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**Spanish Society for the International Human Rights Law**  
**Société Espagnole pour le Droit International des Droits Humains**

*Report on the Consultation of the Eastern and Western European States and  
Other Groups with experts on the codification of the Right to Peace  
at the UN Human Rights Council*



**Organised by the International Observatory on the Human Right to Peace  
(IOHRP) and the Spanish Society for the International Human Rights Law (SSIHRL)  
in collaboration with the World Council of Churches (WCC) and the German  
Institute for Human Rights (GIHR)**

**Geneva, Palais des Nations**

**16 May 2011**

**Report prepared by Mr. José Luis Gómez del Prado  
Chairperson-rapporteur**

**With the assistance of the SSIHRL Secretariat**

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## 1. Introduction

Pursuant to its recommendation 5/2 on the promotion of the right of peoples to peace of 6 August 2010, the Advisory Committee established a drafting group with the mandate “...to submit a draft progress report on the draft declaration on the right of peoples to peace to the sixth session of the Advisory Committee (AC)”. This provision should be read together with paragraph 14 of the Human Rights Council resolution 14/3 by which it supported the need to further promote the realization of the right of peoples to peace and in that regard it requested the Advisory Committee, in consultation with Members 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 17th session.

The HRC Advisory Committee submitted the revised progress report to the Human Rights Council at its seventeenth session (A/HRC/17/39, of 28 March 2011) proposing more than 40 possible standards for inclusion in the draft declaration on the right of peoples to peace. It also referred to the specific rationale for including them and relevant legal standards (paragraph 72). In the light of discussions to be held by the Human Rights Council and of responses from stakeholders, the drafting group will present a first draft declaration in August 2011 for discussion to be continued in January 2012 (subject to decisions of the 17<sup>th</sup> Human Rights Council in June 2011). The ultimate aim of the drafting group is to produce a document that helps to promote freedom, peace and security and which will be valuable in the promotion of the human rights agenda and the right to peace (paragraph 74).

As part of the consultations undertaken by the Human Rights Council Advisory Committee on the possible elements for a draft declaration on the right of peoples to peace, the OHCHR has widely distributed a questionnaire among all relevant stakeholders in order to assist the Advisory Committee in furthering its work on the right to peace.

## 2. Objectives of the Consultation

On 16 May 2011, the International Observatory on the Human Right to Peace (IOHRP) and the Spanish Society for the International Human Rights Law (SSIHRL) in collaboration with the World Council of Churches (WCC) and the German Institute for Human Rights (GIHR), organized the Consultation with two regional groups, Eastern European states and Western European and Other States, with experts on the codification of the right to peace at the UN Human Rights Council.

The main objectives of the Consultation were:



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- To examine the current codification process of the right to peace at the Human Rights Council and its Advisory Committee, and in particular the HRC resolution 14/3, adopted on 17 June 2010, and the Advisory Committee's recommendations 5/2, of 6 August 2010 and 6/3, of 21 January 2011.
- To assess progress achieved in the codification process of the right to peace in view of the forthcoming session of the Human Rights Council to be held in June 2011
- To analyze the concept of the human right to peace from different legal perspectives
- To organize an informal and closed meeting among Member States of both regional groups and international experts to discuss current challenges of the human right to peace at the Human Rights Council and its Advisory Committee.

The Consultation's working languages were English and Spanish. It was held from 10:00 to 13:00, at the Palais des Nations (Conference Room XXVII).

