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Human rights bodies and mechanisms

Report of the open-ended intergovernmental working group on a draft United Nations declaration on the right to peace

Chair-Rapporteur: Christian Guillermet-Fernández

GE.14-11418 (E)



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I. Introduction

1. In its resolution 20/15 of 5 July 2012, the Human Rights Council decided to establish an open-ended intergovernmental working group with the mandate of progressively negotiating a draft United Nations declaration on the right to peace. The working group held its first session from 18 to 21 February 2013 and submitted a report on its first session (A/HRC/WG.13/1/2) to the Human Rights Council at its twenty-third session.

2. In its resolution 23/16 of 13 June 2013, the Human Rights Council decided that the open-ended intergovernmental working group would hold its second session for five working days in 2014, before the twenty-fifth session of the Council. At the request of the Chair-Rapporteur, the second session was rescheduled to be held from 30 June to 4 July 2014.

3. Also in its resolution 23/16, the Human Rights Council requested the Chair-Rapporteur of the working group to conduct informal consultations with governments, regional groups and relevant stakeholders before the second session of the group, and to prepare a new text on the basis of the discussions held during the first session and the intersessional informal consultations, and to present the text prior to the second session for consideration and further discussion. The Chair-Rapporteur addressed a letter to the members of the group outlining his preliminary ideas (A/HRC/WG.13/2/2 of 22 May 2014). The new text prepared by the Chair-Rapporteur was circulated to all States by note verbale on 24 June 2014.

4. On 30 June 2014, the session was opened by the Director of the Human Rights Council and Special Procedures Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR), on behalf of the High Commissioner. The Director recalled that the realization of peace lay at the very heart of the principles and purposes of the United Nations, as reflected in its Charter. He mentioned the thirtieth anniversary of the Declaration on the Right of Peoples to Peace, approved by the General Assembly in its resolution 39/11 of 12 November 1984, and pointed to the prominent role of peace in the fulfilment of the fundamental rights of every person, as recognized in numerous international and regional human rights instruments. The Director commended the efforts of the Chair-Rapporteur to engage actively with States, civil society and academia in the intersessional period in order to reconcile the diverse views and positions with regard to the right to peace. He also confirmed the readiness of OHCHR to continue to assist the working group in all its endeavours.

5. The President of the Human Rights Council also participated in the opening of the session. He said that peace and international security faced new challenges, not only from local conflicts, but also from the proliferation of terrorism and transnational organized crime. International peace and cooperation were central to the founding principles of the United Nations. He reiterated that the Council attached great importance to the question of peace as an essential element for the full enjoyment of all human rights by all around the world. The President welcomed the Chair-Rapporteur's new text as the basis for future negotiations and expressed hope that the constructive approach and enriching discussions among States and all stakeholders that had been witnessed from the outset would continue during the session.

II. Organization of the session

A. Election of the Chair-Rapporteur

6. At its first meeting, on 30 June 2014, the working group re-elected Christian Guillermet-Fernández (Costa Rica) as its Chair-Rapporteur, by acclamation. He had been nominated by El Salvador on behalf of the Group of Latin American and Caribbean States.

B. Attendance

7. Representatives of the following States Members of the United Nations attended the working group's meetings: Algeria, Argentina, Australia, Austria, Bangladesh, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, France, Germany, Ghana, Greece, Guatemala, India, Indonesia, Israel, Italy, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Libya, Luxembourg, Malaysia, Mexico, Morocco, Myanmar, Namibia, Pakistan, Paraguay, Philippines, Republic of Korea, Russian Federation, Saudi Arabia, Singapore, South Africa, Spain, Sri Lanka, Sudan, Thailand, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

8. The following non-Member State was represented by an observer: Holy See.

9. The following intergovernmental organizations were represented at the working group's meetings: European Union, International Organisation of la Francophonie, Organization of Islamic Cooperation.

10. The following non-governmental organizations in consultative status with the Economic and Social Council were represented: Asociación Miraismo Internacional, Associazione Comunità Papa Giovanni XXIII, Brahma Kumaris World Spiritual University, Caritas Internationalis (International Confederation of Catholic Charities), General Arab Women Federation, Geneva for Human Rights – Global Training, International Association of Democratic Lawyers, International Association of Jewish Lawyers and Jurists, International Association of Peace Messenger Cities, International Fellowship of Reconciliation, International Movement against All Forms of Discrimination and Racism, International Organization for the Elimination of All Forms of Racial Discrimination, International Organization for the Right to Education and Freedom of Education, International Peace Bureau, International Youth and Student Movement for the United Nations, Japan Federation of Bar Associations, Mouvement contre le racisme et pour l'amitié entre les peuples, Nonviolent Peaceforce, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), Peace Boat, People's Solidarity for Participatory Democracy, Plan International, Inc., Society for Development and Community Empowerment, Soka Gakkai International, United Network of Young Peacebuilders, Women's International League for Peace and Freedom.

