

## Analysis and assessment of the right to peace in light of the latest developments at the Human Rights Council

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### Abstract

In the 2015 June session of the Human Rights Council, important regional groups, such as ASEAN and EU, reaffirmed their commitment to work on the basis of consensus regarding to the Declaration on the right to peace. Despite that an agreement among States and regional groups seemed within reach in the 2015 September session, it could not finally be achieved, exclusively because of lack of agreement on the title and article 1 of the text as presented by the Chairperson-Rapporteur on 21 September 2015. The mobilization and strong voice of some civil society organizations was not properly heard by the international community. In particular, in the September session large networks of civil society organizations openly called on Member States to take a step forward in the promotion of peace by adopting a declaration that can be both consensual and meaningful for generations to come. Consequently, in the line of the voice raised by them, today much more than ever the Chairperson-Rapporteur recommends that it is necessary that a serious assessment be conducted by all as to whether the international community is in a position to further develop the right to peace in a consensual manner.

**Keywords:** Application, Economic Analysis, Law, Legal System

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### Introduction

#### Context

On 2 October 2015, the Human Rights Council (HRC) adopted the resolution A/HCR/30/L.30 on the promotion on the right to peace for 33 votes in favour, 12 against and 2 abstentions, by which the HRC “decides that the working group shall hold its fourth session for five working days with the objective of finalizing the declaration” and “requests the working group to prepare a report and to submit it to the HRC, to be made available in all official languages of the United Nations, for consideration at its thirty-third session » -September 2016-

In the presentation of the resolution, **Cuba** requested to have another session in order to conclude the pending issues of the draft declaration on the right to peace and additionally, they acknowledged the participation of numerous delegations involved in the negotiations, particularly efforts to close the gap and find solutions in a subject that far from dividing should be a source of unity and consensus.

In the explanation of vote before the vote, the **United Kingdom of Great Britain and Northern Ireland** recognised that although there were times when it seemed, both during the Working Group’s sessions and subsequent informal discussions hosted by Costa Rica, that consensus might just be possible, this was not achieved because of two difficult key issues contained in the text. Additionally, the **United States of America** thanked the delegation of Costa Rica for its constructive, consensus seeking approach while leading the HRC’s working group for three years on this difficult issue. Despite the best efforts of many participants over the years, they have not been able to reach agreement on a shared outcome. Finally, the **European Union** stated that after the 3rd session of the Working Group and subsequent informal consultations by the Chair, consensus

seemed within reach. The EU was ready to display flexibility to build on that momentum and to accept a draft Declaration, despite several difficulties, provided their 2 main concerns in the draft were addressed – namely the title and Article 1 -. They regretted that a consensus outcome was not possible. Also they expressed their thanks to Ambassador Christian Guillermet from Costa Rica for his very open and transparent Chairmanship of the Working Group, and to his team for all the work done on this issue.

This paper will analyse the important advancements on the right to peace performed since the presentation of the report of the third session of the Open-Ended Working Group (OEWG) on the right to peace by the Chairperson-Rapporteur before the HRC in its September session. In particular, the informal consultation held in Geneva on 21 September and the process of releasing provisions of the Declaration carried out by the Chairperson-Rapporteur will carefully be analysed.

Additionally, a global assessment about the substantive improvements included in the last version of the text will also studied, such as the recognition by some regional groups of the resolution 20/15, the existence of the right to peace or the general agreement to accept the text elaborated by many stakeholders in collaboration with the Chairperson-Rapporteur in the latest months, with the exception of title and Article 1.

Finally, a reflection about the future challenges will be provided, concluding with an emphasis on the need for agreement in order to advance in the promotion and protection of human rights for all, including the right to peace, and to strengthen the culture of peace worldwide.

## Analysis

### Informal consultations

On 18 September 2015, the Secretariat of the HRC presented its compliments to the Permanent Missions of the United Nations Office at Geneva and had the honour to transmit a new text of a Draft United Nations Declaration on the Right to Peace prepared by the Chair-Rapporteur of the third session of the Open-ended intergovernmental working group on a draft United Nations declaration on the right to peace.

On 21 September, the Permanent Mission of Cuba convened an informal consultation open to all permanent missions, civil society and other stakeholders, in which the Chairperson-Rapporteur was invited to participate. He began his statement thanking deeply the mission of Cuba for convening this informal consultation on the right to peace. Also he recalled that today, 21st September, the world is commemorating the International Day of Peace.

He said that after being honoured with the task of guiding the work of this Group in the first session in 2013, we have jointly made progress through an open and transparent dialogue. We have built an atmosphere of trust and mutual respect, which are characteristic of a true culture of multilateral diplomacy. He remembered in the first session of the Working Group that many delegations refused to participate in negotiations because of the polarization that existed at that time. We have jointly achieved to involve all parties with a clear common goal: to agree, from a human rights perspective about the concept of the right to peace. He recalled that on the afternoon of 24 April he had presented a new revised text, which was based on some agreeable points and ideas raised by some States and civil society organizations during the third session of the Working group. In his report he acknowledged the respectful atmosphere and spirit of dialogue and cooperation that reigned during the session while moving towards a consensual outcome. However, we could not achieve this desirable agreement because 16 preambular paragraphs and the operative section appeared in square brackets, revealing the objections of the States.

He stated that after the third session, a large group of States approached him to invite him to make a last joint effort to reach an agreement on this important topic. Throughout the latest months, they have been in close contact with him, and the message received from them has been very clear: in the present session we should try to finalize this process through the adoption of a text by consensus. In particular, he has worked very closely with those delegations, to release the provisions of the text.

Therefore, he noted that the text presented is the clear result of these bilateral meetings. This consultation process has not involved any interpretation coming from his side. He has only included their suggestions and comments and additionally he has proposed some additional language to overcome differences. In addition, in the text there are not new preambular paragraphs or provisions, which have not previously been discussed within the group. Those delegations which objected to some provisions of the text have released by proposing new language.

He indicated that now that we have walked a long way, his role of mediator is almost over presenting this new version of the text, which responds to work in these months. The ball is now in the hands of States: you can accept this text as a consensual text or you have the option to reject it entirely, he said. The negotiation process ended in the third session. Now it is the time to advance and to take action on this topic.