Mr. José Luis Gomez del Prado<sup>1</sup> served as Chairperson-rapporteur of the Consultation. The participating speakers were as follows:

- Dr. Wolfgang S. Heinz (Germany), Rapporteur of the Advisory Committee drafting group of the declaration on the right of peoples to peace. Topic: "Legal foundations of the human right to peace"
- Prof. Carlos Villán Durán (Spain), President of the Spanish Society for the International Human Rights Law. Topic: "The individual and collective dimensions of the human right to peace"
- Prof. Dr. Alfred de Zayas (United States of America), Professor of Public International Law at the Geneva School of Diplomacy and member of the expert workshop on the right of peoples to peace, organized by the OHCHR in December 2009. Topic: "The human right to peace as prerequisite to the enjoyment of all human rights without discrimination".<sup>2</sup>

<sup>1</sup> President and Rapporteur of the UN Working Group on the use of mercenaries, member of the International Drafting Committee of the Barcelona Declaration on the Human Right to Peace (2 June 2010), and Rapporteur of the Santiago Congress on the Human Right to Peace (9-10 December 2010)

<sup>2</sup> UN doc. A/HRC/14/38.



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The Chairperson-rapporteur was assisted in his duties by the SSIHRL Secretariat, which was composed of David Fernandez Puyana (representative of the IOHRP and SSIHRL in Geneva) and Mr. Oliver Rizzi Carlson (Geneva-based expert on Culture of Peace).<sup>3</sup>

The Consultation were attended by representatives of six States and one regional organization, namely: **Austria, Canada, European Union, Germany, Netherlands, Serbia and United States of America.**

### 3. Opening session

Mr. **Jose Luis Gomez del Prado**, Chairperson-rapporteur welcomed all participants and provided a brief introduction on the objectives of the Consultation. He proceeded with preliminary observations about the Consultation and introduced background documents previously distributed to the participants, namely:

- *Program of the Consultation;*
- *Revised progress report on the right of peoples to peace (A/HRC/17/39, of 28 March 2011);*
- *A comparative analysis of the 1984 GA Declaration on the right of peoples to peace, the Advisory Committee drafting group's progress report and the Santiago Declaration on the Human Right to Peace. Study prepared by IOHRP/SSIHRL. Geneva, 13 April 2011;*
- *NGO joint reply to the questionnaire “on possible elements of a draft declaration on the right of peoples to peace”, as submitted by 1.793 NGO, CSO and cities world-wide to the Advisory Committee. Geneva, 2 May 2011; and,*
- VILLAN DURAN, Carlos: “The human right to peace: A legislative initiative from the Spanish civil society”, *Spanish Yearbook of International Law* (forthcoming, 2011).

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<sup>3</sup> The Secretariat kept records of all documents distributed to the Consultation, ensured the registration of participants, elaborated the list of speakers to participate in the debates in accordance with the program of work, distributed relevant documents to the Consultation and generally performed any other duty entrusted by the Chairperson-rapporteur.



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He recalled that in the light of the comments to be received from all stakeholders to the questionnaire<sup>4</sup>, the drafting group will submit in August 2011 a draft declaration on the right of peoples to peace to the Advisory Committee. The draft declaration will be submitted to the Hum Rights Council at its twentieth session in June 2012 for appropriate action (subject to decisions at the 17<sup>th</sup> Council meeting).

He ended his opening remarks by recalling that according to the resolution GA resolution 60/251 of 3 April 2006 establishing the Human Rights Council, peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and that development, peace and security and human rights are interlinked and mutually reinforcing.

Mr. **Carlos Villan Duran**, President of the SSIHRL, began his opening statement on behalf of the organizers by thanking the Chairperson-rapporteur, invited experts, delegates, interpreters and members of the Secretariat for their valuable contribution to the success of the meeting. As an outcome of the meeting he hoped for a frank and honest discussion of the human right to peace. Besides, he added that the meeting was closed and only upon invitation to Member States belonging to two regional groups. A report will be elaborated under the authority of the Chairperson-rapporteur.

He recalled that the AC revised progress report, which proposed more than 40 possible standards for inclusion in the draft declaration on the right of peoples to peace, will be submitted to the HR Council at its 17<sup>th</sup> session. He pointed out that the *Santiago Declaration on the Human Right to Peace* of 10 December 2010, which represented the aspirations of the international civil society aiming at the codification of the human right to peace, was the result of consultations carried out by the SSIHRL with experts of the five regions of the world throughout the SSIHRL four-year World Campaign on the human right to peace (2007-2010).<sup>5</sup>

In addition, the Santiago Declaration was drafted in accordance with the legal technique of the international human rights instruments. Therefore, the Declaration is an articulated normative proposal from the civil society that should be taken into consideration by Member States in the official codification and progressive development of the human right to peace process undertaken by the HR Council and its Advisory Committee. Unlike the Santiago Declaration, the 1984 GA Declaration on the Right of Peoples to Peace cannot be considered a normative text, but a political declaration.