11. The Independent Expert on the promotion of a democratic and equitable international order, Alfred de Zayas, also participated in the session.

C. Meetings and documentation

12. The working group held eight fully serviced meetings during its second session.

13. The working group had before it the following documents:

	New text by the Chair-Rapporteur presented to the working group in accordance with Human Rights Council resolution 23/16 (see annex II)
A/HRC/WG.13/2/1	Note by the Secretariat
A/HRC/WG.13/2/2	Letter from the Chair-Rapporteur of the open-ended intergovernmental working group on a draft United Nations declaration on the right to peace, Christian Guillermet-Fernández, addressed to the members of the working group
A/HRC/WG.13/1/2	Report of the open-ended intergovernmental working group on a draft United Nations declaration on the right to peace

D. Adoption of the agenda and organization of work

14. In his opening statement, the Chair-Rapporteur referred to Human Rights Council resolution 23/16, in which the Council had requested him to prepare a new text on the basis of the discussions held during the first session of the working group and on the basis of the intersessional informal consultations. The Chair-Rapporteur introduced his new text, which was a result of multiple consultations held since November 2013 with a wide range of interested stakeholders, including States, intergovernmental organizations, civil society organizations and academia.¹

15. The Chair-Rapporteur recalled that the right to peace was recognized in various soft-law instruments, such as the Declaration on the Right of Peoples to Peace. In addition, he recalled that several delegations had stated that a stand-alone right to peace did not exist under international law. His new text reflected relevant provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. His draft was also based on the Declaration on the Right of Peoples to Peace and on the Human Rights Council resolutions adopted on that theme since 2008. The Chair-Rapporteur explained that his new draft also reflected points of convergence among delegations, as identified in his letter to the working group (A/HRC/WG.13/2/2), as well as elements of the Declaration and Programme of Action on a Culture of Peace (General Assembly resolution 53/243 of 13 September 1999), the Vienna Declaration and Programme of Action² and the Declaration on the Preparation of Societies for Life in Peace (General Assembly resolution 33/73 of 15 December 1978). In particular, he said that the Advisory Committee, in its draft declaration, had built on and elaborated further elements contained in the above-mentioned declarations.

16. In addition to elements of Human Rights Council resolutions 14/3 and 17/16 on the promotion of the right of peoples to peace, the new text was built upon the notions of human dignity, the role of women in the construction of peace, the importance of the

¹ The Chair-Rapporteur convened several informal consultations in preparation for the second session of the working group. The first consultation was held with States on 31 October and 1 November 2013, the second consultation with representatives of non-governmental organizations on 4 November 2013 and the third consultation with representatives of various international organizations, including experts on human rights law, on 18 and 19 November 2013. Another consultation was held with States and non-governmental organizations on 9 May 2014.

² Adopted by the World Conference on Human Rights, on 25 June 1993.

prevention of armed conflicts, in conformity with the Charter of the United Nations, and the contribution of the Human Rights Council to the prevention of violations of human rights and its response to human rights emergencies. In the Chair-Rapporteur's view, the objective of the new text was not only to capture the link between the right to life and peace, but also to elaborate on the right to life in relation to human rights and development. He concluded by underlining the basic principles for conducting the session of the working group, i.e. transparency, inclusiveness, consensus, objectivity and realism, and he restated his commitment to working towards the adoption of the future declaration by consensus.

17. At its 1st meeting, on 30 June 2014, the working group adopted, without comment, its agenda, as contained in document A/HRC/WG.13/2/1, and the programme of work.

18. Upon the proposal of the Chair-Rapporteur, the working group agreed to hold a general debate, to be followed by the first and second readings of the new text prepared by the Chair-Rapporteur, and to conclude with the adoption of the report on the session.

III. General comments

19. At the 1st meeting, on 30 June 2014, following the adoption of the agenda, the floor was opened for general comments. Although views concerning the concept of the right to peace still diverged, all participating delegations engaged constructively in the discussion. The general debate was concluded at the end of the 1st meeting.

