

The Human Right to Peace: A Legislative Initiative from the Spanish Civil Society

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I. INTRODUCTION

Nobody doubts that peace is a moral and universal value always sought: a longed-for need, an essential achievement if we are to transform the world into a true home for all men and women who inhabit the planet. However, achieving peace has never been easy, mostly because of the negative impact of the culture of violence prevailing in human relations world-wide, as spelled out in a classic Latin dictum: *si vis pacem para bellum*.

Despite this, there have also been many people who wanted to build a more caring world, more open to others, more inclined to work toward a peaceful and harmonious humanity. The alternative *culture of peace* was nurtured by civil society, framed by UNESCO and finally the UN General Assembly (GA) adopted the 1999 Declaration and Programme on a Culture of Peace,² following the proclamation

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² GA resolution 53/243, of 13 September 1999.

of the period 2001–2010 as the International Decade for a Culture of Peace and Non-Violence for the Children of the World.³

From a legal point of view, the foundations of peace in contemporary world were drafted in 1945. The Charter of the United Nations echoed the pacifist trends which emerged as a reaction against the generalised trauma which the Second World War had caused in humanity. The Preamble invoked “the peoples of the United Nations”, and recognised that “to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind”, it is necessary, among other things, “to practice tolerance and live together in peace with one another as good neighbours”, and “to unite our strength to maintain international peace and security.”

In accordance with Article 1 of the Charter, the main purpose of the United Nations is to maintain international peace and security by promoting the economic and social development of peoples and respect for human rights of all. Additionally, Article 55 (c) of the Charter pointed out that, “with a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote”, *inter alia*, “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion”.

Therefore, international peace and security, development and human rights were the three pillars designed by the foundational Charter upon which the UN was erected and peace must be founded. However, since the adoption of the UN Charter very little has been done to consolidate them, both before and after the Cold War. It follows that peace continues to be a difficult achievement in many parts of the world, even at the very heart of the United Nations.

On the positive side it should be noted that, on the basis of the UN Charter, international institutions along with the 20th century developed the “logic of peace”, as opposite to a “logic of war” where national defence is considered as the national security, with its diplomatic and military implications. On the contrary, the logic of peace, as well as the culture of peace, move from national security to *human security* in the context of a globalised world, as predicted by E. Kant (1723–1804).

Following the UN Charter, the 1948 Universal Declaration on Human Rights recognised in paragraph 1 of its Preamble that 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”. The same statement on the value of peace is reiterated in the Preambles to the two 1966 International Covenants on Human Rights, as well as in countless international human rights instruments which were adopted subsequently, giving birth to the current *International Code of Human Rights*.⁴ Additionally, Article 28 UDHR established that “everyone is entitled to a social and international order in which the rights and freedoms set

³ GA resolution 53/25, of 10 November 1998.

⁴ Adopted and proclaimed by the General Assembly in resolution 217 A (III), of 10 December 1948. For a more in-depth analysis of the Code see VILLÁN DURÁN, C.,

forth in this Declaration can be fully realised". This new social and international order was intended to lead to world peace.

Further actions were taking within the UN in favour of peace. Both the GA and the former Commission on Human Rights, a subsidiary body of the Economic and Social Council (ECOSOC), have proclaimed since 1978 the *right of peoples to peace*, demanding that States guarantee the effectiveness of the collective security system established in the UN Charter. This is the context in which both the GA 1978 *Declaration on the Preparation of Societies for Life in Peace*⁵ and the GA 1984 *Declaration on the Right of Peoples to Peace*⁶ emerged, the latter being a reaction to the "euro-missiles crisis" feed by the Republican Administration of President Reagan.

More recently, the Outcome document of the 2005 World Summit of Heads of State and Government established the *Human Rights Council* to replace the Commission on Human Rights, with the mandate of promoting the universal respect for the protection of all human rights and fundamental freedoms of all.⁷ Likewise, it highlighted its commitment to working toward a "security consensus based on the acknowledgement that many threats are interlinked, and that development, peace, security and human rights are mutually reinforcing".⁸

In addition, resolution 60/163 of the General Assembly, entitled "Promotion of peace as a vital requirement for the full enjoyment of all human rights by all", pointed out that peace is an essential requirement for the promotion and protection of all human rights for all.⁹

However, the end of the Cold War – materialised in the fall of the Berlin Wall on 9 November 1989 and the collapse of the Communist block –, did not modify the structure of armies, nor did it hinder the research into and manufacture of weapons of mass destruction. Quite the opposite: According to SIPRI, worldwide military expenditure in 2009 reached \$1.351 billion, thus representing an increase of 5.9% in real terms compared to 2008 and an increase of 49% since 2000.¹⁰ For its part, peace was left to the mercy of bilateral agreements linked to armament limitation, with no relevant decisions being made to establish fair relationships between all human beings, nor a viable ethics for the relationship between people and the environment.

