



The General Assembly adopts the Declaration on the Right to Peace: An opportunity to strengthen the linkage between Peace, Human Rights and Development in the New Millennium

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Abstract

War and peace perpetually alternate. Peace is always seen as an endless project, even a dream, to be realised in brotherhood by everyone all over the earth. Present generations should ensure that both they and future generations learn to live together in peace with the highest aspiration of sparing future generations the scourge of war. The UN Charter is the most solemn pact of peace in history, which lays down the necessary basic principles for enduring peace. Recently, in the context of the joint effort in recognition of the importance of practicing tolerance, dialogue, cooperation and solidarity among all human beings, peoples and nations, the General Assembly made victims strongly condemn war and to openly reiterate their inalienable right to enjoy peace so that all human rights are promoted and protected and development is fully realized.

1. Introduction

On 19 December 2016, the plenary of the United Nations General Assembly (UNGA) in New York ratified the Declaration on the Right to Peace by a majority of its Member States,* as previously adopted by the Third Committee of UNGA on 18 November 2016†

* For 131: Afghanistan, Algeria, Angola, Antigua and Barbados, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kyrgyzstan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad-Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Vietnam, Yemen, Zambia and Zimbabwe.

Against 34: Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Israel, Japan, Latvia, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, the Former Yugoslav Republic of Macedonia, United Kingdom and United States of America.

Abstentions 19: Albania, Andorra, Armenia, Cyprus, Fiji, Greece, Iceland, Italy, Liechtenstein, Norway, Palau, Republic of Moldova, Poland, Portugal, San Marino, Serbia, South Sudan, Switzerland and Turkey

† A/C.3/71/L.29, 18 November 2016. The resolution was presented by the following States: Algeria, Bolivia (Plurinational State of), Cuba, the Democratic People's Republic of Korea, Eritrea, Namibia, Nicaragua, the Syrian Arab Republic, Venezuela (Bolivarian Republic of) and Vietnam. Subsequently, Belarus, Cameroon, the Central African Republic, China, the Lao People's Democratic Republic, Myanmar, South Africa, Togo and Zimbabwe joined in sponsoring the draft resolution. At the same meeting, Benin, Colombia, Costa Rica, Ecuador, Egypt, El Salvador, Ghana, Indonesia, Nigeria, Paraguay, Senegal, the Sudan and Uganda joined in sponsoring the draft resolution, as orally revised.

and the Human Rights Council (HRC) on 1 July 2016* in Geneva.

In the adoption of the Declaration on the Right to Peace by the UNGA Third Committee, the mobilization and strong voice of some civil society organizations was properly heard in its 71st session, when they openly called on Member States to take a step forward by adopting a declaration that can be meaningful for generations to come.

The resolution A/C.3/71/L.29 of the UNGA Third Committee, in which the Declaration was annexed, includes in its operative part as a new element a general reference to the previous resolutions adopted by the General Assembly on “the promotion of peace as a vital requirement for the full enjoyment of all human rights by all”. The last resolution on this topic[†] of 2015 not only reaffirms that the peoples of our planet have a sacred right to peace, but also welcomes the decision of the HRC, in its resolution 20/15, to establish an Open-Ended intergovernmental Working Group (OEWG) with the mandate of progressively negotiating a draft United Nations declaration on the right to peace.

Although most of the States supported the on-going process on the right to peace within the HRC in Geneva, some of them have not recognized the existence of the right to peace under international law. However, they were very open to the approach and procedure proposed by the former Chairperson-Rapporteur Ambassador Christian Guillermet-Fernández of Costa Rica, and consequently actively participated in the three consecutive sessions of the OEWG in Geneva.

Thanks to this approach, a majority of Member States supported the Declaration on the Right to Peace and an important number of Western States abstained for the first time ever on this topic at the Third Committee. In fact, this Declaration is the clear result of three years of work with all stakeholders, including civil society. This positive approach was elaborated in light of the following elements: firstly, international law and human rights law; secondly, the mandate of the HRC in the field of human rights and thirdly, the human rights elements elaborated by the resolutions on the right of peoples to peace adopted by the HRC in the past few years.

An agreement among States and regional groups could not finally be achieved within the HRC and the Third Committee, exclusively because of the lack of agreement on the title and Article 1 of the text as presented by the Chairperson-Rapporteur on 21st September 2015. However, as indicated by a Group of States[‡] within the Third Committee, the Declaration has some value because it develops the New Agenda 2030 and also reinforces the three UN pillars—peace and security, development and human rights. Also they pointed out that the Preamble of the Declaration additionally contains many elements that will benefit the clarity and greater balance in order to ensure and to represent the full range of views among memberships.

This paper shall introduce the reader to the latest discussions and debate on the right to peace within the Third Committee to better understand the evolution of this drafting process in the context of the different sessions held by the Advisory Committee (AC) and the OEWG. Additionally, this article shall analyze the relevant role played by civil society organizations

* A/HRC/32/28, 1 July 2016

† A/RES/69/176, 23 January 2015

‡ Australia, Liechtenstein, New Zealand, Norway, Switzerland and Iceland

and it shall take into account their important contribution to the process. Finally, the process of releasing provisions of the Declaration and the adoption of this instrument by the Human Rights Council will be also studied.

2. Role played by Civil Society Organizations

After the adoption of the Declaration on the Right to Peace by the HRC on 1 July 2016, the Foundation for a Culture of Peace delivered a statement in which they stressed that in order to promote the right to peace, it is imperative to implement the Declaration and Programme of Action on a Culture of Peace. They also stressed in their statement that “the UNESCO initiative in which in 1997 Member States were invited to discuss a draft Declaration on the Human Right to Peace soon will be realized within the General Assembly”.*

The UNESCO Chair on Human Rights, Democracy and Peace at the University of Padova (Italy) concluded in a legal study about the Declaration adopted by the HRC in November 2016 that “the conjunction of Article 1 with the very title of the Declaration presupposes that a human right to peace does already exist as implicitly proclaimed by Article 28 of the Universal Declaration of Human Rights: Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized”.†

As suggested by the Foundation for a Culture of Peace, on 18 November 2016 the UNGA Third Committee adopted a Declaration on the Right to Peace. This Declaration will be remembered in the UN history for being the first peace Declaration adopted by the General Assembly in this new Millennium.

Consequently, the mobilization and strong voice of some civil society organizations was properly heard in its 71st session. In particular, on 2 September 2016 the International Association of Peace Messenger Cities‡ adopted the Wielun Declaration in Poland by which they welcomed the adoption by the HRC of the Declaration on the Right to Peace contained in the annex to its resolution 32/28 and called upon the General Assembly of the United Nations to adopt this Declaration.