After the Chair's presentation, the **Russian Federation** welcomed the new draft declaration and remembered the long way walked by everyone since the first session of the OEWG on the right to peace, taking into account that all delegations now are really engaged in the process. They confirmed their disposal to accept the text presented by the Chair. Additionally, they suggested that those delegations which had some problem with the text should use the existing mechanism to express their concerns, such as explanation of vote, reservations, ... and therefore, they requested them not to break the consensus.

The **United States of America, European Union, Australia, United Kingdom** and **South Korea** stressed that all the work should be based on consensus. They also added that working on the consensual basis is difficult because they do not recognize the right to peace. However, they could be in a position to join consensus and accept the text as a whole, with the exception of two issues: the title and the notion of «entitlement» in article 1. The new PP1 could be acceptable for them and they could also propose several titles for the text.

**Uruguay** and **India** said that the momentum should not be lost. The consensus was important and the text presented was the minimum denominator to reach an agreement. Although they would have preferred a stronger text, they are aware about the difficulties on this matter.

**Egypt** stated that consensus was possible. They commented on the Chair's text on the basis of three parameters: firstly, the definition of the right to peace through elements has been increasingly progressed and therefore, they could accept the text as a package; secondly, the notions of disarmament and peacekeeping are difficult to be included at this stage ; and thirdly, the right to peace should be recognised in the text and they would be in a position to accept the ASEAN approach to this notion, which recognises the «right to enjoy peace». They have some problem with the current PP1, because this new paragraph breaks the principle of universality of human rights. **Indonesia** shared the same opinion about PP1 and also expressed its willingness to follow Cuba. They also stated that could accept the text presented by the Chair, because in their view, this text is the best compromise to be reached.

**Iran** expressed its concerns because of the current preambular paragraph 13, which makes reference to some instruments regarding the terrorism, such as the International Convention for the Suppression of Terrorist Bombings, the International Convention for the Suppression of the Financing of Terrorism, the International Convention for the Suppression of Acts of Nuclear Terrorism and the Amendment to the Convention on the Physical Protection of Nuclear Material. They said that they cannot join consensus with this paragraph, because according to them, we don't need to be exhaustive by naming several instruments on terrorism.

**Associazione Comunità Papa Giovanni XXIII (APG23)** said that they would have preferred to have a stronger text and insisted on the need to adopt a text by consensus and not to lose the momentum. According to them, the title and article 1 are closely linked to the mandate of the Working Group. **International Fellowship of Reconciliation** recommended to include a reference of the right to life in article 1.

Finally, **Cuba** said that they would have preferred to include in the text topics, such as nuclear disarmament, international solidarity or the promotion of democratic and equitable order. Although they can show significant flexibility, we need to solve the issue of title and article 1. According to them, we have two

different options at the level of procedure: firstly, we can reach a consensus, then Cuba will present a resolution annexing the text of the Declaration; secondly, we do not find an agreement, then Cuba will present a resolution in which the HRC will request to have a fourth session of the Working Group.

## 2.2 Process of releasing provisions of the Declaration

Below it is the result of the bilateral meetings held with those missions which had objected some of the preambular paragraphs on 24 April 2014, last day of the OEWG on the right to peace. Those delegations which objected to some of the 16 provisions of the text finally released these paragraphs by proposing new language or deleting some notions, which is a demonstration of real engagement of many missions from South and North in the process.

**Firstly**, “*Recalling also* that the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations solemnly proclaimed the following principles (PP7) »:

that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered, the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter, the duty of States to co-operate with one another in accordance with the Charter, the principle of equal rights and self-determination of peoples, the principle of sovereign equality of States, the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter

Egypt, Iran and Algeria objected to this preambular paragraph, because they wanted to amend it for expansion. During the bilaterals, the Chairperson-Rapporteur proposed to expand this paragraph, by including the main principles enshrined in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation of 1970, which was accepted by them. It permitted to release this preambular paragraph.

**Secondly**, “*Acknowledging* that the fuller development of a culture of peace is integrally linked to the realization of the right of all peoples, including those living under colonial or other forms of alien domination or foreign occupation, to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960 » (PP9)

Originally, this preambular paragraph was proposed by the State of Palestine at the third session of the Working Group as follows :

“*Reaffirming* that the full realization of the right of all peoples, including those living under colonial or other forms of alien domination or foreign occupation, to self-determination, as enshrined in the Charter and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and

Peoples, is integrally linked to the fuller development of a culture of peace”

Canada, Australia and the United States of America objected to this paragraph and proposed to keep it in square brackets. The Chairperson-Rapporteur approached them to show that the legal sources of this paragraph can be found in Article 3.n of the Declaration on Culture of Peace and also proposed to them to start the paragraph with a clear reference to culture of peace. It was accepted and therefore, the paragraph was released. The USA proposed to end the paragraph, making a reference to the General Assembly resolution 1514 (XV) of 14 December 1960, such as is indicated in Article 3.n of the Declaration on Culture of Peace.

**Thirdly**, « *Deeply deploring* all acts of terrorism, recalling that the Declaration on Measures to Eliminate International Terrorism recognizes that acts, methods and practices of terrorism constitute a grave violation of the purposes and principles of the United Nations and may pose a threat to international peace and security, jeopardize friendly relations among States, threaten the territorial integrity and security of States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bases of society, and reaffirming that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed » (PP11),

This preambular paragraph on terrorism was released by the United States of America and Algeria with the condition that it should be expanded in the line of the PP13 and PP14, which happened.

**Fourthly**, « *Stressing* that all measures taken in the fight against terrorism must be in compliance with the obligations of States under international law, including international human rights, refugee and humanitarian law, as well as those enshrined in the Charter » (PP12),

During the bilaterals Algeria decided to release this preambular paragraph, taking into account that the legal sources proposed by the Chairperson-Rapporteur, in particular UNGA Resolution A/RES/60/288 of 2006 and SC resolution 2178 of 2014 were meaningful and correct.