As a consequence the right to disarmament is still pending of development within the United Nations. The excess of armament often fuelled armed conflicts in the world and the collective security system drawn up by the UN Charter was never effective, since the key body called to enforce it – the Security Council,

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Curso de derecho internacional de los derechos humanos. Trotta, Madrid, 2002 (reprint: 2006), 1.028 p., at 209–270.

⁵ GA res. 33/73 of 15 December 1978.

⁶ GA res. 39/11 of 12 November 1984.

⁷ § 157–160 of the GA resolution 60/1, adopted on 15 September 2005.

⁸ *Ibidem*, § 172.

⁹ GA resolution 60/163, adopted on 16 December 2005, § 1.

¹⁰ Stockholm International Peace Research Institute, *SIPRI Yearbook 2010*.

SC – was burdened by its undemocratic composition, the lack of transparency of its methods of work, and no access of civil society to its proceedings. The five powers which won the Second World War in 1945 continue to be the Directory of world rulers, reserving to them the exclusive right to veto any substantial decision to be taken by the SC which could affect their national interests. This situation frequently led to a painful paralysis of the SC while it has to deal with more than 40 armed conflicts which still cast a shadow over the world.

This article shall review civil society initiatives to codify the human right to peace, in particular the SSIHRL activities carried out from 2005 to 2010 (II). They were crucial to disclose the official codification process undertaken since 2010 by the United Nations, particularly within the Human Rights Council¹¹ and its Advisory Committee (III). Some concluding remarks will be offered (IV).

Established in 2006 to replace the former Commission on Human Rights, the General Assembly HR Council inherited the existing division between the States regarding the meaning and scope of the right to peace, and even concerning the very existence of this emerging right. As discussed below, the resolutions approved by the HR Council on this issue in recent years have highlighted the clash of interests, which still divide Member States in the international community between a rich and developed North and a poor and developing South.

II. PEACE, A CONSTANT DEMAND OF CIVIL SOCIETY

If we listen to civil society and the scientific community, it is easily established that maintaining peace in the 21st century has become a crucial requirement to ensure the continuation of life on Earth.

In the absence of an effective response from the international community, civil society and internationalist academia have traditionally been the promoters of legal changes which, in the long term, have been essential to the improvement of the living conditions of all people, regardless of their culture, religion or social condition.¹²

¹¹ Henceforth HR Council.

¹² See *inter alia* NASTASE, Adrian, “Le droit à la paix”, in BEDAJOU, Mohammed, *Droit International. Bilan et perspectives*, tome 2, chapitre LV. Pedone/UNESCO, Paris, 1991, pp. 1291–1303; ROCHE, Douglas, *The Human Right to Peace*. Novalis. Saint Paul University, Ottawa, 2003, 271 p.; URIBE VARGAS, Diego, *La tercera generación de Derechos Humanos y la Paz*. Plaza y Janés, Bogotá, 1986; id., *El derecho a la paz*. Universidad Nacional de Colombia, Bogotá, 1996.; VASAK, Karel: “Le Droit International des Droits de l’Homme”, *RCADI*, t. 140 (1974–IV), pp. 333–415; id.: “El derecho humano a la paz”, *Tiempo de Paz* (Madrid), num. 48 (1998), pp. 19 and following; id.: “Le droit de l’homme à la paix”, in DEUBER ZIEGLER (E.) (dir.), *Paix*. Musée d’Ethnographie, Genève, 2001, pp. 44–48; GROS ESPIELL, Héctor: «El derecho humano a la paz», *Anuario de Derecho Constitucional Latinoamericano*, t. II, 2005, pp. 517–546; MAYOR ZARAGOZA, Federico, *El Derecho Humano a la Paz*. UNESCO, París, 1 January 1997; id., “El derecho humano a la paz, germen de un futuro posible”, *Diálogo Unesco*, 21 (June, 1997), pp. 3 and following; id.: “Prólogo”, in RUEDA CASTAÑÓN (C. R.) and VILLÁN DURÁN (C.) (eds.): *La Declaración de Luarca sobre el Derecho Humano a la Paz*, 2nd ed., Madú, Granda (Siero, Spain), 2008, pp. 21–27; ZIEGLER, Jean, *La haine de l’Occident*. Éditions Albin Michel, Paris, 2008, 300 p.

