



# General Assembly

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## Human Rights Council

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Agenda item 8

**Follow-up and implementation of the Vienna Declaration  
and Programme of Action**

### **Written statement\* submitted by Organisation internationale pour les pays les moins avancés (OIPMA), a non- governmental organization in special consultative status**

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

[5 August 2024]

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\* Issued as received, in the language of submission only.



## **Vienna Declaration on Legal and Human Rights Consequences of Ignoring the Peremptory Norms in International Law**

1. The World Conference on Human Rights, in its Vienna Declaration and Programme of Action, emphasized the commitment of member states to safeguard future generations from the ravages of war and to create conditions that allow for justice and respect for obligations arising from treaties and other sources of international law. It also stressed, in various provisions of the declaration, including Article 7, the need to enhance and protect human rights in accordance with the purposes and principles of the international law.
2. The Conference expressed profound concern about human rights violations during armed conflicts, particularly those affecting civilian populations. Therefore, it calls on states and all parties to armed conflicts to strictly adhere to international humanitarian law, as stipulated in the Geneva Conventions and other rules and principles of international law. States are urged to refrain from taking any unilateral measures inconsistent with international law.
3. The official commitment of all states to promote global respect for peremptory norms in international law also known as “Jus Cogens”, are fundamental principles of international law, is reaffirmed by the Vienna Declaration. Article 29 of the Vienna Declaration and Programme of Action expressed deep concern about the disregard for the standards set forth in international instruments on human rights and international humanitarian law, which has led to ongoing human rights violations worldwide.
4. Since the issuance of the Vienna Declaration, we have witnessed a rapid escalation in the disregard for peremptory norms in international law, are fundamental principles of international law. These norms are accepted by the international community of states as rules from which no derogation is permitted. In other words, they are non-negotiable and cannot be overridden by any other norm.
5. The peremptory norms in international law play a crucial role in maintaining order and protecting essential values in the global legal framework, in particular any bilateral or multilateral treaty or agreement that conflicts with the peremptory norms in international law is considered void. Violations of these rules are considered unlawful acts, and states must comply with them without any exceptions.
6. As a result, the violations of international law over the past three decades have contributed to the outbreak of conflicts and wars, exacerbated humanitarian crises, harmed civilians, and escalated armed conflicts, leading to serious human rights violations. Civilians are particularly vulnerable. Attacks on civilians and infrastructure increase their suffering and undermine international trust.
7. As an example, Yemen, which is suffering from a humanitarian catastrophe, violations of international law have led to the spread of extremism, prejudice, terrorism, conflicts. Additionally, there has been an escalation of piracy, with attacks on commercial ships in the Red Sea. The right of the people of the South to freely determine their political status and strive for economic, social, and cultural development has been undermined.
8. Organisation internationale pour les pays les moins avancés (OIPMA) believes that, rising to the Challenge and overcoming Obstacles and constraints is only by dealing with Root causes of conflicts adopting a thoughtful and balanced approach to decision-making based on respect the of the peremptory norms in international law, in particular the need for a comprehensive solution to the issue of the Southern people, as emphasized during UN Security Council session number 806 on October 10, 2017. Furthermore, the organization asserts that lasting peace in Yemen cannot be achieved without the responsible participation of Southern voices in shaping that peace, as highlighted by the Special Envoy’s briefing to the Security Council on September 10, 2021.