He reminded that the Preamble of the Santiago Declaration referred to the holistic approach to peace which was common to previous texts adopted in Luarca (30 October 2006), Bilbao (24 February 2010) and Barcelona (2 June 2010). According to this

<sup>4</sup> Responses are posted at the OHCHR extranet.

<sup>5</sup> For the text, see <http://www.aedidh.org/>.

approach, peace is not limited to the strict absence of armed conflicts and the claim for the right to disarmament (negative peace). It also has also positive components which encompass three objectives: firstly, to satisfy the basic needs of all human beings with a view to eradicate the *structural* violence produced by economic and social inequalities in the world. Secondly, the elimination of *cultural* violence (i.e., gender-related violence, family violence, bullying, mobbing, etc.). And thirdly, the effective respect for all human rights and fundamental freedoms of all, without discrimination.

Finally, he reminded that international civil society requested that the HR Council extend the current mandate of the Advisory Committee to include the individual dimension of the right to peace, thus naming *the human right to peace* in its double dimension -individual and collective-.

#### 4. Presentations

Dr. **Wolfgang S. Heinz**, rapporteur of the Advisory Committee drafting group on the declaration on the right of peoples to peace, indicated that the legal foundation of the human right to peace can be found in both hard and soft law:

1. **Hard law:** The Charter of the United Nations begins by proclaiming international peace and security as a common purpose in Article 1; as a principle in Article 2; and as the basis for disputes settlement in Chapter VI (Arts. 33-38). In Article 55, the Charter refers to the promotion of human rights as a necessary condition for peaceful and friendly relations among States. Furthermore, there are additional international human rights declarations and treaties which have included the concept of peace as a main principle, namely: the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities.

2. **Soft law:** He referred particularly to General Assembly resolutions 33/73 of 15 December 1978, entitled “Declaration on the preparation of societies for life in peace”; and 39/11 of 12 November 1984 entitled “Declaration of the Right of Peoples to Peace”. It was reaffirmed in subsequent GA resolutions, in particular resolutions 53/243 and 60/163. The right to peace was also affirmed by the Commission on Human Rights in its resolutions 5 (XXXII), 2000/66 and 2002/71, as well as by the Human Rights Council in its resolutions 8/9, 11/4 and 14/3. Another international instrument to be mentioned would be the Declaration and Program of Action on a Culture of Peace (UN doc. A/53/243).



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Regarding the contents of the 1984 GA Declaration on the Right of Peoples to Peace, Dr. Heinz said that it was very much focused on the concept of peoples and not on individual rights. 27 years after the adoption of this important resolution, the Advisory Committee has included in its proposed standards an individual dimension to the right to peace. Hence, the revised progress report moves conceptually beyond the old state focus to emphasize much more the relationship between the state and the individual. It proposes collective and individual rights standards in response to proposals from states and civil society to include and strengthen the individual rights aspect.

He believed that there was an increasing and positive tendency in international law and UN practice to include the human rights perspective into peace and security discussions and decision-making, such as:

1. The fact-finding expert commissions established by Human Rights Council resolutions adopted at special sessions, with the mandate of investigating violations of human rights in the context of armed conflicts. They have usually included experts in the field of human rights and humanitarian law (ex. Sudan, Gaza, Afghanistan, Libya and Syria).
2. The Security Council and the Human Rights Council increasingly discuss and take action on the same countries, often where armed conflicts are prevailing. Since 2000, the Security Council has adopted seven thematic human rights resolutions on protection of civilians in armed conflict.