Among the most outstanding success stories of the pacifist movements after I World War was the international humanitarian right, which paved the way for the international law of peace in which peace was conceived not only as the absence of armed conflicts, but also as the harmonious management of these conflicts.¹³ A long history also has the civil society and academia claim for conscientious objection to military service.¹⁴

More recent instances in which civil society has successfully taken the initiative were the so-called *Ottawa process* – which culminated with the approval of the Anti-personal Mine Ban Treaty –, and the well known *Rome process*, which led to the establishment of the International Criminal Court to address individual accountability for genocide, war crimes and crimes against humanity.

Professor CORTRIGHT paid tribute to the numerous initiatives and movements which international civil society, in the name of pacifism, has been able to produce throughout the history of humankind, in its search for peace. He also emphasised the importance of the creation of the United Nations Organization in 1945, while it was profoundly conditioned by the Cold War which lasted until 1989 and its aftermath of rearmament, including nuclear rearmament, designed to satisfy the demands of “peaceful coexistence”. In parallel, the author described the resistance of civil society to wars such as those in Vietnam, Iraq and the President Bush Administration’s “war against terror”. He did not shy away from analysing the role played by the different religions, as well as the values of democracy and social justice in the construction of peace. He even tackled the issue of the international community’s *responsibility to protect* human security, presenting the Kosovo and Darfur conflicts as contrast.¹⁵

¹³ See *inter alia* DUPUY, Charles: “Règles générales du droit de la paix”, *RCADI*, t. 32 (1930–II), pp. 5–287; SÉFÉRIDES, Stélio: “Principes généraux du droit international de la paix”, *RCADI*, t. 34 (1930–IV), pp. 182–487; BOURQUIN, Maurice: “Règles générales du droit de la paix”, *RCADI*, t. 35 (1931–II), pp. 5–227; LE FUR, Louis: “Règles générales du droit de la paix”, *RCADI*, t. 54 (1935–IV), pp. 5–304; KAUFMANN, Erich: “Règles générales du droit de la paix”, *RCADI*, t. 54 (1935–IV), pp. 313–613.

¹⁴ CHAMBERLAIN, W.J., *Fighting for peace, the story of the war resistance movement*. Published by “No More War Movement”. London, 1929.

¹⁵ Cf. CORTRIGHT, David, *Peace: A History of Movements and Ideas*. Cambridge University Press, 2009, 376 p., *passim*. In Spain see ALEMANY BRIZ, Jesús María: “La paz ¿un derecho humano?”, in M. CONTRERAS, L. POMED y R. SALANOVA (coords.), *Nuevos escenarios y nuevos colectivos de los derechos humanos*. Monografías de la Revista Aragonesa de Administración Pública, Zaragoza, 1998, pp. 17–45. *Id.*: “Paz”, in ORTIZ OSÉS (A.) and LANCEROS (P.) (dirs.), *Diccionario de la Existencia. Aspectos relevantes de la vida humana*. Anthropos, Barcelona/México, 2006, pp. 448–453. *Id.*: “El derecho humano a la paz”, in RUEDA CASTAÑÓN (C.R.) and VILLÁN DURÁN (C.) (eds.), *La Declaración de Lueca sobre el Derecho Humano a la Paz*. 2nd ed., Madú, Granda (Siero, Spain), 2008, pp. 213–249; JARES, Xesús R. *et al.* (coords.), *El papel de la investigación para la paz ante la violencia en el País Vasco*. Bakeaz/Gernika Gogoratuz, Bilbao, 2006, 237 p.; HEFFERMEHL, Fredrik S. (ed.), *Construir la paz*. Icaria, Barcelona, 2003, 227 p.; CARDONA CASTRO, Francesc Lluís, *Historia de la paz y del pacifismo*. ANUE, Barcelona, 2008, 109 p.

