

High Level Meeting on the right to peace
Organised by Costa Rica in coordination with CSO and the support of Non-governmental liaison Unit
of UNOG

**IN THE CONTEXT OF
COMMEMORATION OF THE INTERNATIONAL DAY OF PEACE:**

"SUSTAINABLE PEACE FOR A SUSTAINABLE FUTURE"

High level Meeting on

The Right to Peace

Geneva, 21st September 2012

Palais des Nations

13:10 - 14:10 h.

Room XVI

Organized by:

The Permanent Mission of Costa Rica to the United Nations in Geneva

in coordination with:

**Spanish Society for International Human Rights Law
International Observatory of the Human Right to Peace**

Foundation for Dialogue among Civilizations

World Council of Churches

Nord Sud XXI

Rencontre Africaine de Défense pour les Droits de l'Homme

Japanese Committee on the Human Right to Peace

International Association of Peace Messenger Cities

International Peace Bureau

Initiatives of Change

And with the support of:

Non-Governmental Liaison Unit of the United Nations Office at Geneva

Concept paper

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1. Introduction

The International Day of Peace, also known as the World Peace Day, occurs annually on 21 September. It is dedicated to peace, and specifically the absence of war, and the Secretary-General calls on a temporary ceasefire in a combat zone. It is observed by many nations, political groups, military groups, and peoples.

This year marked the 31 years of the adoption of resolution 36/67 (1981) and 11 years of the adoption of resolution 55/282 (2001) on the International Day of Peace by the General Assembly. Costa Rica not only recognizes the International Day of Peace, but was also the sponsor of the original resolution establishing the Day in 1981 and 2001 before the General Assembly.

2. Background

Pursuant to HR Council resolution 17/16 of 17 June 2011 and Advisory Committee (AC) recommendation 8/4 of 24 February 2012, the AC submitted to the HR Council at its 20th session (June 2012) its (third) draft declaration on the right to peace¹

Also in preparation of the 20th session of the HR Council, on 6 June 2012 several civil society organisations (CSO)² jointly co-organised with the sponsorship of the Group of the Non-Aligned Movement (NAM), the Organisation of the Islamic Cooperation (OIC) and the African Group (AG) the II Dialogue Forum on the *Regional contributions to the Codification of the Right to Peace* at the Palais des Nations. Both representatives of States and CSO requested the HR Council to establish an open-ended working group to continue the codification process of the right to peace, taking duly into account both the AC draft declaration and the CSO main contribution, i.e. the *Santiago Declaration on the Human Right to Peace* (2010).

¹ A/HRC/20/31 of 16 April 2012, Annex.

² Spanish Society for International Human Rights Law (SSIHRL) and the International Observatory of the Human Right to Peace (IOHRP), The Foundation for Dialogue among Civilizations (FDC), the World Council of Churches (WCC), Nord-Sud XXI, Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO), the Japanese Committee on the Human Right to Peace and the International Association of Peace Messenger Cities

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In addition, the HR Council had before it a joint CSO written statement entitled *A working group to continue the codification process of the human right to peace*³, signed by 1.041 CSO and cities worldwide. They acknowledged the AC draft declaration, which included some 85% of the standards proposed by civil society in the *Santiago Declaration on the Human Right to Peace*.

On 5 July 2012 the HR Council adopted resolution 20/15 on “The promotion of the right to peace”. Welcoming the important work being carried out by civil society organizations for the promotion of the right to peace and their contribution to the development of this issue, it established an **open-ended working group** with the mandate of progressively negotiating a draft United Nations declaration on the right to peace on the basis of the draft submitted by the Advisory Committee, and without prejudging relevant past, present and future views and proposals.

The resolution further decided that the working group shall hold its first session for four working days in 2013, before the twenty-second session of the HR Council (March 2013); and requested the President of the HR Council to invite the Chairperson of the Advisory Committee’s drafting group to participate in the first session of the working group.

Finally, it invited Member States, civil society and all relevant stakeholders to contribute actively and constructively and requested the working group to submit a report on progress made to the HR Council for consideration at its twenty-third session (June 2013).

3. Commemoration

In the context of the 2012 commemoration of the International Day of Peace, a meeting will take place at the Palais des Nations (Geneva) on 21st September focused on the current UN codification process of the right to peace. It will be organized by the Permanent Mission of Costa Rica to the United Nations in Geneva in coordination with the Spanish Society for International Human Rights Law (SSIHRL), the International Observatory of the Human Right to Peace (IOHRP), the Foundation for Dialogue among Civilizations (FDC), the World Council of Churches (WCC), Nord-Sud XXI, Rencontre Africaine de Défense pour les Droits de l’Homme (RADDHO), the Japanese Committee on the Human Right to Peace (JCHRP), the International Association of Peace Messenger Cities (IAPMC), International Peace Bureau (IPB) and Initiatives of Change, and the support of the Non-Governmental Liaison Unit of the United Nations Office at Geneva.