20. Numerous delegations congratulated the Chair-Rapporteur on his re-election and commended him for his leadership on the issue and for his cooperative, transparent and objective approach. Delegations also stated their appreciation of his efforts to prepare a new text, carefully reflecting the various positions expressed at the first session of the working group and during the various intersessional consultations. Most delegations expressed the hope that the principle of consensus would be maintained during the forthcoming negotiations. One delegation reconsidered its previous position and supported the overall new approach, stating its readiness to enter into negotiations on that basis.

21. A number of delegations expressed their full support for the mandate and the ongoing process of preparing a draft declaration and considered that the right to peace was a fundamental precondition for economic and social progress and the enjoyment of all human rights. In their view, the notion of the right to peace existed as a collective right in the normative legal framework of international law and already enjoyed broad support in the international community. They believed that the right to peace in itself was a right and was necessary for the achievement of individual and collective rights in every nation. One delegation recalled that the right to enjoy peace was also firmly stipulated in the Human Rights Declaration of the Association of Southeast Asian Nations. Some delegations thought that the new draft should not be any less than what was already contained in previous texts.

22. Some delegations expressed cautious appreciation of the direction in which the drafting was heading on the basis of broad consultations. Some delegations noted, however, that a shared understanding had not yet been established between States on the issue and they disagreed with the idea of peace as a prerequisite to human rights. Others maintained that international law did not currently provide a right to peace and they expressed certain reservations concerning the need for a new declaration. It was difficult to draw substantive obligations from the current vague definition of a right to peace, which they could recognize neither as an individual nor as a collective right. Some delegations therefore could not support the expression of the right to peace in the title and considered that it needed to be aligned with the text's new approach. They were nevertheless willing to engage in discussion on the linkages between peace and human rights and were supportive

of the new approach, focusing on the right to life and peace. They deemed it important to recognize the exceptions to the prohibition of the use of force, including the exercise of the right to self-defence and the use of force authorized by the Security Council. Several delegations considered that the focus needed to be on the interrelated nature of human rights, peace and development and on the ways to promote peace.

23. Broad support was expressed for the new concise and focused text as a significant improvement over the previous draft text, prepared by the Advisory Committee (A/HRC/20/31) and as a basis for further discussion during the current session. Delegations welcomed the fact that a number of ambiguous issues included in the Advisory Committee's draft text that did not currently enjoy international consensus were no longer to be found in the new text, and considered that it was not appropriate to include in that text controversial issues or concepts lacking in clarity that were still being discussed in other forums. Two delegations welcomed the inclusion of the notions of human dignity, the role of women in the construction of peace and the role of education. One delegation expressed the wish that only language based on established principles of international law be used.

24. While most delegations welcomed the document, some felt that important elements should not be omitted in the interest of brevity and asked that fundamental principles be preserved. Some opined that the text should refer to the importance of respecting the sovereignty, territorial integrity and political independence of sovereign States, as established by the Charter of the United Nations. They also felt that the right to development should be reinforced. Some preferred a direct reference to the Declaration on the Right of Peoples to Peace.

25. The representatives of non-governmental organizations and other stakeholders that contributed to the discussion shared the sentiment that the new draft added little towards constituting the right to peace. They regretted the absence of a clear reference to the right to peace in the text and considered that the declaration needed to provide a conceptual definition of that right. Preference was expressed for the restitution of some of the important elements of the draft declaration prepared by the Advisory Committee, which had enjoyed wide support from civil society. Some representatives also proposed that the content of the draft declaration be aligned with its title. In addition, some of them proposed working with the notion of the right to live in peace.

26. In closing the general debate, the Chair-Rapporteur reiterated his belief that the current draft before the working group had a strong legal basis. He restated his role as a facilitator and invited everyone to express their views and make their contribution to the collective effort.

IV. First reading of the new text prepared by the Chair-Rapporteur of the open-ended intergovernmental working group on a draft United Nations declaration on the right to peace

27. At its 2nd meeting, on 30 June 2014, and at its 3rd meeting, on 1 July 2014, the working group proceeded with the first reading of the new text prepared by the Chair-Rapporteur of the open-ended intergovernmental working group on a draft United Nations declaration on the right to peace. At the outset, the Chair-Rapporteur indicated how he intended to proceed with the first reading, starting with the operative part, followed by the preambular part. He reiterated that nothing would be agreed upon until everything was agreed upon. Some delegations noted that they would be offering only preliminary comments at that stage, whilst still awaiting instructions from their capitals.