The next speaker was Prof. **Carlos Villán Durán**, President of SSIHRL, who focused his presentation on the individual and collective dimensions of the human right to peace. According to him, the HR Council has consistently approached since 2008 the development of the human right to peace as an emerging right in the international human rights law from a three-fold perspective: as part of the emerging right to *international solidarity*; as part of the right of all *human beings* and all *peoples* to a *democratic and egalitarian international order*, as claimed for in Art. 28 of the UDHR; and as essential part of the *right of peoples to peace*.

He added that the HR Council resolution 11/4 of 17 June 2009 was innovative when it referred to the *individual* dimension of the right to peace in its preamble. It stated 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 realisation of these rights” (paragraph 15). It also stated that, in accordance with Art. 28 UDHR, “everyone is entitled to a social and international order in which the rights and freedoms set forth [...] can be fully realised” (paragraph 17); and that “life without war is the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation of the human rights and fundamental freedoms proclaimed by the





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United Nations” (paragraph 19). Same wording was followed by HR Council resolution 14/3 of 17 June 2010.

For its part, civil society private codification also recognised the double dimension of the right to peace, namely collective (peoples) and individuals, from the Luarca Declaration (2006) to the Santiago Declaration (2010). The Preamble and Articles 1 and 13 of the Santiago Declaration echoed both the individual and collective approach to the right to peace. In particular, Article 1.1 (rights holders and duty-holders) stated that “individuals, groups, peoples and all humankind have the inalienable right to a just, sustainable and lasting peace. By virtue of that right, they are holders of the rights and freedoms proclaimed in this Declaration”, while States and multilateral organizations are the principal duty-holders of the human right to peace (Art. 1.2).

Moreover, Art. 13.1 of the Santiago Declaration stressed that “The effective and practical realization of the human right to peace necessarily entails duties and obligations for States, international organizations, civil society, peoples, individuals, corporations, the media and other actors in society and, in general, the entire international community”, while the fundamental responsibility for preserving peace lies with States and the United Nations (Art. 13.2).

In addition, the Santiago Declaration recognized a list of rights equally attributed to both individuals and peoples, such as the right to human security and to live in a safe and healthy environment (Art. 3); the right to development and to a sustainable environment (Art. 4); the right to resist and oppose oppression (Art. 6); the right to disarmament (Art. 7); and freedom of thought, opinion, expression, conscience and religion (Art. 8).

However, the Santiago Declaration recognized other rights mainly addressed to individuals, such as the right to education on and for peace and all other human rights (Art. 2); the right to disobedience and to conscientious objection (Art. 5); the right to refugee status (Art. 9); the right to emigrate and to participate (Art. 10); the right of all victims of human rights violations to redress, including the rights to know the truth, to justice and to reparation (Art. 11); and the rights of persons belonging to groups in situation of vulnerability (Art. 12).

To conclude, both private and official codification of the human right to peace showed elements belonging to both dimensions of the right to peace, namely individuals and peoples. Consequently, the HR Council should extend the current mandate of the Advisory Committee to draft a declaration on *the human right to peace*.

Then Prof. Dr. **Alfred de Zayas**, Professor of Public International Law at the Geneva School of Diplomacy, was invited to develop his topic on the human right to peace



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as prerequisite to the enjoyment of all human rights without discrimination. He believed that the codification of the human right to peace made sense, and that there was an added value to be harvested. The reasons were as follows:

1. It is useful to define the aspiration of civil society.
2. The right to peace is actually an immanent right and a component of many human rights standards that already constitute hard law.
3. The human right to peace is an enabling right that allows us to fully enjoy civil, political, economic, social and cultural rights.
4. The human right to peace is an ultimate or “end right”, in that the state of peace is the result of the promotion and protection of human rights. Indeed, a society where human rights are upheld is a society that is free from structural violence that may lead to armed conflicts.

