

Distr.: Restricted
22 December 2010

English only

Human Rights Council

Advisory Committee

Sixth session

17 - 21 January 2011

Item 2 (a) (vii) of the provisional agenda

Requests addressed to the Advisory Committee

stemming from Human Rights Council resolutions

Reports currently under consideration by the

Advisory Committee: promotion of the right of peoples to peace

Progress report on the right of peoples to peace

**Prepared by the drafting group of the Advisory Committee on the right
of peoples to peace**

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I. Introduction¹

1. At its 14th meeting, the Human Rights Council (HRC) requested its Advisory Committee (HRCAC), “in consultation with Member 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 seventeenth session”.²

2. At its 5th meeting, the HRCAC designated Chinsung Chung, Miguel d'Escoto Brockmann, Wolfgang Stefan Heinz (rapporteur) and Mona Zulficar (chairperson) as members of the drafting group. The drafting group was requested to submit the draft report on progress to the Advisory Committee at its 6th session with a view to submitting it to the Council at its 17th session.³

3. In terms of format and level of aspiration, it should be clear that this is a working paper, a progress report, not a comprehensive textbook or academic study. Bibliographical references and academic treatment are limited to what is practically important for the request of the Council, rather than attempting to undertake a comprehensive study of all possible aspects of the right to peace. The objective is to offer a succinct and readable document.

4. Regarding the structure of this interim report, chapter 2 undertakes a brief survey of relevant resolutions and proposals in international law and practice. The Advisory Committee suggests a focused approach which include nine guiding dimensions (sections 3, 4-12), followed by sections on obligations of states and monitoring/implementation. Every chapter starts with a brief overview on the topic, followed by standards which are proposed to become part of the draft declaration including supportive legal sources. Appendices included are (1) some pointers on concepts of peace, (2) UNESCO: Brief History of the Concept of a Culture of Peace, (3) Oslo Declaration on the Human Right to Peace (1997) and (4) Asian Human Rights Charter.

II. Right to peace in international law and practice

5. The UN Charter (1945) 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 dispute settlement in Chapter VI (Articles 33-38). In Article 55 the Charter refers to the promotion of human rights as a necessary condition for peaceful and friendly relations between States. The right to peace is inherent in the Charter of the United Nations.

6. The United Nations only plenary principal organ, the General Assembly, has unequivocally recognized the right to peace in numerous UN Resolutions. Most notably in 1984 it affirmed that “the peoples of our planet have a sacred right to peace.” It reaffirmed this in subsequent General Assembly Resolutions, in particular in Resolutions 53/243, 57/216, 60/163 and 63/189. The right is also affirmed by Commission on Human Rights Resolutions 5 (XXXII) 76, 2000/66 and 2002/71 and Human Rights Council Resolutions 8/9 (2008), 11/4 (2009) and 14/3 (2010).

7. The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) states in its preamble that discrimination between human beings on

¹ I wish to thank Lena Ebe M.A., intern at the German Institute for Human Rights, for her excellent support in the preparation of this paper.

² HRC Resolution 14/3, para 15.

³ HRCAC Recommendation 5/2.

the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples.⁴

8. The International Covenant on Civil and Political Rights (ICCPR) notes in its preamble that human rights are the foundation of peace in the world. In its General Comment No. 6, the Human Rights Committee emphasizes the relationship between the right to life, prevention of war and the prohibition of propaganda for war, including the proliferation of nuclear weapons and in its General Comment No. 14 on nuclear weapons and the right to life, draws a clear link between the prohibition of war and the right to life.

9. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) states that the full and complete development of a country, the welfare of the world and the cause of peace requires the maximum participation of women on equal terms with men in all fields.⁵

10. The Convention on the Rights of the Child (CRC) includes an Optional Protocol on the involvement of children in armed conflict.⁶

11. The Convention on the Rights of Persons with Disabilities (CRPD) reaffirms the crucial role of human rights in general for creating fair and equal societies founded upon freedom, justice, development and peace.⁷

12. The African Charter on Human and Peoples' Rights in Article 23 unambiguously recognizes that “[a]ll peoples shall have the right to national and international peace and security.”

13. The ASEAN Charter (2007) reiterates the common desire of its member States to live in peace in its preamble and maintain and enhance peace several times in Articles 1 and 2 and in its provisions calling for the peaceful settlement of disputes.

14. Civil society organizations, especially the Spanish Society for International Human Rights Law [SSIHRL], as well as many other NGOs have also recognized- the existence of a right to peace in numerous documents prepared by experts and endorsed by hundreds of NGOs. One recent example is the Barcelona Declaration on the Human Right to Peace, which is the result of a four-year World Campaign of SSIHRL that brings together inputs from all regions of the world. The initiative is noteworthy for its deliberate effort to seek universal values by drawing upon local and international law from Western and non-Western legal traditions.⁸ The Declaration has the support of more than 800 NGOs around the world and is expected to be adopted in its final form in Santiago de Compostela (Spain) on 9-10 December of this year.

15. In 1998, more than 200 NGO's and numerous individuals drafted an “Asian Human Rights Charter” within a three-year discussion process. The Charter asserts that “all persons have a right to peace so that they can fully develop all their capacities, physical, intellectual, moral and spiritual, without being the target of any kind of violence.”⁹

⁴ International Convention on the Elimination of All Forms of Racial Discrimination (1966).

⁵ Convention on the Elimination of All Forms of Discrimination against Women (1979).

⁶ Convention on the Rights of the Child (1989).

⁷ Convention on the Rights of Persons with Disabilities (2006).

⁸ Spanish Society for the International Human Rights Law, “Narrative memory of the world campaign on the human right to Peace (2007-2010)”, 2010.

⁹ Miscellaneous Authors, Asian Human Rights Charter (1998), para. 4.1; available at <http://www.unhcr.org/refworld/docid/452678304.html>, retrieved at 28 Oct 2010. Thereinafter: Asian Charter (1998).

16. Another significant NGO initiative to further the Right to Peace is the 1999 Hague Appeal which proposes a citizens' Agenda for Peace and Justice for the Twenty-first Century. The Appeal advocates a range of actions including measures to enhance the rule of law, promote disarmament, prevent war and further human rights as a long-term strategy towards the abolition of war.¹⁰

III. The approach of the HRCAC

17. The HRC has requested the HRCAC to prepare a draft declaration on the right of peoples to peace "in consultation with Member States, civil society, academia and all relevant stakeholders."

18. The HRC has unequivocally recognized the right to peace in its Resolution 11/4 (2009).

19. In its Resolution 14/2 (2010) mandating the Committee to undertake a study, the HRC "reaffirms that the peoples of our planet have a sacred right to peace ... and ... also reaffirms that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of all States."

20. The HRCAC suggests a focused approach to clarify the right to peace and to enhance its implementation.

21. It is suggested to conceive peace as both the absence of organised violence within a country or between countries, as well as the comprehensive and effective protection of human rights, gender equality and social justice, economic well being and free and widespread expression of different cultural values, without discrimination and restraints.

22. Nine guiding dimensions of the draft declaration on the right of peoples to peace are:

(a) **Peace as a right of all peoples** is the core dimension that we have been asked to elaborate. In our mandate, and in numerous existing documents of both a legally binding and reaffirming nature, the right of all peoples to peace has been reiterated. Our mandate emanates from this reiteration as the HRC resolution mandating us indicates. (Section 4)

(b) **Disarmament** as a condition of a lasting and just peace. (Section 5)

(c) **Human security and respect for our environment** are at the core of the right of peoples to peace because they bring together issues related to potential dangers to peace, threats to peace and to the security of people both collectively and individually. (Section 6).

(d) **Resistance to oppression** is an important element of peoples' right to peace (Section 7).

(e) **Conscientious objection** to military service and war is an important element of the peoples' right to peace (Section 8).

(f) **Private military and security forces** are a threat to the peoples' human right to peace which requires State and legislative intervention. (Section 9)

(g) **Education** as a necessity for building a culture of peace which allows mediation and resolution of conflicts both between societies and within societies. A right to peace without reference to education is inconceivable (Section 10).

¹⁰ UN Document: Ref A/ 54/98.

(h) **Development** as an essential element of the right of peoples to peace. The development dimension flows from the idea that peace is not just negative, but requires positive action. Central issues that should be considered are the right to development and the concept of peace as a solidarity right. However, not all or many developmental issues can be taken up because they are already covered in other UN instruments (section 11).

(i) **The interests of victims and vulnerable groups** are essential to the human right of peoples to peace (Section 12).

(j) **The obligations of States** and the **monitoring and** implementation of the right of peoples to peace are discussed in Sections 13 and 14.

IV. The right to peace

23. HRC Resolution 14/2 (UN Doc. A/HRC/14/L.12) “reaffirms that the peoples of our planet have a sacred right to peace, also reaffirms that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of all States and stresses the importance of peace for the promotion and protection of all human rights for all.”¹¹ It reaffirms the following standards in earlier resolutions by the GA and the HRC.

24. The purposes of the UN set out in Article 1 the UN Charter include “to maintain international peace and security” and to take “appropriate measures to strengthen universal peace.” Article 55 and 56 of the Charter requires the UN and all its member States “[w]ith a view to the creation of stability and well-being which are necessary for peaceful and friendly relations among nations” to promote “[u]niversal respect for, and observance of, human rights and fundamental freedoms” for all.