Additionally, the Human Rights Centre and the UNESCO Chair at the Padova University informed that they had promoted and carried out, with the collaboration of the National Coordination of Local Authorities for Peace and Human Rights, a large campaign in Italy, to support the work of the United Nations. They added that more than 300 City Councils and 5 Regional Councils had adopted a petitionary motion in this regard.§

An important group of civil society organizations stressed in an Open Letter of November 2016 addressed to the diplomatic community that “in today’s world, devastated by armed conflicts, hate and poverty, the recognition and declaration by an overwhelming majority of states that “Everyone has the right to enjoy peace”, would send to Humanity, and in particular to young and future generations, a much needed message of peace and hope... The adoption

* See <http://www.fund-culturadepaz.org/doc/DerechoHumanoalaPaz.pdf>

† See <http://unipd-centrodirittiumani.it/en/publicazioni/The-Declaration-on-the-right-to-peace-is-in-the-pipeline-to-the-General-Assembly-of-the-United-Nations/1138>

‡ The movement began in the International Year of Peace, 1986, when 62 cities were chosen from among thousands. Representatives of these 62 cities met on 7 and 8 September 1988 at Verdun (France)

§ See <http://unipd-centrodirittiumani.it/it/dossier/Abbiamo-diritto-alla-pace-Campagna-internazionale-per-il-riconoscimento-del-diritto-umano-alla-pace/42>

of the UN Declaration on the Right to Peace will represent a little step forward toward the fulfilment of the solemn promises we made in 1945”.*

In parallel, the Chairperson of the Drafting Group on the right to peace at the Advisory Committee (AC) of the HRC, Ms. Mona Zulficar, and the former Chairperson-Rapporteur of the OEWG at the HRC, Ambassador Christian Guillermet-Fernández, published in the Arab newspaper Elaph in December 2016 a reflective essay in which they explained how the OEWG witnessed a text presented by the AC that was not properly supported by Member States. For this reason, the Chairperson-Rapporteur decided to promote the effective implementation of the Declaration and Programme of Action on a Culture of Peace, taking into account that all the main elements of the right to peace identified by the AC had been elaborated in the Programmes of Action on Vienna and Culture of Peace.†

Finally, on 22 October 2016, Paz sin Fronteras (PSF), created by Mr. Miguel Bosé and Mr. Juanes, began the campaign called #RightToPeaceNow through which well-known personalities urged Member States of the Third Committee of the General Assembly to adopt a Declaration on the Right to Peace at the end of the 71st regular session. During this campaign, several personalities of the world of culture and art raised their voices to demand a Declaration on the Right to Peace through their media and social networks. They expressed their support so that the process would be definitively closed in New York with the adoption of a Declaration on the Right to Peace, which occurred in this case.

3. Debate & Adoption of the Declaration by the UNGA Third Committee

The resolution A/C.3/71/L.29, in which the Declaration was annexed, was presented by the delegation of **Cuba**. In its presentation, they said that the adoption of this text was a moral imperative and that they are encouraged by the willingness to contribute to raise awareness among people and governments about the different elements which compose the right to peace at a time when world peace is the desire of millions of people. By adopting this declaration, they said that they aspire to send a clear message of commitment and protection of the right to peace and the lives of millions of people.

The **United States of America** pointed out that they do not agree with the attempts to develop the collective right to peace because it modifies the circle of the exercise of the existing human rights. Consequently, they decided to vote against this resolution. **Japan** considered it premature to recognise peace as a human right principle since it has not been

* This letter was prepared by the International Association of Democratic Lawyers (IADL), Comunità Papa Giovanni XXIII (APG23), UN Network of United Network of Young Peacebuilders (UNOY) and Japanese Committee for the Human Right to Peace (JCHRP) and it was supported by:

Foundation for a Culture of Peace, International Society for Human Rights (ISHR), Finn Church Aid (FCA), International Federation of Settlements and Neighbourhood Centers (IFS), Commission Africaine des Promoteurs de la Santé et des droits de l'homme (CAPSDH), Cultura de Solidaridad Afro-Indígena, International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Universal Esperanto Association (UEA), Mothers Legacy Project, International Federation of Women in Legal Careers (IFWLC), International Federation of Women Lawyers (IFWL), 3HO Foundation, Institute for Planetary Synthesis (IPS), Institute of Global Education, Lama Gangchen World Peace Foundation, Federation of Family Associations of Missing Persons from Armed Conflicts (IFFAMPAC), Pax Christi International, Foundation for GAIA (GAIA), Planetary Association for Clean Energy (PACE), Global Eco-village Network (GEN), Institute of International Social Development at the United Nations (IISD), International Association of Peace Messenger Cities (IAPMC), International Peace Bureau (IPB), World For World Organization (WFWO), United Religions Initiative (URI), Lucis Trust-World Good Will Bangwe and Dialogue, Dzeno, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco (IIMA), Foundation for the Refugee Education Trust (RET International), Graines de Paix, International Voluntary Organisation for Women, Education Development (IOWED), US Federation for Middle East Peace, ONG Hope International, World Association for Education as an Instrument of Peace, Columbian Commission of Jurists, General Arab Women Federation (GAWF), International Organization for Victim Assistance (IOVA), International Society for Traumatic Stress Studies (ISTSS), International Women's Year Liaison Group, Association Points-Coeur, Nonviolent Peaceforce, Association Centre Europe- Tiers Monde Cetim.

† See <http://elaph.com/Web/ElaphWriter/2016/11/1117921.html?entry=opinion>

established under international law. They said that the adoption of this resolution at the third committee without reaching consensus among Member States, following the same case as in Geneva, is regrettable. **Iran** indicated that the maintenance and global realization of the right to peace needs a holistic approach. Unfortunately, they added that some important requirements for the realization of the right to peace, such as the challenges posed by the arms of mass destruction to the international peace and security, were totally overlooked in the Declaration.

The **European Union** said since the establishment of the OEWG on the right to peace three years ago, they have consistently expressed their willingness to engage in the discussion between the linkage of peace and the enjoyment of human rights, with a view to reach a consensus on the draft declaration. According to them, the WG has been a model of cooperation and open dialogue.

All sides proved their willingness to have a possible consensus on a declaration acceptable to all. However, in spite of all efforts, consensus was not possible. There is neither an agreed upon definition of peace nor an agreement as to who will be the right-bearers and duty-bearers of such a right. In addition, the proposed declaration could be contrary to some provisions of the UN Charter. Finally, the absence of peace cannot justify the failure to respect human rights. Under these circumstances, they reaffirmed that they were not in a position to support this draft resolution.