**Fifthly**, « *Urging* all States that have not yet done so to consider, as a matter of priority and in accordance with Security Council resolution 1373 (2001) and Council resolution 1566 (2004) of 8 October 2004, becoming parties to the relevant conventions and protocols as referred to in paragraph 6 of General Assembly resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings, the International Convention for the Suppression of the Financing of Terrorism, the International Convention for the Suppression of Acts of Nuclear Terrorism and the Amendment to the Convention on the Physical Protection of Nuclear Material » (PP13),

Both Algeria and the United States of America objected to preambular paragraph 11 by indicating that this provision should be expanded. During bilaterals both of them agreed to make a reference to the general call that States become parties to the relevant instruments on terrorism. Additionally, United States of America proposed in the bilaterals to name some of these international instruments in line of paragraph 10 of the UNGA

resolution 60/43 on measures to eliminate international terrorism of 6 January 2006.

On 21 September 2015, Iran objected to this preambular paragraph, in particular the reference to nuclear terrorism, in the informal consultation organised by Cuba and also said that they could not join consensus with the present language.

**Sixthly**, « *Reaffirming* that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, and recognizing that effective counterterrorism measures and the protection of human rights are not conflicting goals but are complementary and mutually reinforcing » (PP14),

The United States of America objected to preambular paragraph 11 by indicating that this provision should be expanded. During bilaterals the United States of America proposed to include a new preambular paragraph, which is directly selected from the «United Nations action to counter terrorism: Implementing the Global Counter-Terrorism Strategy».

The UN Global Counter-Terrorism Strategy was adopted by Member States on 8 September 2006. The strategy, in form of a resolution and an annexed Plan of Action (A/RES/60/288), is a unique global instrument that will enhance national, regional and international efforts to counter terrorism.

**Seventhly**, « *Recognizing* that peace is not only the absence of conflict, but also requires a positive, dynamic participatory process where dialogue is encouraged and conflicts are solved in a spirit of mutual understanding and cooperation, as well as socio-economic development is ensured » (PP17)

Indonesia objected to preambular paragraph 17 by indicating that this provision should be expanded. During bilaterals Indonesia proposed to include a new sentence at the end of this provision, as follows: «as well as socio-economic development is ensured». It was accepted and therefore, the paragraph was released.

**Eighthly**, «*Recalling* that the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, and recognizing that peace is promoted through the full enjoyment of all inalienable rights derived from the inherent dignity of all human beings » (PP18),

The United States of America objected to the notion of “is critically enhanced for” as was originally included in this paragraph and proposed to keep this notion in square brackets. The Chairperson-Rapporteur approached them to propose the deletion from the text of this notion. It was accepted and therefore, the paragraph was released.

**Ninth**, «*Recognizing* the importance of the prevention of armed conflict, in which multilateralism and diplomacy plays a critical role, in accordance with the purposes and principles of the Charter, and of the commitment to promote a culture of prevention of armed conflict as a means of effectively addressing the interconnected security and development challenges faced by peoples throughout the world, bearing in mind the human and material costs of armed conflicts » (PP21), The United States of America objected to the definition used for the multilateralism and diplomacy and notion of “culture of prevention of armed conflict” as were originally included in this paragraph and proposed to keep both notions in square brackets.

The Chairperson-Rapporteur approached them to propose the alternative language of «multilateralism and diplomacy plays a critical role» and «culture of peace». It was accepted and therefore, the paragraph was released.

**Tenth**, « *Reaffirming* that since wars begin in the minds of human beings, it is in the minds of human beings that the defences of peace must be constructed and recalling the importance of the settlement of disputes or conflicts through peaceful means” (PP23)

Indonesia released preambular paragraph 17 by indicating that this provision should be expanded. During bilaterals Indonesia wanted to make a reference to the settlement of disputes or conflicts through peaceful means, such as included in this paragraph.

**Eleventh**, « *Recalling also* the importance of promoting actions aimed at eliminating the contributing factors of conflict, while taking into consideration, inter alia, political, social and economic factors » (PP25),

The United States of America objected to the notion of “eliminating the root causes” as was originally included in this paragraph and proposed to keep this notion in square brackets. The Chairperson-Rapporteur approached them to propose the deletion of this notion from the text. It was accepted and therefore, the paragraph was released.

**Twelfth**, « *Recalling further* that development assistance and capacity-building based on the principle of national ownership in post-conflict situations should restore peace through rehabilitation, reintegration and reconciliation processes involving all those engaged, and recognizing the importance of peacemaking, peacekeeping and peacebuilding activities of the United Nations for the global pursuit of peace and security » (PP26),

Australia and the United States objected to this paragraph and proposed to keep it in square brackets. The Chairperson-Rapporteur approached them to show that the legal sources of the alternative paragraph can be found in SC Resolution 2086 (2013) on UN peacekeeping operations. It was accepted and therefore, the paragraph was released.

**Thirteenth**, « *Recalling* that the culture of peace and the education of humanity for justice and liberty and peace are indispensable to the dignity of human beings and constitute a duty that all nations must fulfil in a spirit of mutual assistance and concern » (PP27)

Brazil objected to the notion of “culture” and “sacred” as was originally included in this paragraph and proposed to keep both notions in square brackets. The Chairperson-Rapporteur approached them to propose the notion of “culture of peace” and to delete from the text the notion of “sacred”. It was accepted and therefore, the paragraph was released.

**Fourteenth**, «*Stressing* the need for States, the United Nations system and other relevant international organizations to allocate resources to programmes aimed at strengthening the culture of peace and upholding human rights awareness through training, teaching and education » (PP31),

The United States of America objected to the notion of “substantial” as was originally included in this paragraph and proposed to keep this notion in square brackets. The

Chairperson-Rapporteur approached them to propose the deletion from the text of this notion. It was accepted and therefore, the paragraph was released.

**Fifteenth**, « *Recalling* the need to design, promote and implement at the national, regional and international levels strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance » (PP36),

Originally, this preambular paragraph was proposed by South Africa at the third session of the Working Group as follows :

« *Recalling* the primary responsibility of States to promote measures to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance, as well as all forms of intolerance and discrimination based on religion or belief”

Australia objected to this paragraph and proposed to keep it in square brackets. The Chairperson-Rapporteur approached them to show that the legal sources of the alternative paragraph can be found in Art. 107 of the Declaration on the World Conference against racism, racial discrimination, xenophobia and related intolerance (2001). It was accepted and therefore, the paragraph was released.