25. The UN General Assembly’s Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations stresses “the importance of maintaining and strengthening international peace founded upon freedom, equality, justice and respect for human rights.”¹²

26. Repeated UN General Assembly resolutions have reaffirmed this right. For example, in 1978, the General Assembly reaffirmed “the right of individuals, States and all mankind to life in peace “in its Declaration on the Preparation of Societies for Life in Peace.¹³ It went on to state that “every nation and every human being, regardless of race, conscience, language or sex, has the inherent right to life in peace. Respect for that right, as well as for the other human rights, is in the common interest of all mankind and an indispensable condition of advancement of all nations, large and small, in all fields.”¹⁴

27. Perhaps most importantly in the Declaration of the Right of Peoples to Peace solemnly declares “that the peoples of our planet have a sacred right to peace”¹⁵ that every state have a fundamental obligation to promote and implement.

Proposed standards

- (a) The peoples of our planet have a human right to peace.

¹¹ A/HRC/11/4 (2009), paras 1 – 3.

¹² UN General Assembly Resolution 2625 (XXV) of 24 October 1970.

¹³ UN General Assembly Resolution 33/73 of 1978.

¹⁴ *Id.*

¹⁵ UN General Assembly Resolution 39/11 of 12 November 1984.

(b) The preservation, promotion and implementation of the right of peoples to peace constitutes a fundamental obligation of all States.

(c) Peace and development are fundamental human rights that are the pillars of the United Nations system and the foundations for human security and well-being;

(d) Exercise of the right of peoples to peace and its promotion and implementation demand that the policies of States are directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

(e) All States should promote the establishment, maintenance and strengthening of international peace and security in an international system based on respect for the Principles enshrined in the Charter and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination;

(f) All States should respect and put into practice the Principles and Purposes of the Charter in their relations with all other States, irrespective of their political, economic or social systems or of their size, geographical location or level of economic development, particularly refraining 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 further refraining from intervening in matters which are essentially within the domestic jurisdiction of any State;

(g) All States, in accordance with the Principles of the Charter, should use peaceful means to settle any dispute to which they are parties and the continuance of which is likely to endanger the maintenance of international peace and security, and encourages States to settle their disputes as early as possible, as an important contribution to the promotion and protection of all human rights of everyone and all peoples.¹⁶

V. Disarmament

28. The manufacture of weapons, arms races and the excessive and uncontrolled traffic of all kinds of arms, jeopardises international peace and security. The failure of States to observe the obligations laid down in the relevant treaties in the field of disarmament, including the Treaty on the Non Proliferation of Nuclear Weapons, as well as the possession, deployment, and threat of use of weapons impedes respect for human rights.

29. The continuing existence of nuclear weapons poses a permanent threat to the world peace as their use would have catastrophic consequences for all life on Earth and humankind in general.¹⁷ The Human Rights Committee has recognized that the “designing, testing, manufacture, possession and deployment of nuclear weapons are among the greatest threats to the right to life which confront humankind today.”¹⁸ The International Court of Justice (ICJ) in its Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons The World Court unanimously concluded that Article VI of the NPT and other international commitments require that states “pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and

¹⁶ See GA Resolution 39/11 (1984), HRC Resolutions 8/9 (2008), 11/4 (2009), 14/3 (2010) paras 6 – 10, UN Charter Art. 2.

¹⁷ The Russell-Einstein Manifesto, London, 9 July 1955, Resolution.

¹⁸ General Comment No. 14 of the Human Rights Committee: Nuclear weapons and the right to life (Art. 6), 9 November of 1984, par. 4.

effective international control.”¹⁹ An annual U.N. General Assembly resolution welcoming the ICJ’s conclusion calls for negotiations on a convention prohibiting and eliminating nuclear weapons globally as the means of meeting the obligation.²⁰

30. Weapons of mass destruction including nuclear, chemical and biological weapons do not only have an instant negative effect on peoples and individuals and the enjoyment and exercise of a variety of their human rights. The development, production, stockpiling and use of weapons of mass destruction or of indiscriminate effect may also imply unforeseeable, uncontrollable and long-term and cross-border effects on the environment threatening the livelihood of succeeding generations.

31. The “Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques”²¹ (1976) states in Article 1: “Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party.” Article 2 goes on to state:

“As used in article I, the term "environmental modification techniques" refers to any technique for changing-through the deliberate manipulation of natural processes-the dynamics, composition or structure of the Earth, including its biota, lithosphere, hydrosphere and atmosphere, or of outer space.”

32. The final outcome document of the International Conference on the Relationship between disarmament and development²² concluded that true and lasting peace and security in this interdependent world demands rapid progress in both disarmament and development as two of the most urgent challenges facing the world today.

33. The General Assembly has underlined that disarmament contributes to creating a more stable international and national order that is favourable to development and human rights.²³

34. The right to full disarmament must be understood to be part of the right of peoples to live in peace.²⁴ The right to disarmament should be a component of the right of peoples to peace as well as part of solidarity right.²⁵

¹⁹ Nuclear Weapons Advisory Opinion at ¶ 105(2)F.

²⁰ Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*, G.A. Res. GAOR 64/55, UN Doc. A/RES/64/55 (December 2, 2009). It is significant that at the 2010 NPT Review Conference, for the first time the Action Plan on Nuclear Disarmament affirms “that all states need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons.” [Final Document at p. 20, I(B)(iii).] It then notes “the Five-Point Proposal for Nuclear Disarmament of the Secretary-General of the United Nations, which proposes *inter alia* consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification.” [Id.] The 2010 Review Conference thus acknowledged that elimination of nuclear weapons will require a global institutional and legal system.

²¹ Source: United Nations, Treaty Series, Vol. 1108, page 151 et seq.

²² Report of the International Conference on the Relationship between disarmament and development, New York, 24 August-11 September 1987, A/CONF.130/39, of 22 September 1987.

²³ Resolution adopted by the General Assembly, *The relationship between disarmament and development in the current international context*, A/59/119, 23 June 2004, p. 18.

²⁴ 1 of the GA Declaration on the Right of Peoples to Peace (res. 39/11 of 11 November 1984).

²⁵ UNESCO, Colloquium on the New Human Rights, Matias Romero Institute of Diplomatic Studies of the Secretariat for the External Affairs of Mexico, SS-80/CONF.806/4, 1980.

Proposed standards

(a) All peoples and individuals have the right to demand from all States that they proceed in a joint and coordinated manner and within a reasonable period of time to general and complete disarmament, under comprehensive and effective international supervision. In particular, States shall urgently eliminate all weapons of mass destruction or of indiscriminate effect, including nuclear, chemical and biological weapons.²⁶

(b) All peoples and individuals have the right to have the resources freed by disarmament allocated to the economic, social and cultural development of peoples and to the fair redistribution of natural wealth, responding especially to the needs of the poorest countries and of the groups in situations of vulnerability, aiming to put an end to inequalities, social exclusion and extreme poverty.²⁷

(c) All peoples and individuals have the right to live in a sustainable and safe environment as a foundation for peace and for the survival of mankind.

(d) All peoples and individuals have a right to live in a world free of weapons of mass destruction. The use of weapons which damage the environment, in particular radioactive weapons and weapons of mass destruction is contrary to international humanitarian law, the right to the environment and the human right to peace. Such weapons must be urgently prohibited, and States that utilize them have the obligation to restore the previous condition of the environment by repairing all damage caused.

VI. Human security and our environment

35. The right to peace includes the element of human security. Human security focuses on the basic needs of the human being. It includes both the twin values of freedom from fear and freedom from want.²⁸ The first refers to threats from conflicts and the protection of non-combatants during war, such as nuclear, chemical and biological threats. The second to the challenges of economic insecurity and inequity, access to food, water, housing, and adequate health care, and the elimination of illiteracy.²⁹

²⁶ See for instance:

- (a) GA Resolution 1653 (XVI): “Declaration on the Prohibition of the Use of Nuclear and Thermo-Nuclear Weapons” (1961);
- (b) GA Resolution 2444 (XXIII) affirming the “Resolution on the Protection of Civilian Populations against the Dangers of Indiscriminate Warfare” (Resolution XXVIII adopted by the XXth International Conference of the Red Cross 1965);
- (c) GA Resolution 2826 (XXVI): “Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction” (1972);
- (d) GA Resolution 2936 (XXVII): “Non-Use of Force in International Relations and Permanent Prohibition of the Use of Nuclear Weapons” (1972);
- (e) UN Doc. A/CONF.95/15, Annex 1: “Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons which may be deemed to Excessively Injurious or to have Indiscriminate Effects” (1980) and Additional Protocols I, II, III and IV;
- (f) GA Resolution 47/39 (Annex): “Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction” (1992).

²⁷ Compare Asian Charter (1998), para 4.5: “The enormous expenditures on arms have diverted public revenues from programmes for the development of the country or the well-being of the people.”

²⁸ “In Larger Freedom: Towards Development, Security and Human Rights for All”. Doc. A/59/2005 of 21 March 2005, paragraph 25-126.

²⁹ Final Report of the Commission on Human Security, *Human Security Now*, Communications Development incorporated in Washington DC with direction by its UK partner Grundy & Northedge,

36. Human security addresses the structural causes of instability and conflict such as poverty, inequality, and lack of economic opportunity. Human security requires economic development and enhancing social justice.³⁰ The Declaration and Programme of Action on Culture of Peace states, peace-building strategies must assure equity in development and food security.

