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Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 of 18 June 2007: Agenda and annual programme of work, including new priorities

Joint written statement^{*} submitted by the Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), the Brahma Kumaris World Spiritual University (BKWSU), the Franciscans International, non-governmental organizations with general consultative status, the Union of Arab Jurists, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the International Association of Peace Messenger Cities, the International Fellowship of Reconciliation, the Indian Movement “Tupaj Amaru”, the General Federation of Iraqi Women (GFIW), the General Arab Women Federation (GAWF), the Arab Lawyers Union (ALU), the American Association of Jurists, the Temple of Understanding, the Tandem Project, North South XXI, the Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (España), non-governmental organizations with special consultative status, the Institute for Planetary Synthesis (IPS), the UNESCO Centre for the Basque Country (UNESCO ETXEA), the 3HO Foundation (Healthy, Happy, Holy Organization), the International Society for Human Rights (ISHR), non-governmental organizations on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 July 2010]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Draft declaration on the right of peoples to peace¹

I.

The Spanish Society for International Human Rights Law (SSIHRL) welcomed on 30 October 2006 the adoption of the *Luarca Declaration on the Human Right to Peace*, which was drafted by a Committee of independent experts. It was the culmination of a process of extensive consultations within the Spanish civil society.

On 15 March 2007, the *Luarca Declaration on the Human Right to Peace* was firstly presented to the fourth session of the HR Council in an oral statement. Since then, the SSIHRL and more than 500 NGO have organized many parallel meetings at the *Palais des Nations* during the subsequent sessions of the HR Council in order to analyse specific questions regarding the content and scope of the human right to peace² and submitted oral statements before the plenary.

¹ NGOs without consultative status that also share the views expressed in this statement: Monitoring Net of Human Rights In Iraq (MHRI), the Association of Iraqi POWs, Association of International Humanitarian Lawyers (AIHL), Women's Will Association (WWA), the Association of Iraqi Jurists (AIJ), Conservation Centre of Environmental & Reserves in Iraq (CCERF), Human Rights Division of the Association of Muslims Scholars in Iraq (AMSI), Al-Basaer Media Association (ABMA), Studies Center of Human Rights and Democracy (SCHRD), Association of Human Rights Defenders in Iraq (AHRDI), the Iraqi Commission for Human Rights (Iraqi-CHR), the Organization for Widows And Orphans (OWO), the Iraqi Association Against War (IAAW), Organization for Justice and Democracy in Iraq (OJDI), Association of Iraqi Diplomats (AID), Arab Lawyers Network (UK), Iraqi Human Rights Center, Nepal International Consumers Union (NICU), Center for Women's Global Leadership, Spanish Federation of Associations on Defensa and Promotion of Human Rights (Asociación para la Defensa de la Libertad Religiosa (ADLR), Asociación Pro Derechos Humanos de España (APDHE), Associació per a les Nacions Unides a Espanya (ANUE), Comisión Española de Ayuda al Refugiado (CEAR), Comunidad Bahá'í de España, Federació Catalana d'Organitzacions no Governamentals pels Drets Humans, Fundación Paz y Cooperación, Institut de Drets Humans de Catalunya (IDHC), Instituto de Estudios Políticos para América Latina y África (IEPALA), Justicia y Paz. España (JP. España), Liga Española Pro-Derechos Humanos (LEPDDHH), Movimiento por la Paz, el Desarme y la Libertad (MPDL), Paz y Tercer Mundo - Mundubat (PTM)), Foro 2010 de Santiago de Compostela (AIPAZ, SOIPAZ, Fundación Seminario de Investigación por la Paz de Zaragoza, Red de Escuelas de Paz de Andalucía, Fundación Cultura de Paz en Barcelona, Baketik, Instituto de Paz y Conflictos de la Universidad de Granada, Fundación per la Pau, Càtedra Unesco de la Universitat Jaume I de Castellón, Igadi, Centro de Estudos Sociais de la Universidade de Coimbra en Portugal, Fundación Galiza Sempre, Altermundo, IGESIP, Institut Català Internacional per la Pau, Coordinadora Gallega de ONGD, Consejo Internacional del Foro Mundial de Educación, Confederación de STE, Colegio de Psicólogos de Galicia, CIP Ecosocial de Madrid, Sociedad Iberoamericana de Pedagogía, Ospaaal Galicia, Seminario Galego de Educación para a Paz, Médicos del Mundo), the Hague Appeal for Peace (157 NGO worldwide, please see in <http://www.haguepeace.org>)