Iceland, on behalf of a Group of States,* recalled that it is clear that sustainable development cannot be realized without peace and security, and peace and security will be at risk without sustainable development. They added that the Declaration on the Right to Peace correctly reinforces the Global Agenda 2030 and its goal 16 on the promotion of peaceful and inclusive societies for sustainable development for all. The New Agenda 2030 recognises the need to build peaceful, just and inclusive societies and provide equal justice, protection and respect of human rights, effective rule of law and governance in all levels and in transparency and effective and accountable institutions. Consequently, they added that they are all committed to the Global Agenda 2030, which is intended to foster peaceful, just and inclusive societies which are free from fear and violence. There can be no sustainable development without peace and no peace without sustainable development. In addition, they said that the Declaration reaffirms that peace and security, development and human rights are the pillars of the United Nations system and the foundation for collective security and well-being and that development, peace and security and human rights are interlinked and mutually reinforcing. However, they also indicated that they are not in a position to support the draft resolution at this point, because there is no common legal understanding for the specific right to peace and it is also unclear who will be the right-bearers or duty holders of such a right.

Finally, **Liechtenstein**, on behalf of another Group of States,† indicated that the Charter of the United Nations rests on principles of the United Nations, which are, inter alia, to

“Peace and security, development and human rights are the pillars of the United Nations system and the foundation for collective security and well-being.”

* Australia, Liechtenstein, New Zealand, Norway, Switzerland and Iceland

† Austria, Belgium, Costa Rica, El Salvador, Estonia, Iceland, Latvia, Lithuania, Luxembourg, Poland, Slovenia, Switzerland and Liechtenstein

maintain peace and security and to that end to take effective and collective measures for the prevention and removal of threats to peace and for the suppression of acts of aggression or other breaches against peace. They stressed that one of the key contributions to promote peace is therefore to complement the provisions of the UN Charter, which regulates the legality of the use of force with provisions that establish individual criminal responsibility for the crimes of aggression. They added that the step was taken when States parties of the International Criminal Court (ICC) adopted by consensus provisions on the crimes of aggression, which were included in the Kampala Review Conference in 2010. The activation of the Kampala process in 2017 will constitute a historic step in order to stop illegal wars and for them, this is a main contribution to the cause of peace. Therefore, they called upon all Member States, in particular the supporters of the Declaration on the Right to Peace, to ratify the Rome Statute and the Kampala amendments to ensure that the perpetrators of crimes against peace are held accountable.

4. Legal & Negotiation Background

4.1. Introduction

In the last resolution on this topic presented before the Commission on Human Rights in 2005 (Doc. E/CN.4/2005/56), member States called upon “the United Nations High Commissioner for Human Rights to carry out a constructive dialogue and consultations with Member States, specialized agencies and intergovernmental organizations on how the CHR could work for the promotion of an international environment conducive to the full realization of the right of peoples to peace, and encourages non-governmental organizations to contribute actively to this endeavour.”

In 2008, the HRC, in light of the previous resolution of the Commission, requested the *Office of the United Nations High Commissioner for Human Rights* (OHCHR) to convene a workshop on the right of peoples to peace, which was finally held on 15-16 December 2009 in Geneva. In this workshop the current deep division about the existence of the right to peace was seen even at the academic level. In fact, some well-known legal practitioners who participated at the *Workshop on the right of peoples to peace* stated that the right to peace had never been explicitly formalized into a treaty, including the UN Charter, and that the UN human rights instruments had not given proper expression to this enabling right (A/HRC/14/38 2010).

Some civil society organizations and academics took advantage of the process already initiated by the Commission in 2001 and afterwards, driven by the HRC in cooperation with them.*

4.2. Human Rights Council Advisory Committee

On 17 June 2010, the HRC adopted resolution 14/3 on the right of peoples to peace, which explicitly requested the Advisory Committee (AC), in consultation with Member

* Fernandez Puyana, David, “International Campaign on the Human Right to peace”, in Villán Durán, Carlos and Pérez Faleh, Carmelo, *Regional Contributions for a Universal Declaration on the Human Right to Peace*, SSIHRL with the sponsorship of the Asturian Agency for Development Cooperation of the Government of the Principality of Asturias, 2010, p. 43-60 (Spanish version) and p. 61-80 (English version).

States, civil society, academia and all relevant stakeholders, to prepare a draft declaration on the right of peoples to peace.

The AC adopted on 6 August 2010 the recommendation 5/2 on the promotion of the right of peoples to peace, establishing a drafting group chaired by Mona Zulficar (Egypt) to prepare a draft declaration on the right of peoples to peace. In light of this mandate, the drafting group initially prepared a progress report on the right to peace, which was submitted to the HRC in its 16th regular session (June 2011).

On 12 August 2011, the AC adopted recommendation 7/3 entitled “Drafting Group on the promotion of the right of peoples to peace”, by which it took note of the second progress report submitted by the drafting group (paragraph 1); it welcomed “the responses received to the questionnaire sent out in April 2011, and the discussions and statements made during its seventh session” (paragraph 2); and it welcomed “initiatives by civil society to organize discussions on progress reports of the Advisory Committee with Member States and academic experts” (paragraph 3).

In accordance with HRC resolution 17/16 of 17 June 2011 and AC recommendation 8/4 of 24 February 2012, the AC submitted to the HRC its (third) draft declaration on the right to peace, which was really inspired by the different proposals of Declarations elaborated and advocated by some civil society organizations.*

The Advisory Committee’s text identified, in cooperation with some civil society organizations, the main elements that should be part of the future Declaration (including issues such as migrants, refugees, conscientious objection to military service, disarmament, environment, rights of victims, development and human security).

The great added value of the Advisory Committee’s text was its elaboration of all linkages between the notion on peace and human rights, its efforts to mobilize civil society organizations and also to create the notion of the human right to peace by putting together all these elements in the form of a Declaration. Afterwards, this enabled Member States to make a global assessment about this text and eventually accept or reject it as a good and useful basis to continue their work on this topic.

4.3. First Session of the Open Ended Working Group on the Right to Peace

Pursuing resolution 20/15 of 5 July 2012, the HRC decided to “establish an open-ended intergovernmental 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.” It also decided that the Working Group would meet for four working days prior to the twenty-second session of the HRC, which took place from 18 to 21 February 2013.

On 18 February 2013, Christian Guillermet-Fernández (Costa Rica) was elected by the Working Group as its Chairperson-Rapporteur, by acclamation. He was nominated by the delegation of Ecuador on behalf of the Group of Latin American and Caribbean Countries (GRULAC). This nomination was based on broad consultations with all regional groups and on agreement reached.

