human family, closely interconnected with the whole of nature;
- b. Humanity is in a position of trusteeship of the environment and not in a position of ownership or dominance
- c. The entire environment is part of a structure and no part of it can be damaged without damage to the entirety
- d. Given the interconnectedness of all life, nature and all its elements have rights of their own
- e. Earth's resources belong to all and must be equitably shared
- f. Human greed should be restrained and unjust enrichment must be avoided
- g. The present generation should show a deep concern for the welfare of future generations
- h. Pollution of earth, air, space and water constitutes damage to future generations and must be avoided
- i. Animal life is entitled to special protection and the extinction of species should be prevented
- j. A balance must be struck between the imperatives of development and the concept of sustainability.

In line with this shared ethical wisdom:

- a. The profit strategies of business and pragmatic politics must be constrained by the findings of scientists, the inspiration of poets and artists, and the wisdom of sages, thinkers and scholars
- b. The objectives of economic growth must be tempered by the need to arrest and reverse the presently dangerous levels of environmental degradation – GDP centred economic growth must give way to ecologically sustainable development
- c. The urgent need to arrest and reverse the presently dangerous levels of environmental degradation should proceed by giving due attention to equity, and in particular to the needs and entitlements of the poorer third of humanity
- d. Decision making at both national and international level should give a voice to all the peoples of the world and to future generations
- e. The budgetary strategies of local and national governments as well as of international institutions must now have as an urgent priority substantial and on-going support for: (i) conservation measures with the aim of redesigning our transport systems and the structure of our cities as well as our patterns of consumption; (ii) much greater efficiency in the use of all energy fuels, water and other scarce resources; (iii) the rapid development of renewable sources of energy (including solar, wind, geothermal and ocean energy). The international community should set the target of renewable energy sources supplying 40 per cent of total energy needs by 2030
- f. Local, national and international institutions must incorporate environmental knowledge and awareness at all levels of education from early childhood through to primary, secondary, and higher education as well as all forms of community education
- g. Legal and political discourse as well as our educational and media programs must make effective use of our diverse religious, spiritual and ethical systems, and importantly our indigenous traditions, to develop rituals, practices and celebrations that acknowledge the interdependence of all life

h. All major development projects must be regulated, nationally and internationally, so that full account is taken of their impact on both neighbouring and distant communities as well as on future generations.

The Consultation recognizes that while important steps must be taken by all countries, different steps, different standards will need to be applied between developed and developing countries. The Consultation's recommendations depend upon two basic principles. The first quite simply is the necessary principle to protect, to preserve and enhance the environment and planet itself. The second principle concerns the question of equity, a question ignored in Copenhagen. This Consultation recognizes that while important steps must be taken by all countries, different steps, different standards will need to be applied in developing countries. It is not only the total pollution produced by a country that must be taken into account in achieving a just outcome, but also the pollution per capita which is highly relevant to the way the human race tackles this particular problem.

INTEGRATING A COMMON WORLD ETHIC INTO THE WORK OF INTERNATIONAL INSTITUTIONS

The Consultation believes that the values and principles that form part of a common world ethic should be more effectively integrated into the work of the UN system and major international legal institutions. Integrating values and principles will require significant reforms to leading organs and agencies of the United Nations.

To this end religious and other ethically based institutions should work with legal and political authorities with the following aims in mind:

- a. To develop a higher level of public understanding and awareness of commonalities in values between the major religious and ethical traditions, while fully respecting religious, ethnic and cultural diversity
- b. Where differences exist, to serve as mediating agents and so maximize the prospects of agreement on constructive ways of handling the most pressing challenges currently confronting humanity
- c. To scrutinize the present institutions and instruments of international law with a view to identifying shortcomings in the incorporation of shared values into both customary and treaty law
- d. To work with national governments with a view to monitoring actual violations (as well as anticipating potential violations) of international agreements, or failure to ratify and fully implement such agreements. More effective mechanisms of engagement are needed between legal and political authorities on the one hand and religious and civil society organizations on the other.

This can be done in diverse and complementary ways:

- a) by making more extensive use of the educative role UN agencies and programs (including UNESCO, the United Nations University and the Alliance for Civilizations), inviting them to highlight the relevance of a shared ethic and wisdom to the international legal order, and to bring this to the attention of national education ministries and other educational institutions;
- b) by requesting UNDP to consider funding such an educational project
- c) by helping to establish a World Forum of eminent persons, comprising religious scholars, legal experts and former political leaders which would consider ways in which international law bodies could more systematically incorporate the agreed values and principles that form part of a common world ethic. Such a Forum could then submit its recommendations to the UN secretary-General as well as to national governments and civil society organisations;

- d) by asking the International Law Commission to undertake a scoping study which would consider the extent to which existing international law bodies and international instruments have incorporated key values and principles that form part of a shared ethic, and to recommend to the UN General Assembly ways in which this could be more effectively achieved;
- e) by requesting national governments to identify ministries which would liaise through the UN with a view to exploring ways in which common ethical principles and shared wisdom could be more carefully integrated into international and domestic legal provisions.