² On 15 March 2007 both the SSIHRL and the International Society of Human Rights (Frankfurt) convened an open Information Meeting on the Luarca Declaration; on 16 March 2007, the SSIHRL organized a Technical Meeting with NGO and human rights experts with a view to building a common strategy for a world-wide campaign on the human right to peace; on 11 June 2007, both UNESCO Etxea and SSIHR organized an additional parallel meeting on the relationship between peace and solidarity rights; on 12 September 2007, the SSIHRL in collaboration with the UNESCO Liaison Office in Geneva organised a Roundtable on the legal content of the human right to peace; on 21 September 2007, the SSIHRL organised the commemoration of the International Day of Peace in the Council Chamber of the Palais de Nations; on 7 March 2008, the SSIHRL, the International Society of Human Rights (Frankfurt) and UNESCO Etxea organised a Roundtable on the relationship between extreme poverty and the human right to peace; on 4 June 2008, the SSIHRL and UNESCO

At the same time, the SSIHRL has developed its four-year World Campaign on the Human Right to Peace organizing workshops and expert meetings on the human right to peace in all regions of the world³, sharing the content of the Luarca Declaration, and receiving new inputs from different cultural sensibilities.

The *Luarca Declaration* was reviewed in the light of the contributions received from various regional expert meetings on the human right to peace. A new drafting committee of independent experts approved on 24 February 2010 the *Bilbao Declaration on the Human Right to Peace*⁴.

The *Bilbao Declaration on the Human Right to Peace* was reviewed by the *International Drafting Committee* (ten experts from the five geographical groups), which approved on 2

Etxea organised a Roundtable on the right to education on peace and human rights; on 12 September 2008, the SSIHRL and UNESCO Etxea organised a Roundtable on the human right to peace and indigenous peoples; on 19 September 2008, the SSIHRL, UNESCO Etxea and the NGO Liaison Office of UNOG organised the commemoration of the International Day of Peace in the Council Chamber of the Palais de Nations; on 17 March 2009 the SSIHRL and UNESCO Etxea organized a roundtable on the human right to peace and racism, racial discrimination, xenophobia and related intolerance; on 3 June 2009 the SSIHRL, Women's United Nations Report Network and UNESCO Etxea organized a roundtable on migration and peace; on 17 September 2009 the SSIHRL and UNESCO Etxea organized a roundtable on peace and disarmament as solidarity rights; on 11 March 2010 the SSIHRL and UNESCO Etxea organized a roundtable on codification of the human right to peace; and on 15 June 2010 the SSIHRL and UNESCO Etxea, in collaboration with the International Association of Democratic Lawyers, the International Peace Bureau, Interfaith International and International Fellowship of Reconciliation, organized another expert meeting on the codification of human rights peace. The reports of these meetings are available on www.aedidh.org