**Sixteenth**, “*Recognizing* that racism, racial discrimination, xenophobia and related intolerance, where they amount to racism and racial discrimination are an obstacle to friendly and peaceful relations among peoples and nations, and are among the root causes of many internal and international conflicts, including armed conflicts » (PP37)

Originally, this preambular paragraph was proposed by South Africa at the third session of the Working Group as follows :

“*Recognizing* that racism, racial discrimination, xenophobia and related intolerance are among the root causes of armed conflict and very often one of its consequences, and recalling that non-discrimination is a fundamental principle of international law”

Australia objected to this paragraph and proposed to keep it in square brackets. The Chairperson-Rapporteur approached them to show that the legal sources of the alternative paragraph can be found in Preamble of the Declaration on the World Conference against racism, racial discrimination, xenophobia and related intolerance (2001). It was accepted and therefore, the paragraph was released.

**Seventeenth**, “*Inviting* solemnly all stakeholders to guide themselves in their activities by recognizing the high importance of practicing tolerance, dialogue, cooperation and solidarity among all human beings, peoples and nations of the world as a means to promote peace; to that end, present generations should ensure that both they and future generations learn to live together in peace with the highest aspiration of sparing future generations the scourge of war” (PP38),

Costa Rica objected to the sentence “to that end, present generations should ensure that both they and future generations learn to live together in peace” and proposed to keep it in square brackets. The Chairperson-Rapporteur approached them to show that the legal sources of the alternative paragraph can be found in Art. 9.1 and 9.2 of the Declaration on the Responsibilities of the Present Generations Towards Future Generations of

UNESCO. It was accepted and therefore, the paragraph was released.

#### **Article 1**

Everyone is entitled to enjoy peace such that all human rights are promoted and protected and development is fully realized. The Chairperson-Rapporteur changed the notion “right” for “entitlement”.

#### **Article 2**

States should respect, implement and promote equality, non-discrimination, justice and the rule of law and should respect and support moderation, tolerance, and guarantee freedom from fear and want as a means to build peace as well as enhance friendship and cooperation within and between societies.

Indonesia released preambular paragraph 17 by indicating that this provision should be expanded. During bilaterals Indonesia wanted to make a reference to the notions of moderation and tolerance and to include the sentence of «**as well as enhance friendship and cooperation**», such as appeared in this paragraph.

### **3. Advancements throughout the process**

Since the end of the third session of the Open-Ended Working Group on 24 April 2014, there has been important and positives advancements in the process, such as :

**Firstly**, the Western and European countries accepted with «reservations» the resolution 20/15, which creates the Working Group on the right to peace. It does not mean that they support the right to peace, only that they are engaged in the process. It should be recalled that this regional group had always been opposed to the existence of this Working Group since the beginning.

On 2 July 2015, the United States of America and European Union drafted a proposal of presidential decision, which was absolutely supported by the Russian Federation, which “requests the Chairperson-Rapporteur to continue consultations on the text contained in the report on its third session of the Working Group created in accordance with *Human Rights Council resolution 20/15* and authorizes the Working Group to hold a final meeting for two days before the 30th session of the Human Rights Council in order to complete its work by determining the title and content of its draft declaration, on a consensus basis”.

Although it was neither presented nor eventually adopted by the HRC because of lack of time, the relevance of this draft decision was the reference herein to the resolution 20/15. Also this text showed the real engagement of some Western countries in the pursuit of a solution which can satisfy everyone.

**Secondly**, States and some civil society organizations have always demanded that the Chairperson-Rapporteur should present a short and concise text. The revision of the last version of the text presented on 21 September 2015 by the Chairperson-Rapporteur was accepted by all missions, with the exception of title and the notion of «entitlement» in article 1.

All States and some civil society organizations have recognised that this text was the best compromise to reach an agreement on this topic. It means that the process of releasing square brackets in the text, carried out by the Chairperson-Rapporteur in the latest months, was a useful and successful experience.

Even the European Union affirmed at the HRC on 1 October 2015 that they were ready to display flexibility to accept a draft Declaration, despite several difficulties. It should be recalled that most of the controversial provisions proposed by some missions were finally accepted by the Western and European countries, such as terrorism, the list of principles contained in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, the reference to the colonial or other forms of alien domination or foreign occupation or the fight against racism and xenophobia or intolerance.

Additionally, we should take into consideration that the Western and European countries have actively participated in a process, in which they do not believe, which demonstrate the good faith of everyone in the negotiation process. Therefore, despite their long-term position about the lack of legal basis for the 'right to peace' in international law, they have consistently expressed their willingness to be engaged in the discussion.

In its resolution 27/17 of 2014 and L.13 of 2015, the HRC decided the OEWG would hold its third and fourth session. These previous resolutions are not explicitly referring to the draft declaration on the right to peace elaborated by the Advisory Committee, because this text was categorically rejected by Member States in the first session of the OEWG. These resolutions are a clear example of the decision taken by the HRC by not accepting the Advisory Committee's text as a basis for future negotiations. The community of States and an increasing number of civil society organizations had realized about the close linkage, even sometimes the repetition, between the elements proposed by the Advisory Committee and the Programmes of Action on Vienna and a Culture of Peace. For this reason, none State claimed in the 27th and 30th sessions of the HRC to go back to the Advisory Committee's text in order to avoid duplications.

**Thirdly**, many regional groups and all civil society organizations have rightly and consistently demanded that the right to peace should be expressly recognised in the text. It is important to recall that all Western and European countries accepted to include a reference in PP5 of the Declaration on the Right of Peoples to Peace, a reference which has been always object to by all of them since the beginning of the process.

Additionally, they were ready to accept for the first time the existence of the right to peace in the line of the proposal formulated by Costa Rica in the third session of the Open-Ended Working Group, which was included in PP1, as follows:

«*Acknowledging* that the elements contained herein are characterized as a right to peace in some legal systems or by some countries»

On 21 September 2015, some missions objected to this first preambular paragraph, because in accordance with them it negatively affects the principle of universality of human rights. This matter is strongly linked to the old debate on universalism vs. cultural relativism, which has existed in legal scholarship for decades, and is increasingly entering public discourse on international law and human rights, including the United Nations. The supporters of the universalism on this matter advocates that the right to peace is universal and consequently, it should apply to every human being. On the other hand, those whose support the other theory argue that the right to peace is culturally dependent, and that the right to peace can not apply in all legal systems.