In addition, the Human Rights Committee has dealt with aspects of the right to peace associated with the right to life (art. 6 of the ICCPR). It is not merely the right not to be subjected to extra-judicial execution, or the aspiration that capital punishment shall one day be universally abolished. In fact, the right to life entails the right to food, to health, and to security of person. It is a very broad right and the HR Committee issued not only relevant case-law, but also two important general comments on Article 6 ICCPR, also focusing on the issues of disappearance, disarmament and weapons of mass destruction, including nuclear weapons.

Moreover, the added value of the right to peace can be in the adoption of a new human rights paradigm. According to him, international law should abandon the artificial concepts of first, second and third generation rights, which entail value judgments that are not universal.

On 6 January 1941, Franklin Roosevelt proclaimed the Four Freedoms, namely: freedom of speech and worship, freedom from want and from fear. It is clear that he deliberately addressed two fundamental civil rights – the right to freedom of speech and religion- and two enabling, and simultaneously, end rights – the freedom from want, which entails conditions that are necessary for the human right to peace, and the freedom from fear, which entails conditions that liberate men and women from the threat or use of force, and by extension from structural violence. It entailed the human security paradigm. If men and women fully enjoy freedom from fear, this means that they already enjoy the human right to peace – and vice versa.

He pointed out that the adoption of a declaration will not ensure peace, as indeed the adoption of the UN Charter and, in particular, article 2, paragraph 4, has not guaranteed world peace. But the process in itself is necessary, because it sensitizes individuals and



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governments on the multiple facets of the right to peace, and constitutes a form of education that benefits all participants. In this work-in-progress, fine-tuning can be performed as the process of codification advances, and as monitoring possibilities become apparent.

According to the comparative analysis prepared by IOHRP/SSIHRL, the reasons to adopt a new normative Declaration on the human right to peace within the United Nations, as requested by civil society, are the following:

- It would help to achieve a coordinated response on a world-wide scale to those threats to human rights arising from the global interdependence of all individuals, peoples and nations;
- It would strengthen international cooperation, union of interests and joint action in order to preserve not only the fabric and very survival of international society, but also to achieve its collective goals;
- It would provide a solid basis to the culture of peace;
- It would give fresh impetus to the struggle against violence and attitudes based on force, imposition and gender discrimination;
- It would match with an ethical notion designed to proclaim the universal principles developed under international human rights law;
- It should recognize that the holistic concept of peace goes beyond the strict absence of armed conflicts (negative peace). Peace is also positive, since it is linked to the eradication of structural violence as a result of the economic and social inequalities in the world, and to the right of peoples to economic and social development. Peace also requires the elimination of cultural violence (gender and family violence, bullying, mobbing, etc.) and the effective respect for all human rights without discrimination;
- It should help to understand that peace is both the precondition and the final purpose of international human rights law, since peace cannot be enjoyed effectively and in a sustainable manner without the realization of all human rights for all (civil, political, economic, social, cultural rights and the right to development);
- It would consolidate the right to peace in its double dimension, namely individual and collective;
- It would strengthen the right to human security and to live in a safe and healthy environment, as well as the right to development and to a sustainable environment;
- It would include the right to disobedience and to conscientious objection, as well as the right to resist and oppose oppression;
- It shall enforce the recognition of women contribution in the field of peace-building and stress the importance of their participation at all levels of decision-making;



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- It shall strengthen dialogue and peaceful coexistence among cultures, civilizations and religions or belief, as a means to combat racism, racial discrimination, xenophobia and related intolerance;
- It shall stress the right to education on and for peace and all other human rights, as well as the construction of democratic, egalitarian and multicultural societies;
- It shall recognize the close relationship between peace and the human rights to life, to physical and mental integrity, to freedom and security of the person;
- It shall reinforce the right to refugee status and to emigrate;
- It shall restate the need to protect victims from uncontrolled weapons of mass destruction, as well as from genocide, crimes against humanity, war crimes and sexual violence;
- It shall confirm the victims' right to redress from human rights violations, including the rights to truth, justice and reparation;
- It shall include the right to a general and complete disarmament under international supervision;
- It shall restate the freedom of thought, opinion, expression, conscience and religion;
- It shall emphasize the rights of people belonging to groups in situation of vulnerability, in particular, women and children. And finally,
- It would assist States and International Organizations to focus on the development of the three pillars on which the Charter of the United Nations is based, namely: the system of collective security which prohibits the threat or use of force, and promote the peaceful settlement of disputes in accordance with international law; the economic and social development of peoples; and respect of human rights and fundamental freedoms for all without discrimination. Under these three pillars the human right to peace will be built.