The author concluded that 21st century pacifism is less Utopian than in former times; it is more realistic. It is better equipped to contribute to the initiatives of the international community with regard to the construction of peace, and even the imposition of peace resulting from the *responsibility to protect* civil society from genocide, war crimes and crimes against humanity, as well as other systematic violations of human rights, when a nation State cannot or will not do so.¹⁶ In order to make progress in this direction it is necessary for the Security Council's composition and procedures to be examined, in such a way that the UN 192 member States are better represented and civil society could participate at the SC debates.

Today's pacifism has a better understanding of the causes of war and the conditions for peace. It assumes that it is not possible to build peace in the world if it is not accompanied by justice, social and economic development, and the guarantee of human rights for all. Today we also know that imperialism and arms race lead to war; that isolationism and neutrality are ineffective in an interdependent world; and that international law and multi-lateral institutions must be more efficient to peacefully settling conflicts, as well as more adequately channelling legitimate demands for justice and the right of peoples to self-determination. Lastly, we know that the societies where women are active in the field of social and political partnership are less likely to use force to settle international conflicts.

To achieve peace is necessary to eliminate structural violence resulting from the gap between rich and poor countries, which has widened considerably; the number of victims of hunger, extreme poverty and social exclusion already stands at 1.02 billion human beings, most of whom are women and children from developing countries; the 214 million migrants who flee extremely adverse conditions in their countries feed the South-South migration, and multiply at the borders of developed countries; the increase of xenophobia and discrimination practices threaten peaceful coexistence between the different cultures and religions; the systemic crisis of the last three years pushed workers without resources to the limbo of unemployment and poverty; climate change is giving rise to a new category of refugees; and our development pattern based on the ultraliberal "Consensus of Washington" is not sustainable. This sombre landscape generates structural violence, which is incompatible with the basic principles on which global peace should be founded.

Although the pacifist movement was not particularly involved in the human rights discourse during the Cold War, once it ended civil society played a very active role in the global Summits called by the UN during the 1990s to debate on humanity's main problems (social development, population and development, housing, human rights, women's rights, children's rights, etc.). This debate matured in the heart of international civil society in parallel to the carrying out of global Summits.

With regards to peace, the 1999 Conference of The Hague Appeal for Peace is worthy of mention, because it approved an ambitious political document entitled "Agenda for Peace and Justice for the 21st Century".¹⁷ The Agenda comprised

¹⁶ On "responsibility to protect" doctrine see *inter alia* *Colloque de Nanterre. La responsabilité de protéger*. Pedone, Paris, 2008.

¹⁷ The Conference was held in The Hague on 12–15 May 1999.

four main appeals on disarmament and human security; prevention, resolution and transformation of violent conflicts; international humanitarian and human rights law and institutions; and the root causes of war/the culture of peace.¹⁸ Since then civil society has assumed that peace, justice, development, disarmament and the respect for human rights are essential elements to build a culture of peace to challenge our current culture of violence.¹⁹

The declarations and programmes of action approved at the UN global Summits, as well as other follow-up Conferences held five or ten years later, came together in the *United Nations Millennium Declaration*, adopted in 2000 as the outcome of the first Summit of Heads of State and Government that took place in New York in the context of the UN General Assembly.²⁰ The *Millennium Declaration* marked a return to the roots of the UN Charter, as it reaffirmed the UN basic purposes and principles. It was also the threshold to defining the Millennium Development Goals set for 2015, among which stood out the reduction of extreme poverty and hunger in the world to half the figures for 2000.

In 2005 the second Summit of Heads of State and Government, also held in New York at the occasion of the UN General Assembly, included in its Outcome document the recognition of the close relationship between international peace and security, social and economic development, and the respect for human rights. This was reiterated in 2006 by the General Assembly when it established the current HR Council.

Supported by these international documents approved by inter-governmental conferences, peace activists assumed that the defence of human rights was an essential part of a holistic view of peace. Putting this vision into practice and translating peace from the universal ethic value to a legal category as a human right, was the task assumed by the *Spanish Society for the International Human Rights Law* (SSIHRL) since its foundation in 2004²¹ and the organization of the

¹⁸ See doc. A/54/98, of 20 May 1999, Annex, 23 p.

¹⁹ ALSTON, Philip: "A third generation of solidarity rights: progressive development or Obfuscation of International Human Rights Law?", *Netherlands International Law Review*, 1982, pp. 315 and following.

²⁰ GA resolution 55/2, adopted on 8 September 2000.