A. Preamble

28. At its 3rd meeting, on 1 July 2014, the working group focused on the first reading of the preambular part of the draft prepared by the Chair-Rapporteur. At the outset of the discussion on the proposed preamble, the Chair-Rapporteur indicated that the draft declaration was based on the purposes and principles upon which the United Nations had been founded. Since then, the importance of maintaining peace and promoting and protecting human rights had been reiterated in many international instruments. Since not all conventions had been ratified by all Member States, the Chair-Rapporteur explained that the idea of the proposed preamble was to have a general reference to the most important principles, and in particular to the Universal Declaration of Human Rights and the two International Covenants, as a common standard of achievement for all peoples and all nations. During the discussion, the Chair-Rapporteur also pointed out to delegations that the intention was for the draft declaration to keep a human rights focus on the right to peace.

29. Several delegations repeatedly indicated the need for a paragraph dedicated to the Declaration of the Right of Peoples to Peace, as well as to the Declaration on the Right to Development (General Assembly resolution 41/128 of 4 December 1986). They considered that, as the draft declaration should be seen as an effort to codify the right to peace, references to those declarations seemed essential. It was also stated that delegations should not lose sight of the cardinal principles that formed the basis for the right to peace. In addition, some delegations expressed the wish to include a reference to the Declaration on the Preparation of Societies for Life in Peace.

30. Other delegations maintained that the declaration should be kept short and concise, and that they would therefore not support a reference to the Declaration of the Right of Peoples to Peace or to the Declaration on the Right to Development.

31. One delegation requested that more references be made to other existing human rights instruments, such as the Convention on the Elimination of All Forms of Discrimination against Women.

32. With regard to the issue of terrorism as a threat to peace, several delegations expressed their wish to include in the preamble a reference condemning terrorism in all its forms. Furthermore, they suggested including wording on the principle of the sovereignty, territorial integrity and political independence of States. Other delegations reiterated that there were many threats to peace and that it would not be a good idea to list all of them in the declaration.

33. Some delegations stressed the need to create conditions of stability and well-being that allowed for peaceful and friendly relations among nations, based on respect for the principle of equality and self-determination of peoples, and expressed the wish to include a reference to the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (annexed to General Assembly resolution 2625 (XXV) of 24 October 1970).

34. One delegation proposed recalling the importance of the settlement of disputes or conflicts through peaceful means. Another delegation wished to underline that alien subjugation, domination and exploitation of peoples were a denial of fundamental rights and an impediment to the promotion of peace.

35. A number of delegations suggested aligning the wording of paragraphs 5 and 8 with the Vienna Declaration and Programme of Action.

36. With regard to the reference to the Human Rights Council in paragraph 13, some felt that it was not appropriate to single out one particular subsidiary body of the General Assembly.

37. Some concrete suggestions were made to review the verbs introducing the various paragraphs of the preamble and to replace “recalling” by “reaffirming” in some instances.

38. Non-governmental organizations and other stakeholders expressed their support for the inclusion in the preamble of a reference to the Declaration on the Right of Peoples to Peace as well as to the Declaration on the Right to Development.

39. Several non-governmental organizations requested the inclusion of a paragraph referring to the Constitution of the United Nations Educational, Scientific and Cultural Organization, which states that “since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed”, a statement also to be found in the Declaration on the Preparation of Societies for Life in Peace. They also suggested adding a reference to the United Nations Millennium Declaration (General Assembly resolution 55/2 of 8 September 2000).

40. One non-governmental organization proposed mentioning, in a new paragraph within the preamble, the right to life as enshrined in article 3 of the Universal Declaration of Human Rights and in article 6 of the International Covenant on Civil and Political Rights.

B. Article 1

41. At its 2nd meeting, on 30 June 2014, the working group proceeded with the consideration of article 1 of the draft declaration. At the outset, the Chair-Rapporteur made reference to the instruments on which the article was based, namely, the Charter of the United Nations, the two International Covenants and the Universal Declaration of Human Rights.

42. A number of delegations welcomed the wording of the article and expressed support for its content. However, delegations discussed proposals to better balance individual and collective aspects of the proposed right.

43. Delegations proposed specific language to redraft the article in order to streamline its content. One delegation noted that a reference to terrorism was missing from the text and proposed specific language to be inserted.