The speaker concluded that the Advisory Committee will continue the elaboration of a declaration on the right of peoples to peace. But the HR Council should consider expanding the AC mandate so that the human right to peace would be seen in its individual and collective dimensions, not only as a right of peoples, but also as a right of individuals. Thus the declaration should be called quite simply, the Human Right to Peace, or even simpler the Right to Peace.

## 5. Summary of the discussion

- Delegates thanked the experts and considered timely and appropriate to hold the Consultation on the right to peace since this matter was under consideration by the Human Rights Council and its Advisory Committee.



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- The United States delegate announced that his country will respond to the questionnaire on the right of peoples to peace prepared by the Advisory Committee and will be engaged in this process. He added that the United States has been sceptical towards right to peace and have not participated actively in the past, but now United States should voice its concerns. Furthermore, he affirmed that the right to peace is gaining more attention at higher levels of State Department.
- Regarding scope of the right to peace, some delegates considered that the aspirations of civil society were much too broad and ambitious, but they agreed that the mandate of the Advisory Committee was quite focused in its work on the right to peace.
- Replying to a question, Dr. Heinz, rapporteur of the Advisory Committee drafting group on the declaration on the right of peoples to peace, pointed out that personally he would prefer a short draft declaration of three or four pages. In future discussions other elements could be added. However, scope and content depended of course on discussions in the drafting group and the full Advisory Committee. Dr. Heinz recalled that the drafting group was made up of 6 experts (1/3 of AC) from the five regions of the world. Therefore the progress report was the result of a collective work representing all its members.  
In the revised progress report more than 40 possible standards are proposed under the heading of "core dimensions" (e.g. international peace and security, disarmament, human security, etc.) and four "other dimensions" (peace education, development, environment and victims/vulnerable groups).
- Replying to another question, Prof. Villan Duran, President of SSIHRL, supported the revised progress report elaborated by the Advisory Committee. However, he indicated that it would be desirable to take into consideration more legal standards in the future declaration on the right to peace, such as the right to refugee status, to emigrate and to participate, the rights of all victims, the right to education on peace and human rights, the right to environment and to development, the right to civil disobedience, or the right to resist and oppose oppression.
- Prof. Villan Duran recalled that Latin American, African and Asian Member States together have the absolute majority of votes at the Human Rights Council and that this situation is not easy for European and other States represented in the room. It follows that States in a minority position should get involved in the negotiation process of the HR Council next resolution, so that they could argue in favour of the individual dimension of the right to peace.



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- Mr. Gomez del Prado, Chairperson of the Consultations, pointed out that the legal sources of the different standards included in the Santiago Declaration could be found in the comparative analysis previously distributed to delegates (see page 5).
- Some delegates considered that human rights related to individuals, and not to collectivities. They would be more comfortable with the concept of the human right to peace instead of the right of peoples to peace. For them, a new declaration only makes sense if it really establishes a new human rights paradigm because, to the contrary, the declaration will not offer a real added value. They agreed to support the process carried out by the Human Rights Council in an inclusive manner.
- Some delegates also recalled that some States were opposed to recognise the right to education on human rights and training as a proper human right, when the Declaration on this subject was adopted by the HR Council. On the contrary, nobody can be against the promotion and enhancement of peace in all regions of the world.
- Finally, some delegates indicated that the collective dimension of the right to peace was objectionable. Nevertheless, they pointed out that they could consider the abstention in the vote if some controversial issues of the resolution could be clarified.