²¹ VILLÁN DURÁN, C.: "Hacia una declaración universal sobre el derecho humano a la paz", *Anuario de la Asociación para las Naciones Unidas en España-Agenda ONU*, n. 6 (2003–2004), pp. 219–241; *id.*: "Los derechos humanos y su contribución a la consecución de la paz", in Fundación Seminario de Investigación para la Paz, SIP (ed.), *Propuestas para una agenda de Paz*. Gobierno de Aragón, Zaragoza, 2005, pp. 109–150; *id.*: «El derecho humano a la paz», in JARES, X. et al. (coords.): *El papel de la investigación para la paz ante la violencia en el País Vasco*. Bakeaz/Gernika Gogoratuz, Bilbao, 2006, 237 p., at 95–115; *id.*: "La técnica codificadora de las Naciones Unidas en el ámbito de los derechos humanos. Su aplicación al caso del derecho humano a la paz", *Tiempo de Paz* (Madrid), num. 80 (2006), pp. 9–15; *id.*: "El derecho humano a la paz", in Federación Española de Asociaciones de Derechos Humanos (ed.): *Mirando al mundo*, Madrid, 2006, pp. 53–56.; *id.*: "Las Naciones Unidas ante el nuevo escenario preventivo. El reto de los derechos humanos", in *La seguridad preventiva como nuevo riesgo para los derechos humanos*, Zarautz, 2006, pp. 19–42; *id.*: "La paz es también

seminal Seminar of Gernika.²² For two years it conducted extensive consultations in Spain with experts from different regions and disciplines, with whom it discussed the scope which peace should have as a human right, in accordance with the dominant perception at that time in the Spanish civil society, traumatized by the illegal aggression against Iraq (2003). The outcome of these consultations led to the approval of the *Luarca Declaration on the Human Right to Peace*²³ on 30 October 2006, by an expert drafting committee made up of fifteen members.

Once the *Luarca Declaration* was adopted the SSIHRL conducted a global campaign in favour of the international recognition of the human right to peace (2007–2010), which has benefitted from the support of more than 500 CSO and academic institutions from all over the world. Numerous conferences and meetings with experts from every region in the world have been organised to discuss on the human right to peace, at which the *Luarca Declaration* has been widely discussed.²⁴ Seven regional Declarations approved at the end of expert meetings highlight the fact that the *Luarca Declaration* was very well received, while at the same time it has been progressively enriched by the contributions of existing cultural sensitivities in international civil society.²⁵

In 2010 a Technical Committee of 14 Spanish specialists met in Bilbao to review the *Luarca Declaration* in light of the contributions received from the different regional meetings of experts on the human right to peace, on the basis of a study

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un derecho humano”, *Tiempo de Paz* (Madrid), num. 88 (2008), pp. 80–88; *id.*: “Introducción”, in RUEDA CASTAÑÓN (C.R.) and VILLÁN DURÁN (C.) (eds.), *La Declaración de Luarca sobre el Derecho Humano a la Paz*. 2nd ed., Madú, Granda (Siero, Spain), 2008, pp. 29–35; *id.*: “El reconocimiento internacional del derecho humano a la paz”, in SALADO OSUNA, Ana (coord.), *Los derechos humanos aquí y ahora. 60 años después de la Declaración Universal de Derechos Humanos*. Federación Española de Asociaciones de Derechos Humanos/Ministerio de Asuntos Exteriores y de Cooperación, Madrid:, 2008, pp. 155–173.; *id.*: “La Declaración de Luarca sobre el Derecho Humano a la Paz”, in MAYOR ZARAGOZA (F.) *et alii*, *Hacia la paz desde los derechos humanos. Reflexiones sobre el derecho humano a la paz*. UNESCO Etxea, Bilbao, 2009, 93 p., at 39–56.

²² See “La paz como derecho humano”, in *Tiempo de Paz* (Madrid), num. 80 (Spring 2006). It includes statements, documents and the Final Agreement of the Expert Seminar on the Human Right to Peace held in Gernika, Basque Country, on 30 November–1 December 2005.