At this point of the debate, it should be recalled that as of today the right to peace has been only elaborated in the *African Charter on Peoples and Human Rights* (Art. 23) and the *ASEAN Human Rights Declaration* (Art. 38). In 1984 the General Assembly adopted the *Declaration of the Right of Peoples to Peace* by 92 to none and 34 abstentions. Twenty-nine States were absent from the vote and two countries did not participate, because both of them disagreed with the initiative. Consequently, the right to peace does not exist in all legal systems of the world. This does not mean that the parliaments or governments of the Western countries cannot pass some decree or law recognizing the right to peace one day in the future, only that today there is not a common agreement at the universal level to recognize this enabling right.

Article 38.1 of the Statute of the International Court of Justice (ICJ) describes the law to be applied by the ICJ when deciding cases within its jurisdiction. It is generally considered to be the most authoritative enumeration of the sources of International Law. The Court recognizes three main legal sources: firstly, *international conventions*, whether general or particular, establishing rules expressly recognized by the contesting States; secondly, *international custom*, as evidence of a general practice accepted as law and thirdly, the *general principles of law* recognized by civilized nations.

Since 1984, the Western and European countries have strongly opposed the right to peace in both the General Assembly and the UN human rights bodies – Commission on Human Rights and HRC-, which has impeded to create a positive *opinio iuris* about the existence of this right at the universal level. Therefore, we can affirm that there is not a universal custom among all States exhibited both by widespread conduct and a discernible sense of obligation which recognises the right to peace by all. In these cases, all that is needed to have an international custom is that the State, group of States or regional groups have not objected to the law, which is not the case with the right to peace.

Since the creation of the League of Nations and the subsequent United Nations, all States without exception have tried to use the international organizations to extend their sovereignty through the prevalence of their ideas and conceptions on human rights or international law. This general phenomenon is common within the community of States and consequently, to reach this aim they join with other States and regional groups so that their conceptions can prevail over the others. However, this principle is always limited to other principles developed by the Charter of the United Nations, such as the principle of international cooperation and friendly relations among nations.

In accordance with the resolution 1815 (XVII) on the *Consideration of principles of international law* adopted by the Sixth Committee of the UNGA on 18 December 1962, the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States should be elaborated through the promotion of international cooperation in economic, social and related fields and the realization of human rights and fundamental freedoms. On several occasions, the UNGA has stated that the codification of the rules of international law and their progressive development would assist in promoting the "purposes and principles" of the Charter of the United Nations. In particular, the UNGA resolution 1505 (XV) on the *Future work in the field of the codification and progressive development of international law* stated that: "the conditions prevailing in the world today give increased importance to the role of international law ... in

strengthening international peace, developing friendly and cooperative relations among the nations, settling disputes by peaceful means and advancing economic and social progress throughout the world”.

Consequently, the progressive elaboration of the right to peace should be done on the basis of the principle of international cooperation and friendly relations among nations. The progressive elaboration of international law, including the right to peace, constitute one of the foundation stones of the rule of law and a clear means to also establish a just and lasting peace all over the world. To reach this aim and without diminishing the real objective of this process, the community of States should find common ways in which all ideas can peacefully coexist.

#### **4. Implementation of the TICO approach**

After Ambassador Christian Guillerment was honoured with the task of guiding the work of the Working Group since 2013, all stakeholders have jointly made a progress through an open and transparent dialogue, which would be based on the so-called TICO approach: transparency, inclusive, consensual and objective. He also added to this approach the “R” from realism. Thanks to this approach all stakeholders built an atmosphere of trust and mutual respect, which are a characteristic of a true culture of multilateral diplomacy. They created the basis to really begin a negotiation process in good faith and with a clear demonstration of political will in order to reach an agreement. The diverse civil society, which has strongly promoted this process from the beginning has seen a progress, even if the expectations of some were higher.

A brief analysis of the process in light of this TICO approach shows the following:

##### **Transparency and inclusiveness**

Since the transparency and inclusiveness are the pillars of the global governance, the Chairperson invited all possible international players to take part in the discussions in order to have their professional opinion. In particular, he met two times with the UN Secretariat (OHCHR), funds and programmes (UNHCR, UNEP, UNDP, UNICEF, UNFPA), specialized agencies (FAO, ILO, UNESCO, WHO), research and training institutes (UNRISD, UNIDIR), inter-governmental organizations (IOM), human rights treaty bodies and special procedures of the Human Rights Council.

On 25 February 2015, in the context of an informal meeting, the Chair assured NGOs that he was listening very carefully to the proposals made by them and that he had identified some interesting points to be taken into consideration, such as the mention of the three Declarations (Right of Peoples to Peace, Preparation of Societies for Life in Peace and Principles on International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations). Other interesting elements proposed by them, which were finally included in his text, were the Preamble of the UNESCO constitution; the issue of the eradication of poverty; the concept of eradication of inequality; the respect for life and practice of non-violence linked to education, the new concept of peace structures; violence, and the inherent right to life in peace. In the opening statement of the third session of the Working Group held on 20 April 2015, the Chairperson remembered how in the first session many governmental delegations refused to participate in negotiations because of the polarization that

existed at that time. He recognised that we have jointly achieved to involve all parties with a clear common goal: to agree, from a human rights perspective about the concept of the right to peace. His job was to listen the different positions, to be inclusive and transparent, to understand the difficulties and obstacles, but especially to clarify concepts and encapsulate the debates within the mandate of the Human Rights Council.

##### **Consensus**

On 21 September 2015, when the Chairperson-Rapporteur presented his new revised text, all delegations stressed that consensus was important and the text presented was the minimum denominator to reach an agreement. Although they would have preferred a stronger text, they were aware about the difficulties on this matter.

Thanks to this consensual approach some delegations made an important effort to release those provisions objected at the third session of the Working Group and also agreed, with the exception of title and article 1, with the whole text.