## 6. Conclusions

Dr. **Heinz** from the HRC Advisory Committee thanked participants for their helpful comments and ideas and expressed his hope that further discussions will take place with relevant stakeholders as well as with regional groups. He was looking forward to responses to the questionnaire of the Advisory Committee; the deadline would be extended to invite more comments. Finally, he hoped that in the light of discussions some countries might be willing to consider developing further their position so that the draft declaration proposed by the Advisory Committee would find broad support within the Human Rights Council and beyond.

Prof. **Villan Duran**, President of the SSIHRL, speaking on behalf of the organizers, concluded thanking again all participants, experts and organizers, in particular voluntary interpreters, for their contribution to the success of the meeting. It was a historic meeting since it was the first time in the history of the United Nations that representatives of civil society, experts and European and other countries held this Consultation to consider the ongoing process of codification of the right to peace at the HR Council and its Advisory Committee.



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He proposed that more consultations should be organized with European and other geographic groups to facilitate the ongoing codification process of the right to peace at the Human Rights Council and its Advisory Committee. All efforts should be joined to achieve consensus on the most controversial issues. Therefore the organizers will be ready to invite delegates to further consultations in the months to come, as far as the codification work will be advancing as scheduled.

The codification of the right to peace was timely and appropriate, as the international community and the UN were suffering from a profound and systemic crisis. The UN security collective system had to be reaffirmed along with the appropriate reform of the Security Council composition and methods of work, allowing civil society to take part of its work. New and definitive ways to economic and social development had to be founded, and respect of human rights for all should be placed at the core concern of the international community. Civil society wanted that Member States recuperate the three UN Charter pillars and provide the UN with a reinforced legitimacy. We all need to unlearn war and to learn peace. All stakeholders, in particular States, international organizations and civil society had to work together to recuperate the legitimacy of the UN. Human right to peace provides an excellent opportunity to achieve these goals.

At closing the consultation the Chair-person thanked the speakers, the interpreters and the organizers and the participation from the floor for the fruitful dialogue and expressed hope that further consultations will take place along with the ongoing process of codification of the right to peace at the United Nations.



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## Annex

### Program of work

10:00 – 10:30:

#### **Opening session**

- Opening statement by the Chairperson-Rapporteur Mr. José Luis Gómez del Prado (Canada/Spain), Chairperson of the UN Working Group on the use of mercenaries, member of the International Drafting Committee of the Barcelona Declaration on the Human Right to Peace (2 June 2010), and Rapporteur of the Santiago Congress on the Human Right to Peace (9-10 December 2010).
- Opening statement on behalf of the organizers: Mr. Carlos Villán Durán (Spain), President of the Spanish Society for the International Human Rights Law.

10:30 – 10:45:

#### **First session: Legal foundations of the human right to peace.**

- Speaker: Dr. Wolfgang S. Heinz (Germany), Rapporteur of the Advisory Committee drafting group on the declaration on the right of peoples to peace.

10:45– 11:15: Debate.

11:15 - 11:30:

#### **Second session: The individual and collective dimensions of the human right to peace.**

- Speaker: Mr. Carlos Villán Durán (Spain), President of the Spanish Society for the International Human Rights Law.

11:30- 12:00: Debate.

12:00 - 12:15:

#### **Third session: The human right to peace as prerequisite to the enjoyment of all human rights without discrimination.**

- Speaker: Prof. Dr. Alfred de Zayas (United States of America), Professor of Public International Law at the Geneva School of Diplomacy. Member of the expert workshop on the right of peoples to peace organized by OHCHR in December 2009.