* Luarca, Bilbao, Barcelona and Santiago Declaration on the Human Right to Peace

Throughout the general debate and reading of the draft declaration on the right to peace prepared by the Advisory Committee, governmental delegations, representatives of international organizations and members of civil society raised the following doubts and points of concern (A/HRC/WG.13/1/2, 2013):

Firstly, some delegations stated that international community should make every effort to increase the international standards of protection in the field of human rights for the benefit of our own citizens. The full realization of human rights is impossible if we do not live in peace. Other delegations also agreed that the preservation of peace is the founder, goal and main objective of our organization. They added that the promotion and protection of existing human rights can make a profound contribution to peace. It follows that the linkage between human rights and peace is pretty clear. Additionally, other delegations said that the right to peace is strongly inseparable from the most fundamental right, the right to life. They also stated that peace is a precondition or prerequisite to protecting and promoting the realization of all human rights. Other delegations rephrased this latter concept by saying that “the United Nations, in its Charter, recognized that peace is both a prerequisite and a consequence of the full enjoyment of human rights by all.” Others added that peace should be seen as an enabling right which allows people enjoy their civil, political, economic, social or cultural rights.

Secondly, for many delegations, the concept of the right to peace was not new, but recognized in soft law instruments including in the General Assembly resolution 39/11 of 12 November 1984, whereby the international community had adopted the *Declaration on the Right of Peoples to Peace*, and in the *Human Rights Declaration* adopted by the *Association of Southeast Asian Nations* (ASEAN) on 18 November 2012. On the other hand, several other delegations stated that a stand-alone “right to peace” did not exist under international law. In their view, peace was not a human right in and of itself: it was rather a goal that could be best realized through the enforcement of existing identifiable and distinguishable human rights.

Thirdly, some delegations stressed that the current initiative on the right to peace could become a great opportunity to stop wars and armed conflicts in the world and consequently, to avoid all human rights violations, crimes against humanity and genocides, which usually occur in these dreadful situations. Also they indicated that this initiative is not only a clear reaction against war and conflict, but also a means to eliminate all kind of violence against people. Others added that there is no possibility to exercise fundamental rights in the context of war. No socioeconomic transformation may work under a conflict. As indicated also by the delegations, in order to ensure the promotion and realization of the right to peace, the international community should exhaust all necessary efforts to eliminate the threat of war, in particular nuclear war, to settle disputes peacefully and to end all ongoing conflicts, which are seriously affecting the lives of millions of people. Some delegations stated that the Declaration should reflect the preventive role of peace with regard to the human rights violations. Other delegations also stressed the complementarity and interdependence of the three main pillars of the United Nations (i.e. peace, development and human right).

“The international community should exhaust all necessary efforts to eliminate the threat of war, in particular nuclear war.”

Fourthly, in regard to the legal standards of the Declaration elaborated by the Advisory Committee, some delegations said that the thematic areas selected seem to have been arbitrarily picked. In addition, they indicated that many concepts of human rights included in the Declaration are new and unclear, which means that the current process can become an unproductive, futile and frivolous exercise. By introducing a broad concept of the right to peace, said some delegations, the drafters included many binding disparate issues to peace. In addition, most of the delegations added that the issues that the draft Declaration purports to address are already addressed in other, more appropriate forums, some under the HRC, and some not. They also added that the Declaration includes and subsumes a range of existing human rights and that it is inconsistent with relevant international norms, including the UN Charter. Furthermore, some of them said that the major misgiving is to use undefined, ambiguous and ungrounded concepts that lack any consensus in international law or to insert topics that do not have a slightest linkage to the purpose of the declaration. Several delegations called for the drafting of a brief, concise and balanced declaration that would be guided by international law as well as by the *Charter of the United Nations*, compliant with its Article 51. The declaration should avoid referring to controversial issues and unidentified and vague topics that do not presently enjoy international support and consensus.

Fifthly, as indicated by some delegation, “the draft declaration has attempted to re-invent the wheel by formulating new concepts and definitions, whereas it should be guided by international law, basing itself on the UN Charter.” In addition, others stressed that the essence of the next phrase in the resolution which indicates “and without prejudging relevant past, present and future views and proposals” is an open door to revise, to adjust or to change the text with new ideas and formulations.

4.4. Second Session of the Open Ended Working Group on the Right to Peace

On 13 June 2013, the HRC adopted resolution 23/16 by which it requested the Chairperson-Rapporteur of the working group to prepare a new text on the basis of the discussions held during the first session of the working group and on the basis of the inter-sessional informal consultations to be held, and to present it prior to the second session of the working group for consideration and further discussion thereat.

The second session took place from 30 June to 4 July 2014 in Geneva. The preliminary ideas of the Chairperson-Rapporteur were included in a letter addressed to the members of the working group, which was circulated as an official document at the session (A/HRC/WG.13/2/2). In accordance with the above letter, the following points of concurrence among all delegations were highlighted by the Chairperson-Rapporteur:

1. The declaration should be short and concise and should provide an added value to the field of human rights on the basis of consensus and dialogue.
2. The declaration should be guided by international law, basing itself on the Charter of the United Nations and the promotion of human rights and fundamental freedoms.
3. The legal basis of the human rights legal system is the concept of human dignity.
4. Human rights and fundamental freedoms, in particular the right to life, are massively violated in the context of war and armed conflict. In addition, there is no possibility to exercise fundamental rights in the context of armed violence.

5. Cooperation, dialogue and the protection of all human rights are fundamental to the prevention of war and armed conflict.
6. The promotion, protection and prevention of violations of all human rights would make a profound contribution to peace.
7. Human rights, peace and development are interdependent and mutually reinforcing.
8. Many concepts of human rights included in the draft declaration elaborated by the Advisory Committee are new and unclear, which results in the risk that the current process will become an unproductive, futile and frivolous exercise. Many notions have already been addressed in other more appropriate forums, some under the Human Rights Council, and some not.

The approach by the Chairperson-Rapporteur as included in his text was welcomed by the OEWG, which is open to all States, civil society organizations and other stakeholders represented in the United Nations. This approach was accepted by the majority of participants and afterwards, adopted “ad referendum”. Delegations stated their appreciation for his efforts to prepare a new text carefully reflecting the various positions expressed in the first session of the working group and during the various inter-sessional consultations. Some cautiously appreciated the direction in which the drafting was heading on the basis of broad consultations. In particular, the approach is based on the following five ideas, which are a clear attempt to give an answer to the main points of concern raised during the first session:

Firstly, unlike the Security Council, the HRC is not the competent body to deal with those matters linked to the maintenance of international peace and security in the world. Pursuant to UNGA resolution 60/251 of 2006, the HRC is trusted to work in some of the purposes and principles contained in the UN Charter (i.e. friendly relations among nations, self-determination of peoples, international cooperation and promotion of human rights and fundamental freedoms for all), but never on matters related to breach of peace, the use or threat of force or the crime of aggression.