37. In 2005 world leaders affirmed “their promise to work towards a security consensus based on the recognition that many threats are interlinked, that development, peace, security and human rights are mutually reinforcing, that no State can best protect itself by acting entirely alone and that all States need an effective and efficient collective security system pursuant to the purposes and principles of the Charter.”³¹

38. The environment is a crucial aspect of the right to peace. An area of particular relevance is climate change.

39. Climate change³² negatively impacts a variety of human rights ranging from the right to life, food, water, health, housing and shelter, but also on the right to self-determination of peoples as well as rights related to livelihood and culture, migration and resettlement and personal security in cases of conflict.³³ Further, both the historical contribution to as well as the share of burden caused by climate change are distributed highly unevenly.³⁴ Adaptation and mitigation policies and long-term protection, however, may also have adverse effects.³⁵

40. In 2008, the HRC requested the OHCHR to undertake a study on human rights and climate change.³⁶ This study was presented in 2009 and deals, inter alia, with the impact of climate change-induced displacement and conflict. It discusses the consequences of climate change on relevant obligations under international human rights law.³⁷ The study acknowledges that given that the issue of climate change is complex and multifaceted there is little empirical evidence establishing direct causal links between the adverse effects of climate change and armed conflict.³⁸ The Special Rapporteur on the Right to Food emphasizes that land degradation has prompted, together with other factors, fights over resources in the conflict in Darfur/Sudan and in other conflicts in Africa.³⁹ The NGO Alert

New York, 2003, p. 94-124.

³⁰ McFarlane, H. and Foong Khong, Y., *Human security and the UN: A critical history*. Bloomington, Ind.: Indiana University Press, 2006, p. 151.

³¹ UN General Assembly Resolution 60/1, *2005 Outcome World Summit*, 24 October 2005, paragraph 72.

³² The “United Nations Framework Convention on Climate Change” (UNFCCC) (1992) defines climate change or “global warming” as “a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods” (Art. 1, para. 2).

³³ International Council on Human Rights Policy, “Climate Change and Human Rights – A Rough Guide“, page 1; <http://register.consilium.europa.eu/pdf/en/08/st07/st07249.en08.pdf>; retrieved at 18 Oct 2010. See also: HR Resolution 7/23, “Human Rights and Climate Change” (2010), introductory clause no. 1.

³⁴ UN doc. A/HRC/10/61, “Report of the OHCHR on the relationship between climate change and human rights” (2009); see also UNFCCC, Art. 3.

³⁵ Compare International Council on Human Rights Policy, “Climate Change and Human Rights – A Rough Guide“, page 1 – 2.

³⁶ HRC Resolution 7/23, “Human Rights and Climate Change“ (2008).

³⁷ UN doc. A/HRC/10/61, “Report of the OHCHR on the relationship between climate change and human rights” (2009).

³⁸ *Ibid.*, paras 64, 70.

³⁹ A/HRC/7/5, “Report of the Special Rapporteur on the right to food, Jean Ziegler” (2008), referring to P.M. Johnson, K. Mayrand, M. Paquin, “Governing Global Desertification: Linking environmental

International has identified forty-six countries with a high risk of armed conflict due to climate change and an additional fifty-six States which are threatened by political instability.⁴⁰

41. The objective of lasting and just peaceful coexistence can only be achieved by recognizing the human security element of the right to peace.

Proposed standards

(a) Individuals have the right to human security, including freedom from fear and from want, both being elements of positive peace. This includes the right to an adequate standard of living, including adequate food, water, housing, healthcare, education, and social security.

(b) All peoples and individuals have the right not to be regarded as enemies by any State.⁴¹

(c) All peoples and individuals have the right to live in an environment that is safe and healthy, including an atmosphere that is free from dangerous interference, and to be protected against any act or threat of physical or psychological violence, whether originating from State or non-State actors.

(d) All peoples and individual have the right to be protected from genocide, war crimes, ethnic cleansing and crimes against humanity. If Member States are unable to fulfil this responsibility, they should seek support by the international community to help prevent such violations to take place.⁴²

(e) All peoples and individuals have the right to demand from their governments the effective observance of the norms of international law, international human rights law and international humanitarian law.⁴³

(f) All peoples and individuals have the right to democratic governance of military and related budgets, to an open debate about national and human security needs and policies, defence and security budgeting as well as to accountability of decision-makers to democratic oversight institutions.⁴⁴

(g) States affirm the negative impact climate change may have on domestic and international stability, peace and security. They should acknowledge the link between a variety of rights, climate change and peace and security, in particular:

- (i) the right to life;
- (ii) the right to food, water and housing and health;

degradation, poverty and participation”, 2006.

⁴⁰ International Alert, „A Climate of Conflict – The links between climate change, peace and war” (2007), page 18 – 19 (with more information on indicators and criteria used for country assessment); http://www.international-alert.org/pdf/A_Climate_Of_Conflict.pdf, retrieved at 18 Oct 2010.

⁴¹ Barcelona Declaration (2010), Art. 5 para 1.

⁴² GA Resolution 60/1 (2005), “World Summit Outcome”, para 138 and 139.

⁴³ Barcelona Declaration (2010), Art. 3 (1) – (3).

⁴⁴ Since the 1990s, the Security Council has often expressed the necessity for a reform of the security sector, including gender issues in its resolutions. For sources see, for example, United Nations Press Release, “Security Council urges security sector reform ahead of Central African polls”, 21 Dec 2009; SC Resolutions 1509 (2003) [Liberia], 1833 (2008) [Afghanistan], 1902 (2009) [Burundi], 1906 (2009) [Democratic Republic of the Congo].

- (iii) the right to self-determination.
- (h) In their mitigation and adaptation policies, States shall consider the possibly adverse effects of climate change on human rights.
- (i) All peoples and individuals have a right to free and meaningful participation in the development and implementation of such mitigation and adaptation policies

VII. Resistance to oppression

42. The Preamble of the Universal Declaration of Human Rights (1948), Preamble recognizes that “[w] hereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law....” Other UN General Assembly resolutions have affirmed the right of all peoples to resist colonial or alien domination.⁴⁵

43. The Declaration of Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations recognizes the importance of peace to human rights as well as the realization “that the subjugation of peoples to alien subjugation, domination and exploitation constitutes a major obstacle to the promotion of international peace and security.” At the same time this Declaration also recognized that “[e]very State has the duty to refrain from any forcible action which deprives peoples ... their right to self-determination” and that peoples subjected to such violence have a right to take “actions against, and resistance to, such forcible action in pursuit of the exercise of their right to self-determination” and to “seek and to receive support in accordance with the purposes and principles of the Charter.”⁴⁶

44. The right to resist and oppose oppression is essential to achieving and maintaining a just peace.

Proposed standards

(a) All peoples and individuals have the right to resist and oppose oppressive colonial or alien domination that threatens systematic violations of their human rights, including the right of peoples to self-determination, in accordance with international law.

(b) All individuals have the right to oppose war crimes, genocide, aggression, apartheid and crimes against humanity, violations of other universally recognized human rights; any propaganda in favour of war or incitement to violence and violations of the human right to peace, as defined in this declaration.⁴⁷

VIII. Peacekeeping

45. Peacekeeping operations relate to the protection of human rights at least in two ways. First, they focus on the physical protection of civilians in post- conflict environments, which is a key component of human security. A second issue relates to alleged violations by peacekeepers and/or associated personnel and their immunity under

⁴⁵ UN General Assembly Resolution 37/35 of 23 November 1982.

⁴⁶ UN General Assembly Resolution 2625 (XXV) of 24 October 1970.

⁴⁷ See Barcelona Declaration (2010) Art. 6 para 2. Also compare Asian Charter (1998) para 3.4.

operational command of the UN. Local population should have appropriate avenues for making complaints and receiving a response.⁴⁸

Proposed standard

States and the UN shall include the comprehensive and effective protection of civilians as a priority objective into mandates of peacekeeping operations. Peacekeeping Missions/Peacekeepers shall comply fully with UN rules and procedures regarding professional conduct, including the lifting of immunity in cases of criminal misconduct committed off-duty to allow local population recourse to legal proceedings and redress. Troop sending states should take every measure to investigate comprehensively complaints against members of their national contingent.

IX. Right to conscientious objection

46. Conscientious objection to military service is recognised by the UN as is evident from the Human Rights Committee and the UN Commission on Human Rights statements. It derives from the right to freedom of thought, conscience and religion and applies to both conscripts and volunteers.

47. The Human Rights Committee has recognised the right of conscientious objection to military service as part of the right to freedom of thought, conscience and religion enshrined in Article 18 of the International Covenant on Civil and Political Rights. It stated in General Comment No. 22 that no discrimination is permitted “among conscientious objectors on the basis of the nature of their particular beliefs”.⁴⁹ Moreover, it has also addressed the issue in many of its concluding observations on state reports and in its cases, most significantly in the case of *Yeo-Bum Yoon and Myung-Jin Choi v Republic of Korea*.⁵⁰

48. In its Resolution 1995/83, the Commission on Human Rights stated that “persons performing military service should not be excluded from the right to have conscientious objections to military service”. It also welcomed “the fact that some States accept claims of conscientious objection as valid without inquiry” and called for “independent and impartial decision-making bodies” where this was not the case.⁵¹ The Human Rights Committee expressed concern about “determinations ... by military judicial officers in individual cases of conscientious objection” and has encouraged “placing the assessment of applications for conscientious objector status”.