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12:15 – 12:45: Debate,

12:45 – 13:00 **Closing session,**

- Concluding remarks by Dr. Wolfgang S. Heinz (Germany), Rapporteur of the Advisory Committee drafting group on the declaration on the right of peoples to peace.
- Concluding remarks on behalf of the organizers: Mr. Carlos Villan Duran (Spain), President of the Spanish Society for the International Human Rights Law.
- Final remarks by the Chairperson-rapporteur, Mr. Jose Luis Gomez del Prado (Canada/Spain), Chairperson of the UN Working Group on the use of mercenaries,

### **EXPERTS BIOGRAPHIES**

#### **CHAIRPERSON-RAPPORTEUR**

Mr. **Jose Luis Gomez del Prado** is the chairperson of the UN Human Rights Council's Working Group on the Use of Mercenaries, servicing in his personal capacity as an independent expert (2005-2011). In this capacity he submitted a number of reports to both the UN Human Rights Council and the General Assembly. Besides, he is a member of the Advisory Group of the Geneva Centre for Democratic Control of Armed Forces (DCAF) Private Security Regulation Net. He also served as a member of the UN Advisory Group of the Voluntary Fund for the First International Decade of the World's Indigenous Peoples.

As former senior human rights officer (1981-1997) he was in charge of advisory services and human rights field presences of the Office of the UN High Commissioner for Human Rights; he has been responsible and innovator of the UN Human Rights Advisory and Technical Cooperation Program, establishing field offices and elaborating cooperation programs in Colombia, Ecuador, Guatemala, Paraguay, Cambodia, Mongolia, Palestine, the Region of the Great Lakes of Central Africa, Romania and Georgia. He has been Senior Coordinator of the World Conference against Racism (Durban 2001) assisting the former UN High Commissioner for Human Rights, Ms. Mary Robinson.



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## SPEAKERS

Dr. **Wolfgang S. Heinz** is senior researcher and policy adviser at the German Institute for Human Rights responsible for international fight against terrorism, human rights and the United Nations. He was senior lecturer in political science at the Free University of Berlin. He is member of the European Committee on the Prevention of Torture (since 2005) and rapporteur of the UN Human Rights Council Advisory Committee's drafting group on the declaration on the right of peoples to peace.

Prof. **Carlos Villán Durán** is a free-lance professor of international human rights law; co-Director of the Master on International Human Rights Protection at the University of Alcalá (Madrid); former staff member of the Office of the UN High Commissioner for Human Rights (1982-2005). Since 2004 he is President of the Spanish Society for the International Human Rights Law. He authored some 130 publications on international human rights law, among them three books and 11 articles on the human right to peace.

Prof. Dr. **Alfred de Zayas** is an American lawyer, writer, historian, and expert on international human rights law. He was a senior staff member of the Office of the UN High Commissioner for Human Rights, where he served as Secretary of the Human Rights Committee and Chief of Petitions. Member of the expert workshop on the right of peoples to peace organized by OHCHR in December 2009. He is currently professor of international law at the Geneva School of Diplomacy and International Relations. He practised law in New York as associate to the law firm Simpson Thacher & Bartlett from 1970 to 1974 specializing on corporate law. He is the author of numerous books and pieces on international human rights law.

## SECRETARIAT

Mr. **David Fernández Puyana** is bachelor in Philosophy and Education Science by the University of Barcelona (Spain) and Graduated in Law by School of Law University of Pompeu Fabra (Barcelona); Master in International Studies by University of Pompeu Fabra (Barcelona); Master in International Human Rights Protection by the University of Alcalá (Madrid) and holder of the LLM in International Human Rights Law by the University of Essex (Colchester, UK). He was Director of the SSIHRL World Campaign on the Human Right to Peace (2007-2010). He is the representative of the SSIHRL and the International Observatory on the Human Right to Peace in Geneva.



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Mr. **Oliver Rizzi Carlson** holds an MA in Peace Education from the UN-mandated University for Peace and is the Editor of the Global Campaign for Peace Education Newsletter. He works on Culture of Peace issues as Representative at the UN for the United Network of Young Peace-builders, Operation Peace Through Unity, as well as the Global Alliance for Ministries and Departments of Peace. He is Sower and Caretaker of The Culture of Peace Organization, a member of the Youth Team drafting the World Report from Civil Society at the end of the Decade for a Culture of Peace, and speaks on Peace Education at conferences in various countries.

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