



Spanish Society for International
Human Rights Law

In special consultative status with the United Nations

CSO Joint Statement

3rd Session of the Working Group on the Right To Peace

Mr Chairman,

I deliver this statement on behalf of the 65 undersigned civil society organisations:

In May 2014, the Chairperson-Rapporteur of the Working Group on the Right to Peace submitted his first draft Declaration of the United Nations on the Right to Peace to the second session of the Working Group, held from 30 June to 4 July 2014.

In the same session, the civil society organisations expressed our disappointment with the proposed text, since it did not recognize explicitly the human right to peace and did not mean any progression in the current state of international law.¹ Despite this, the discussion held at the Working Group did not make any substantial change to the draft of the Chairperson.

Since then, civil society organisations have expressed our dissatisfaction with the codification process, based on three main reasons:²

- Firstly, the draft submitted by the Chairperson was a departure from the mandate of the Working Group, which, according to resolution 20/15 of the Human Rights Council, of 5 July 2012, was “progressively negotiating a draft United Nations declaration on the right to peace, on the basis of the draft submitted by the Advisory Committee...”.
- Secondly, since it did not recognise the human right to peace as an autonomous right, the Chairperson’s draft did not mean any progression in the current state of international human rights law. On the contrary, it constituted a step backwards with regard to the General Assembly Declarations on the Preparation of Societies to Life in Peace (1978) and on the Right of Peoples to Peace (1984).
- Thirdly, as it did not include any monitoring body, it did not guarantee the implementation of the future Declaration, reducing it to a pure declaration of intent.

¹ See the second session report: A/HRC/27/63. Distributed on 8 July 2014.

² See joint written statements submitted to the Human Rights Council at its 27th and 28th sessions: A/HRC/27/NGO/100 and A/HRC/28/NGO/40.



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The second draft submitted by the Chairperson-Rapporteur to the third session of the Working Group³ is flawed by the same reasons. Even if the preamble includes new relevant elements, now its unbalance with the operative part is more evident.

In particular, we welcome the references of the preamble, *inter alia*, to the Declaration on the Preparation of Societies for Life in Peace, the Declaration on the Right of Peoples to Peace, and the Declaration and Programme of Action on a Culture of Peace,⁴ as well as the reference to the concept of positive peace⁵, and notably the affirmation of the right to live in peace⁶, on the same terms as the 1978 Declaration.

However, we consider that the operative part of the draft declaration continues to be insufficient, as it has only four articles, two of them dealing with its implementation and interpretation.

The most relevant modification in regard to the previous draft is **Article 1**, which now states that: “Everyone is entitled to enjoy peace and security, human rights and development”.

We consider that this wording does not mean any progression in the actual state of international human rights law, since in 1978 the General Assembly recognized the right of every human being to life in peace, and in 1984 it solemnly proclaimed the “sacred right to peace” of all peoples.

Therefore, we propose to come back to the Declaration on the right to peace adopted in April 2012 by the Advisory Committee,⁷ whose Article 1 recognized that “Individuals and peoples have a right to peace. This right shall be implemented without any distinction or discrimination...”.

Then, the same Declaration defined the essential elements of the human right to peace, in accordance with those developed by international civil society in the Santiago Declaration on the Human Right to Peace, of 10 December 2010. Both documents identified the following essential elements, that should be incorporated to the operative part of the Chairperson-Rapporteur’s draft declaration: the right to human security; the right to disarmament; the right to peace education and training; the right to conscientious objection to military service; the right to resistance and opposition to oppression; the duty to regulate

³ 20-24 April 2015.

⁴ Preambular paragraph 4.

⁵ Preambular paragraph 9.

⁶ Preambular paragraph 24.

⁷ Document A/HRC/20/31, 16 April 2012.



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the conduct and responsibilities of both private military and security companies and peacekeeping missions; the right to development; the right to environment; the right of victims of human rights violations to truth, justice, reparation and guarantees of non-repetition; the rights of individuals belonging to vulnerable groups; and the rights of refugees and migrants.

Article 2 establishes the “obligation of the States to respect, implement and promote equality and non-discrimination, justice and the rule of law and to guarantee freedom from fear and want as a means to build peace within and between societies”.

We welcome the reference to the concept of human security, as defined by the UNPD:⁸ freedom from fear and from want; as well as the reference to basic principles of international human rights law, such as equality and non-discrimination, justice and rule of law. However, those principles were already affirmed in the Universal Declaration of Human Rights, the Millennium Declaration, or the 2005 World Summit Outcome.

Therefore, we propose those principles to be developed in accordance with Articles 2 and subsequent of the Advisory Committee Declaration on the Right to Peace, and Articles 3 and subsequent of the Santiago Declaration on the Human Right to Peace.

Article 3 imposes “the obligation to take appropriate sustainable measures to act, support and assist in achieving the Declaration to the United Nations and its specialized agencies, international, regional, national and local organizations and civil society in general”.