³ Conferences and expert meetings have already taken place in the following places: Bilbao and Geneva (November 2006); Mexico (December 2006); Bogotá, Barcelona and Addis Ababa (March 2007); Caracas and Santo Domingo (April 2007); Morelia, Mexico (12 May 2007), Bogotá (12 May 2007), Oviedo and Santa Fe (New Mexico, USA, 16-17 May 2007); Washington (14 June 2007), Nairobi (15 June 2007), Geneva (28 June 2007); Feldkirch (Austria, 31 August 2007); Geneva (11, 12 and 21 September 2007), Luarca (28 September 2007); Madrid (23 October 2007); Monterrey, Mexico (1st November 2007), Mexico DF, Geneva, Las Palmas de Gran Canaria, Zaragoza and Navía, Asturias (December 2007); on the occasion of the UN Commission on the Status of Women, New York (February 2008); Geneva (March 2008); Parliament of Catalonia, Barcelona, Geneva, Dakar, Madrid and Valencia (April 2008); Rome and Gwangju, Republic of Korea (May 2008); Geneva and Bilbao (June 2008); Cartagena, Spain, and Geneva (July 2008); Paris, Geneva and Montevideo (September 2008); Oviedo, Turin, New York and Basque Parliament, Vitoria (October 2008); La Plata and Buenos Aires, Argentina, and Bosco Marengo, Italy (November 2008); Luxembourg, Geneva and Barcelona (December 2008); Geneva and Barcelona (January 2009); Yaoundé, Cameroon (February 2009); Figaredo, Asturias, Geneva and New York (March 2009); Johannesburg, Seville, Madrid, Santiago de Compostela and Bangkok (April 2009); Trevi, Italy, Mexico and Seville (May 2009); Geneva (June 2009); Mexico City and Morelia (July 2009); Donostia-San Sebastián (August 2009); Geneva and Valdes (September 2009), Case, Cangas de Onís, Alcalá de Henares and Sarajevo (October 2009); Las Palmas de Gran Canaria, University of Berkeley (USA) and Geneva (November 2009); Alexandria, Egypt (with IPS) and Geneva (December 2009); Havana, Cuba and Geneva (January 2010); Geneva (Switzerland) and Bilbao (Spain) (February 2010); Geneva (Switzerland) and New York (USA) (March 2010); Mexico City, April 2010, New York (USA) and Madrid (Chamber of Deputies) (May 2010); Barcelona, Ginebra, Santiago de Compostela and Kampala (Uganda), (June 2010). For more information on these meetings, please see <http://www.aedidh.org>

⁴ The full text of the Bilbao Declaration can be consulted in several languages in <http://www.aedidh.org>

June 2010 the *Barcelona Declaration on the Human Right to Peace* by inspiring in the interests and aspirations of the international civil society as a whole⁵.

The *Barcelona Declaration on the Human Right to Peace* shall be submitted to the *International Congress on the Human Right to Peace*, to be organized by the SSIHRL in Santiago de Compostela (Spain) on 9-10 December 2010⁶. Civil society shall be invited to discuss and adopt a final text of the Declaration that will represent their aspirations in the codification of the human right to peace. It shall also be invited to establish an *International Observatory on the Human Right to Peace* within the SSIHRL.

Finally, the *Santiago Declaration on the Human Right to Peace*, which is expected to be adopted on 10 December 2010, shall be submitted to the HR Council in 2011, urging its Member States to initiate the official codification of the human right to peace. This submission will close the four-year World Campaign of private codification on the draft Universal Declaration on the Human Right to Peace carried out by the SSIHRL.

II.

Since 2008 the Human Rights Council has been working on the **“Promotion of the right of peoples to peace”** inspired by previous resolutions on this issue approved by the UN General Assembly and the former Human Rights Commission, particularly the GA resolution 39/11 of 12 November 1984, entitled “Declaration on the Right of Peoples to Peace” and the United Nations Millennium Declaration.

In 2008, the Human Rights Council reiterated the traditional position, according to which “peoples of our planet have a sacred right to peace”⁷, and that preservation and protection of this right constitutes a fundamental obligation of each State (paragraph 2). Therefore, States should direct their policies towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations (paragraph 5).

The resolution also stresses that peace is a vital requirement for the promotion and protection of all human rights for all (paragraph 3) and that the cleavage that divides human society, between the rich and the poor, and the ever-increasing gap between the developed and developing worlds pose a major threat to global prosperity, peace, security and stability (paragraph 4).