These are just a few possible initiatives which should be read in conjunction with the many other imaginative proposals put forward by the Consultation. The Implementation Committee will need to give serious consideration to these proposals as it begins to flesh out a program of effective consultation, coordination and action.

GLOBAL ACTION PLAN

The Consultation seeks to define a common ethic and to suggest how this can be more effectively integrated into the work of the United Nations, including its various agencies, other international global and regional institutions, and relevant legal institutions, such as courts and tribunals. In this regard the Consultation notes the work of many groups who have addressed the idea of a commonly accepted global ethic. In particular, the Consultation supports the draft Universal Declaration of Human Responsibilities proposed by the InterAction Council including its preamble. The draft comprises 19 Principles which speak of integrity, honesty and fairness, and the dignity of every person. It enshrines the golden rule *“what you do not wish to be done to yourself, do not do to others”*.

While it is a draft it remains the most concise exposition of core values common to all religions. It has been endorsed by many different political and religious leaders including those from Germany, Netherlands, Thailand, Costa Rica, United Kingdom, United States, Mexico, France, Spain, Singapore, Japan, Canada, Australia, Nigeria, Brazil, apart from many members of the InterAction Council.

The Consultation recommends that the Secretary General acts to advance acceptance of a statement of shared ethical values and that the document be introduced into the General Assembly for debate and adoption. That would lead to a Universal Declaration of Human Responsibilities that would stand beside the Universal Declaration of Human Rights.

While this document would be a statement of high principle, we would strongly recommend the United Nations and its organs should follow the path adopted after the Universal Declaration of Human Rights was accepted in 1948 and draft Conventions relevant to its various aspects would be open for ratification and which would then have the force of law.

There is an opportunity for religious leaders to take a leading role. Too often nations or political leaders have used alleged or perceived differences between religions to create fear and even to justify conflict. This underscores the importance of ethical political leadership which would set the moral tone and tenor of society.

Major divisions have arisen between religious groups. The commonly accepted ethical standard, once adopted by the United Nations, would make it extraordinarily difficult for politicians and for governments to use religion for base political purposes.

The Consultation has noted with great appreciation the remarks of the Grand Mufti of Syria who has recaptured with clarity and in the strongest way, the basic values common to all religions. The Consultation strongly endorses his call for understanding and acceptance of diversity without discrimination.

The Consultation therefore, requests the Secretary General to:

- 1 Use and advance the recommendations of this Consultation to strengthen the United Nations and the Security Council's search for the preservation of peace and for the outlawing of war.
- 2 Use the full force of his office to achieve acceptance of the shared core values and responsibilities supported by the world's religions as enunciated with clarity in the draft Universal Declaration of Human Responsibilities prepared over 20 years by the InterAction Council. The Consultation urges the draft Universal Declaration of Human Responsibilities be introduced into the General Assembly for acceptance and adoption.
- 3 Having in mind the urgency created by the possibility of nuclear war and of global warming, initiate substantial steps consistent with recommendations of this Consultation to protect the environment and the planet for the benefit of all people.
- 4 Use the authority of his office to encourage all countries to heed this call; to recognize the urgency of the situation caused by uncontrolled nuclear proliferation and its linkages with the environment; and advance urgent and effective action.

NEXT STEPS

The participants in this Consultation take ownership of the document with the sense of responsibility to implement in letter and spirit the Global Action Plan.

The Global Action Plan will be executed by a Secretariat under the oversight of the Implementation Committee. It will include programs of research, publication, education, consultation and advocacy relating to gaining acceptance of the incorporation of universal spiritual and moral principles into the corpus of international law; strengthening the role of values and norms derived from our philosophical traditions in the policies of the United Nations and other organizations; and campaigning for the endorsement of the Universal Declaration of Human Responsibilities as a High Principle at the international level.

The Implementation Committee will determine a time-frame for the GAP which will be implemented in phases. It will spell out institutional mechanisms and will include provisions for personnel and for a budget.

Among the institutions and groups that the GAP will focus upon are the following:-

- 1) The United Nations General Assembly, the Security Council, UNESCO, UNDP.
- 2) Regional organizations, including ASEAN, the African Union and the European Union.
- 3) Governments sympathetic to the aims and objectives of the GAP.
- 4) Religious and cultural institutions and personalities at national, regional and international levels.
- 5) Educational institutions in various countries.
- 6) Youth movements operating at all three levels: national, regional and international.
- 7) Indigenous movements and other marginalized communities
- 8) Women's organizations
- 9) Civil society groups committed to peace, justice and environmental protection.
- 10) Professional associations of lawyers, doctors, and academics.
- 11) Businesses and corporations at national and international levels.

To implement the GAP, the Implementation Committee will, as a matter of priority, identify a university that has intellectual affinity with the GAP and which is prepared to cooperate with the Implementation Committee. The Implementation Committee will seek the support of the country in which the university is located, and other governments, to reinforce this effort. The funds required will be mobilized from both public and private sector institutions.

One of the first tasks of the Implementation Committee will be to establish a comprehensive directory of institutions, organizations and individuals that we can work with in furtherance of our goals.