44. Non-governmental organizations and other stakeholders favoured maintaining some notions included in the draft declaration on the right to peace prepared by the Advisory Committee, including peace education and training, the right to life and to develop peacefully in social and international order, and the prohibition of the use of force.

C. Article 2

45. Introducing the discussion on article 2, the Chair-Rapporteur stated that human rights and fundamental freedoms, in particular the right to life, had been massively violated in the context of war and armed conflict. Accordingly, the article was grounded in the notion of human dignity and the principles of equality and non-discrimination, freedom from fear and from want, justice and the rule of law. He added that States should undertake measures to bring about, maintain and enhance conditions of peace for the benefit of people in need in situations of humanitarian crisis.

46. Several delegations highlighted the importance of recognizing the notion of human dignity, while expressing concern about the wording of the article, which intermingled elements relating to legal principles, aspirations and rights. They provided concrete suggestions to streamline the wording of the article.

47. It was pointed out that, considering the nature of the declaration and bearing in mind that it was a political document, the new proposal should be of a declarative character and the action-oriented part should only be inserted at the end of the text.

48. One delegation pointed out that the enumeration of preconditions for peace was not exhaustive and therefore more general language was preferable. Also, it did not support the singling out of a particular situation, such as humanitarian crises.

49. Non-governmental organizations and other stakeholders noted the relevance of the article, given its focus on the responsibility of States and on peace in absence of war. However, it was highlighted that the notions of human security, disarmament, the need to refrain from the use of propaganda, the reduction of military spending and conscientious objection to military service linked to the right to freedom of thought, conscience and religion, as well as the rights of victims, that had been included in the draft declaration on the right to peace prepared by the Advisory Committee, were missing in the text under consideration.

D. Article 3

50. Before opening the discussion on article 3, the Chair-Rapporteur explained that the intention behind the article was to facilitate implementation of the declaration. While the draft declaration was by nature a political declaration, article 3 emphasized the need for all relevant actors to take action at different levels on peace matters, through the promotion of human rights and development. He also made reference to articles 34 and 83 of the Vienna Declaration and Programme of Action and the third part of the Declaration on the Preparation of Societies for Life in Peace, in which similar action-oriented wording could be found.

51. Several delegations expressed concern over the wording of the article, which seemed to suggest possible legal implications, and requested that it be reformulated. The declaration in general should be kept short and concise. It should also be clarified which national institutions were being referred to.

52. A number of delegations welcomed the action-oriented character of the article and indicated that the reference to the implementation of the declaration was essential, as the declaration should be seen as a starting point in the process towards establishing peace, rather than as an end point. One delegation, however, questioned the action-oriented character of the article. It was mentioned that the declaration should be seen as an expression of political will, rather than as an action-oriented tool.

53. Non-governmental organizations welcomed the text of article 3, stressing the importance of making implementation possible. It was suggested that the wording of the article should be strengthened.

E. Article 4

54. Moving to article 4, the Chair-Rapporteur pointed out that it could be considered a relatively straightforward article that was intended to guarantee a human rights approach to the draft declaration.

55. One delegation stated that article 4 was not entirely necessary and that it ambiguously seemed to imply that the draft declaration was a legal instrument. The reference to legal implications could be avoided by using alternative wording. Some delegations suggested deleting the reference to the ratification by countries of relevant instruments, while others felt it more appropriate to refer to States than to countries.

56. A proposal was made to use the wording of article 9, paragraph 2, of the Declaration on the Right to Development, which similarly aims at ensuring that the text be understood in line with the purposes and principles of the United Nations.

57. No comments by non-governmental organizations were made on the article during the first reading.

58. The Chair-Rapporteur expressed his satisfaction with the constructive manner in which negotiations were proceeding. The first reading of the operative part was concluded at the 3rd meeting, on 1 July 2014.

V. Second reading of the new text prepared by the Chair-Rapporteur of the open-ended intergovernmental working group on a draft United Nations declaration on the right to peace

59. At its 4th and 5th meetings, on 2 July 2014, the working group undertook the second reading of the new text prepared by the Chair-Rapporteur of the open-ended intergovernmental working group on a draft United Nations declaration on the right to peace, starting with the operative part, followed by the preambular part. The second reading proceeded on the basis of the original articles, complemented by proposals and amendments provided by delegations, which had been compiled and projected on the screen in the meeting room and further updated during the meeting.