##### **Objective**

Like in previous occasions, on 21 September 2015, the Chairperson-Rapporteur stressed that he knew that some points are not accepted by everyone, in particular the title and some notions contained in article 1. He clearly said that the mandate which he received from the Council Resolution 20/15 is to “ .... progressively negotiating a draft United Nations declaration on the right to peace ... without prejudging relevant past, present and future views and proposals”.

Consequently, he is obliged in compliance with this resolution to present a text which responds to the mandate received by the HRC.

##### **Realism**

The OEWG witnessed in its first session that the text presented by the Advisory Committee was not supported by Member States, even by those countries that actively support the process within the HRC. Cuba, Iran and Egypt pointed out that using undefined, ambiguous and un-grounded concepts that lack any consensus in international law is counter-productive and complicates the work entrusted with the working group. Controversial issues should be excluded from the text, such as human security, conscientious objection to military service, peacekeeping, refugees and migrants, among others. Some proposed sections should be discussed in other specialized fora (i.e. disarmament). Sri Lanka added that the draft Declaration has attempted to "re-invent the wheel" by formulating new concepts and definitions, whereas it should be guided by international law, basing itself on the UN Charter. Singapore also indicated that the thematic areas proposed seem to have been arbitrarily picked, as well as that the draft Declaration is philosophically and substantively problematic and is not conducive to a coherent and meaningful text. They added that a declaration should also be realistic, which contains common denominators that are acceptable to all.

One of the issues that the OEWG needed to consider in its second session was that during the drafting process within the Advisory Committee all the main elements identified by this UN body had previously been elaborated by Member States, international organizations and Non Governmental Organizations (NGOs) in the Programmes of Action on Vienna and Culture of Peace. There were nothing new in the Advisory

Committee's text apart from making a useful compilation of those elements of international law linked to peace.

## 5. Future challenges

On 1 October 2015, the distinguished representative of Cuba stated before the Council that the draft resolution L.13 requests to the Working Group to have another session in order to conclude the pending issues of the draft declaration on the right to peace. On the other hand, the EU also indicated that the two main concerns of the draft – namely the title and Article 1- could not be solved.

Although there existed some proposals of language on title and article 1 on the negotiation table which were done by some missions in consultation with their respective capitals during the informal discussions, the desirable consensus was not finally achieved.

For this reason, today much more than ever it is necessary that a serious assessment be conducted by all as to whether the international community is in a position to further develop the right to peace in a consensual manner at this point in time, such as the Chairperson recommended in his report of the third session of the Working Group.

In regards to the title of the Declaration, we should be aware that it is closely linked to the current mandate of the Working Group. On 17 July 2012, the HRC adopted Resolution 20/15 on the promotion of the right to peace by which the HRC “decides 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*”.

In the first session of the OEWG held in 2013, some delegations stated that the last phrase of the resolution 20/15, which indicates “and without prejudging relevant past, present and future views and proposals” opens the possibility to include new ideas and formulations. It follows that the future title should contain not only the right to peace in the line of the current mandate of the Working Group, but also those other demands coming from other regional groups, such as the relationship between peace and human rights, which is not incompatible with the right to peace.

As to article 1, the draft Declaration should declare the right or entitlement of everyone to enjoy peace, in the line of Article 38 of the ASEAN Human Rights Declaration, which recognises that «Every person and the peoples of ASEAN have the right to enjoy peace... ».

It is interesting to highlight that in this provision the notion of peace should be read in conjunction with the expression of «right to enjoy». In accordance with the Black Law Dictionary, the expression of «enjoyment» should be understood as the «possession and fruition of a right, privilege or incorporeal hereditament. Comfort, consolation, contentment, ease, happiness and satisfaction ». It follows that in this case peace could be understood either as a right of every person and the peoples or as an aspiration or privilege to be reached by all humankind.

The right to enjoy peace is intended to ensure that the authorities take measures to guarantee that peace may be enjoyed in a natural and dignified manner and that the individual has every possible means for this purpose. Peace is a holistic concept which goes beyond the strict absence of armed conflicts. It is also positive, since it is linked to the eradication of structural

violence as a result of the economic and social inequalities in the world and to the effective respect for all human rights without discrimination.

Additionally, Article 1 should not only recall again the linkage between the right to life and peace, but also to elaborate the right to life in connection to the enjoyment of peace, including also human rights and development, which has not been elaborated in international law. The United Nations does not need to re-invent the wheel, but only to strengthen the right to life linked to the enjoyment of peace, human rights and development.

## 6. Recommendations

Despite the current lack of dialogue between those delegations, which support the right to peace, and those others, which deny the existence of this right, a minimum agreement on the title and article 1 would be desirable. Nevertheless, the position of the European Union was pretty clear on 2 October 2015, when they said that “their approach to this issue in the past had also been guided by the clear agreement that the 3rd session was to be the last session of the IGWG, as reflected in its mandate conferred by HRC resolution 27/17 to “finalize” the Declaration”.

Overcoming the current situation will be a very difficult exercise, taking into account that Western and European countries regretted and did not support the extension of the mandate of the Working Group. It should also take into account that if in 2012 all European member States of the HRC abstained in resolution 20/15, on 2 October 2015 all European States did not support the extension of the Working Group. Therefore, at this stage the political environment to approach positions could be much more difficult.

In case of that an agreement can not be achieved within the HRC, the consequences on a future Declaration on the right to peace would be twofold:

**Firstly**, the reception of the future Declaration on the right to peace by many States at the General Assembly will possibly not be very warmly.

To know the current situation of the right to peace within the General Assembly, we should study the resolution 69/176 entitled “Promotion of peace as a vital requirement for the full enjoyment of all human rights by all” adopted on 23 January 2015 by which the Assembly elaborates the right of peoples to peace and consequently, “welcomes the decision of the Human Rights Council, in its resolution 20/15, to establish an open-ended intergovernmental working group with the mandate of progressively negotiating a draft United Nations declaration on the right to peace” (art. 9).

This resolution was adopted with the opposition of 53 Western, European and a majority of Eastern countries and clearly responds to four other resolutions adopted by the General Assembly since 2003 entitled “Promotion of peace as a vital requirement for the full enjoyment of all human rights by all”. All of them were adopted by around 120 votes to 53 – principally, from developed countries-, and recognized the importance of respect of the right of peoples to peace, the elimination of nuclear war and the promotion of the right to development.