In 2009, the Human Rights Council reviewed its position by recognizing the **individual** approach of the right to peace. The resolution 11/4 affirmed in the Preamble that “human rights include social, economic and cultural rights and the **right to peace**, a healthy environment and development, and that development is, in fact, the realization of these rights” (paragraph 15 of Preamble); that, pursuant article 28 of the Universal Declaration on Human Rights, “**everyone** is entitled to a social and international order in which the rights and freedoms ...can be fully realized” (paragraph 17 of Preamble); and that a life without war is the primary international prerequisite for the material well-being, development and

⁵ The full text of the Barcelona Declaration can be consulted in several languages in <http://www.aedidh.org>

⁶ The Congress will be organised at the occasion of the "Forum 2010" (World Social Forum on Education for Peace), to be held on 7-13 December 2010 in Santiago de Compostela (Spain) <http://www.foro2010.org>

⁷ Para.1 of the operative part of HR Council res. 8/9, adopted on 18 June 2008 by 32 votes in favor, 13 against and 2 abstentions (India and Mexico)

progress of countries and for the full implementation of the **rights and fundamental human freedoms** proclaimed by the United Nations” (paragraph 19 of Preamble)⁸.

Additionally, the Human Rights Council reiterated the OHCHR to convene a **workshop** on the right of peoples to peace, which was finally held on 15-16 December 2009 in Geneva. It concluded that on the basis of studies and latest developments of doctrine and civil society, one might identify the contents and scope of the *human right to peace* as an emerging right.

In June 2010, the HR Council had before it the report of the Office of the High Commissioner on the outcome of the expert workshop on the right of peoples to peace,⁹ as well as the joint written statement on the Working Group on the Human Right to Peace of more than 500 NGOs world-wide conducted by the SSIHRL¹⁰. The Human Rights Council approved the resolution 14/3 -with the vote in favor of African, Asian and Latin American and Caribbean States¹¹- in which reiterates the content of this right, according to the resolutions already approved in 2008 and 2009.

Furthermore, the resolution 14/3 explicitly recognizes the “... the important work being carried out by civil society organizations for the promotion of the right of peoples to peace and the codification of that right”¹²; recalls “the United Nations Declaration and Programme of Action on Culture of Peace, 1999, and the General Assembly resolution 53/25 proclaiming 2001-10 as the International Decade for a Culture of Peace and Non-Violence for the children's of the world;”¹³ “calls upon States and relevant United Nations bodies to promote effective implementation of the United Nations Declaration and Programme of Action on Culture of Peace”¹⁴; and finally, “supports the need to further promote the realization of the right of peoples to peace” and in that regard requests “the Advisory Committee, in consultation with Member States, civil society, academia and all relevant stakeholders, to prepare a draft declaration on the right of peoples to peace, and to report on the progress thereon to the Council at its seventeenth session”¹⁵.

The resolution 14/3 is a historic land-mark, since it has formally opened within the United Nations the process of international codification of the right to peace, thus replying positively to the progress that civil society had achieved in the last years. It is now to all international actors to take care of the codification process that should evolve in the next years towards proposals of consensus that would avoid any threat of set back.

On the other hand, the hr Council resolution 14/3 is reducing the material content of the draft declaration to be prepared by the Advisory Committee to *the right of peoples to peace*. However, given that this resolution indirectly accepts the individual dimension of this

⁸ Resolution 11/4, 17 June 2009

⁹ Doc. A/HRC/14/38 of 17 March 2010, 16 p.

¹⁰ A/HRC/14/38, 17 March 2010

¹¹ Resolution 14/3 was approved by 31 votos in favour (African, Asian and Latin American and Caribbean States), namely: Angola, Argentina, Bahrein, Bangladesh, Bolivia (Plurinational State of), Brasil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Indonesia, Jordan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay and Zambia. 14 States voted against, namely: Member States of the European Union (Belgium, France, Hungary, Italy, Netherlands, Slovakia, Slovenia and United Kingdom), associate European States (Bosnia and Herzegovina, Norway and Ukraine), United States of America, Japan and Republic of Korea). There was 1 abstention (India). Kyrgyzstan did not participate.

¹² Last paragraph of the preamble of the res. 14/3 cit.

¹³ Preambular § 4 of draft resolution a/hrc/14/1.12, cit.

¹⁴ Ibidem, § 11,

¹⁵ Ibidem id., § 15 of the operative part.

right¹⁶, it should not be a serious obstacle to preclude in the future to extent the mandate of the Advisory Committee to prepare a *draft declaration on the right of individuals and peoples to peace*.