60. Before the reading began, the Chair-Rapporteur highlighted the spirit of dialogue and the constructive atmosphere that had prevailed until then. Delegations had demonstrated their desire to advance the work and displayed willingness to negotiate. His goal was to obtain a clear understanding of the positions of all those involved. He thanked all concerned for their substantive contributions and reaffirmed his commitment to strive to bring everyone's positions closer together as the session progressed. Delegations commended the Chair-Rapporteur for his transparent approach to negotiations and for placing on record the comments of all delegations.

A. Preamble

61. The working group then turned to the second consideration of the preamble, with the Chair-Rapporteur opening the floor for comments on the paragraphs one by one.

62. Several delegations supported the request to change the order of the paragraphs in order to group together all paragraphs that made reference to political declarations.

63. A number of delegations took the floor to reiterate their wish to include more references to political declarations, such as the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Declaration on the Preparation of Societies for Life in Peace, the Declaration on the Right of Peoples to Peace and the Declaration on the Right to Development.

64. One delegation suggested including a new paragraph in the preamble based on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (General Assembly resolution 47/135 of 18 December 1992), which also referred to cultural minorities. Other delegations stressed the importance of maintaining the existing categories of minorities, as listed in that Declaration.

65. A number of delegations stated that multiple vulnerable groups existed and the draft declaration needed to keep a broad perspective, covering all of those groups, rather than mentioning some of them.

66. With regard to the content of paragraph 14 of the preamble, one delegation requested the inclusion of a reference to the Constitution of the United Nations Educational, Scientific and Cultural Organization, to reflect the origin of the wording.

67. Some delegations reiterated their wish to mention the issue of sovereignty and territorial integrity, stating that the right to peace went beyond State borders. Other delegations insisted on maintaining focus and keeping the draft declaration short and concise.

68. Some delegations suggested moving paragraph 17 of the preamble to the operative part of the draft declaration, as it was of a more action-oriented nature. Furthermore, a discussion was held on the concepts of armed and structural violence. Some delegations stated their preference for using the term armed violence, while some non-governmental organizations and other stakeholders suggested mentioning structural violence in paragraph 17 of the preamble.

69. One delegation stressed the importance of not losing sight, in the preamble, of the universal principles lying at the basis of peace, of which the most important was dialogue.

70. Non-governmental organizations and other stakeholders reiterated previous proposals and expressed support for making references to existing political declarations.

B. Article 1

71. During the second reading of article 1, the discussion focused on whether or not to include an explicit reference to the right to peace. Delegations supporting its inclusion reiterated their view that a clear and explicit reference to the right to peace was indispensable in order for the working group to fulfil its mandate of drafting a declaration on the right to peace. In their view, the right to peace had to be given greater prominence in the text. Otherwise the group would be taking a step backwards from what had been previously agreed.

72. Explicit reference to the right to peace was strongly opposed by other delegations, which repeated their principled non-recognition of that right and restated their support for the new approach put forward by the Chair-Rapporteur. One delegation stated that it would not oppose a reference to the right to peace as such, but considered that attempts to define new rights would be problematic. It appreciated the focus on links between development, human rights and peace and wished to further reinforce the development pillar, drawing on the Declaration on the Right of Peoples to Peace.

73. The Chair-Rapporteur recalled that there was universal consensus on the right to life and positions could be brought together around that notion. That was supported by several delegations which appreciated, *inter alia*, the focus on individuals in the article.

74. In an effort to find consensus, a number of alternative proposals for article 1 were put forward by delegations representing the aforementioned diverse positions, drawing, *inter alia*, on language from the Declaration on the Right of Peoples to Peace and the Declaration on the Preparation of Societies for Life in Peace, although a reservation was also expressed about the outdated language of both declarations and about the fact that neither was a consensus document, particularly not the former.

75. Non-governmental organizations and other stakeholders continued to call for the right to peace to be reaffirmed as a fundamental human right and to be reflected clearly in

the draft declaration. Non-governmental organizations delivered a joint statement in that regard. They hoped the draft of the Advisory Committee would not be entirely discarded.

C. Article 2

76. Much of the discussion concerning article 2 focused on the proposal by one delegation to include a reference to terrorism as a serious threat to peace, which was acceptable to some delegations. One delegation was flexible with regard to the inclusion of a reference to terrorism, particularly as regards the strengthening of international cooperation thereon. It was also suggested that a reference be included to new threats to peace, such as financial and economic crises, where terrorism could also be listed, whereas other delegations were unwilling to enter into a listing exercise given the numerous other existing threats to peace, including transnational organized crime and natural disasters. Some delegations recalled that maintaining peace was in the purview of the Security Council rather than the Human Rights Council. One delegation cautioned against the working group losing sight of the focus on human rights and peace in that discussion.

