



In special consultative status with the United Nations

Expert Meeting on The Human Right to Peace Geneva, 11 November 2016

In the framework of the Third UN Geneva Peace Week, the Spanish Society for International Human Rights Law (hereinafter SSIHRL) and Women's UN Report Network (hereinafter WUNRN) co-organized on 11 November 2016 an Expert Panel on the Human Right to Peace to further their efforts on the recognition of the human right to peace in international law. The Meeting was held in the Palais des Nations and attended by 23 participants, which varied from civil society members, to scholars and members of Permanent Missions in Geneva. The main focus of the Meeting was on the codification and progressive development of the human right to peace. Particular attention was paid to the adoption on 1st July 2016 by the Human Rights Council of resolution 32/28 and its annexed Declaration on the Right to Peace.

The first speaker was Prof Alfred de Zayas – UN Independent Expert on the Promotion of a Democratic and Equitable International Order, on “The Human Right to Peace as an essential component of the democratic and equitable international order”. He focused on the Declaration on the Right to Peace adopted in resolution 32/28, considered to be completely insufficient, as it does not recognize the human right to peace nor its essential components. It was a ‘*minimus* declaration’, reduced to such extent that it can even be considered a step back in relation to the Declaration on the Right of Peoples to Peace adopted by the General Assembly in 1984. He concluded that resolution 32/28 was the best proof of failure of the governments. On the contrary, civil society organizations stand rightly on the Santiago Declaration on the Human Right to Peace of 2010. He stressed the importance of not allowing military industries to decide for us, since as long as there is an arms industry, wars are going to continue.

Next, Prof Carlos Villán Durán, President of the SSIHRL, focused on the contents of the Santiago Declaration on the Human Right to Peace, which was updated on 4 March 2016 and supported by 474 world-wide CSO. The Declaration was imperative in the current world context where armed conflicts are increasing in number and importance and mass exoduses of war victims and migrants, particularly women and children, have reached unprecedented figures since the end of World War II.

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The Santiago Declaration is composed of nine Articles, as follows: Article 1 recognizes as right-holders individuals, groups, peoples, minorities and humankind. Article 2 addresses the constitutive elements of the human right to peace. Article 3 deals with the States' obligations as the principal duty-bearers of the human right to peace. Article 4 recognizes the right to disarmament as an essential component of the human right to peace. Article 5 raises the right to education on peace and human rights within the framework of the Declaration and Program of Action on a Culture of Peace and Dialogue among Cultures. Cultural violence and discrimination against women must be eliminated. Article 6 stresses the right to human security, including freedom from fear and freedom from want. Article 7 deals with the right to resist and oppose oppression from colonialism, foreign occupation, domestic oppression, aggression, genocide, racism, apartheid, war crimes and crimes against humanity. Private military and security companies, as well as UN peacekeepers, shall be accountable for violation of human rights. Victims of human rights violations have the right to know the truth, to obtain redress, justice, reparation and to guarantees of non-recurrence. Refugees shall enjoy refugee status. Migrants should enjoy human rights without discrimination. Article 8 addresses the rights to development and to environment as essential components of the human right to peace. And, finally, Article 9 invites the Human Rights Council to monitor progress in the implementation of the Declaration; to this purpose, a Special Rapporteur on the Human Right to Peace shall be appointed.

The third speaker was Mr Miguel de la Lama – former Secretary of the Human Rights Council's Working Group on Arbitrary Detention, on "The legal foundations of the human right to peace". The Charter of the United Nations constitutes the first pillar to understand the legal grounds upon which the human right to peace is based. In addition, universal treaties such as the ICCPR and the ICESCR are of the foremost importance since without peace it is impossible to achieve economic, social and political rights. As a consequence, peace should be understood as the absence of social, political or economic harm. In addition, the speaker referred to Declarations approved by the General Assembly in 1978 and 1984. Resolution 39/11 of 1984 recognized the right of peoples to peace, but it failed to recognize the individual right to peace. Furthermore, he mentioned Human Rights Council resolutions 20/15, which established an intergovernmental working group to draft the UN Declaration on the right to peace based on the Declaration adopted by the Advisory Committee in 2012, which included 85% of the standards proposed by civil society in the Santiago Declaration of 2010. However, the Declaration finally adopted by the HR Council in resolution 22/28 was insufficient and lacked of legal basis and consensus.



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Furthermore, the Moderator, Ms. Lois A. Herman – Coordinator of WUNRN- raised the importance of the right to peace from a gender-focused perspective. Women should take an active and positive participation in the journey towards peace since, along with children, they are the most vulnerable individuals in armed conflicts. The lack of investment towards an equal world can be witnessed through the women’s participation in conflicts worldwide: Somalia, Sudan, Venezuela, Yemen, North Korea. Consequently, she called for a new convention recognizing the right to peace and the important role women play in the process. She also called for the dismantlement of the military industry and its consequent investment in sustainable development projects.

Finally, Ambassador Anwarul K. Chowdhury through a Skype conference (Former President of the UN Security Council, Former Ambassador of Bangladesh and Former Under-Secretary-General and High Representative of the UN) speaking from New York on “The Human Right to Peace and the Culture of Peace”. He showed determination and believe in the future recognition of the Right to Peace by the 193 Member States, as stipulated in the Santiago Declaration of 2010. He reminded the important role that civil society is playing in the codification process within the UN and the importance of staying together towards the mutual goal.

The Declaration adopted in HR Council resolution 32/28 was a retrocession compared with the GA Declaration of 1984, since it does not recognize any of the components of the right to peace and it has only served to create a lack of consensus between the civil society and Member States.

Instead of accepting the Declaration adopted by the HR Council, the General Assembly should establish a new *ad hoc* drafting committee to revise the contents of the Declaration attached to the HR Council resolution 32/28 and working towards a holistic and inclusive Declaration on the right to peace in line with the text proposed by civil society in the Santiago Declaration of 2010, as revised in 2016.

Finally, the Meeting invited the elected Secretary-General of the UN, Mr António Guterres to go back to the origins of the UN Charter and put peace in the center of the UN Agenda.