The main objectives of the commemoration will be:

- To analyse the topic of the UN 2012 commemoration entitled "Sustainable Peace for a sustainable future".
- To study the linkage between sustainable peace and the promotion of all human rights for all, in particular the right to peace.

³A/HRC/20/NGO/59 of 15 June 2012

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- To share the *Santiago Declaration on the Human Right to Peace* with civil society, international organisations and academics attending the 21st session of the Human Rights Council.
- To assess the Human Rights Council resolution 20/15 on "The promotion of the right to peace" of 5 July 2012, which established the open-ended working group to continue the codification process of the right to peace.
- To study the role of peace movements in the development and promotion of a sustainable peace based on the respect of all human rights worldwide.

The meeting's working languages will be English, French and Spanish. It will be held on 21st September 2012 from 13:10 to 14:15 at the Palais des Nations (Room XVI).

4. The codification process of international human rights law and the right to peace in the United Nations

Unlike the codification of international law conducted by the International Law Commission, the specific regime for the codification of international human rights standards carried out by the HR Council and its Advisory Committee has three main characteristics, namely: 1. The convening of a general codification Conference among States shall be not necessary; 2. The role played by civil society organizations, independent experts and individuals is increasingly important; 3. At the last stage of the codification process the General Assembly will adopt new standards in the Annex to a resolution.

In accordance with the consistent practice developed by the former Commission on Human Rights and the current Human Rights Council, the key codification body is the **Open-ended Working Group on Standard Setting (OEWG)**, which will be composed of representatives or governmental experts. Other interested actors are invited to participate, in particular CSO. Since 1979, both the Commission on HR and the HR Council have successfully set up 16 OEWG on the following topics: Rights of the child, migrant workers, indigenous peoples, arbitrary detention, enforced disappearance, minorities, human rights defenders, mental illness, death penalty, torture, child pornography, children in armed conflicts, human rights education and economic and social rights⁴.

⁴OEWG on the draft Convention on the Rights of the Child (1979-1989); OEWG on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1979-1990); OEWG on the Declaration on the Rights of Indigenous Peoples (1982-1994; 1995-2006); OEWG on the Declaration on the right not to be arbitrarily detained (1982-1988); OEWG on the Declaration on the Protection of all Persons from Enforced Disappearance (1991-1992); OEWG on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1984-1992); OEWG on the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1984-1998); OEWG on the Declaration for the revision and redrafting of mental health legislation that guarantees the fulfillment of the human and civil rights of persons with mental illness (1984-1998); OEWG on the International Covenant on Civil and Political Rights: Second Optional Protocol Aiming at the Abolition of the Death Penalty (1984-1989); OEWG on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Optional Protocol (1992-2001); OEWG on the Convention on the Rights of the Child: Optional

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Civil society organizations took active part in the codification meetings as observers. It means that they have participated in all deliberations and debates, but they are unable to take part in the vote at the OEWG. Furthermore, CSO distributed to the OEWG documents and position papers in defense of their arguments. The UN practice demonstrates that CSO contribution is fundamental to advance in the negotiation process of human rights instruments given their commitment and legal expertise on the topics under consideration. For instance, 33 NGO with ECOSOC consultative status and 34 without ECOSOC status participated in the sessions of the OEWG on the draft Declaration on the Rights of Indigenous Peoples held in 1995 in Geneva.

In accordance with the consistent practice developed by the UN relevant bodies, the stages of the codification process of the right to peace are the following:

4.1. Codification by civil society.

In order to fill out a legal loophole or to clarify the scope of an existing rule, different stakeholders, in particular civil society organizations, may promote an international legislative initiative in the United Nations and request the UN Member States to develop progressively the international human rights law in a particular field. The engagement of CSO take usually place through the organization of international campaigns on a specific field in human rights law. For instance, it should be noted as successful campaigns those leading to ban landmines, to establish the International Criminal Court or to stop violence against women.

The main objective of the international campaigns is to contribute to increase human rights awareness in the United Nations through information sharing and uncovering the origin of persistent human rights violations. The international campaigns emphasize two types of activities: Firstly, information activities addressed to public actors (for example CSO, UN Member States, international Organizations) working in the field of human rights. Secondly, providing research and organizing expert meetings focused on deeper understanding of the subject. Research outputs will be normally published and distributed to all relevant key actors. Dissemination of research outputs enable international actors to better understand and increase awareness on the specific field of human rights to be developed.