49. Further, the Commission passed resolution 77 in 1998, stating that there is a right to object military service on conscientious reasons as this objection is a legitimate expression

⁴⁸ See website “Protection from Sexual Exploitation by UN and related personnel”, with many resource materials, http://www.un.org/en/pse/taskforce/tools_manage.shtml, retrieved at 15 Oct 2010. Marten Zwanenburg, “Accountability of Peace Support Operations”, Leiden / Boston 2005 and Keith Allred, “Human Trafficking and Peacekeepers”, in: Cornelius Friesendorf (ed.), “Strategies against Human Trafficking. The Role of the Security Sector”, Vienna/Geneva 2010, pp. 299-328.

⁴⁹ OHCHR, “General Comment No. 22: The right to freedom of thought, conscience and religion (Art. 18)”, UN doc. CCPR/C/21/Rev.1/Add.4 (1993), para 11.

⁵⁰ In the case, the Committee identified conscientious objection to military service as a protected form of manifestation of religious belief within Article 18(1) of the Covenant and held that the Republic of Korea had violated Article 18 by not providing for conscientious objection to military service for these two Jehovah’s Witnesses.

⁵¹ *Ibid.* and subsequent CHR Resolutions in 2000/66 and 2002/71.

of the freedom of thought, conscience and religion and that States should refrain from punishing or discriminating against conscientious objectors.⁵²

50. Regionally, there is also some support for respecting conscientious objection to compulsory military service.⁵³

Proposed standards

(a) Individuals have the right to conscientious objection and to be protected in the effective exercise of this right.

(b) States have the obligation to prevent that members of any military or other security institution take part in wars of aggression or other armed operations, whether international or internal, which violate the principles and norms of international human rights law or international humanitarian law. Members of any military or other security institutions have the right to disobey orders that are manifestly contrary to the above mentioned principles and norms. The duty to obey military superior orders does not exempt from the observance of these obligations, and disobedience of such orders shall in no case constitute a military offence.⁵⁴

X. Private military and security companies

51. The HRC Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination recommended in July 2010 to carefully consider its draft proposal for a possible new international legal instrument regulating private military and security companies. The “Draft of a possible Convention on Private Military and Security Companies” (PMSCs) stipulates in article 3 that

“States and intergovernmental organizations within the limits of their competence with respect to PMSCs, their activities and personnel” and it would apply to “all situations whether or not the situation is defined as an armed conflict”.

52. The Human Rights Council has set up an intergovernmental open-ended Working Group to consider drawing up a new convention to regulate, monitor and ensure accountability of the activities of private security and military companies.⁵⁵

⁵² CHR Resolution 1998/77 (1998).

⁵³ For Europe, see Council of Europe, “Conscientious objection to compulsory military service”, Strasbourg 2007 and for Latin America, see Permanent Council of the Organization of American States, working group to prepare the Draft American Declaration on the Rights of Indigenous Peoples, Tenth meeting of negotiations in the quest for points of consensus, (Outcomes of the Tenth Meetings of Negotiations in the Quest for Points of Consensus, held by the Working Group (La Paz, Bolivia – April 23 - 27, 2007) Art. XXX, para 4 e (27.3.2008).

⁵⁴ See Barcelona Declaration (2010), Art. 5 para 4.

⁵⁵ In the meantime, the HRC has set up an intergovernmental open-ended Working Group to consider drawing up a new convention to regulate, monitor and ensure accountability of the activities of private security and military companies; see UN Press Release, “Private military and security companies face greater international regulation” (15 Oct 2010); <http://www.ohchr.org/EN/NewsEvents/Pages/Privatemilitaryandsecurity.aspx>; retrieved at 18 Oct 2010.

Proposed standards

(a) States should refrain from outsourcing inherently state military and security functions to private contractors. They should establish an international regime with clear rules regarding the oversight and monitoring of existing private military and security agencies.

(b) States shall ensure that PMSCs, their personnel and any structures related to their activities perform their respective functions under officially enacted laws consistent with international human rights and humanitarian law. They shall take such legislative, administrative and other measures as may be necessary to ensure that PMSCs and their personnel are held accountable for violations of applicable national or international law.⁵⁶

XI. Education

53. The right to peace is inconceivable without a comprehensive, serious commitment to education, both formal and non-formal. Concepts of long-standing historical threats to a country, of adversaries and enemies, glorification of violence, racist attitudes towards foreigners and even foreign nations and many other perceptions, often misguided by the media and political and other interest groups, can profoundly undermine any serious attempt to help create a culture of peace. Conversely, serious professional education and media reporting can greatly enhance a culture of peace and diminish racist, aggressive, discriminatory and violent attitudes. UNESCO has been very active in this field since the 1970s.[See Appendix 2].

54. In 1974 UNESCO adopted a “Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms”⁵⁷ that stresses the importance of education to both peace and human rights.

55. The Millennium Development Declaration (2000) states that

“(h)uman beings must respect one other, in all their diversity of belief, culture and language. Differences within and between societies should be neither feared nor repressed, but cherished as a precious asset of humanity. A culture of peace and dialogue among all civilizations should be actively promoted.”⁵⁸

56. The HRC Resolution 14/3 (2010) calls upon States and relevant United Nations bodies to promote effective implementation of the Declaration and Programme on a Culture of Peace.⁵⁹

57. Many GA and HRC resolutions on the right to peace passed hitherto contain provisions supporting peace education.⁶⁰

⁵⁶ A/HRC/15/25 (2010), Article 5 of the draft.

⁵⁷ UNESCO, “Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms” (1974); Records of the General Conference 18th Session Paris, 17 Oct – 23 Nov 1974, Vol. 1, page 147 – 154.

⁵⁸ GA Resolution 55/2,, “United Nations Millennium Declaration” (2000), para 6.

⁵⁹ HRC Resolution 14/3 (2010), para 11.

⁶⁰ See Resolutions GA 53/243A, HRC 8/9 para 9, 11/4 para 10, 14/3 paras 10, 11.

Proposed standards

(a) All peoples and individuals have a right to comprehensive peace education. Such education should be the basis of every educational system, should generate social processes based on trust, solidarity and mutual respect, incorporate a gender perspective, facilitate the peaceful settlement of conflicts and lead to a new way of approaching human relationships within the framework of a culture of peace.⁶¹

(b) All peoples and individuals have a right to demand and obtain the competences needed to participate in the creative and non-violent resolution or, failing that, transformation of conflicts throughout their life. These competencies should be accessible through formal and informal education.⁶²

(c) The glorification of violence and its justification shall be prohibited.⁶³

(d) All peoples and individuals have the right to access and to receive information from diverse sources without censorship, in accordance with international human rights law, in order to be protected from manipulation in favour of warlike or aggressive objectives.⁶⁴

(e) All peoples and individuals have the right to denounce any event that threatens or violates the human right to peace, and to freely participate in peaceful political, social and cultural activities or initiatives for the defence and promotion of the human right to peace, without interference by governments or by the private sector.⁶⁵

(f) States have the obligation to

(i) Increase educational efforts to remove hate messages, distortions, prejudice and negative bias from textbooks and other educational media, and to ensure the basic knowledge and understanding of the world's main cultures, civilizations and religions;

(ii) Update and revise educational and cultural policies to reflect a human rights-based approach, cultural diversity, intercultural dialogue and sustainable development;

(iii) Revise national laws and policies that are discriminatory against women, and adopt legislation that addresses domestic violence, the trafficking of women and girls and gender-based violence.⁶⁶

XII. Development

58. The right to development addresses many ingredients of a *positive peace*, i.e. improving the living situation of the mainstream population, proactive protection of all economic, social and cultural rights, gender, specific support for vulnerable groups etc. It is

⁶¹ Barcelona Declaration (2010), Art. 2 para 2.

⁶² Ibid., Art. 2 para 3.

⁶³ Ibid., Art. 6 para 2. ICCPR Art. 20 (1) reads: "Any propaganda for war shall be prohibited by law. 2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law." See also Asian Charter (1998), para 3.4.

⁶⁴ Barcelona Declaration (2010), Art. 8 para 1.

⁶⁵ Ibid., Art. 8 para 2.

⁶⁶ United Nations, "International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010", 15.07.2008, UN doc. A/63/127, para 66.

suggested to take up selected crucial standards rather than attempting to repeat the long list of existing standards developed by relevant UN Organs and agencies.⁶⁷

59. The “Declaration on the Right to Development” (1986) recognizes the interlinked and mutually reinforcing character of development and peace by stating that “the elimination of (...) threats of war would contribute to the establishment of circumstances propitious to (...) development” and that “international peace and security are essential elements for the realization of the right to development”.⁶⁸

60. Further, States have a duty to cooperate to eliminate obstacles to development and are called upon to promote the establishment, maintenance and strengthening of international peace and security through general and effective disarmament and should use resources freed by disarmament for comprehensive development.⁶⁹

61. In 1999, the GA approved a “Declaration and Programme of Action” serving as the basis for the International Year for the Culture of Peace and the International Decade for a Culture of Peace and Non-violence for the Children of the World.⁷⁰ Member States were encouraged to take actions for promoting a culture of peace at the national level as well as at the regional and international level. Civil society was to be involved at the all levels to widen the scope of activities on a culture of peace.