It follows that, in the current Council context, a future Declaration on the right to peace could be adopted by the General Assembly with the opposition of important regional groups. This situation would be a step backwards compared to

the three other main peace instruments adopted by the same body.

In particular, neither the Declaration on Preparation on Societies to Life in Peace of 1978, the Declaration on the Right of Peoples to Peace of 1984 nor the Declaration and Programme of Action on Culture of Peace of 1999 were never adopted by the General Assembly with the opposition of regional groups. In fact, both the Declaration on Preparation on Societies to Life in Peace and the Declaration and Programme of Action on Culture of Peace were adopted by consensus, with the exception of the first instrument, which was adopted with only one abstention. On the other hand, the Declaration on the Right of Peoples to Peace obtained the abstention from all Western and European States, but never the vote against.

The adoption by consensus of peace instruments in the General Assembly has been a clear tendency since the creation of the United Nations. In particular, it should also be recalled that the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples of 1965, the Declaration on the Protection of Women and Children in Emergency and Armed Conflict of 1974, Declaration on the Participation of Women in Promoting International Peace and Co-operation of 1982 and the Political Declaration on the peaceful resolution of conflicts in Africa of 2013, were adopted by consensus.

In conclusion, in the current environment within the Council, a Declaration on the right to peace would possibly obtain the opposition of important regional groups at the General Assembly, which means that for the first time in the history of the United Nations, a Declaration on peace issues would be adopted with a large number of States opposing a peace initiative. Consequently, if the main promoters of the other peace instruments passed to the world UN history for having promoted a successful peace Declarations, it would not be the case for the current one, which would negatively affect to peace in general. The political, cultural and social price to be paid by humankind as a whole is too much high.

**Secondly**, the adoption of a Declaration on the right to peace by the General Assembly in the current context, without reaching a minimum agreement, would also negatively affect to the promotion of all human rights for all, including the right to peace, because of the high number of States opposing the future text.

Therefore, this situation not only could be contrary to the objective and spirit of the title of the resolution “promotion of peace as a vital requirement for the full enjoyment of all human rights by all”, but also it would be seen as another step backwards in the promotion and protection of human rights and fundamental freedoms.

It should be noted that most of Declarations, Rules and Guidelines on human rights adopted by the General Assembly since 1945 were adopted by consensus. In particular, the General Assembly has adopted around thirty Declarations in different fields of human rights, such as children rights, racial discrimination, persons with disabilities, women, enforced disappearance, development, among others, after all different regional groups reached relevant agreements. Only three important Declarations on human rights were adopted with some oppositions, such as Declaration on the Right to Development or Indigenous Peoples, or abstentions, such as the Universal

Declaration of Human Rights. But the rest of Declarations have been adopted by consensus.

In the United Nations only the Declaration on the International Right of Correction (A/RES/630, 1952) and the United Nations Declaration on Human Cloning (A/RES/59/280,

2005) were respectively adopted with a huge number of States opposing the instrument. Like both instruments, the impact in real life of the future Declaration on the Right to Peace would be absolutely minimum, by taking into account that more than one third of the world population could not enjoy this right by not becoming an universal right.

## 7. Conclusions

The pursuit of agreements among all different regional groups is the tendency not only in international relations, but the United Nations, and in particular in the field of human rights and peace. In general terms, the United Nations does not work like a national or regional parliament in which some political parties impose their will by using the majority of votes. For important matters affecting the lives of millions of people, such as the adoption of a Declaration on the right to peace, the United Nations, including its multiple entities and bodies, should work on the basis of multilateralism with the purpose of reaching important consensual decisions.

The general practice of the United Nations since 1945 has been the adoption of Declarations in both human rights and peace matters by consensus. Reaching agreements among all countries has been the general rule of the General Assembly. Therefore, the use of vote has been the clear exception. Nevertheless, when this system has been used, only few number of States have showed their opposition, the rest has voted in favour or exceptionally, they have abstained.

In the current context a Declaration on the right to peace could pass to the UN history for being the first Declaration in which States could not reach a large agreement, taking into account the current increasing opposition in both the Human Rights Council and the General Assembly. This situation would be a clear step backwards in the promotion of human rights and peace.

The OEWG on the right to peace has walked a long way, thanks to the leadership of many actors, including some civil society organizations, the Chairperson-Rapporteur, his team and the Secretariat. The ball is now in hands of States. Hopefully world leaders and diplomats will take wise decisions by thinking more about the well-being of human beings and humankind than in their own interests as States.

In case that a minimum agreement can be achieved by all regional groups on the title and the notion of “entitlement” in article 1, the future Declaration will surely contribute to the strengthening of international cooperation and multilateralism and will also influence the current objectives of the United Nations as a fundamental step towards the promotion of peace, tolerance, friendship and brotherhood among all peoples.

The obligation of the international community is to hear the voice raised by some civil society organizations, whose strongly demand the need of achieving an agreement on this matter based on transparency, inclusiveness and consensus in order to empower victims of armed conflicts as a means to allow them to live in a world free of wars.

“Peace can not be kept by force, it can be only be achieved by understanding”

(Albert Einstein)

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## 9. Annex

### [United Nations Declaration on the Right to Peace]

#### Preamble

*The General Assembly,*

**PP1** *Acknowledging* that the elements contained herein are characterized as a right to peace in some legal systems or by some countries

**PP2** *Guided by* the purposes and principles of the Charter of the United Nations,

**PP3** *Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Vienna Declaration and Programme of Action,

**PP4** *Recalling also* the Declaration on the Right to Development, the United Nations Millennium Declaration, including the Millennium Development Goals, and the 2005 World Summit Outcome,

**PP5** *Recalling further* 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, and other international instruments relevant to the subject of the present declaration,

**PP6** *Recalling* the Declaration on the Granting of Independence to Colonial Countries and Peoples,

**PP7** *Recalling also* that the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations solemnly proclaimed the following principles: that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered, the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter, the duty of States to co-operate with one another in accordance with the Charter, the principle of equal rights and self-determination of peoples, the principle of sovereign equality of States, the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter

**PP8** *Reaffirming* the obligations of all Member States, as enshrined in the Charter of the United Nations, to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and to settle their international disputes by peaceful means in such a manner that international peace and security, and justice are not endangered,