Nevertheless, States are the main duty-holders of the human right to peace, so they cannot be excluded from the enumeration of Article 3. States have a fundamental responsibility concerning the effective respect, guarantee and realization of all human rights, including the human right to peace. Denying this responsibility, or just omitting any reference to it is a clear setback in international human rights law and undermines the scope of Art. 56 of the UN Charter.⁹

Therefore, as the Santiago Declaration and the Advisory Committee Declaration, Article 3 of the Chairperson’s draft declaration should necessarily include and spell out the obligations of the States regarding the realization of the human right to peace and each of its elements, as previously identified.

⁸ UNPD, Human Development Report, 1994, p. 27.

⁹ In accordance with Article 56 of the UN Charter: “All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55”. Article 55.c of the Charter includes the duty of the United Nations to promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion”. Thus, it is Charter-based mandate imposed to both the United Nations and all its Member States.



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Among them, States should urgently reform the Security Council so it can assume effectively its responsibilities concerning the maintenance of international peace and security, as stated in Art. 13.8 of the Santiago Declaration. The urgency of this reform is justified more than ever, given the extremely serious context of international crisis, marked by an unprecedented arms race and warlike escalation, with its aftermaths of death and destruction.

Finally, Article 4 of the draft declaration of the Chairperson-Rapporteur establishes that the declaration “cannot be understood in a line contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, and relevant international and regional instruments”.

We consider more accurate the final provisions contained in Article 14 of the Advisory Committee Declaration on the Right to Peace.

Furthermore, Article 4 should foresee the establishment of a monitoring body of the future Declaration that, in our view, should be a working group of independent experts on the human right to peace, to be appointed by the General Assembly.

In conclusion, the undersigning organisations request once again the Working Group to initiate a real negotiation of the future Declaration of the United Nations on the Human Right to Peace, taking into account its essential elements, as developed both by the Advisory Committee Declaration of 2012 and the Santiago Declaration of 2010.

We believe that the future UN Declaration on the human right to peace would require a normative development that would constitute a clear departure from political declarations of the past, thus being a significant step forward in the development of international human rights law, which is the basis to achieve freedom, justice and peace in the world.¹⁰

Geneva, 20 April 2015.

¹⁰ Universal Declaration of Human Rights, Preamble, para. 1.



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CO-HABITER

WAPR (The World Association for Psychosocial Rehabilitation)

Economists for Peace and Security

Suma Veritas

Association Internationale des Droits de L'Homme (AIDH)

Children's Project International

BANGWE and DIALOGUE

Impact for Change and Development

Prahar

Lawyer's Rights Watch Canada

International Organization for the Elimination of All Forms of Racial Discrimination
(EAFORD)

Pax Christi International (124 members)

International Movement Against All Forms of Discrimination and Racism (IMADR)

The Lama Gangchen World Peace Foundation

International Federation of Women in Legal Careers

International Federation of Women Lawyers

International Youth and Student Movement for the United Nations (ISMUN)

International Institute for Child Protection

International Federation for Peace and Conciliation

Yayasan Pendidikan Indonesia Wira Tata Buana

World For World Organization

Indigenous World Association

PSCORE

Mothers Legacy Project



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Khiam Rehabilitation Centre for Victims of Torture

Shirley Ann Sullivan Educational Foundation's

Peace Family and Media Association

Armenian Relief Society

Foundation For Human Horizon

Humanitaire plus

Women's International League for Peace and Freedom

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International Observatory of the Human Right to Peace

International-Lawyers.Org

International society for human rights

Asociación Pro Derechos Humanos de España

IDEA Society

World Congress of Overseas Pakistanis

Idheas

PRONI Center for youth development

On Earth Peace

Instituto de Paz, Derechos Humanos y Vida Independiente (IPADEVI)

Programa Venezolano de Educación-Acción en Derechos Humanos (Provea)

TransConflict

Observatorio venezolano de prisiones

PROSALUS

COFAVIC



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Centro para la Paz y los Derechos Humanos – UCV

Bureau for Reconstruction and Development

Somos Paz

Association Française pour la Bannière de la Paix

Bandera de la Paz Chile

Maarij Foundation for Peace and Development

The Atlantic States Legal Foundation

Red de Semillas Libres Chile

Servicios y Asesoría para la Paz (Serapaz)

Instituto de investigación y estudios en cultura de derechos humanos "culturaDH"

Mil Milenios de Paz

Comisión de Derechos Humanos de la Federación de Colegios de Abogados de Venezuela

Organización Laboratorio de Paz

Acción Solidaria en VIH/Sida

CIVILIS Derechos Humanos

Sinergia (50 members)

Asociación Venezolana de Organizaciones de Sociedad Civil

Asociación de Estudiantes Venezolanos en España