62. The “Millennium Development Declaration” (2000) has various references to peace as an important objective of the United Nations. In particular, Section II emphasizes the nexus between peace, security and disarmament as well as between human rights, democracy and good governance. Member States agreed to:

“ensure greater policy coherence and better cooperation between the United Nations, its agencies, the Bretton Woods Institutions and the World Trade Organization, as well as other multilateral bodies, with a view to achieving a fully coordinated approach to the problems of peace and development.”⁷¹

63. This corresponds to Millennium Development Goal No. 8 D which demands States to “deal comprehensively with the debt problems of developing countries through national and international measures”. Further, States have undertaken the obligation to “develop (...) an open, rule-based, predictable, non-discriminatory trading and financial system” which “includes a commitment to good governance, development and poverty reduction – both nationally and internationally”.⁷²

Proposed standards

(a) Peoples and individuals have a right to state policies which pursue peace and security and development as interlinked, mutually reinforcing and as serving as a basis for one another. The obligation to promote comprehensive and sustainable economic, social, cultural and political development implies the obligation to eliminate threats of war and to that end, to strive towards general and complete disarmament and free and meaningful participation of the entire population in this process.

⁶⁷ For example, Intergovernmental Working Group on the Right to Development, High-Level Task Force on the implementation of the right to development, special rapporteurs e.g. on the right to food, foreign debt, etc., work of UN agencies such as FAO, ILO, WHO, UNDP, UNICEF, etc.

⁶⁸ GA Resolution 41/128 “Declaration on the Right to Development” (1986).

⁶⁹ *Ibid.*, Art. 3 (3), Art. 7.

⁷⁰ GA Resolution 53/243 (1999).

⁷¹ GA Resolution 55/2 (2000), Section VIII.

⁷² *Ibid.*, paras 16, 13.

(b) The realization of the human right to peace and the eradication of structural violence require that all individuals and peoples enjoy the inalienable right to participate in economic, social, cultural and political development in which all human rights and fundamental freedoms may be fully exercised, as well as to contribute to, and enjoy that development.⁷³

(c) All peoples and individuals should enjoy freedom from want in order to live in peace. They should enjoy the right to sustainable development and economic, social and cultural rights, in particular:

(i) The right to food, drinking water, sanitation, health, clothing, housing, education and culture;

(ii) The right to work and to enjoy fair conditions of employment and trade union association; the right to equal remuneration among persons who perform the same occupation or function; the right to access social services on equal terms; and the right to leisure.⁷⁴

(d) All peoples and individuals should have the right to the elimination of obstacles to the realization of the right to development, such as servicing of unjust or unsustainable foreign debt burden and its conditionalities, or the maintenance of an unfair international economic order, because they generate poverty and social exclusion. States should fully cooperate in order to remove such obstacles, both internationally and domestically.⁷⁵

XIII. Victims and vulnerable groups

64. All individuals share the same human dignity and have an equal right to protection. Nevertheless, there are certain groups with specific vulnerability who deserve special protection. Among them are women in particular situations, children, victims of enforced or involuntary disappearances, disabled persons, elderly persons, displaced persons, migrants, refugees and indigenous peoples, minorities stereotyped with endangering national security.

65. When looking at individuals and groups especially vulnerable to violence and armed conflict, it is clearly visible that those individuals and groups have previously experienced discrimination, exclusion and marginalisation in political, social, economic or other ways in many cases. States should be aware of this connection and should consequently perceive the fight against discrimination as one preventive measure against the breakout and deterioration of violence and armed conflict, enabling all individuals, groups and peoples the enjoyment of their right to peace.

66. All victims of human rights violations have a right to remedy, to non-repetition and accountability of perpetrators⁷⁶, further the right to recognition of their status as victims

⁷³ Barcelona Declaration (2010), Art. 4 para 1.

⁷⁴ Ibid., Art. 3, para 4.

⁷⁵ Ibid., Art. 4, para 2.

⁷⁶ See in particular: Universal Declaration of Human Rights Art. 8, International Covenant on Civil and Political Rights Art. 2, International Convention on the Elimination of All Forms of Racial Discrimination Art. 6, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Art. 14, Convention on the Rights of the Child Art. 39, Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV) Art. 3, Additional Protocol to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977 Art. 91, Rome Statute of the International Criminal Court Arts. 68, 75.

without discrimination.⁷⁷ On the rights of victims particularly vulnerable and their right to remedies, the Human Rights Committee has advocated for “[s]uch remedies [being] appropriately adapted so as to take account of the special vulnerability of certain categories of person, including in particular children.”⁷⁸

67. With regard to the past of an armed conflict or national emergency situation, first, mechanisms such as truth commissions have proven to be useful means to achieve peace in post-conflict societies and to ensure that the rights of victims are protected. The second important issue is the right to compensation, which includes not only financial reparation, but also acknowledgment of past violations or accountability for perpetrators. The right to participate in such processes is important and all groups need to be included.

Proposed standards

(a) States shall ensure that the specific effects of the different forms of violence on the enjoyment of the rights of persons belonging to groups in situations of vulnerability are fully taken into account. They have the obligation to ensure that remedial measures are taken, including the recognition of the right of persons belonging to groups in situations of vulnerability to participate in the adoption of such measures.⁷⁹

(b) Every victim of a human rights violation has the right, in accordance with international human rights law, to the restoration of the violated rights; to obtain effective and complete redress, including the right to rehabilitation and compensation; measures of symbolic redress or reparation as well as guarantees that the violation will not be repeated. Such redress shall not preclude recourse to popular courts or tribunals of conscience and to institutions, methods, traditions or local customs of peaceful settlement of disputes, which may be acceptable to the victim as adequate reparation.⁸⁰

(c) States, international organizations, in particular the United Nations, and civil society shall facilitate the specific contribution of women to the prevention, management and peaceful settlement of disputes, and promote their contribution to building, consolidating and maintaining peace after conflicts. To this end, the increased representation of women shall be promoted at all levels of decision-making in national, regional and international institutions and mechanisms in these areas.

(d) All individuals and peoples subjected to aggression, genocide, racism, racial discrimination, xenophobia and other related forms of intolerance, as well as apartheid, colonialism and neo-colonialism, deserve special attention as victims of violations of the human right to peace.⁸¹

XIV. Obligations of States

68. The draft articles on the Responsibility of States for Internationally Wrongful Acts of the International Law Commission foresee that States who have committed an

⁷⁷ GA Resolution 60/147, “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law” (2005), para 21.

⁷⁸ CCPR, General Comment No. 31 “The Nature of the General Legal Obligation Imposed on States Parties to the Covenant”, UN doc. CCPR/C/21/Rev.1/Add. 13 (2004), para. 15.

⁷⁹ Cf. Convention on the Rights of Persons with Disabilities, preamble.

⁸⁰ *Ibid.*, Art. 11 para 4.

⁸¹ Barcelona Declaration (2010), Art. 1, para.3.

internationally wrongful act are liable to make reparation for any injury (which includes damages), whether it may be material or moral, which was caused by an internationally wrongful act of a State.⁸² Such an internationally wrongful act (action or omission) must be attributable to the State and must further constitute a breach of an international obligation of a State.⁸³ Clearly, such obligations arise through a number of treaties and conventions as well as customary international law on the topic, referring both to peace and war times.⁸⁴

69. The following language from the Barcelona Declaration (2010) is useful to capture the obligations of States. Accordingly, Article 13 provides that:

(a) The effective and practical realization of the human right to peace demands activities and engagement beyond the duties and obligations for States, especially from international organizations, academia, the media and civil society, and generally, the entire international community.

(b) The fundamental responsibility for preserving peace and protecting the human right to peace lies with the States and also with the United Nations as the most universal body which harmonizes the concerted efforts of the nations to achieve the purposes and principles proclaimed in the UN Charter.

(c) States have the obligation to cooperate in all necessary fields in order to achieve the realization of the human right to peace, in particular by implementing their existing commitments to promote and provide increased resources to international cooperation for development.

(d) States are also required to adopt measures to build and consolidate peace and have the responsibility to protect humankind from the scourge of war. This, however, shall not be interpreted to imply for any State any entitlement to intervene in the territory of other States.

(e) To guarantee the human right to peace, Member States will strive for reform of the Security Council shall be reviewed so as to reflect and better ensure a fair and balanced representation of today's international community. The methods of work of the Security Council must be transparent and allow the participation in its debates of civil society and other actors.

XV. Monitoring and implementation

70. Three mechanisms have been proposed.

(a) A new special procedure

71. At the OHCHR Workshop (2009), an expert suggested creating the mandate of Special Rapporteurs or independent expert on the right to peace.⁸⁵

(b) A Working Group

72. The Spanish Society for the Advancement of Human Rights Law et al. suggested setting up a Working Group as a monitoring mechanism. In the Barcelona Declaration

⁸² GA Resolution 56/83 (Annex), "Responsibility of States for internationally wrongful acts" (2001), Art. 31.

⁸³ Ibid, Art. 2.

⁸⁴ For example the "UNESCO World Heritage Convention" (1972), obligations from the "Rio Declaration on Environment and Development" (1992), Principles 2, 14, 18, 19, 24) or the "Additional Protocol I" to the "Geneva Conventions", Art. 55, Art. 56.

⁸⁵ OHCHR Workshop (2009), para 54.

