

## **Joint CSO Statement on the future UN Declaration on the Right to Peace**

### **To be submitted to the Human Rights Council (27th session).**

On 5 July 2012, the Human Rights Council, welcoming the work carried out by civil society for the promotion of the right to peace, decided “to establish an open-ended intergovernmental working group with the mandate of progressively negotiating a draft United Nations declaration on the right to peace, on the basis of the draft submitted by the Advisory Committee, and without prejudging relevant past, present and future views and proposals”<sup>1</sup>.

During the first session of the Working Group, several delegations stated that right to peace is not a right in and of itself, and that there are no legal basis for its recognition<sup>2</sup>.

Due to the lack of consensus regarding the concept of the right to peace, the Chairperson-Rapporteur recommended to hold a second session of the Working Group. Following this recommendation, on 13 June 2013, the Human Rights Council extended the mandate of the Working Group<sup>3</sup>.

For the second session of the Working Group, the Chairperson-Rapporteur distributed a draft Declaration on the right to peace to be discussed<sup>4</sup>.

Even though this new text maintains an extensive preamble of 17 paragraphs, it reduces its operative part to four articles, that merely proclaim some general principles, moving substantially away from the text proposed by the Advisory Committee<sup>5</sup>:

- Art 1 of the new text declares that everyone is entitled to the promotion, protection and respect of all human rights, in particular the right to life, in a context in which all human rights, peace and development are fully implemented.
- Art. 2 provides that States should enhance the principles of freedom from fear and want, equality and non-discrimination and justice and rule of law in order to enhance conditions of peace, particularly for people in situations of humanitarian crises.
- Art. 3 assigns to States and international organizations the adoption of actions to

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<sup>1</sup> Res. 20/15, of 5 July 2012. Adopted by 34 votes in favour (Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay); 12 abstentions (Austria, Belgium, Czech Republic, Hungary, India, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland) and one vote against (United States of America).

<sup>2</sup> See the report of the first session of the Working Group: A/HRC/WG.13/1/2; General comments, par. 18 – 29, specially par. 21 and 23).

<sup>3</sup> Res. 23/16, of 13 June 2013. Adopted by 30 votes in favour (Angola, Argentina, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d’Ivoire, Ecuador, Ethiopia, Gabon, Guatemala, Indonesia, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Pakistan, Peru, Philippines, Qatar, Sierra Leone, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)); 8 abstentions (India, Ireland, Italy, Kazakhstan, Poland, Republic of Moldova, Romania, Switzerland); and 9 against (Austria, Czech Republic, Estonia, Germany, Japan, Montenegro, Republic of Korea, Spain, United States of America).

<sup>4</sup> See A/HRC/27/63, of 3 July 2014, annex II.

<sup>5</sup> A/HRC/20/31, of 16 April 2012.

implement and strengthen the Declaration, including the establishment and enhancement of national institutions and related infrastructures.

- Finally, Art. 4 states that the Declaration shall be interpreted in light of the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant international instruments ratified by countries.

During the discussions of the draft declaration, delegates from USA and UE expressed again their rejection to the concept of right to peace, preferring thus to redirect the discussion towards the linkages between peace and human rights, following the new approach proposed by the Chairperson-Rapporteur<sup>6</sup>.

In their general comments about the draft declaration, the representatives of civil society organizations who attended the session shared the sentiment that the new text has no added value towards the promotion of the right to peace. They share the opinion that a Declaration on the right to peace should make a clear reference to the right to peace in its text, and provide a definition of this right, including important elements from the declaration prepared by the Advisory Committee, which enjoyed wide support from civil society<sup>7</sup>.

On the following days of the session, the present civil society organizations also distributed two joint statements stating that is essential that the future UN Declaration on the right to peace proclaims on its article 1 the “human right to peace”, in order to be really meaningful and relevant. Nevertheless, they stated they could also accept the expression “right to peace” or, as a minimum, the expression “right to life in peace”.

As they reminded, the right to life in peace was recognized by the General Assembly resolution 33/73 of 1978<sup>8</sup>, so a new declaration which does not recognize at least this right would be a backwards step on the promotion of the human right to peace.

At the end of this second session, the Chairperson-Rapporteur recommended to keep on discussing about the content of the future declaration in a third session of the Working Group<sup>9</sup>.

As civil society, we agree to request the Human Rights Council an extension of the mandate of the Working Group in order to continue the negotiation. Nevertheless, we also request the Council to remind the Working Group its essential mission: to progressively negotiate a draft United Nations declaration **on the right to peace**, on the basis of the draft submitted by the Advisory Committee.

That would mean, firstly, to focus the debates on the emerging right to peace as an independent right, rather than discussing the connections between peace, development and human rights, although that is an important issue to take into account for the future declaration. Secondly, the Working Group should also take into consideration the works carried out jointly by the Advisory Committee and the civil society during the last years.

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<sup>6</sup> See the report of the second session of the Working Group: A/HRC/27/63, General Comments, par. 19-26, specially par. 22.

<sup>7</sup> See A/HRC/27/63, par. 25.

<sup>8</sup> Art. 1 states: « Every nation and every human being, regardless of race, conscience, language or sex, has the **inherent right to life in peace** ».

<sup>9</sup> A/HRC/27/63, par. 94.

As indicated in previous statements addressed to this body<sup>10</sup>, all the elements of the human right to peace, as defined by the civil society in the Santiago Declaration on the Human Right to Peace of 2010 and the draft declaration of the Advisory Committee of 2012, have their roots in international human rights law, so there is no legal obstacle to hold a deep discussion on the human right to peace.

Civil society is expecting the future declaration on the human right to peace as a first step to make a substantial change in a world where peace is still a pending objective. The States representatives, as representatives also of their civil society interests, should be committed to meeting this expectation, and make all possible efforts to prepare a meaningful declaration that could be extraordinarily relevant for the promotion of peace and human rights worldwide.

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<sup>10</sup> A/HRC/26/NGO/80, A/HRC/17/NGO/57.