The HRC is exclusively focused on those who truly suffer in a conflict: human beings and peoples. It is a forum for dialogue, not confrontation, which always works by and for the victims. Since the mandate of the HRC is to promote and protect human rights, peace should be elaborated in light of some fundamental human right, which has already been recognised by the international community as a whole, such as the right to life.

Secondly, the added value of the new Declaration is to strengthen the linkage between peace, human rights and development. Therefore, the recognition of the right to life and the affirmation of the right to live in peace, human rights and development are intended to ensure that the authorities take measures to guarantee that life may be lived in a natural and dignified manner and that the individual has every possible means for this purpose.

Thirdly, the new Declaration should bear in mind two issues: the need to promote peaceful relations among countries and the condemnation of war. In order to protect and promote the right of peoples to peace, States should implement and comply with all the principles contained in art. 2 of the *Charter of the United Nations*. Therefore, the essential content of this Declaration, and in particular the strong condemnation of war, should be a cornerstone of the future declaration in the line of the Declaration on the Right of Peoples to Peace.

Fourthly, with regard to the Declaration prepared by the Advisory Committee, it should be stressed that all the main elements proposed by the AC were already included in the *Declaration and Program of Action of Culture of Peace*. In particular, the concepts proposed by the Advisory Committee have been elaborated by different stakeholders in the line of the *Programme of Action of Culture of Peace* (i.e. human security and poverty, disarmament, education, development, environment, vulnerable groups, refugees and migrants). It follows that in spite of including in the future Declaration concepts that are being currently dealt with by other competent bodies, the international community should progressively elaborate these notions in light of agreeable Declarations already adopted by the General Assembly, such as the *Declaration and Programme of Action of Culture of Peace*.

Broad support was expressed for the new concise and focused text as a significant improvement over the previous Advisory Committee draft (A/HRC/20/31) and as a basis for further discussion during the present session. Delegations noted that a number of ambiguous issues included in the Advisory Committee draft that did not yet enjoy international consensus were no longer found in the new text and noted that it was not appropriate to include in this text controversial issues or concepts lacking in clarity still being discussed in other forums.

4.5. Third Session of the Open Ended Working Group on the Right to Peace

On September 25, 2014, the HRC adopted resolution 27/17 as a continuation of the work done on this topic in recent years. The draft resolution requested to convene a third session of the OEWG on the right to peace with the purpose of finalizing the Declaration, which was held from 20 to 24 April 2015. The Council further requested the Chairperson-Rapporteur to prepare a revised text on the basis of the discussions held during the first and second sessions of the working group and on the basis of the intersessional informal consultations to be held, and to present it prior to the third session of the working group for consideration and further discussion thereat.

The resolution 27/17 paths the way to introduce progressively the new approach proposed by the Chairperson-Rapporteur for the following reasons: (1) this resolution is not referring to the draft Declaration on the right to peace elaborated by the Advisory Committee. As indicated by the Chairperson-Rapporteur in his report (A/HRC/27/63), the Advisory Committee, in its draft declaration, had built on and elaborated further elements contained in the *Declaration and Programme of Action on Culture of Peace*; (2) it opens the possibility to take into consideration not only the *Declaration on the Right of Peoples to Peace*, but also other important relevant instruments in the field of peace (i.e. *Declaration and Programme of Action on a Culture of Peace*, the *Vienna Declaration and Programme of Action* and the *Declaration on the Preparation of Societies for Life in Peace*); (3) the resolution welcomes not only the work performed by civil society organizations, but also academia and other stakeholders (i.e. international organizations); (4) it clearly stresses that the new stage of the process will be based on the inputs received from Governments, regional and political groups, civil society and relevant stakeholders, and the text presented by the Chairperson-Rapporteur. A summary of the discussions is included in the report of the working group on its second session, which has to be read in conjunction with the compilations of the proposals made by States and by other stakeholders.

At the conclusion of the session, a number of delegations expressed their sincere gratitude for the leadership, flexibility and efforts demonstrated by the Chairperson-Rapporteur in working with all parties. Appreciation was also expressed for the contributions by non-governmental organizations and the support provided to the Chairperson-Rapporteur (Para. 79).

The Chairperson-Rapporteur acknowledged the respectful atmosphere and spirit of dialogue and cooperation that reigned during the third session of the working group while moving towards a consensual outcome (Para. 80).

On 24 April in the afternoon the Chairperson-Rapporteur presented a new revised text, which was based on the following agreeable points and ideas raised by some States and civil society organizations during the third session of the Working group:

Firstly, the international community is absolutely ripe to advance in the progressive elaboration of the right of peoples to peace through the development of those elements that compose it. Despite the different positions about the existence of this right, all member States, even those which do not recognize it, agreed to recall the 1984 Declaration on the right of peoples to peace in the preambular paragraph 4 of the new text.

Secondly, the revised new text is the result of the work done by everyone during the week of the third session. It has taken into account comments and recommendations proposed by all stakeholders, including some civil society organizations. In the text there is no preambular paragraph or provision, which has not previously been discussed within the Group and has not been included in the compilation of the second session of the Working Group.

Thirdly, the Preamble of the new revised text, which is composed of 37 paragraphs, includes all the specific measures aimed at preserving the right of peoples to peace identified by the HRC since 2008 – Res. 11/4 of 2009, 14/3 of 2010 and 17/16 of 2011: (1) the principles of the *Charter of the United Nations*, such as the peaceful settlement of disputes, international cooperation and the self-determination of peoples; (2) the elimination of the threat of war; (3) the three pillars of the United Nations (i.e. peace, human rights and development); (4) the eradication of poverty and promotion of sustained economic growth, sustainable development and global prosperity for all; (5) the wide diffusion and promotion of education on peace and (6) the strengthening of the *Declaration and Programme of Action on a Culture of Peace*.

Fourthly, the three UN pillars have been recognised by the HRC as a fundamental element aimed at promoting the right of peoples to peace. In particular, Council resolutions on the right of peoples to peace have constantly stressed in its operative sections that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being. Therefore, it follows that the three UN pillars are strongly linked to content of the right of peoples to peace.

Fifthly, the new revised text invites solemnly in the last preambular paragraph all stakeholders to guide themselves in their activities by recognizing the high importance of practicing tolerance, dialogue, cooperation and solidarity among all human beings, peoples and nations of the world as a means to promote peace. To that end, the present generations should ensure that both they and future generations learn to live together in peace with the highest aspiration of sparing future generations the scourge of war. The linkage between the right to life and peace is again reaffirmed in this paragraph.

