

**29th Session Human Rights Council
(14 June – 3 July 2015)
Report of the Intergovernmental Working Group
on the Right to Peace**

Geneva, 25 June 2015

On 25 June 2015 took place in Geneva the debate of the Human Rights Council in plenary on the report of the third session of the Intergovernmental Working Group on the Right to Peace (doc. A/HRC/29/45). During the general debate, the States show again their disagreement regarding the international codification process of this emerging right.

The Chairperson-Rapporteur of the Working Group, Mr. Christian Guillermet, Deputy Permanent Representative of Costa Rica, submitted the report of the third session of the Working Group, which was held in Geneva from 20 to 24 April 2015. The report included in the Annex the third draft declaration on the right to peace proposed by the Chair, with several preambular paragraphs and all the articles in square brackets, revealing the objections of the States, even if the project did not recognize the right to peace neither any of its essential elements. The Chair concluded that it was not possible to reach a consensus on the draft declaration, and invited the Human Rights Council to conduct an assessment of whether the international community was in a position to develop further the right to peace in a consensual manner at this moment. While he had announced at the end of the third session of the Working Group his intention to resign, he was silent on this issue in the report submitted to the Human Rights Council.

In his intervention introducing the report, the Chairperson-Rapporteur considered that the international community is mature enough to advance in the progressive elaboration of the right to peace through the development of its elements, mainly those reflected in the operative part of Human Rights Council's resolutions 14/3(2010), 17/16 (2011) and 20/15 (2012) on the right of peoples to peace.

Moreover, the Chairperson-Rapporteur referred to the "constructive debate" that took place during the third session of the Working Group. Nevertheless, he admitted that further consultations were needed to complete the draft declaration.

In addition, the Chairperson-Rapporteur recognized the perseverance and commitment of the civil society organisations and their support to the process, even if their aspirations were much higher than the results gathered in his third draft declaration.

Finally, the Chairperson-Rapporteur referred to the commemoration in 2015 of the 70th anniversary of the establishment of the United Nations Organization to invite the States to

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conclude the codification process, in case an agreement could be reached in a consensual manner; stating that in case that agreement could not be reached, the States should respond before their civil societies for that failure. He kept silence again on his announced resignation.

During the general debate following the introduction of the report of the Chairperson-Rapporteur, the States present showed again their division on the codification process of the right to peace.

In this regard, **Latvia**, on behalf of the **European Union**, insisted on its position of refusal of the legal basis of the right to peace, but reiterated the EU willingness to discuss about the linkages between peace and human rights, regretting the lack of consensus within the Working Group. The joint position of the 28 Member States of the EU was supported by Montenegro, Iceland, Serbia, Albania, Bosnia and Herzegovina, Liechtenstein, Ukraine, the Republic of Moldova and Georgia.

Ireland insisted on the refusal of any legal basis of the right to peace, valuing the opportunity to reflect on the links between peace, development and human rights. It also made reference to the constructive spirit of the Working Group and regretted that consensus was not possible, showing also its concern at the implications of any change in approach or leadership in the process.

On the other hand, Latin American States showed again their support to the human right to peace. **Cuba** stressed the importance of advancing in the normative and protective action through a declaration. The **B.R. of Venezuela** expressed its concern about the lack of political will of some countries, which impeded further advancements, and spoke in favour of the adoption of a draft declaration clearly establishing the right to peace. Finally, the **Pluri-national State of Bolivia** stated that the right to peace is a *sine qua non* requirement for the enjoyment of all human rights, encouraging States to continue the debate within the Working Group to achieve a declaration “that overcomes the achievements obtained in existing international instruments and so promoting peace, freedom and security”.

Other States expressed their support to the extent of the mandate of the Working Group. That was the case of **Egypt**, who recognized that the third draft declaration of the Chairperson-Rapporteur was short from its objective of codifying the right to peace, so it supported the extension of the mandate of the Working Group, looking for a consensus that does not compromise the essential purposes agreed at the establishment of the Working Group in 2012. **Tunisia** did also showed support to the extension of the Working Group, stating that the draft was close to reach a consensus. Finally, **Vietnam**, on behalf of the **ASEAN**, reminded art. 38 of the Human Rights Declaration of ASEAN Member States (that recognized the right of individuals and peoples to peace), and expressed its willingness to continue discussing on this issue.

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Civil society organizations, in turn, expressed their disappointment with the codification process through different oral and written statements, considering that the contents of the third draft declaration submitted by the Chairperson-Rapporteur were insufficient to recognize the human right to peace, since it did not define neither develop its elements, meaning no advancement in the current state of international human rights law.

The SSIHRL had submitted a joint written statement signed by 627 CSO worldwide (doc. A/HRC/29/NGO/90, of 9 June 2015), requesting further the Human Rights Council to extend the mandate of the Working Group and requesting it to renew the negotiation of the future United Nations Declaration on the Human Right to Peace taking into account its essential elements, as developed both by the Advisory Committee Declaration on the Right to Peace (2012) and by civil society in the Santiago Declaration on the Human Right to Peace (2010).

The 29th session of the Human Rights Council finalized on 3 July 2015 without any State presenting a draft resolution requesting the extension of the mandate of the Working Group for one additional year. The lack of political will was notorious, as well as the uncovered resignation of the Chairperson-Rapporteur and the withdrawal of Costa Rica from the leadership of the Working Group.

The lack of action of the Human Rights Council concerning the Working Group means the suspension of the codification process of the human right to peace at the United Nations.

CSO disagree and consider that the Working Group should continue its work abandoning the consensus rule which, after three years of unsuccessful work, has shown the failure of the proposed draft declarations of the Chairperson-Rapporteur, because a reduced number of developed States still refuse to recognize the existence of the human right to peace.

Nevertheless, there is a natural majority of States in favour of the right to peace within the Human Rights Council, enough to take forward the codification work and complete it successfully. Therefore, CSO request the favourable States to submit a draft resolution to the next session of the Human Rights Council in order to extend the mandate of the Working Group, so it can complete the drafting of the United Nations Declaration on the Right to Peace, based on the majority rule (as established in the rules of procedure of the Human Rights Council), responding in this way to the legitimate aspiration by international civil society of recognizing peace as a human right.