9. As an early warning, and after the Southern Transitional Council head Aidarus al-Zoubaidi joined the Presidential Leadership Council, OIPMA believes that prioritizing the resolution of the Southern issue and separating it from the power struggle in Sana'a will prevent an imminent catastrophe which would have dire consequences for civilians, especially that, strengthening alliances between the Houthis and Muslim brotherhood with support of thousands of mercenaries and foreign fighters as indicated by reports, that could escalate conflict against the Southern Transitional Council With the aim of controlling the south.
10. For this reason, it is necessary to provide a short reminder of the root causes of the conflict between the Southern people and other groups in the North. These root causes lie in the violation of peremptory norms in international law. The key points can be summarized as follows:
  - The Unity Agreement was signed by the General Secretary of the Yemeni Socialist Party, in his party capacity which constitutes a breach of Article 7, Paragraph 2 of the 1969 Vienna Convention, as well as conflicting with the provisions of Article 77, Paragraph (d) of the same convention. The two signatories to the unity agreement did not verify whether they adhered to international standards, nor did they assess the nature and scope of their authorities entrusted to the signatories of the agreement;
  - The agreement was signed under the dominance of the Yemeni Socialist Party's regime over what was then called "Peoples Democratic Republic of Yemen". This constitutes a violation of Article 53 of the Vienna Convention on the Law of Treaties, which states that "the agreement is void if its conclusion time contradicts a peremptory norm of general international law." Especially that the absence of conducting a referendum among the people of the South regarding the agreement's project before its entry into force within six months, the agreement completely contradicts the first article of the two international covenants as its considered one of the peremptory norms in international law;
  - No legal evaluation was conducted before its adoption the agreement to ensure the legal formulation of the agreement. It was not carefully drafted in terms of form and substance as required by the functions specified in Article 77, Paragraph (d) of the 1969 Vienna Convention on the Law of Treaties. The Unity Agreement, consisting of only ten articles on a single page, lacks the specifications and standards expected of any agreement between two states. This deficiency in final clauses led to the outbreak of the 1994 summer war between the parties to the agreement;
  - On May 21, 1994, the leaders of the former Peoples Democratic Republic of Yemen invoked the breach of the other party as a ground for terminating the treaty and declared its withdrawal from the agreement under Article 60 of the Vienna Convention on the Law of Treaties, which states "A material breach of a bilateral treaty by one of the parties entitles the other to invoke the breach as a ground for terminating the treaty or suspending its operation in whole or in part".;
  - On April 24, 1994, President Ali Abdullah Saleh declared war and invaded the South, resulting in the occupation of the territories previously known as the People's Democratic Republic of Yemen on July 7, 1994. This action constituted a violation of Article 52 of the Vienna Convention on the Law of Treaties, which states that "a treaty becomes void if a party is coerced by threat or the use of force contrary to the principles of international law.";
  - The national dialogue conference, which concluded its sessions in Sana'a on January 25, 2014, under the leadership of the former President Hadi and the supervision of the United Nations Special Envoy, affirmed that the 1994 summer war between the North and the South had failed to maintain the unification;
  - During March 29 and April 7, 2022. the Riyadh consultations among representatives of the legal government and other various Yemeni political components, convened by the Gulf Cooperation Council and attended by the United Nations Special Envoy, emphasized the inclusion of the Southern people's issue in the negotiation agenda, and establishing a specific negotiation framework for the Southern issue within the comprehensive peace process.

11. Therefore, OIPMA believes that the comprehensive and permanent solution to the Yemeni situation should be based on the respect of the relevant peremptory norms in international law and address the root causes of the crisis, necessitating the separation of the Northern and Southern issues.
12. Prioritising the resolution of the Southern people's issue by establishing a negotiating framework specific to the Southern people's case in coordination with the United Nations and the Quartet on Yemen, also known as the Yemen follow-up group which was established by the Security Council in May 2016 to address the ongoing conflict in Yemen. and in accordance with applicable rules of international law. hence, this option will contribute to creating a conducive political climate for the practical implementation of the roadmap between the conflicting parties in Sana'a.
13. Thus, adopting these effective solutions can help establish peace and stability in the region, enhance integration among all regional and global countries, ensure continued efforts to combat extremism and eradicate terrorism, prevent further wars and grave human rights violations, and lay down solid foundations for security, stability, and to approve the Governance Mechanism for the implementation of the Long-term Economic Strategy for the sustainable development.

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