Sixth, the first provision of the new revised text proclaims that “Everyone has the right to enjoy peace such that security is maintained, all human rights are promoted and protected and development is fully realized.” This proposal of language, inspired in Article 38 of the *ASEAN Human Rights Declaration*, was made by Indonesia during the third session and obtained support from Malaysia, India, Venezuela, Pakistan and Philippines, and some civil society organizations (i.e. *Associazione Comunità Papa Giovanni XXIII* and *United Network of Young Peacebuilders*). Additionally, on 25 June 2015, Vietnam on behalf of ASEAN* delivered a statement in which they recalled art. 38 of the 2012 ASEAN Human Rights Declaration which states “every person and the peoples of ASEAN have the right to enjoy peace...”.

This proposal also received the support from some civil society organizations. On 22 September 2015, an important NGO network called “on Member States to take a step forward in the promotion of peace by adopting a declaration that proclaims the human right to peace, or at least the “right to enjoy peace”...”.[†]

Seventh, the second new provision proclaimed that “States should respect, implement and promote equality and non-discrimination, justice and the rule of law and guarantee the security of their people, fulfil their needs and ensure the protection and promotion of their universally recognized human rights and fundamental freedoms as a means to build peace.” This second article was jointly drafted by USA, Australia, EU, Malaysia, Indonesia, Morocco, Tunisia, Iran and Egypt.

Eighth, in accordance with Article 3 of the new text, the main actors on whom rests the responsibility to make this highest and noble aspiration of humankind reality are human beings, States, United Nations, specialized agencies, international organizations and civil society. They are the main competent actors to promote peace and dialogue in the world.

4.6. Process of releasing provisions of the Declaration and Adoption by the Human Rights Council

On 18 September 2015, the Secretariat of the HRC presented its compliments to the Permanent Missions of the United Nations Office at Geneva and had the honour to transmit a new text of a Draft United Nations Declaration on the Right to Peace prepared by the Chair-Rapporteur of the third session of the Open-ended intergovernmental working group on a draft United Nations declaration on the right to peace.

On 21 September, the Permanent Mission of Cuba convened an informal consultation open to all permanent missions, civil society and other stakeholders, in which the Chairperson-Rapporteur was invited to participate. He began his statement by deeply thanking the mission of Cuba for convening this informal consultation on the right to peace.

* Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, the Philippines, Singapore, Thailand and Vietnam

† On 22 September 2015, Associazione Comunità Papa Giovanni XXIII delivered a joint oral statement in item 5 on behalf of the Resource Center for Palestinian Residency and Refugee Rights (BADIL), Center for Global Nonkilling, Commission Africaine des Promoteurs de la Santé et des Droits de l'homme (CAPSDH), Institute for Planetary Synthesis, Institute of Global Education, International Association of Democratic Lawyers (IADL), International Network for the prevention of elder Abuse (INPEA), International Peace Bureau, International Society for Human Rights, Istituto Internazionale delle figlie di Maria Ausiliatrice (IIMA), Mothers Legacy Project, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale (OCAPROCE), International Pan Pacific Southeast Asia Women's Association International (PPSEAWA), Pax Romana, United Network of Young Peacebuilders, Volontariato Internazionale Donna Educazione Sviluppo (VIDES) and Women's World Summit Foundation.

The Chairperson-Rapporteur recalled that on the afternoon of 24 April he had presented a new revised text, which was based on some agreeable points and ideas raised by some States and civil society organizations during the third session of the Working group. In his report he acknowledged the respectful atmosphere and spirit of dialogue and cooperation that reigned during the session while moving towards a consensual outcome. However, we could not achieve this desirable agreement because 16 preambular paragraphs and the operative section appeared in square brackets, revealing the objections of the States.

He indicated that now that we have walked a long way, his role of mediator was almost over presenting this new version of the text, which responds to work in these months. The ball is now in the hands of States: you can accept this text as a consensual text or you have the option to reject it entirely, he said. The negotiation process ended in the third session. Now is the time to advance and to take action on this topic.

The new revised text presented on 21 September 2015 was the result of the bilateral meetings held from June to September 2015 with those missions which had objected some of the preambular paragraphs on 24 April 2014, last day of the OEWG on the right to peace. Those delegations which objected to some of the 16 provisions of the text finally released these paragraphs by proposing a new language or deleting some notions, which is a demonstration of real engagement of many missions from South and North in the process.

In the elaboration of the Declaration on the Right to Peace, the mobilization and strong voice of some civil society organizations were not properly heard in the September session held in 2015, when they openly called on Member States to take a step forward by adopting a declaration that can be meaningful for generations to come*.

However, thanks to this strong and resounding message, on 1 July 2016 the HRC of the United Nations in Geneva adopted a Declaration on the Right to Peace by a majority of its Member States.† This Declaration is the clear result of three years of work with all stakeholders, including civil society, led by Ambassador Christian Guillermet-Fernández of Costa Rica, the secretariat and his team, and jointly promoted with Cuba.

On 13 June 2016, Paz sin Fronteras (PSF),‡ created by Miguel Bosé and Juanes, began the campaign called #RightToPeaceNow through which well-known personalities urged

* On 22 September 2015, Associazione Comunità Papa Giovanni XXIII delivered a joint oral statement in item 5 on behalf of the Resource Center for Palestinian Residency and Refugee Rights (BADIL), Center for Global Nonkilling, Commission Africaine des Promoteurs de la Santé et des Droits de l'homme (CAPSDH), Institute for Planetary Synthesis, Institute of Global Education, International Association of Democratic Lawyers (IADL), International Network for the prevention of elder Abuse (INPEA), International Peace Bureau, International Society for Human Rights, Instituto Internazionale delle figlie di Maria Ausiliatrice (IIMA), Mothers Legacy Project, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale (OCAPROCE), International Pan Pacific Southeast Asia Women's Association International (PPSEAWA), Pax Romana, United Network of Young Peacebuilders, Volontariato Internazionale Donna Educazione Sviluppo (VIDES) and Women's World Summit Foundation.

† Favour: Africa: Algeria, Botswana, Burundi, Congo, Côte d'Ivoire, Ethiopia, Ghana, Kenya, Morocco, Namibia, Nigeria, South Africa, Togo; Latin American and Caribbean States: Bolivia, Cuba, Ecuador, El Salvador, Mexico, Panama, Paraguay, Venezuela; Asia Pacific States: Bangladesh, China, India, Indonesia, Kyrgyzstan, Maldives, Mongolia, Philippines, Qatar, Republic of Korea, Saudi Arabia, United Arab Emirates, Vietnam; Eastern European States: Russian Federation

Against: Belgium, Republic of Korea, France, Germany, Netherlands, United Kingdom and Northern Ireland, Slovenia, Latvia and Macedonia.

