

30th Session Human Rights Council
14 September – 2 October 2015

JOINT CSO WRITTEN STATEMENT

Geneva, 28 August 2015

Item 3 of the agenda.

Report of the Independent Expert on the promotion of a democratic and equitable international order, Mr. Alfred-Maurice de Zayas.

The right to peace as a condition for a democratic and equitable order

In 2011, the Human Rights Council established the mandate of independent expert on the promotion of a democratic and equitable international order, affirming that a democratic and equitable international order requires, inter alia, the realization of the right of all peoples to peace.¹

A few months later, in July 2012, the Human Rights Council established the Intergovernmental Working Group entrusted with the preparation of the United Nations declaration on the right to peace,² on the basis of the draft declaration adopted by the Advisory Committee in 2012,³ which had embodied 85 % of the standards proposed by the Santiago Declaration on the Human Right to Peace, adopted by civil society in 2010.

Three years later, we regret that the mandate has been totally forgotten and the codification process has been suspended with no advancement. Indeed, the Chairperson-Rapporteur submitted to the Council on 25 June 2015 his report on the third session of the Working Group,⁴ which was held in Geneva in April 2015, including his third draft declaration on the right to peace. The title, several preambular paragraphs and the three articles proposed

¹ Resolution 18/6, of 29 September 2011, para. 6.

² Resolution 20/15, of 5 July 2012.

³ Doc. A/HRC/20/31, of 16 April 2012.

⁴ Doc. A/HRC/29/45.

in the draft appeared in square brackets, revealing the objections of the States, even if the draft did not recognize the right to peace neither any of its essential elements. The Chairperson-Rapporteur concluded that it was not possible to reach a consensus on the draft declaration, and invited the Council to assess whether the international community was in a position to develop further the right to peace in a consensual manner at this moment.

Finally, the Chairperson-Rapporteur referred to the commemoration in 2015 of the 70 anniversary of the establishment of the United Nations Organization to invite the States to conclude the codification process, provided that an agreement could be reached in a consensual manner. If not, the States should respond before their civil societies for that failure.

The debate showed again the division of States on the codification process of this emerging right. On one hand, European States affirmed their refusal of the legal basis of the right to peace, but reiterated their willingness to discuss about the linkages between peace and human rights. On the other hand, Latin American States, States belonging to the Non-Aligned Movement, and ASEAN Member States, defended the right to peace and the need to develop it in a declaration, supporting therefore the extension of the mandate of the Working Group.

Civil society organizations, in turn, expressed their disappointment with the codification process through different oral and written statements, considering that the contents of the third draft declaration submitted by the Chairperson-Rapporteur were insufficient to recognize the human right to peace, since it did not define the emerging right neither develop its elements, meaning no advancement in the current status of international human rights law.

Therefore, the 29th session of the Human Rights Council finalized on 3 July 2015 without any State introducing a draft resolution requesting the extension of the mandate of the Working Group for one additional year. The no-action of the Council meant the suspension of the codification process of the right to peace.

Civil society organizations regret this suspension. In turn, we consider that the Working Group should resume its initial mandate and start a true negotiation on the elements of the human right to peace, based on the Advisory Committee's Declaration of 2012 and the Santiago Declaration of 2010. To this end, the consensus rule should be abandoned in favour of the majority rule (as established in Article 20 of the rules of procedure of the Human Rights Council), in order to prevent that a reduced number of developed States which refuse the existence of the right to peace could frustrate the aspirations of the majority of developing States and civil society organizations.



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For its part, the Independent Expert on the promotion of a democratic and equitable international order reminded in his 2014 report that peace is a condition for a just international order, necessitating good faith disarmament negotiations and a gradual transition from military-first budgets to human security budget⁵.

Consequently, civil society organizations call States supporting the human right to peace to submit a draft resolution to the Human Rights Council at its 30th session, to extend the mandate of the Working Group, with a view to complete the United Nations Declaration on the Right to Peace, which should constitute an outstanding progress in the promotion of a democratic and equitable international order.

Spanish Society for International Human Rights Law (SSIHRL).
International Observatory of the Human Right to Peace (IOHRP).

⁵ A/HRC/27/51, of 17 July 2014, pars. 68-73.