77. Several delegations suggested adding a focus on development in relation to the enhancement of the rule of law by States, in order to reach a more balanced reflection of the three pillars of peace and security, development and human rights. That was seen by other delegations as potentially narrowing the scope of the article.

78. As during the first reading, non-governmental organizations and other stakeholders considered that article 2 should be expanded in the light of the draft of the Advisory Committee to include references to issues such as the suppression of war propaganda and the arms trade, commitment to disarmament and the promotion of peace and human rights education.

D. Article 3

79. During the discussion on article 3, several delegations expressed their wish to reformulate the article and to make it more precise. Suggestions for alternative wording were made, drawing on article 9 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and on article 38 of the United Nations Declaration on the Rights of Indigenous Peoples (General Assembly resolution 61/295 of 13 September 2007).

80. One delegation reiterated that the use of the word “implementation” was problematic, as it seemed to indicate possible legal implications.

81. Non-governmental organizations and other stakeholders stated that an appropriate monitoring mechanism should be set up to monitor full compliance with the future United Nations declaration on the right to peace. They also considered it useful to set up a framework for coordinating the development of programmes to foster capacities for peace. In that sense, one non-governmental organization pointed to agreed language in existing texts, such as the Declaration and Programme of Action on a Culture of Peace and the Vienna Declaration and Programme of Action.

E. Article 4

82. During the second reading of article 4, one delegation suggested the use of alternative wording which could be found in article 8, paragraph 4, of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

Another delegation supported reformulating the article, but insisted on the use of agreed language containing more general references to international law.

83. It was suggested that a reference be included to the pledge in the Preamble to the Charter of the United Nations to save future generations from the scourge of war. No further comments were made by non-governmental organizations.

84. The working group concluded its second reading of the draft declaration at the end of its 5th meeting.

VI. Conclusion of the session

85. At the 6th meeting, on 3 July 2014, following the distribution of the draft report, the Chair-Rapporteur announced that it was not his intention to present, by the end of the second session of the working group, a new text on the basis of the proposals made by delegations.

86. At the same meeting, a procedural discussion was held on the format of the report.

87. Upon receipt of instructions from their capitals, some delegations made additional comments on the draft text prepared by the Chair-Rapporteur. One delegation noted the absence of a definition of peace and suggested adding a new paragraph in the preamble to include such a definition, which could be drawn from paragraph 4 of the Declaration and Programme of Action on a Culture of Peace. It was also stated that a reference to the systemic dimension of the right to peace, as well as to the importance of a multilateral approach, should be included in the preamble, in order to reflect the need for dealing with the structural causes of conflict and developing a culture of consolidation of peace.

88. Another delegation suggested including a paragraph on tolerance and dialogue between religions and civilizations, considering their contribution to the right to peace. Subsequently, some of the proposals previously made by other delegations were reiterated.

89. Non-governmental organizations and other stakeholders also intervened and a joint statement was presented. An appeal was made to all delegations to take a leap forward with the declaration by endorsing the right to life in peace, in line with article 1 of the Declaration on the Preparation of Societies for Life in Peace.

90. At the 7th meeting, on 4 July 2014, a revised version of the draft report on the second session of the Working Group was distributed in the room. A procedural discussion ensued on whether or not to annex to the report a compilation of proposals made during the second session by States as well as by non-governmental organizations and other stakeholders.

91. At the 8th meeting, on the same day, the Chair-Rapporteur announced his decision to issue a compilation of proposals made during the second session by States, non-governmental organizations and other stakeholders, in the form of a conference room paper of the second session, which would subsequently be made available on the web page of the working group.

92. At the same meeting, one delegation expressed the wish to include in the preamble of the draft declaration a paragraph referring to more recent key United Nations declarations, for example the United Nations Millennium Declaration, and in particular to the notion of tolerance, the effort to free peoples from the scourge of war and the importance of promoting peace through sport and the Olympic ideal, as well as the 2005 World Summit Outcome (General Assembly resolution 60/1 of 16 September 2005). That proposal was subsequently supported by a non-governmental organization. In their concluding remarks, non-governmental organizations again called on governments to

recognize and respect peace as a human right and to solve conflicts through negotiation, in accordance with the Charter of the United Nations.