(2010), a Working Group on the Human Right to Peace was mentioned in Art. 15, which would be composed of ten members, with the following functions:

(a) “The main function of the Working Group is to promote the observance and implementation of this Declaration. In the exercise of its mandate the Working Group shall have the following competences:

(i) To promote worldwide observance and awareness of the human right to peace (...);

(ii) To gather, assemble and respond effectively to any relevant information from States, international organizations and their organs, civil society organizations, national human rights institutions, concerned individuals and any other reliable source;

(iii) To carry out in loco investigations concerning violations of the human right to peace and to report to the pertinent bodies;

(iv) To address (...) recommendations, appeals and urgent actions to the UN Member States, asking them to adopt appropriate measures for the effective realization of the human right to peace (...). The States shall give due consideration to those recommendations and appeals;

(v) To draw up, on its own initiative or at the request of the General Assembly, the Security Council or the Human Rights Council, the reports it deems necessary in the event of an imminent threat to or serious violation of the human right to peace (...);

(vi) To present an annual report of its activities to the General Assembly, the Security Council and the Human Rights Council (...);

(vii) To contribute to the elaboration of definitions and norms concerning the crime of aggression and the limits of legitimate self-defence;

(viii) To submit to the Prosecutor of the International Criminal Court or other competent international criminal tribunals, reliable information about any situation in which it would appear that crimes which fall within the jurisdiction of the International Criminal Court or of another international criminal tribunal, have been committed (...).

(b) HRC establishes an open ended working group

73. Again at the OHCHR Workshop (2009), an expert suggested an open ended working group of member states, open to the participation of civil society organizations.⁸⁶

XVI. Conclusion

74. **This is the draft report on progress submitted to the HRCAC to the 6th meeting for discussion which subsequently will be revised and submitted to the HRC’s 17th session. It contains inter alia proposed standards for the Declaration on the human right of people to peace, reasoning for including them and relevant legal standards.**

⁸⁶ OHCHR Workshop (2009), para 57.

75. In the light of discussions at the 6th meeting, the Advisory Committee will consult by questionnaire with as many stakeholders as possible in order to produce a draft declaration that is as balanced and inclusive as possible.

76. In the light of discussions at the HRC and of responses from stakeholders, the Advisory Committee will work at its next meetings to produce the draft declaration. The ultimate aim 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.

Annex I

Acronyms

CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CHR	Commission on Human Rights
CRC	Convention on the Rights of the Child
DCAF	Geneva Centre for the Democratic Control of Armed Forces
GA	General Assembly
HRC	Human Rights Council
HRCAC	Human Rights Council Advisory Committee
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
IHL	International Humanitarian Law
IHRL	International Human Rights Law
NGO	Non-Governmental Organization
NSA	Non-State Actors
OHCHR	Office of the United Nations High Commissioner for Human Rights
OP	Operative paragraph (of a resolution)
PMSC	Private Military and Security Company
SC	Security Council
UN	United Nations
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change

Annex II

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|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
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Annex III

Some pointers on concepts of peace

This appendix intends to give a brief overview over different dimensions and approaches on peace and a right thereof.

It mainly focuses on who may be right holders and duty bearers, whether a right to peace can be perceived as an individual and/or collective right and on the prospect of a juridification of a right to peace. Further, it focuses on the relationship of a right to peace to other human rights and introduces the notion of human security.

A. Negative and Positive Peace

1. A key issue, abundantly discussed in academic debate is what constitutes peace or absence of peace. Negative peace is often understood to signify the absence of direct, physical violence.

2. In contrast, the understanding of positive peace goes beyond strict absence of armed conflict and is associated with the elimination of all kinds of violence and effective respect for all human rights. Only in peaceful environments, the conditions for satisfying the basic needs of human beings are met.⁸⁷ Naturally, notions of positive peace differ considerably in states and societies over time, but there are certainly some common elements. To give just one example, the Kroc Institute of International Peace Studies at the University of Notre Dame asserts that ‘peace’ within peace studies,

“is defined not just as the absence of war (negative peace), but also the presence of the conditions for a just and sustainable peace, including access to food and clean drinking water, education for women and children, security from physical harm, and other inviolable human rights (positive peace). This idea is rooted in the understanding that a “just peace” is the only sustainable kind of peace; an approach that seeks merely to “stop the guns” while ignoring the denial of human rights and unjust social and political conditions will not work in the long run”.⁸⁸

3. Another perspective is Johan Galtung’s approach:

“The basic point is that peace is a relation, between two or more parties. The parties may be inside a person, a state or nation, a region or civilization, pulling in different directions. Peace is not a property of one party alone, but a property of the relation between parties. Saying that in no sense belittles the significance of the party’s intent and capability to build peaceful relations. But, like a marriage, it is not the sum of the capabilities of the parties. Which is why we can have lovely people related in a less-than-lovely marriage. And vice versa.

What kind of relations can we have? Three types, it seems:

- (a) Negative, disharmonious: what is bad for one is good for the Other.
- (b) Indifferent: a non-relation, they do not care about the Other.

⁸⁷ We just recall here the debate about (structural) violence, use of force, war, right of self-determination, right of resistance to cite only a few aspects of a complex issue.

⁸⁸ The Kroc Institute of International Peace Studies at the University of Notre Dame, “What is peace studies?”, <http://69.5.8.7/node/312>, retrieved at 12 Oct 2010.

- (c) Positive, harmonious: what is bad-good for one is bad-good for Other.

In the real world relations may be mixes of all three. When the negative relation is brought about with intent, the party is an actor, we talk about direct violence, or harm, and about war if the actor is collective. If the violence to a party is not intended (but watch out for acts of commission, more or less intended!) it maybe referred to as indirect, often caused by inequitable structures producing harm - structural violence. And then the role of culture legitimizing either or both types of violence: cultural violence.

From this follow two concepts of peace:

(a) Negative Peace: the absence of violence, like a cease-fire, like keeping them apart, not negative but indifferent relations.

(b) Positive Peace: the presence of harmony, intended or not. They are as different as negative health, the absence of (symptoms of) illness and positive health, the feeling of wellness and the capacity to handle some illness.”⁸⁹

B. The collective and individual dimension: Peoples and individuals should be rights holders

4. At the OHCHR Workshop (2009) an expert noted that there was a tendency to perceive the right to peace primarily from the perspective of collective rights. Yet, he argued that peace was also a personal right, prior to and indispensable to other rights. He indicated that peace must be seen as an enabling right empowering individuals to enjoy civil, political, economic, social and cultural rights. Moreover, one should not be limited to considering peace as the absence of war. Humanity needed to ensure positive peace in the form of social justice. He stated that the right to peace must be understood and implemented in a holistic manner, among other things, through, respect for civil and political rights and must include a focus on the obligations that peace imposes both on States and on individuals.⁹⁰

5. Another expert at the workshop noted that the “right to peace had a definite individual dimension, which was assessed through the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.”⁹¹

6. An expert mentioned that there is a generally accepted principle of dual ownership of the human right to peace. He noted that peace was indivisible, and thus manifested itself as a collective right of the human community of peoples and States while, at the same time, directly affecting each human being as an individual right.⁹²

7. Another expert held that the meaning given to the term “peoples” for the purposes of peoples’ right to peace still remained unclear, leading to an uncertainty as to the rights holders. The term “peoples” might have different meanings for the purposes of different

⁸⁹ Johan Galtung, “A mini theory of peace”, http://www.transnational.org/Resources_Treasures/2007/Galtung_MiniTheory.html, retrieved at 12 Oct 2010.

⁹⁰ OHCHR Workshop (2009), para 6.

⁹¹ OHCHR Workshop (2009), para 27.

⁹² *Ibid.*, para 29.

rights of peoples. The question was whether the duty bearers were individual States, States acting collectively through the United Nations, or the international community as a whole.⁹³

C. Other collective rights

8. If one looks at other collective rights, such as the right to development and the Declaration on the Rights of Indigenous Peoples, those clearly include collective as well as individual rights.

9. The UN Declaration on the Right to Development (1986)⁹⁴, for example, states in article 1 (a)

“an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”

10. In article 2, it specifies that the human person is the central subject of development and should be the active participant and beneficiary of the Right to Development.

“The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.”

11. The United Nations Declaration on the Rights of Indigenous Peoples (2007)⁹⁵ combines collective and individual rights:

Article 7

(a) Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

(b) Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8

Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture. ...

Article 17

(a) Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic law.

(b) States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from

⁹³ Ibid., para 10. See also Barcelona Declaration (2010), Article 1.

⁹⁴ GA Resolution 41/128, “United Nations Declaration on the Right to Development” (1986).

⁹⁵ GA Resolution 61/295 (2007), “United Nations Declaration on the Rights of Indigenous Peoples”.

performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

(c) Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

D. A legal standard, an emerging standard, not yet a human rights standard

12. At the OHCHR Workshop (2009), different opinions were voiced by experts whether a right to peace (a) existed, (b) was an emerging right or (c) represented rather an aspiration. For the purpose of this progress report the question of legal status is less important.⁹⁶ There is a request by the Human Rights Council for a draft declaration, so there is obviously a political will to strengthen a soft law standard.

