

Geneva, 20 June 2014

**SSIHRL & IOHRP assessment on the working paper submitted by the
Chairperson-Rapporteur on 9 May 2014**

1. On 9 May 2014 the Chairperson-Rapporteur of the Open-ended Intergovernmental Working Group on a draft United Nations Declaration on the Right to Peace submitted a working paper containing some “general ideas” and some “substantive ideas” for the future draft United Nations Declaration on the Right to Peace.
2. In the introduction to the paper, the Chair failed to mention that a majority of States were in favour of the right to peace, while a (significant) minority were against the right to peace. Resolution 23/16 on the promotion of the right to peace was subsequently adopted by the Human Rights Council with 30 votes in favour, 9 against (Germany, Austria, Spain, United States, Estonia, Japan, Montenegro, Check Republic and Republic of Korea) and 8 abstentions (India, Ireland, Italy, Kazakhstan, Poland, Republic of Moldavia, Romania and Switzerland). Therefore, the future United Nations Declaration on the Right to Peace could not be reached by consensus, but by a divided vote.
3. Also the introduction stated that many concepts of human rights included in the Advisory Committee draft declaration were new and unclear, generating a process “futile and frivolous”, belonging to different forums. On the contrary, we believe that the majority of human rights standards proposed by the Advisory Committee are solidly based on the international human rights law, while other standards are of progressive development of international human rights law. All of them are part of the draft declaration as far as they are related to well established human rights.
4. We agree upon the general ideas presented by the Chair. However, they were drafted as such, so they need to further development to reach the status of proposed standards that could serve as a basis for future discussion at the Working Group.
5. We also agree upon the substantive ideas advanced by the Chair, while they are very insufficient and need further development to reach the status of proposed standards that be the basis of a future discussion at the Working Group.
6. Therefore, we urge the Chair to present a new paper that could be useful for the drafting purpose of the Open-ended Intergovernmental Working Group on a draft United Nations Declaration on the Right to Peace. Otherwise, we stand on the Advisory Committee’s declaration approved in 2012 after two years of long negotiations with civil society organizations which had approved in 2010 the *Santiago Declaration on the Human Right to Peace*. As you know, the Advisory Committee Declaration already includes 85 % of the standards proposed by the *Santiago Declaration*.

7. In conclusion, we share the Chair analysis of the importance of consensus. However, should it not be achievable, the Declaration could be adopted by a divided vote, showing a divided world among civil society and some governments that refuse to accept the right to peace. The new Declaration will be very important for future steps in the international arena and the international human rights law in particular.

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