Abstentions: Albania, Georgia, Portugal and Switzerland.

Co-sponsors:

Council Members: Algeria, Bolivia, China, Cuba, Ecuador, El Salvador, Venezuela, Vietnam, Indonesia, Qatar (on behalf of the States Members of the Group of Arab States) and South Africa,

Council Observers: Angola, Belarus, Cabo Verde, Costa Rica, Democratic People's Republic of Korea, Egypt, Eritrea Malaysia, Nicaragua, Pakistan, Syrian Arab Republic, Sudan, State of Palestine and Tunisia

‡ See <http://pazsinfronteras.org/en>

Member States of the HRC to adopt a Declaration on the Right to Peace at the end of the 32nd regular session. Thanks to its social mobilization, the HRC finally decided to adopt a Declaration on the Right to Peace. During this campaign, several personalities* of the world of culture and art raised their voices to demand a Declaration on the Right to Peace through their media and social networks.

The resolution 32/28, in which the Declaration was annexed, was presented by the delegation of **Cuba**. In its presentation, they emphasized that the adoption of this Declaration is framed in the context of the bilateral ceasefire and cessation of hostilities signed in Havana, between the Government of Colombia and the Revolutionary Armed forces of Colombia-People's Army (FARC-EP) on 23 June 2016.

The HRC recommended that the General Assembly adopt this Declaration in its 71st regular session, which occurred in its Third Committee in November and the plenary of the General Assembly in December 2016. Consequently, after almost twenty years, the Declaration on the right to Peace was definitely adopted. This longstanding humankind's aspiration has finally been realized within the framework of the General Assembly after the first serious attempt carried out by UNESCO in 1997.

The Declaration will be known in the UN history for being the first peace Declaration adopted by the General Assembly in this new Millennium, after the adoption of the Declaration and Programme of Action on Culture of Peace in 1999 by the same body.

This Declaration is the clear result of the important role played by some sectors of civil society and Universities for years, which have shown that genuine dialogue among all stakeholders and regional groups is the foundation of peace and understanding in the world.

5. Conclusions

In the 17th session of the General Assembly, several delegates expressed concern about submitting the conclusions of the Assembly to the mechanical process of majorities and also emphasized the importance of allowing all delegations to be heard and therefore, adopting the conclusions by consensus.

The adoption by large agreements of peace instruments in the General Assembly has been a clear tendency since the creation of the United Nations. In particular, it should also be recalled that the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples of 1965, the Declaration on the Protection of Women and Children in Emergency and Armed Conflict of 1974, Declaration on the Participation of Women in Promoting International Peace and Co-operation of 1982 and the Political Declaration on the Peaceful Resolution of Conflicts in Africa of 2013, were adopted by consensus.

Neither the Declaration on Preparation on Societies to Life in Peace of 1978, the Declaration on the Right of Peoples to Peace of 1984 nor the Declaration and Programme of Action on Culture of Peace of 1999 were adopted by the General Assembly with the opposition of regional groups. In fact, both the Declaration on Preparation on Societies to

* Miguel Bose, Juanes, Alejandro Sanz, Pablo Alboran, Bulli, Sasha Sokol, Benny Ibarra de Llano, Ximena Sariñana, Fonseca, Patricia Cantu, Edgar Ramirez, Laura Pausini or the north American actress Jessica Chastain

Life in Peace and the Declaration and Programme of Action on Culture of Peace were adopted by consensus, with the exception of the first instrument, which was adopted with only one abstention. On the other hand, the Declaration on the Right of Peoples to Peace obtained the abstention from all Western and European States, but never the vote against.

In this ongoing debate about the notion of consensus and dissent in the adoption of international instruments within the United Nations, it is relevant to recall Alberoni when he affirmed in his article “Democracy Means Dissent” published in *Corriere della Sera* on 9 January 1997, that “Democracy is a political system which presupposes dissent ... if we cannot accept unanimous consent as a more perfect form of consent, and hence recognize that a system founded on consent inevitably contains dissent”.

Norberto Bobbio added in his paper “The future of Democracy” that “Freedom of dissent presupposes a pluralistic society, a pluralistic society allows a greater distribution of power, a greater distribution of power opens the door to the democratization of civil society, and eventually democratization of civil society extends and integrates political democracy”.

The problem arises when there are important substantive differences among delegations and the possibility of a broad agreement looks like a chimera. An agreement among States and regional groups could not finally be achieved within the HRC and the Third Committee, exclusively because of the lack of agreement on the title and Article 1.

It is strongly desirable for the promotion of peace worldwide to strengthen the positive trend on this matter already initiated in the times of the UN Commission on Human Rights. In particular, some Latin American, African and Asian States, which currently support the right to peace in the United Nations, abstained on this topic at the Commission.* Additionally, it should be taken into account that although some other important States abstained on the right to peace within the HRC,† their positions positively changed in the past few years by supporting the Declaration on the Right to Peace recently adopted by the UNGA Third Committee.

Currently, the Latin American, the African and the Asian group with the exception of some particular States‡ positively support the right to peace, which was never the case in the past. In addition, it should be taken into account that an important number of Western States abstained for the first time ever on this topic in the adoption of the Declaration on the Right to Peace in the HRC, the Third Committee and the plenary of the UNGA.

In addition, as indicated by some Group of States, the Declaration has some value because it develops the New Agenda 2030 and also reinforces the three UN pillars—peace and security, development and human rights.

In order to strengthen the positive trend and to move towards a more consensual and inclusive approach, the ASEAN States and many civil society organizations have always proposed in article 1 the notion of the right to enjoy peace, human rights and development. By using the notion of “right”, the legislator desired to stress the idea that everyone is entitled to enjoy and access the benefits stemmed from peace, human rights and development,

* Res. E/CN.4/2002/L.90, August 2002: Argentina, Brazil, Guatemala, India and Senegal; Res. E/CN.4/2003/L.76, May 2003: Argentina, Chile, Costa Rica and India; Res. E/CN.4/2005/56, April 2005: Argentina, Armenia, Costa Rica, Honduras, India and Mexico.

† Res. 8/9, June 2008: India and Mexico.

‡ Japan and Republic of Korea.

founding pillars of the whole UN system. Denying access to the three pillars is to deny the very existence of the United Nations.