²³ See RUEDA CASTAÑÓN (C.R.) and VILLÁN DURÁN (C.) (eds.), *The Luarca Declaration on the Human Right to Peace*. 2nd ed., Madú, Granda (Siero, Spain), 2008, 560 p. See also VILLÁN DURÁN, C.: “La Declaración de Luarca sobre el derecho humano a la paz”, in MAYOR ZARAGOZA, Federico (*et al.*), *Hacia la paz desde los derechos humanos. Reflexiones sobre el derecho humano a la paz*. UNESCO Etxea, Bilbao, 2009, pp. 39–56. Full text of the *Luarca Declaration* is also available at www.aedidh.org.

²⁴ A full list of the conferences and expert meetings which have already been held may be found in document A/HRC/14/NGO/47 of 31 May 2010, pp. 5–6, footnote 2. For more information on these activities, see www.aedidh.org.

²⁵ See the regional Declarations adopted in La Plata, Yaoundé, Johannesburg, Bangkok, Sarajevo, Alexandria and Havana on-line at www.aedidh.org.

prepared by Professor FALEH PÉREZ.²⁶ As a result the *Bilbao Declaration on the Human Right to Peace* was adopted on 24 February 2010.²⁷

Finally, the *Bilbao Declaration* was reviewed by the International Drafting Committee – ten experts from five regions of the world-meeting in Barcelona which adopted on 2 June 2010 the *Barcelona Declaration on the Human Right to Peace*,²⁸ thus providing international acknowledgment to the private codification process initiated in Luarca in 2006.

The three Declarations already adopted (namely: *Luarca*, *Bilbao* and *Barcelona* Declarations) were drafted in accordance with the legal technique of the international human rights instruments. The Declarations are articulated normative proposals from the civil society to the official codification and progressive development of the human right to peace, formulated with the aim that one day the UN General Assembly would approve the *Universal Declaration on the Human Right to Peace*.

The Preambles of the three Declarations refer to the holistic approach to peace which is common to them, i.e. that peace is not limited to the strict absence of armed conflicts, but that it also has a positive component which encompasses three objectives: firstly, to satisfy the basic needs of all human beings with a view to eradicate the *structural* violence produced by economic and social inequalities in the world. Secondly, the elimination of *cultural* violence (i.e., gender-related violence, family violence, bullying, mobbing, etc.). And thirdly, the effective respect for all human rights and fundamental freedoms of all, without discrimination.²⁹

Consequently, the three Preambles emphasise the need to establish a new international economic order that would eliminate inequalities, exclusion and poverty, which are the root causes of the *structural* violence incompatible with peace at both internal and international levels. In addition, the new international economic order should be sustainable, with due respect for the environment.

The SSIHRL four-year global campaign in favour of the human right to peace was designed to obtain three main objectives: firstly, to disseminate and share the *Luarca Declaration* with experts from civil society all over the world; secondly, to introduce the human right to peace into the agenda of the HR Council; and thirdly, to finalize in December 2010 the *private* (international civil society) codification of the *universal declaration on the human right to peace*, which shall include the contributions received from different cultural sensitivities from all over the world.

In order to complete the private codification, the SSIHRL is convening on 9 and 10 December 2010, in Santiago de Compostela (Spain) the *International Congress*

²⁶ FALEH PÉREZ, C., “New reading of the *Luarca Declaration* in light of regional experiences”. Available on-line at www.aedidh.org. *Id.*: “Hacia un derecho humano a la paz internacionalmente reconocido. Desde París a Luarca y más allá”, in MAYOR ZARAGOZA, Federico (et al.), *Hacia la paz desde los derechos humanos. Reflexiones sobre el derecho humano a la paz*. UNESCO Etxea, Bilbao, 2009, pp. 11–37.

²⁷ See the full text of the *Bilbao Declaration* in three languages on-line at www.aedidh.org.

²⁸ Also available at www.aedidh.org.

²⁹ RUEDA CASTAÑÓN (C.R.) and VILLÁN DURÁN (C.) (eds.): “Preliminary Study of the Declaration”, in *The Luarca Declaration on the Human Right to Peace*, cit., pp. 69–93.

on the *Human Right to Peace*.³⁰ The international civil society will be invited to discuss the *Barcelona Declaration on the Human Right to Peace*, as it was approved on 2 June 2010 by the International Drafting Committee.

The International Congress of Santiago will have a twofold aim. Firstly, to adopt the final text of the *universal declaration on the human right to peace* representing the international civil society's interests: the *Santiago Declaration on the Human Right to Peace*, which is expected to be adopted on 10 December 2010. It will then be submitted to the HR Council and its Advisory Committee as the final contribution from the international civil society to the official codification process of the right to peace. The UN and its Member States will then have a thoroughly researched text on the basis of which they should consolidate the official codification of the human right to peace.