13. Regarding the question of assertion of peoples' right before contemporary international courts and tribunals, former judge Cançado Trindade spoke at the OHCHR Workshop (2009) about his experience at two such tribunals in which he had served or was currently serving as a judge, namely, the Inter-American Court of Human Rights and the International Court of Justice. That experience showed that the rights of peoples had been acknowledged and asserted before contemporary international tribunals. It indicated that there had been clear advances in the realization of international justice in recent years, in cases of factual and evidentiary complexities.⁹⁷

E. Relationship of an emerging right to peace to other human rights, especially the right to solidarity

14. At the OHCHR Workshop (2009), an expert suggested that the right to peace could be addressed within international human rights law from three perspectives: (1) as part of the emerging right to international solidarity; (2) as part of the right of all people and all peoples for a democratic and equitable international order; and (3) as an essential element of the right of peoples to peace. Thus, in the work of the Human Rights Council the right to peace should be linked in its material formulation to emerging rights or solidarity, in

⁹⁶ OHCHR Workshop (2009), para 32.

⁹⁷ Judge Cançado Trindade reported: "The Inter-American Court of Human Rights, in the case of the *Community Mayagna (Sumo) Awas Tingni v. Nicaragua* (2001), had extended protection to the right of all the members of an indigenous community to their communal property of their historical lands. Furthermore, three other decisions had had a direct bearing on the rights of peoples, their cultural identity and their very survival, namely, in *Yakye Axa Indigenous Community v. Paraguay* (2005–2006), *Sawhoyamaya Indigenous Community v. Paraguay* (2005–2006), as well as in *Moiwana Community v. Suriname* (2005–2006), which had ruled on the case of the Moiwana massacre. Mr. Cançado Trindade added that such late jurisprudential development would have been unthinkable for the draftsmen of the American Convention on Human Rights. Massacres no longer fell into oblivion. Atrocities victimizing whole communities, or segments of the population, were being brought before contemporary international tribunals, for the establishment not only of the international criminal responsibility of individuals, but also of the international responsibility of States" (OHCHR 2009 Workshop, para 36).

particular the right to international solidarity, the right to a democratic and equitable international order as well as to the traditional right of peoples to peace.⁹⁸

15. The independent expert on human rights and international solidarity, Rudi Muhammad Rizki, has argued in a report that “some respondents viewed solidarity as a principle born together with international human rights law through the pursuit of peace among nations. However, it lacks visibility in current human rights instruments because it has no binding force. International solidarity is the only way to alleviate poverty, including extreme poverty.” In the context of Third generation rights, and recognizing that solidarity rights are Third generation rights, he mentioned, the right to economic and social development, the right to participate in and benefit from the “common heritage of mankind”, the right to peace, the right to a healthy and sustainable environment, the right to humanitarian disaster relief and the right to communication.⁹⁹

F. Human security

16. It is interesting to look at the relationship of a right to peace to human security. The concept of human security is of particular relevance here. Since its first appearance in the 2004 World Development Report of UNDP, a major effort has been undertaken to develop the understanding of security beyond the military aspect. Instead with the concept of human security, one looks at multi-faceted possible threats against the population. Hence, the understanding of security has become much broader and much deeper, which inevitably has also given rise to criticism in the academic debate that the concept of human security lacks a clear focus and “borders”.

17. The General Assembly has asked the Secretary-General to report on progress in the area of human security.¹⁰⁰ His last report on human security emphasized

(a) Broadly defined, human security encompasses freedom from fear, freedom from want and freedom to live in dignity. Together, these fundamental freedoms are rooted in the core principles of the Charter of the United Nations. They are also reflected in the many human security-related initiatives and activities undertaken by United Nations agencies, funds and programmes and by intergovernmental organizations as outlined in the compendium¹⁰¹ submitted to the General Assembly. ...

(b) Calls for such a broader concept of security are rooted in the common issues faced by all Governments. No matter how powerful or seemingly insulated Governments may be, today’s global flow of goods, finance and people increase the risks and uncertainties confronting the international community. It is in this interconnected environment that Governments are invited to consider the survival, livelihood and dignity of individuals as the fundamental basis for their security. (...)

18. In the summary of the report, it is noted that

“(h)uman security is based on a fundamental understanding that Governments retain the primary role for ensuring the survival, livelihood and dignity of their citizens. It is an invaluable tool for assisting Governments in identifying critical and pervasive threats to the welfare of their people and the stability of their sovereignty. It

⁹⁸ OHCHR Workshop (2009), para 56.

⁹⁹ United Nations, “Report of the independent expert on human rights and international solidarity, Rudi Muhammad Rizki”, UN doc. A/HRC/15/32 (2010), para. 13, 20.

¹⁰⁰ United Nations, “Human Security - Report of the Secretary-General”, UN doc. A/64/701 (2010).

¹⁰¹ For an overview of human security-related initiatives and activities by members of the Friends of Human Security and United Nations agencies, funds and programmes, see Annex of A/62/695 (2008).

advances programmes and policies that counter and address emerging threats in a manner that is contextually relevant and prioritized. This helps Governments and the international community to better utilize their resources and to develop strategies that strengthen the protection and empowerment framework needed for the assurance of human security and the promotion of peace and stability at every level – local, national, regional and international.”

19. Regarding national sovereignty, the document argues that

(a) “the Charter also gives equal weight to the sovereignty of States as well as to the livelihood and dignity of people everywhere. As articulated in the preamble and in Articles 1 and 2 of the Charter, the international community cannot have peace and security unless the rights of individuals and their fundamental freedoms are supported. In this context, human security, by addressing the varied aspects of insecurity and by focusing on the respective roles of individuals, communities and Governments, provides the analytical framework for the creation of genuine possibilities for partnership between Governments and citizens. As a result, the application of human security is expected to reinforce the stability and security of both, as well as that of the international community.”

(b) “Common to all the above definitions are three essential components that encompass the principles of human security and help further explore the added value of the concept. First, human security is in response to current and emerging threats – threats that are multiple, complex and interrelated and can acquire transnational dimensions. Second, human security calls for an expanded understanding of security where the protection and empowerment of people form the basis and the purpose of security. Third, human security does not entail the use of force against the sovereignty of States and aims to integrate the goals of freedom from fear, freedom from want and freedom to live in dignity through people-centred, comprehensive, context-specific and preventive strategies.”

(c) “The human security concept derives much of its strength from a dual policy framework that rests upon the mutually reinforcing pillars of protection and empowerment. Application of this framework offers a comprehensive approach that combines top-down norms, processes and institutions, including the establishment of early warning mechanisms, good governance and social protection instruments, with a bottom-up focus, in which participatory processes support the important role of individuals and communities as actors in defining and implementing their essential freedoms. As a result, human security not only promotes a framework under which people are protected and empowered, and are therefore in a better position to actively prevent and mitigate the impact of insecurities, but it also helps in establishing a social contract among various actors in a given society by cultivating public discourse, promoting local ownership and strengthening States (...).”

Annex IV

UNESCO: Brief history of the concept of a culture of peace

A. Origin of the concept at UNESCO

1. The concept of a Culture of Peace arose at the end of the Cold War. For the first time, the objective for which the United Nations was founded, the abolition of war, had become feasible. The United Nations Organization for Education, Science and Culture, UNESCO, had engaged in activities to promote a Culture of Peace from its beginnings, when it was founded in the aftermath of the Second World War to construct the defences of peace in the minds of men and women.

2. The term peace culture was inspired by the 1986 educational initiative *Cultura de paz* in Peru and by the Seville Statement on Violence, elaborated by scientists from around the world, which stated scientifically and categorically that war is not determined by genes, violent brains, human nature or instincts, but was rather a social invention. Therefore, “the same species that invented war is capable of inventing peace.”¹⁰²

3. The concept of a Culture of Peace was formulated by the International Congress on Peace in the Minds of Men that was held in Africa (Yamoussoukro, Côte d'Ivoire, 1989). In its final declaration, the Congress invited “States, intergovernmental and non-governmental organizations, the scientific, educational and cultural communities of the world, and all individuals to “[...] help construct a new vision of peace by developing a peace culture based on the universal values of respect for life, liberty, justice, solidarity, tolerance, human rights and equality between men and women.”¹⁰³

B. National programmes for a culture of peace

4. In 1992, UNESCO's Executive Board requested a specific programme for a Culture of Peace as a contribution to United Nations peacekeeping efforts. Reasoning that peacekeeping operations alone might assure the absence of war but could not by themselves bring a positive, dynamic peace, UNESCO argued in 1992 that this could be done best by engaging those who had been in conflict in common ventures of human development. Acting primarily in the fields of education, science, culture and communication, UNESCO offered its services in post-conflict peace-building. National programmes were undertaken in a number of countries of Central America and Africa, as well as in collaboration with the Government of the Philippines.

C. UNESCO's medium term strategy

5. A major turning point came in 1995 when the General Conference of UNESCO dedicated the Organization's Medium-Term Strategy for the years 1996 – 2001 to a Culture of Peace. The General Conference stated that

¹⁰² http://portal.unesco.org/education/en/ev.php-URL_ID=3247&URL_DO=DO_TOPIC&URL_SECTION=201.html, retrieved 22 Oct 2010.

¹⁰³ <http://www.unesco.org/cpp/uk/declarations/yamouss.pdf>, Part II a), retrieved 22 Oct 2010.