In the pursuit of possible broad agreements in the near future of the Declaration on the Right to Peace within the United Nations, we should recall that for this endeavor there is personage in international literature, Moliere's *Le Bourgeois gentilhomme*, who discovered too late that he was speaking prose without knowing. Let no one discover too late that we are creating history without knowing it.*

"Peace is a never ending process... It cannot ignore our differences or overlook our common interests. It requires us to work and live together"

– Oscar Arias

Nobel Peace Prize Laureate & former President of Costa Rica

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Annexure

General Assembly Resolution A/RES/71/189, 19 December 2016

Declaration on the Right to Peace

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Vienna Declaration and Programme of Action,

Recalling also the Declaration on the Right to Development, the United Nations Millennium Declaration, including the Sustainable Development Goals, and the 2005 World Summit Outcome,

Recalling further the Declaration on the Preparation of Societies for Life in Peace, the Declaration on the Right of Peoples to Peace and the Declaration and Programme of Action on a Culture of Peace, and other international instruments relevant to the subject of the present declaration,

Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also that the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations solemnly proclaimed the following principles:

that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered, the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter, the duty of States to co-operate with one another in accordance with the Charter, the principle of equal rights and self-determination of peoples, the principle of sovereign equality of States, the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter,

Reaffirming the obligations of all Member States, as enshrined in the Charter of the United Nations, to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and to settle their international disputes by peaceful means in such a manner that international peace and security, and justice are not endangered,

Acknowledging that the fuller development of a culture of peace is integrally linked to the realization of the right of all peoples, including those living under colonial or other forms of alien domination or foreign occupation, to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Convinced that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter, as stated in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in General Assembly resolution 2625 (XXV) of 24 October 1970,

Recognizing the importance of the settlement of disputes or conflicts through peaceful means,

Deeply deploring all acts of terrorism, recalling that the Declaration on Measures to Eliminate International Terrorism recognizes that acts, methods and practices of terrorism constitute a grave violation of the purposes and principles of the United Nations and may pose a threat to international peace and security, jeopardize friendly relations among States, threaten the territorial integrity and security of States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bases of society, and reaffirming that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed,

Stressing that all measures taken in the fight against terrorism must be in compliance with the obligations of States under international law, including international human rights, refugee and humanitarian law, as well as those enshrined in the Charter,

Urging all States that have not yet done so to consider, as a matter of priority, becoming parties to international instruments related to terrorism,

Reaffirming that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, and recognizing that effective counterterrorism measures and the protection of human rights are not conflicting goals but are complementary and mutually reinforcing,

Reaffirming also the determination of the peoples of the United Nations as expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, to promote social progress and better standards of life in larger freedom, and to practice tolerance and live together in peace with one another as good neighbours,

Recalling that 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 recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

Recognizing that peace is not only the absence of conflict, but also requires a positive, dynamic participatory process where dialogue is encouraged and conflicts are solved in a spirit of mutual understanding and cooperation, as well as socio-economic development is ensured,

Recalling that the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, and recognizing that peace is promoted through the full enjoyment of all inalienable rights derived from the inherent dignity of all human beings,

Recalling also that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Recalling the world commitment to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all and the need to reduce inequalities within and among countries,

Recalling the importance of prevention of armed conflict in accordance with the purposes and principles of the Charter and of the commitment to promote a culture of prevention of armed conflict as a means of effectively addressing the interconnected security and development challenges faced by peoples throughout the world,

Recalling that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Reaffirming that since wars begin in the minds of human beings, it is in the minds of human beings that the defences of peace must be constructed and recalling the importance of the settlement of disputes or conflicts through peaceful means,

Recalling the need for strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs,

Recalling further that development assistance and capacity-building based on the principle of national ownership in post-conflict situations should restore peace through rehabilitation, reintegration and reconciliation processes involving all those engaged, and recognizing the importance of peacemaking, peacekeeping and peacebuilding activities of the United Nations for the global pursuit of peace and security,

Recalling that the culture of peace and the education of humanity for justice and liberty and peace are indispensable to the dignity of human beings and constitute a duty that all nations must fulfil in a spirit of mutual assistance and concern,

Reaffirming that the culture of peace is a set of values, attitudes, traditions and modes of behaviour and ways of life, as identified in the Declaration on a Culture of Peace, and that all this should be fostered by an enabling national and international environment conducive to peace,

Recognizing the importance of moderation and tolerance as values contributing to the promotion of peace and security,

Recognizing also the important contribution that civil society organizations can make in building and preserving peace, as well as in strengthening a culture of peace,

Stressing the need for States, the United Nations system and other relevant international organizations to allocate resources to programmes aimed at strengthening the culture of peace and upholding human rights awareness through training, teaching and education,

Stressing also the importance of the contribution of the United Nations Declaration on Human Rights Education and Training to the promotion of a culture of peace,

Recalling that respect for the diversity of cultures, tolerance, dialogue and cooperation, in a climate of mutual trust and understanding, are among the best guarantees of international peace and security,

Recalling also that tolerance is respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human, as well as the virtue that makes peace possible and contributes to the promotion of a culture of peace,

Recalling further that the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of a society as a whole and within a democratic framework based on the rule of law would contribute to the strengthening of friendship, cooperation and peace among peoples and States,

Recalling the need to design, promote and implement at the national, regional and international levels strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance,

Recognizing that racism, racial discrimination, xenophobia and related intolerance, where they amount to racism and racial discrimination are an obstacle to friendly and peaceful relations among peoples and nations, and are among the root causes of many internal and international conflicts, including armed conflicts,

Inviting solemnly all stakeholders to guide themselves in their activities by recognizing the high importance of practicing tolerance, dialogue, cooperation and solidarity among all human beings, peoples and nations of the world as a means to promote peace; to that end, present generations should ensure that both they and future generations learn to live together in peace with the highest aspiration of sparing future generations the scourge of war,

“Everyone has the right to enjoy peace such that all human rights are promoted and protected and development is fully realized.”

Article 1

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

Article 2

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.

Article 3

States, the United Nations and specialized agencies should take appropriate sustainable measures to implement the present Declaration, in particular the United Nations Educational, Scientific and Cultural Organization. International, regional, national and local organizations and civil society are encouraged to support and assist in the implementation of the present Declaration.

Article 4

International and national institutions of education for peace shall be promoted in order to strengthen among all human beings the spirit of tolerance, dialogue, cooperation and solidarity. To this end, the University for Peace should contribute to the great universal task of educating for peace by engaging in teaching, research, post-graduate training and dissemination of knowledge.

Article 5

Nothing in the present Declaration shall be construed as being contrary to the purposes and principles of the United Nations. The provisions included in this Declaration are to be understood in the line of the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international and regional instruments ratified by States.