In the field of the human right to peace, it should be stressed that the SSIHRL World Campaign on the Human Right to Peace (2007-2010) successfully culminated the consultation process with international civil society organizing the *International Congress on the Human Right to Peace*, which took place in Santiago de Compostela (Spain) on 9

Protocol on the Sale of Children, Child Prostitution and Child Pornography (1994-2000); OEWG on the Convention on the Rights of the Child: Optional Protocol on the Involvement of Children in Armed Conflict (1994-2000); OEWG on the International Convention for the Protection of All Persons from Enforced Disappearance (2002-2006); OEWG on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (2002-2008); OEWG on the Draft United Nations Declaration on Human Rights Education and Training (2011) and OEWG on the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (2009-2011)

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and 10 December 2010 in the context of the World Social Forum on Education for Peace. On 10 December 2010 two important resolutions were adopted by consensus, namely:

Firstly, the *Santiago Declaration on the Human Right to Peace*⁵, which represents the aspirations of the international civil society aiming at the codification of the human right to peace. It was then submitted by the SSIHRL and the IOHRP to the consideration of the HR Council and its Advisory Committee as the main contribution by the civil society to the official codification process of the right to peace which was started by the HR Council with the adoption of resolution 14/3 of 17 June 2010.

Secondly, the Statutes of the *International Observatory of the Human Right to Peace (IOHRP)*⁶, which is operative since 10 March 2011 provisionally as a part of the SSIHRL, benefiting from the wide experience accumulated throughout its five-year long World Campaign on the human right to peace, which has received the support of some 2.000 CSO⁷ and cities, as well as of numerous public institutions. The main functions of the IOHRP are to monitor the implementation of the *Santiago Declaration* and to ensure the active participation of civil society in the codification process of the right to peace at the United Nations.

4.2. Codification at the Human Rights Council.

Since 2008 the HR Council has approved annual resolutions entitled “the promotion of the right of peoples to peace” responding gradually to the increased demands of the international civil society in favour of the international recognition of the right to peace⁸.

On 17 March 2009 the HR Council adopted resolution 8/9 by which it requested the UN High Commissioner for Human Rights to organize an expert workshop on the right of peoples to peace with the participation of ten experts from countries of the five regional groups. The workshop took place on 15-16 December 2009 in Geneva and recommended that the HR Council establish an open-ended working group (representatives of States), with the task of initiating the official codification of the right to peace.

Furthermore, the HR Council resolution 14/3 of 17 June 2010, explicitly recognized “... 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”; and “supported the need to further promote the realization of the right of peoples to peace”. It therefore requested “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 HR Council at its seventeenth session”.

⁵ See full text of the *Santiago Declaration* at www.aedidh.org

⁶ The Statutes of the Observatory are also available at www.aedidh.org

⁷ Civil Society Organizations

⁸ See Carlos Villán Durán, “Civil society organizations contribution to the Universal Declaration on the Human Right to Peace”, *International Journal on World Peace*, vol. XXVIII, no. 4, December 2011, pp. 59-126.

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Moreover, HR Council resolution 17/16 of 17 June 2011 requested again the Advisory Committee to draft a Declaration on the right of peoples to peace and to report on progress thereon to the Council at its twentieth session (June 2012).

As stated, at its 20th session the HR Council took action on the (third) draft Declaration on the right to peace submitted by the Advisory Committee (A/HRC/20/31 of 16 April 2012). The HR Council resolution 20/15 of 5 July 2012 established a new open-ended working group on standard-setting to continue the codification process of the right to peace on the basis of the (third) AC draft Declaration.

4.3. Codification at the Advisory Committee.

Pursuant to HR Council resolution 14/3, the Advisory Committee (recommendation 5/2 of 6 August 2010) established a drafting group of four members to prepare by January 2011 a first draft Declaration on the right of peoples to peace.

In addition, by recommendation 6/3 of 21 January 2011 the Advisory Committee took note of the first progress report; increased to six the members of the drafting group; and requested it to prepare a questionnaire to be distributed among all stakeholders. In the light of the comments received, it submitted in August 2011 the first draft Declaration to the AC⁹. The drafting group focused on standards relating to international peace and security as core standards (elements of negative peace, absence of violence), and included standards in the areas of peace education, development, environment, rights of victims of human rights violations and vulnerable groups (elements of a positive peace¹⁰).

According to paragraph 6 of the progress report "...the draft declaration refers to the right of peoples to peace, but subsequently uses the language of the "human right to peace", which was found to be more appropriate. General Assembly resolution 39/11, which was adopted more than 25 years ago (1984), has a strong focus on the collective dimension. In the draft declaration, the rights of the individuals have also been included. It identifies States and International Organizations as the main duty-bearers, and individuals and peoples as rights-holders".