“the major challenge at the close of the twentieth century is to begin the transition from a culture of war to this culture of peace:

- (a) a culture of social interaction and sharing, based on the principles of freedom, justice and democracy, tolerance and solidarity,
- (b) a culture that rejects violence, endeavours to prevent conflicts by tackling their roots and to solve problems through dialogue and negotiation,
- (c) a culture which guarantees everyone the full exercise of all rights and the means to participate fully in the endogenous development of their society.”

D. Transdisciplinary project

6. UNESCO then established a transdisciplinary project in which its various sectors, including education, culture, communication and social science, contributed in a co-ordinated way to this challenge.

E. UN General Assembly

7. Recognizing the importance of the UNESCO experience with a Culture of Peace, the 52nd United Nations General Assembly meeting in the fall of 1997 established a separate agenda item entitled “Towards a Culture of Peace” and requested the Secretary-General, in co-ordination with the UNESCO Director-General, to submit a report on its transdisciplinary project along with a draft declaration and programme of action on a Culture of Peace. The General Assembly also responded to the recommendation of the Economic and Social Council (ECOSOC) and proclaimed the Year 2000 as the International Year for the Culture of Peace with UNESCO as the focal point.

F. The UNESCO Executive Board

8. Meeting in Tashkent at the invitation of the President of the Republic of Uzbekistan during its 155th session in November 1998, the UNESCO Executive Board adopted the “Tashkent Declaration for the Culture of Peace and UNESCO’s Action in Member States”. Aware of the “great responsibility that will devolve upon UNESCO during the International Year for the Culture of Peace” as well as the International Decade for a Culture of Peace and Non-violence for the Children of the World, the Executive Board issued an invitation to the Member States, the United Nations System and other intergovernmental and non-governmental organizations to celebrate the Year. It invited them to take “all necessary steps to ensure the success of the Year and thus to affirm the values of tolerance and mutual understanding and the values of combating poverty and exclusion, all of which are actions that will primarily be of benefit to women, young people and the least developed countries.”

G. Beyond the year to a decade

9. In the fall of 1998, the 53rd General Assembly approved an ECOSOC recommendation, based on a proposal coming from all of the Nobel Peace Prize Laureates, to proclaim the decade of 2001 – 2010 as the International Decade for a Culture of Peace and Non-violence for the Children of the World. Thus, the Year 2000 should be seen as a new departure towards a long-term process of transformation.

H. Declaration and programme of action

10. Following nine months of debate the UN General Assembly adopted on 13 September 1999 a “Declaration and Programme of Action on a Culture of Peace”.¹⁰⁴ The first article of the declaration provides the most complete definition to date of the Culture of Peace:

“A culture of peace is a set of values, attitudes, traditions and modes of behaviour and ways of life based on:

(a) Respect for life, ending of violence and promotion and practice of non-violence through education, dialogue and cooperation;

(b) Full respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which are essentially within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations and international law;

(c) Full respect for and promotion of all human rights and fundamental freedoms;

(d) Commitment to peaceful settlement of conflicts;

(e) Efforts to meet the developmental and environmental needs of present and future generations;

(f) Respect for and promotion of the right to development;

(g) Respect for and promotion of equal rights of and opportunities for women and men;

(h) Respect for and promotion of the rights of everyone to freedom of expression, opinion and information;

(i) Adherence to the principles of freedom, justice, democracy, tolerance, solidarity, cooperation, pluralism, cultural diversity, dialogue and understanding at all levels of society and among nations; and fostered by an enabling national and international environment conducive to peace”.

Source: http://www3.unesco.org/ivcp/kits/uk_concept.pdf (accessed on 31. Oct. 2010)

¹⁰⁴ GA Resolution 53/243 (1999).

Annex V

Oslo declaration on the human rights to peace (1997)

- 1. The General Conference of the United Nations Educational, Scientific and Cultural Organization**, meeting in Paris from 21 October to 12 November 1997 at its twenty-ninth session,
- 2. Considering** that according to the Preamble to the Charter of the United Nations the peoples of the United Nations are determined ‘to practise tolerance and live together in peace with one another as good neighbours’,
- 3. Considering** that Article 1 of the Charter of the United Nations, an expression of the will of the peoples of the United Nations, proclaims as its first purpose the maintenance of international peace and security,
- 4. Considering** that peace is itself the ultimate aim of the United Nations system as a whole, and of other international organizations, in that the specific objectives assigned to them are the means of establishing and preserving peace among states and with them,
- 5. Recognizing** that this is particularly true of UNESCO since, according to Article I of its Constitution, the purpose of the Organization is to contribute to peace and security among nations through education, science, culture and communication,
- 6. Noting** that peace, a common good of all humanity, is a universal and fundamental value to which all individuals and all peoples, and in particular the youth of the world, aspire,
- 7. Considering** that according to the Preamble to the Universal Declaration of Human Rights ‘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’,
- 8. Noting** that the maintenance and restoration of peace among states and within them are impeded by economic, social and cultural obstacles which must be removed by appropriate measures,
- 9. Considering** that those measures should include the recognition, protection and realization of the right to peace as one of the human rights whose universal character is anchored in the Universal Declaration of Human Rights, and in the International Covenants on Human Rights,
- 10. Considering** that the recognition of a human right to peace can give peace its full human dimension,
- 11. Stressing** that international co-operation is essential for the promotion and protection of the human right to peace, since it can only be respected, guaranteed and realized through the combined efforts of states, international organizations, both governmental and nongovernmental, and of individuals and public and private entities,
- 12. Firmly convinced** that the future belongs to men and women of peace and that ultimately the fate of humanity rests in their hands,
- 13. Wishing** to make UNESCO’s contribution to the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, adopted in Paris on 10 December 1948,

A. Solemnly proclaims the declaration which follows:

Article 1: Peace as a human right

(a) Every human being has the right to peace, which is inherent in the dignity of the human person. War and all other armed conflicts, violence in all its forms and whatever its origin, and insecurity also, are intrinsically incompatible with the human right to peace;

(b) The human right to peace must be guaranteed, respected and implemented without any discrimination in either internal or international contexts by all states and other members of the international community;

Article 2: Peace as a duty

(a) Every human being, all states and other members of the international community and all peoples have the duty to contribute to the maintenance and construction of peace, and to the prevention of armed conflicts and of violence in all its forms. It is incumbent upon them notably to favour disarmament and to oppose by all legitimate means acts of aggression and systematic, massive and flagrant violations of human rights which constitute a threat to peace;

(b) As inequalities, exclusion and poverty can result in the disruption of peace both at international level and internally, it is the duty of states to promote and encourage social justice both on their own territory and at the international level, in particular through an appropriate policy aimed at sustainable human development;

Article 3: Peace through the culture of peace

(a) The culture of peace, whose aim is to build the defences of peace in the minds of human beings every day through education, science and communication, must constitute the means of achieving the global implementation of the human right to peace;

(b) The culture of peace requires recognition and respect for - and the daily practice of - a set of ethical values and democratic ideals which are based on the intellectual and moral solidarity of humanity;

B.

1. Calls upon all individuals, all states, all international organizations, governmental and non-governmental, and, in a general way, all social actors, to promote and to implement the human right to peace;

2. Urges all states, bearing in mind the requirements of international solidarity, to take, with a view to the implementation of the human right to peace, all appropriate measures of a constitutional, legislative and administrative nature at the economic, social and cultural levels, and in the fields of education, science and communication.

Adopted in Paris on 1997.”

Annex VI

Asian human rights charter (extract)

The right to peace

1. All persons have the right to live in peace so that they can fully develop all their capacities, physical, intellectual, moral and spiritual, without being the target of any kind of violence. The peoples of Asia have suffered great hardships and tragedies due to wars and civil conflicts which have caused many deaths, mutilation of bodies, external or internal displacement of persons, break up of families, and in general the denial of any prospects of a civilized or peaceful existence. Both the state and civil society have in many countries become heavily militarized in which all scores are settled by force and citizens have no protection against the intimidation and terror of state or private armies.

2. The duty of the state to maintain law and order should be conducted under strict restraint on the use of force in accordance with standards established by the international community, including humanitarian law. Every individual and group is entitled to protection against all forms of state violence, including violence perpetrated by its police and military forces.

3. The right to live in peace requires that political, economic or social activities of the state, the corporate sector and the civil society should respect the security of all peoples, especially of vulnerable groups. People must be ensured security in relation to the natural environment they live in, the political, economic and social conditions which permit them to satisfy their needs and aspirations without recourse to oppression, exploitation, violence, and without detracting from all that is of value in their society.

4. In fighting fascist invasion, colonialism, and neo-colonialism, Asian states played a crucial role in creating conditions for their peoples to live in peace. In this fight, they had justifiably stressed the importance of national integrity and non-intervention by hegemonic powers. However, the demands of national integrity or protection against the threats of foreign domination cannot now be used as a pretext for refusing to the people their right to personal security and peaceful existence any more than the suppression of people's rights can be justified as an excuse to attract foreign investments. Neither can they justify any refusal to inform the international community about the individual security of its people. The right of persons to live in peace can be guaranteed only if the states are accountable to the international community.

5. The international community of states has been deeply implicated in wars and civil conflicts in Asia. Foreign states have used Asian groups as surrogates to wage wars and have armed groups and governments engaged in internal conflicts. They have made huge profits out of the sale of armaments. The enormous expenditures on arms have diverted public revenues from programmes for the development of the country or the well-being of the people. Military bases and other establishments (often of foreign powers) have threatened the social and physical security of the people who live in their vicinity