**PP9** *Acknowledging* that the fuller development of a culture of peace is integrally linked to the realization of the right of all peoples, including those living under colonial or other forms of alien domination or foreign occupation, to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960

**PP10** *Recognizing* the importance of the settlement of disputes or conflicts through peaceful means,

**PP11** *Deeply deploring* all acts of terrorism, recalling that the Declaration on Measures to Eliminate International Terrorism recognizes that acts, methods and practices of terrorism constitute a grave violation of the purposes and principles of the United Nations and may pose a threat to international peace and security, jeopardize friendly relations among States, threaten the

territorial integrity and security of States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bases of society, and reaffirming that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed,

**PP12** *Stressing* that all measures taken in the fight against terrorism must be in compliance with the obligations of States under international law, including international human rights, refugee and humanitarian law, as well as those enshrined in the Charter,

**PP13** [*Urging* all States that have not yet done so to consider, as a matter of priority and in accordance with Security Council resolution 1373 (2001) and Council resolution 1566 (2004) of 8 October 2004, becoming parties to the relevant conventions and protocols as referred to in paragraph 6 of General Assembly resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings, the International Convention for the Suppression of the Financing of Terrorism, the International Convention for the Suppression of Acts of Nuclear Terrorism and the Amendment to the Convention on the Physical Protection of Nuclear Material],

**PP14** *Reaffirming* that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, and recognizing that effective counterterrorism measures and the protection of human rights are not conflicting goals but are complementary and mutually reinforcing,

**PP15** *Reaffirming also* the determination of the peoples of the United Nations as expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, to promote social progress and better standards of life in larger freedom, and to practice tolerance and live together in peace with one another as good neighbours,

**PP16** *Recalling* that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

**PP17** *Recognizing* that peace is not only the absence of conflict, but also requires a positive, dynamic participatory process where dialogue is encouraged and conflicts are solved in a spirit of mutual understanding and cooperation, as well as socio-economic development is ensured

**PP18** *Recalling* that the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, and recognizing that peace is promoted through the full enjoyment of all inalienable rights derived from the inherent dignity of all human beings,

**PP19** *Recalling also* that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

**PP20** *Recalling further* the commitment of the international community to eradicate poverty and to promote sustained economic growth, sustainable development and global prosperity for all and the need to address inequalities within and among States,

**PP21** *Recognizing* the importance of the prevention of armed conflict, in which multilateralism and diplomacy plays a critical role, in accordance with the purposes and principles of the

Charter, and of the commitment to promote a culture of prevention of armed conflict as a means of effectively addressing the interconnected security and development challenges faced by peoples throughout the world, bearing in mind the human and material costs of armed conflicts,

**PP22** *Recalling* that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

**PP23** *Reaffirming* that since wars begin in the minds of human beings, it is in the minds of human beings that the defences of peace must be constructed and recalling the importance of the settlement of disputes or conflicts through peaceful means

**PP24** *Recalling* the need for strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs.

**PP26** *Recalling further* that development assistance and capacity-building based on the principle of national ownership in post-conflict situations should restore peace through rehabilitation, reintegration and reconciliation processes involving all those engaged, and recognizing the importance of peacemaking, peacekeeping and peacebuilding activities of the United Nations for the global pursuit of peace and security,

**PP27** *Recalling* that the culture of peace and the education of humanity for justice and liberty and peace are indispensable to the dignity of human beings and constitute a duty that all nations must fulfil in a spirit of mutual assistance and concern,

**PP28** *Reaffirming* that the culture of peace is a set of values, attitudes, traditions and modes of behaviour and ways of life, as identified in the Declaration on a Culture of Peace, and that all this should be fostered by an enabling national and international environment conducive to peace,

**PP29** *Recognizing* the importance of moderation and tolerance as values contributing to the promotion of peace and security,

**PP30** *Recognizing* also the important contribution that civil society organizations can make in building and preserving peace, as well as in strengthening a culture of peace,

**PP31** *Stressing* the need for States, the United Nations system and other relevant international organizations to allocate resources to programmes aimed at strengthening the culture of peace and upholding human rights awareness through training, teaching and education,

**PP32** *Stressing also* the importance of the contribution of the United Nations Declaration on Human Rights Education and Training to the promotion of a culture of peace,

**PP33** *Recalling* that respect for the diversity of cultures, tolerance, dialogue and cooperation, in a climate of mutual trust and understanding, are among the best guarantees of international peace and security,

**PP34** *Recalling also* that tolerance is respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human, as well as the virtue that makes peace possible and contributes to the promotion of a culture of peace,

**PP35** *Recalling further* that the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of a society as a whole and within a democratic framework based on the rule of law would contribute to the

strengthening of friendship, cooperation and peace among peoples and States,

**PP36** *Recalling* the need to design, promote and implement at the national, regional and international levels strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance,

**PP37** *Recognizing* that racism, racial discrimination, xenophobia and related intolerance, where they amount to racism and racial discrimination are an obstacle to friendly and peaceful relations among peoples and nations, and are among the root causes of many internal and international conflicts, including armed conflicts,

**PP38** *Inviting* solemnly all stakeholders to guide themselves in their activities by recognizing the high importance of practicing tolerance, dialogue, cooperation and solidarity among all human beings, peoples and nations of the world as a means to promote peace; to that end, present generations should ensure that both they and future generations learn to live together in peace with the highest aspiration of sparing future generations the scourge of war,

#### **Article 1**

Everyone is [entitled] to enjoy peace such that all human rights are promoted and protected and development is fully realized.

#### **Article 2**

States should respect, implement and promote equality, non-discrimination, justice and the rule of law and should respect and support moderation, tolerance, and guarantee freedom from fear and want as a means to build peace as well as enhance friendship and cooperation within and between societies.

#### **Article 3**

States, the United Nations and specialized agencies should take appropriate sustainable measures to implement the present Declaration. International, regional, national and local organizations and civil society are encouraged to support and assist in the implementation of the present Declaration.

#### **Article 4**

Nothing in the present Declaration shall be construed as being contrary to the purposes and principles of the United Nations. The provisions included in this Declaration are to be interpreted in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and international law.