The AC also had before it the joint written statement submitted by more than 500 CSO that had been prepared by the SSIHRL/IOHRP. The AC was informed on the adoption by civil society of the Declarations of Barcelona (2 June 2010) and Santiago on the Human Right to Peace (10 December 2010), as well as the Statutes of the International Observatory of the Human Right to Peace. In addition, CSO made substantive comments to the AC progress report in line with the *Santiago Declaration*¹¹.

At its eighth session (20-24 February 2012) the AC continued to work on the (second) draft declaration on the right to peace as submitted by the drafting group (A/HRC/AC/8/2, of 9 December 2011). In preparation of the AC eight session the SSIHRL, the IOHRP and other CSO organized in Geneva (19 February 2011) the Second Consultation of members of the AC with experts of civil society on the human right to peace. In addition, 1116 CSO

⁹ Doc. A/HRC/AC/7/3 of 19 July 2011, 9 p.

¹⁰ *Ibidem*, paragraph 5.

¹¹ Doc. A/HRC/AC/6/NGO/2 of 17 January 2011, 7 p.

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submitted to the AC a joint written statement with amendments to the (second) draft declaration on the right to peace¹².

At the end of the general debate on the right of peoples to peace, the AC adopted on 24 February 2012 recommendation 8/4 by which it *took note* of the progress report submitted by the drafting group (A/HRC/AC/8/2) (paragraph 1); it *welcomed* the submissions and comments received during its eighth session by various stakeholders and members of the Advisory Committee (paragraph 2); it also *welcomed* the initiatives of civil society actors to organize discussions on the draft declaration of the Advisory Committee; (paragraph 3); it *requested* the drafting group to finalize its work on the draft declaration on the right of peoples to peace in the light of the discussions held by the Advisory Committee at its eighth session, and to submit it to the Human Rights Council at its twentieth session (paragraph 4).

In addition, paragraph 5 *requested* the drafting group to include in its revision, inter alia: (a) Reference to the link between the right to peace and all civil, political, economic, social and cultural rights in article 1; (b) Reference to the importance of citizen security and a preventive approach; (c) Strengthening of gender mainstreaming in article 8; (d) Reference to the right to truth in article 11; (e) A more explicit wording on a monitoring mechanism in article 13.

Therefore, the AC submitted to the HR Council its (third) draft Declaration on the right to peace in document A/HRC/20/31 of 16 April 2012, Annex. Paragraph 6 of the report stated that in the original mandate of the HR Council reference was made to “the right of peoples to peace”; the Advisory Committee proposed the term “right to peace”, which was found “to be more appropriate and includes both the individual and collective dimensions”. Also in accordance with the AC, “the draft declaration focuses on standards relating to international peace and security as core standards (elements of negative peace, absence of violence), and includes standards in the areas of peace education, development, the environment, and victims and vulnerable groups as elements of a positive peace” (paragraph 7 of the same report).

4.4. The establishment of the OEWG at the HR Council.

At its 20th session (June 2012) the HR Council took action on the (third) draft Declaration on the right to peace as submitted by the Advisory Committee. Resolution 20/15 of 5 July 2012 established a new open-ended working group on standard-setting to continue the codification process of a United Nations Declaration on the right to peace on the basis of the AC draft Declaration. It shall be composed of representatives of States and a wide participation of civil society and other stakeholders will be allowed to participate.

In accordance with the consolidated practice, the OEWG will be composed of representatives of the HR Council Member States and will be open to all interested States, specialized agencies, bodies of the United Nations system and CSO. The OEWG first session shall take place in Geneva before the 22nd session of the HR Council (march 2013) and will submit a progress report to the HR Council at its 23rd session (June 2013).

¹² Doc. A/HRC/AC/8/NGO/2 of 15 February 2012.

4.5. Plenary of the HR Council

Once the OEWG has successfully concluded its mandate, the draft Declaration on the Right to Peace will be submitted to the plenary of the Human Rights Council for its final adoption. This stage is usually formal provided that consensus among States had been reached within the OEWG.

After the eventual debate, the HR Council shall propose to the General Assembly the final adoption of the UN Declaration on the Right to Peace.

4.6. Action by the General Assembly.

Upon receipt of the HR Council draft UN Declaration on the right to Peace, the General Assembly shall adopt by consensus a resolution to which the new UN Declaration will be annexed. It is expected that no later than 2015 the General Assembly will finally adopt the *Universal Declaration of the Human Right to Peace*.

In conclusion, it should be noted that CSO took active part in the first four stages of the codification process as promoters of new legal standards. It is expected that CSO shall continue working closely with UN Member States at the two last codification stages to be developed before the HR Council and its OEWG as well as before the General Assembly.