VII. Conclusions and recommendations

A. Conclusions

93. At the 8th and final meeting of its second session, on 4 July 2014, the open-ended intergovernmental working group on a draft United Nations declaration on the right to peace adopted the following conclusions, in accordance with its mandate established by the Human Rights Council in resolution 23/16:

(a) The working group welcomed the participation of the President of the Human Rights Council and of the Director of the Human Rights Council and Special Procedures Division on behalf of the United Nations High Commissioner for Human Rights;

(b) The working group acknowledged the constructive dialogue, broad participation and active engagement of governments, regional and political groups, civil society and relevant stakeholders, and took note of the input received from them;

(c) The working group welcomed the approach put forward by the Chair-Rapporteur.

B. Recommendations of the Chair-Rapporteur

94. Following the discussions held during the meetings of the working group, the Chair-Rapporteur recommends to the Human Rights Council that:

(a) Another session of the open-ended intergovernmental working group be held before the Council's twenty-eighth session, to finalize the text of the declaration;

(b) The Chair-Rapporteur be given permission to hold informal consultations with governments, regional groups and relevant stakeholders in the intersessional period;

(c) The Chair-Rapporteur be entrusted with the preparation of a revised text on the basis of the discussions held during the first and second sessions of the working group, as well as on the basis of informal consultations, and with the presentation of that text before the third session of the working group for consideration and further discussion thereat, in order to finalize the text of the declaration.

VIII. Adoption of the report

95. At its 8th meeting, on 4 July 2014, the working group adopted the draft report on its second session ad referendum and decided to entrust the Chair-Rapporteur with its finalization.

Annex I

Agenda

1. Opening of the meeting.
2. Election of the Chair-Rapporteur.
3. Adoption of the agenda.
4. Programme of work.
5. Adoption of the report.

Annex II

New text by the Chair-Rapporteur presented on 24 June 2014 to the working group in accordance with Human Rights Council resolution 23/16

[United Nations declaration on the right to peace]

Preamble

The General Assembly,

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

Guided also by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as a common standard of achievement for all peoples and all nations,

Recalling the determination of the peoples of the United Nations to live together in peace with one another as good neighbours in order to save succeeding generations from the scourge of war, and to take appropriate measures to strengthen universal peace,

Recalling that friendly relations among nations are based on respect for the principle of equal rights and self-determination of peoples, and international cooperation to solve international problems of an economic, social, cultural or humanitarian character and to promote and encourage respect for human rights and fundamental freedoms for all,

Recalling also that the inherent dignity and the equal and inalienable rights of all members of the human family are the foundation of freedom, justice and peace in the world,

Recalling that disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind,

Recalling in particular 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,

Recalling that the Vienna Declaration and Programme of Action stated that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

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,

Recalling the world commitment to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all,

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,

Recalling the importance of the prevention of armed conflict in accordance with the purposes and principles of the Charter of the United Nations and 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,

Recalling that the Human Rights Council shall contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies,

Recalling also that the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all nations must fulfil in a spirit of mutual assistance and concern,

Recalling the United Nations Declaration on Human Rights Education and Training, which proclaimed that everyone has the right to know, seek and receive information about all human rights and fundamental freedoms and should have access to human rights education and training,

Recalling the Declaration and Programme of Action on a Culture of Peace, which recognized that a culture of peace is a set of values, attitudes, traditions and modes of behaviour and ways of life based on, among other things, full respect for and promotion of all human rights and fundamental freedoms,

Inviting solemnly all stakeholders to guide themselves in their activities by recognizing the supreme importance of practising tolerance, dialogue, cooperation and solidarity among all stakeholders as a means to promote world peace through human rights and to end, reduce and prevent progressively war and armed violence, in particular, by observing the following:

Article 1

Everyone is entitled to the promotion, protection and respect of all human rights and fundamental freedoms, in particular the right to life, in a context in which all human rights, peace and development are fully implemented.

Article 2

States should enhance the principles of freedom from fear and want, equality and non-discrimination, and justice and the rule of law as a means to build peace within societies. In this regard, States should undertake measures to bring about, maintain and enhance conditions of peace, particularly for the benefit of people in need in situations of humanitarian crisis.

Article 3

States, the United Nations, including its specialized agencies, other interested international, regional, national and local organizations and civil society should adopt all possible actions with the purpose of implementing, strengthening and elaborating this Declaration, including the establishment and enhancement of national institutions and related infrastructures.

Article 4

The provisions included in this Declaration shall be interpreted in the light of the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant international instruments ratified by countries.