III.

The **Advisory Committee** approved without a vote the recommendation 3/5 on 7 August 2009 entitled “Promotion of the Right of Peoples to Peace”. It designated Mr. Miguel Alfonso Martinez, a member of the Advisory Committee, “to prepare an initial working paper on the need to initiate a study with the purpose, inter alia, to: a) further clarify the content and scope of this right; b) propose measures to raise awareness of the importance of realising this right; and c) suggest concrete actions to mobilise States, intergovernmental and non-governmental organisations in the promotion of the right of peoples to peace”.

The study was not done due to the death of the expert. In June 2010, the expert Miguel d'Escoto Brockman (Nicaragua) was elected to fill the vacancy. The Advisory Committee will have to decide who person or persons will prepare the draft declaration on the right of peoples to peace. According to its rules, for the moment of appointment of an expert or experts the Advisory Committee should take into account the knowledge and experience and equitable geographical distribution of each candidate¹⁷.

Recommendations

We invite the Advisory Committee to consider in its study the conclusions and recommendations of the workshop of experts on the right of peoples to peace, in particular the recognition of the double dimension -individual and collective- of the right to peace, and the written statement sponsored by more than 500 NGO on this issue¹⁸.

In particular, the Advisory Committee should endeavour in the future declaration to, *inter alia*:

- Consider the human right to peace as a means to foster the right to self determination of peoples and all human rights, including the right to development
- Recognize the relationship between human right to peace and rights to life, integrity, liberty and security of the person; physical and mental health and well-being; the need to protect victims of uncontrolled weapons of mass destruction; the need to examine the possibility of disarming all weapons; the right to emigrate; the right to know the truth of human rights violations; and the exercise of civil, political, economic, social, cultural and linguistic rights to enhance social justice, equity and gender equality, and the elimination of extreme poverty, since it will make possible the solidarity, peace and friendly relations among all nations, races, ethnicities or religions.
- Stress solidarity rights, peace education, and the construction of democratic, interactive and egalitarian multiculturalism, as well as the promotion of dialogue and peaceful coexistence among cultures, civilizations and religions.
- Affirm the realization of the human right to peace as contained in the UN Charter, the UDHR and the international and regional human rights instruments.

¹⁶ Preamble § 15, 18 and 20 of resolution 14/3, which reiterate same paragraphs of resolution 11/4 of 2009, as discussed above.

¹⁷ Article 15.2 of the Rules of Procedure of the Advisory Committee of 6 August 2009. Vid. doc. A/HRC/AC/3/2 of 9 October 2009

¹⁸ A/HRC/13/NGO/89, 25 February 2010, cit.

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- Take into account the Luarca Declaration on the Human Right to Peace of 2006, as reviewed by the Bilbao Declaration on the Human Right to Peace, adopted on 24 February 2010, in line with of the SSIHRL World Campaign for the Human Right to Peace (2007-2010), taking into account the reports of the expert meetings organized in the five regions of the world and the regional Declarations on the human right to peace adopted by experts of civil society in La Plata, Yaoundé, Bangkok, Johannesburg, Sarajevo, Alexandria and Havana. In addition, joint NGO written and oral statements on the content and scope of the human right to peace prepared with the support of more than 500 NGO and submitted to the successive sessions of the HR Council (see <http://www.aedidh.org>); and finally, the Barcelona Declaration on the Human Right to Peace, adopted on 2 June 2010 by the International Drafting Committee composed of 10 independent experts of the five regions of the world, which granted an international authority to the Luarca and Bilbao Declarations¹⁹.
 - Further recognize the need to enhance gender mainstreaming in the field of peace-building as requested by the Beijing Declaration and Platform of Action, adopted by the Fourth World Conference on Women of 1995 and to promote women's participation at all levels of decision-making on peace, disarmament and security issues, as provided for in Security Council resolution 1325 (2000), 1880 and 1888 (2009), as well as the need to perform a gender analysis in all situations of armed conflict and post-conflict societies.

¹⁹ All the civil society declarations above mentioned are available on www.aedidh.org