Joint NGO briefing series

Draft Declaration on the right to peace

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Geneva, 4 July 2012
A CIVIL SOCIETY CODIFICATION PROCESS
BY SPANISH HUMAN RIGHTS EXPERTS
SPONSORED BY THE GOVERNMENT OF SPAIN
And
REGIONAL GOVERNMENTS OF ASTURIAS, CATALONIA AND BASQUE COUNTRY
THE HR TO PEACE IS DEEPLY ROOTED IN TWO INSTRUMENTS UNIVERSALLY ACCEPTED

CHARTER OF THE UNITED NATIONS

UNIVERSAL DECLARATION OF HUMAN RIGHTS

TWO INSTRUMENTS UNIVERSALLY ACCEPTED
IN ADDITION TO THE UN CHARTER AND THE UDHR:


IN ADDITION:

1978: UN DECLARATION ON THE PREPARATION OF SOCIETIES TO LIVE IN PEACE

1984: UN DECLARATION ON THE RIGHT OF PEOPLES TO PEACE
FROM LUARCA TO SANTIAGO DECLARATIONS

1. LUARCA (2006): SPAIN

2. BILBAO (24 FEBRUARY 2010): EXPERT TECHNICAL COMMITTEE

3. BARCELONA (2 JUNE 2010): INTERNATIONAL DRAFTING COMMITTEE

4. SANTIAGO (10 DECEMBER 2010): CIVIL SOCIETY INTERNATIONAL CONGRESS ON THE HRP
WORLD CAMPAIGN ON THE HUMAN RIGHT TO PEACE
(2007-2011)
Purposes

1. To share the Declarations on the HR to peace with peoples of all regions of the world

2. To introduce the HR to peace in the agenda of the UN Human Rights Council and its Advisory Committee

3. To conclude the civil society codification of an universal declaration on the HR to peace

4. To initiate the codification of the HR to peace at the United Nations
18 JOINT WRITTEN STATEMENTS SUBMITTED TO HRC AND ITS AC BY 1795 OSC ON THE HR TO PEACE

1. Peace as a solidarity right. A legal approach  A/HRC/6/NGO/33
2. Peace and development as solidarity rights. A legal assessment A/HRC/6/NGO/34
3. The right to human security as a component of the human right to peace: An approach to terrorism A/HRC/6/NGO/62
4. The eradication of extreme poverty as a condition to the full and effective enjoyment of the human right to peace  A/HRC/7/NGO/84
5. - Right to Education on Peace and Human Rights A/HRC/8/NGO/33
6. - Indigenous peoples and the human right to peace  A/HRC/9/NGO/47
7. - Human right to peace versus racism, racial discrimination, xenophobia and other forms of intolerance  A/HRC/10/NGO/113
18 JOINT WRITTEN STATEMENTS SUBMITTED TO HRC AND ITS AC BY 1795 OSC ON THE HR TO PEACE

- Peace and disarmament as solidarity rights, A/HRC/12/NGO/30
- Codification of the HR to peace, A/HRC/13/NGO/89
- A Working Group on the codification of the HR to peace, A/HRC/14/NGO/47
- The human right to peace as part of the draft declaration on the right of peoples and individuals to international solidarity, A/HRC/15/NGO/70
- The human right to peace and freedom of religion or belief A/HRC/16/NGO/14
- Joint reply of 1795 NGO, CSO and cities to the Advisory Committee questionnaire on elements for a draft declaration on the right to peace, A/HRC/17/NGO/57
- The human right to peace as part of the right to international solidarity.
- Amendments to the draft Declaration submitted by the Advisory Committee Drafting Group, A/HRC/18/NGO/76
- Draft declaration on the right of peoples to peace, A/HRC/AC/5/NGO/2
- Commentaries to the progress report on the right of peoples to peace prepared by the drafting group of the Human Rights Council Advisory Committee, A/HRC/AC/6/NGO/2
- Amendments to the draft Declaration on the Right of Peoples to Peace submitted by the Advisory Committee Drafting Group, A/HRC/AC/7/NGO/3
- Amendments to the (second) draft declaration on the right to peace prepared by the Advisory Committee drafting group, A/HRC/AC/8/NGO/2
DECLARATIONS ADOPTED BY

• SPANISH PARLIAMENT

• IBERO AMERICAN SUMMIT (22 MEMBER STATES)

• ASSEMBLY OF ARGENTINA

• SPANISH REGIONAL PARLIAMENTS
THE SANTIAGO DECLARATION

TO THE UN GENERAL ASSEMBLY

ADVISORY COMMITTEE

UN HUMAN RIGHTS COUNCIL
HUMAN RIGHTS COUNCIL

Resolution 14/3 (17.06.2010) and 17/16 (17.06.2011)

1. Recognize 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.

2. Request the Advisory Committee to prepare a draft declaration on the right of peoples to peace.
HUMAN RIGHTS COUNCIL

Resolution 17/16 (17.06.2011)

In favor (32 African, Asian and Latin American and Caribbean countries): Angola, Saudi Arabia, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russia (Federation), Senegal, Thailand, Uganda, Uruguay, Djibouti and Zambia

Against (14): Member States of the European Union (Belgium, Spain, Slovakia, France, Hungary, Poland, United Kingdom), associated European states (Norway, Republic of Moldova, Switzerland, Ukraine), United States of America Japan and the Republic of Korea
Recommendation 5/2, 6 August 2011

Constitution of the Drafting Group (4-6)

August 2011:

First draft Declaration on the Right of Peoples to Peace elaborated by the AC in consultations with States, civil society, academia and other stakeholders.
2012

1º Advisory Committee:

24 February 2012:
Second draft Declaration
(Recommendation 8/4)

2º Human Rights Council:

July 2012:
Establishment of an WG to draft an Universal Declaration on the HRP, with participation of the civil society
Main issues of the draft Declaration

Preamble
Right to peace: principles
Human security
Disarmament
Peace education and training
Right to conscientious objection to military service
Private military and security companies
Resistance and opposition to oppression
Peacekeeping
Right to development
Environment
Rights of victims and vulnerable groups
Refugees and migrants
Obligations implementation
Final provisions

A/HRC/20/31

10/28/09
Draft resolution on the table of the 20 HRC

“1. Decides to establish an open-ended intergovernmental working group with the mandate of progressively negotiating, and eventually finalizing and submitting to the Council a draft United Nations declaration on the right to peace…”

“6. Invites States, civil society, and all relevant stakeholders, to contribute actively and constructively to the work of the working group;”
Main objective

UNIVERSAL DECLARATION ON THE HUMAN RIGHT TO PEACE

By 2015
Useful links

www.ohchr

www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/HRCACIndex.aspx

www.aedidh.org