

In special consultative status with the United Nations

EXPERT MEETING ON THE HUMAN RIGHT TO PEACE

Geneva, Palais des Nations, 23 September 2016.

Oral statement by Carlos Villán Durán, President of SSIHRL.

Thank you, Madame Chair-person, for giving to me the floor.

On 1st July 2016, the Human Rights Council adopted resolution 32/28, approving the attached Declaration on the Right to Peace and recommending it for final approval to the General Assembly. The GA is expected to take a final decision on this matter in December 2016.

The draft resolution had been presented by Cuba and the Declaration is a copy of the text submitted one year ago by the Chairman-Rapporteur of the Working Group on the Right to Peace, Ambassador Christian Guillermet (Costa Rica). At that time it was argued that his text enjoyed consensus among the States. However, the resolution was adopted by a divided vote of 34 votes in favor, 9 against and 4 abstentions.

We were aware that the consensus was impossible on this matter since there is a minority of developed States, led by the United States and some European Union Member States that refuse to accept the existence of the human right to peace, without providing any further explanation. Instead, the vast majority of UN Member States from all geographic regions of the world are in favor of the recognition of the human right to peace, in line with the international civil society.

Hundreds of civil society organizations opposed the adoption of this resolution because the Declaration annexed thereto was clearly insufficient. Indeed, it did not recognize the human right to peace neither its essential components.

The dispositive part of this Declaration was reduced to two substantive Articles, as follows:

Article 1 states that « Everyone has the right to enjoy peace such that all human rights are promoted and protected and development is fully realized ».

And Article 2 states that « States should respect, implement and promote equality and non-discrimination, justice and the rule of law and guarantee freedom from fear and want as a means to build peace within and between societies ».

In preparation of the General Assembly session, we call on all interested Governments, International Organizations and CSO to actively reiterate their support to the international codification and progressive development of the human right to peace. The recognition of this right has dramatically become a matter of great urgency in a world

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dominated by an unbridled arms race. Armed conflicts are increasing in number and importance. Mass exoduses of war victims and migrants, particularly women and children, reached unprecedented figures since the end of World War II.

The response of the international community has been disappointed. The body trusted by the UN Charter to keep the international peace and security, the Security Council, remains virtually paralysed by the veto right held by its five permanent members. As a result, we are extremely concerned by the widespread impunity of those responsible for international crimes, as well as massive violations of international human rights law and international humanitarian law.

As far as world peace is eroded, international civil society claims that peace be at the centre for action by all decision makers. Over the past six years, the SSIHRL has put forward the *Santiago Declaration on the Human Right to Peace*, adopted on 10 December 2010 by the international civil society. It received support from more than 2,000 civil society organisations, cities and public institutions worldwide. It has also greatly inspired the work of the Advisory Committee since its Declaration on the Right to Peace, adopted in 2012, had accepted 85% of the standards foreseen by *Santiago Declaration*.

We have the pleasure of presenting today the *Santiago Declaration on the Human Right to Peace* updated in March 2016, that has been supported by 474 worldwide civil society organizations. This Declaration will be submitted to the General Assembly and its Third Committee in October 2016.

In particular, the Preamble spells out the legal bases of the right to peace in international human rights law.

Art. 1 recognizes as right-holders individuals, groups, peoples, minorities and humankind.

Art. 2 addresses the constitutive elements of the human right to peace, as stipulated in the UN Charter and relevant human rights treaties.

Art. 3 deals with the States' obligations as the principal duty-bearers of the human right to peace. States shall refrain from the use or the threat of use of force in international relations; and from imposing unilateral sanctions. In addition, States shall strengthen the three foundation pillars of the UN in the fields of international peace and security, human rights and development; facilitate the contribution of women to the peaceful settlement of disputes and the maintenance of peace after conflicts; suppress propaganda of war; respect the right of peoples to self-determination; and reform the Security Council to ensure compliance with its obligations under the UN Charter.

Art. 4 recognizes the right to disarmament as an essential component of the human right to peace. Resources released shall be devoted to the promotion of human rights and the realization of the rights to development and environment.

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Art. 5 raises the right to education on peace and human rights within the framework of the Declaration and Programme of Action on a Culture of Peace and Dialogue among Cultures. Cultural violence and discrimination against women must be eliminated.

Art. 6 stresses the right to human security, including freedom from fear and freedom from want. Freedom from want requires enjoying sustainable development and economic, social and cultural rights.

Art. 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 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.

Art. 8 addresses the rights to development and environment as essential components of the human right to peace.

Art. 9 proposes that the HR Council monitor progress in the implementation of the Declaration. A Special Rapporteur on the Human Right to Peace shall be appointed.

We, therefore, shall invite Member States of the General Assembly to take into consideration this Declaration which represents the genuine aims of CSO, as well as the Declaration on the Right to Peace adopted by the Advisory Committee in 2012. On the contrary, we will ask States to disregard the Declaration adopted by the HR Council on 1st July 2016.

Finally, the SSIHRL thanks all panellists and participants in the Expert Meeting for their support, to the Chair for her leadership, and to Ms. Alba Bescós and Ms. María del Pino García for their organizational skills and commitment to ensure the success of this Meeting.

Many thanks.