-- OUTLINE OF PROCEEDINGS --
INTERNATIONAL CONSULTATION ON FAITH, SHARED WISDOM AND INTERNATIONAL LAW

Sunday 3rd October 2010	Venue	Remarks
8.00pm – 9.30pm: Welcome Dinner (for participants and organisers.)	Hang Tuah Hall	

Monday - 4th October	Venue	Remarks
9.00am - 11.00am: <u>Opening Session</u> <ul style="list-style-type: none"> ▪ Welcome Remarks ▪ <u>Addresses by Conveners;</u> Dr Chandra Muzaffar ▪ Professor Joesph A. Camilleri ▪ Judge C.W Weeramantry ▪ <u>Moderator:</u> Ms Charanjit Ajit Singh ▪ Discussion ▪ Working Group Arrangements 	Sultan Ballroom 1	
11.00am – 11.15am Break	Foyer	
11.15am - 12.30pm: <u>Plenary 1</u> <u>Speakers:</u> -The Rt Hon Malcolm Frazer Professor Hashim Kamali <u>Moderator:</u> Professor Dr Christopher Boey	Sultan Ballroom 1	
12.30pm – 2.00 pm Lunch	'Latest Recipe' Restaurant, 5 th Floor	
2.00pm - 3.30pm 3 Parallel Working Groups	Sultan Ballroom 1 & 2	
3.30pm – 3.45pm Break		
3.45pm - 6.00pm 3 Parallel Working Groups	Sultan Ballroom 1 & 2	
6.00pm - 7.30 pm Free time		
8.00pm - 9.30 pm Dinner and talk <u>Speaker:</u> -His Eminence Sheikh Ahmad Badr Al-Din Hassoun, Grand Mufti of Syria <u>Moderator:</u> Prof. Tao Wenzhao	Grand Salon Restaurant, 8 th Floor	

Tuesday – 5th October		
9.00am - 11.00am: Plenary 2 Speakers: -His Eminence Sheikh Ahmad Badr Al-Din Hassoun, Grand Mufti of Syria -Judge Abdul G. Koroma -Dr Krisadawan Hongladarom Moderator: Professor Petros Vassiliadis	Sultan Ballroom 1	
11.00am – 11.15am Photo session and Break		
11.15am - 12.30pm 3 Parallel Working Groups	Sultan Ballroom 1 & 2	
12.30pm – 2.00 pm Lunch Speaker: H.E General Olusegun Obasanjo Moderator: Dr. Mehdi Tabeshian	Grand Salon Restaurant, 8 th Floor	
2.00pm - 3.30pm 3 Parallel Working Groups	Sultan Ballroom 1 & 2	
3.30pm – 3.45pm Break		
3.45pm - 6.00pm 4 Parallel Working Groups	Sultan Ballroom 1 & 2	
6.00pm - 7.30 pm Free time		
8.00pm - 9.30 pm Dinner		
9.30pm: Organising Committee Meeting		

Wednesday 6th October		
9.00am -10.30am: Working Groups' Review Session Group reports; review; direction setting. Overview of Plenary Sessions: Mr. Ian Fry Working Groups' Conveners: Prof. Spencer Zifcak Dr. Lakshman Guruswamy Dr. Maja Goepel The Rt. Hon. Malcolm Fraser Moderator: Prof. Azra Azyumardi	Sultan Ballroom 1	
10.30am – 10.45am Break		
10.45am - 12.30pm 4 Parallel Working Groups	Sultan Ballroom 1 & 2	
12.30pm – 2.00 pm Lunch Speaker:	Grand Salon Restaurant, 8 th Floor	

Y.B Tan Sri Dr Koh Tsu Koon <u>Moderator:</u> Sister Joan Kirby		
2.00pm - 3.30pm 4 Parallel Working Groups	Sultan Ballroom 1 & 2	
3.30pm – 3.45pm Break		
3.45pm - 6.00pm Working Groups Concluding Session. <ul style="list-style-type: none"> ▪ Reports & recommendations ▪ Discussion ▪ Appointment of Implementation Committee <u>Concluding remarks:</u> <ul style="list-style-type: none"> ▪ The Rt. Hon. Malcolm Fraser ▪ Dr. Chandra Muzaffar ▪ Prof. Joseph Camilleri <u>Moderator:</u> <ul style="list-style-type: none"> ▪ Swami Agnivesh 	Sultan Ballroom 1	
6.00pm - 7.30pm Free time		
8.30pm - 9.15pm Dinner 9.15pm – 9.45pm Keynote Address by the Prime Minister of Malaysia Y.A.B Dato Sri Najib Tun Razak – read out by Datuk Seri Dr. Maximus Johnity Ongkili Minister of Science, Technology and Innovation, Malaysia <u>Moderator:</u> Prof. Joseph Camilleri	Sultan Ballroom 2 Sultan Ballroom 2	
10.15pm: Organising Committee prepares for Closing and Media Session		

Thursday 7th October		
9.00am-11.30am <u>Closing Session</u> Prof. Joseph Camilleri Dr. Chandra Muzaffar <u>Moderator:</u> Mr Kamal Malhotra	Sultan Ballroom 1	
12.30pm – 2.00 pm Lunch		