

## **Statement by the Independent Expert on the promotion of a democratic and equitable international order**

### **International Day of Peace: Peace is a Human Right with individual and collective dimensions**

On the occasion of international day of peace 2016, the Independent Expert on the promotion of a democratic and equitable international order, Alfred de Zayas, urges the Human Rights Council to take action to follow up on the call of civil society worldwide requesting it to complete its work on the human right to peace and go beyond the bland Declaration on the right to peace adopted last June 2016 through Human Rights Council Resolution 32/28.

“Human Rights Council Resolution 32/28 adopted in June 2016 is but a timid beginning of the formulation of the human right to peace. Hundreds of civil society organizations have been demanding for years the adoption of a substantive declaration that will pave the way to a General Assembly Resolution that will explicitly define peace as a human right with individual and collective dimensions and enumerate the many other human rights that are at play, including the right to life and security of person, the right to conscientious objection to military service, and the prohibition of propaganda for war. Unfortunately, the final wording of the declaration adopted last June fails to meet its noble objective. It fails to reflect the draft presented by the Council’s own Advisory Committee and does not meet the expectations of civil society.

I regret the retrogression manifested in three sessions of the inter-governmental working work in charge of preparing the declaration on the right to peace, which did not even reach consensus, notwithstanding the fact that peace and human rights are at the core of the UN Charter and that the UN Covenants, to which most UN Member States are party, and subsequent jurisprudence already formulate the legal basis of Peace as a human right. The working group missed the opportunity to reaffirm the multiple aspects of Peace – not only as the absence of war, but as a human right in itself, going beyond General Assembly resolution 39/11 of 12 November 1984, on the right of peoples to peace, which already stipulates “the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each State,” but which fails to recognize peace not only as a collective right of peoples, but as a right of individuals to be free of structural violence. Moreover, Peace must be seen as an enabling right and condition to the enjoyment of all other rights. The Human Rights Council is the preeminent venue to discuss its many dimensions.

As elucidated in my prior reports to the Human Rights Council and the General Assembly, most of the components of the human right to peace are already justiciable under the individual complaint procedures of the UN Human Rights Committee and the Committee on Economic, Social and Cultural Rights.<sup>1</sup> Two general comments of the Human Rights Committee on the right of life call for total nuclear disarmament as the only way to save humanity from eventual destruction. The report of the 2009 UN workshop on the right to peace, the Advisory Committee's draft declaration of 2014 and the civil society Declaration of Santiago of 10 December 2010 outlined the multifaceted elements of the human right to peace, focusing on the absence of structural violence not just a lack of armed conflict.

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<sup>1</sup> See A/HRC/27/51

My 2014 report to the Council calls for comprehensive disarmament for development and documents the immense waste of resources currently being sunk in weapons procurement, as well as modernization and stockpiling of military hardware, maintenance of military bases worldwide and research conducted into the development of new weapons of mass destruction and lethal autonomous weapon systems. The funds released by slashing military budgets would then be available for implementing human rights treaty obligations, particularly in the field of economic, social, cultural and environmental rights.

I call on all States to review their genuine “security” needs and to gradually shift from a war and bravado economy to a peace and international solidarity economy. Only thus will they be able to meet the commitments made on the 2030 Development Agenda and COP21. We owe it to succeeding generations to make peace a reality for humankind.

On international day of peace States should focus on resolving the root causes of local, regional and international conflict, often emerging from great injustices and inequalities prevailing in the world, the race for natural resources, the asymmetries of trade relations, and the impact of climate change. Much more effort must be devoted to conflict-prevention and the creation of infrastructures that will ensure sustainable peace and development.”