Secondly, the Santiago Congress will be invited to establish the *International Observatory of the Human Right to Peace* as part of the SSIHRL in order to ensure, *inter alia*, the world-wide implementation of the *Santiago Declaration*. Moreover, the *Observatory* shall follow up closely progress in the official codification, which was initiated on 17 June 2010 when the HR Council welcome the important work being carried out by civil society organizations and requested its Advisory Committee to prepare a draft declaration on the right of peoples to peace.³¹

The SSIHRL had carried out three main initiatives to achieve the expected result, i.e. the introduction of the right to peace into the HR Council's agenda: Firstly, the *Luarca Declaration* was submitted for the first time to the plenary of the HR Council at its fourth session.³² Since then the SSIHRL and the associated CSO have organised at the *Palais des Nations* parallel expert meetings to the sessions of the HR Council, and commemorated the International Day of Peace (on 21 September each year), where specific issues regarding the content and scope of the human right to peace were discussed.³³

Secondly, in November 2007 the SSIHRL encouraged the establishment of the *Group of Friend States* with the codification process of the human right to peace in the framework of the HR Council. Its purpose was to raise awareness among States regarding the need to codify a draft declaration on this issue. Five States – Senegal, Yibuti, Bolivia (Plurinational State of), Ecuador and Malaysia – already belong to

³⁰ The International Congress will be held as part of the *2010 Forum* (World Social Forum on Education for Peace), which will take place in Santiago as well on 7–13 December 2010: www.foro2010.org.

³¹ HR Council resolution 14/3 of 17 June 2010, last preambular paragraph and para. 15.

³² Oral statement delivered on 15 March 2007.

³³ The most recent meetings held were as follows: in Geneva, on 11 March 2010, it focused on assessing progress in the field of the codification of the human right to peace within the HR Council. At the UN Headquarters in New York the SSIHRL and the World Council of Churches organized similar meetings in 2009 and on 22 March 2010. In Geneva the SSIHRL and five associate CSO held on 15 June 2010 an expert meeting on the codification of the human right to peace within the HR Council. A full list of all expert meetings parallel to the HR Council and other relevant UN bodies can be found in doc. A/HRC/14/NGO/47, *cit.*, footnote 4. Meetings reports may be found on-line at www.aedidh.org.

the Group. Spain and many other States shown sympathy for the project and are *accompanying* it. The SSIHRL works to persuade all States to reach a greater level of commitment, so that the States political trend shall be commensurate with the importance of the international civil society's demands in this field.

And thirdly, during the official observance at the UN of the International Day of Peace in 2008 and 2009 both in Geneva and in New York, the SSIHRL solemnly called on all international actors,³⁴ as well as all people of good will to become part of the *World Alliance for the Human Right to Peace*, thus showing their wish to urge the start of the official codification of the human right to peace. More than 500 CSO world-wide have already joined the SSIHRL and are the constituencies of this Alliance.³⁵

III. THE HUMAN RIGHTS COUNCIL

By establishing in 2006 the HR Council as one of its subsidiary bodies, the General Assembly acknowledged that "peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and that development, peace and security and human rights are interlinked and mutually reinforcing".³⁶

Therefore, the mandate of the HR Council comprised the promotion and protection of all human rights for all people, including the right to development and peace, thus contributing to strengthening the three UN foundational pillars. Given its current composition – of 47 Member States, 26 are African and Asian States – it has for the first time a large majority to respond to the demands of the Southern States with regard to human rights. Unlike the Security Council, no State in the HR Council has the right to veto any decision and the resolutions may be adopted by majority.

Once it became operational in 2007 the HR Council responded positively to the increasing demands of the international civil society in favour of the international recognition of the human right to peace. The World Campaign in favour of its codification in the framework of the HR Council, conducted by the SSIHRL – materialised, as it has been seen, in the expert parallel panels to, and the written and oral statements before the plenary of the HR Council, to which more than 500 NGO and academic institutions world-wide have adhered to –, has yielded the expected objective, i.e. the introduction of the human right to peace into the agenda of the HR Council and its Advisory Committee.

³⁴ I.e.: States; International Organisation; local, national and international civil society organisations; regional and national human rights institutions; national, regional and international parliaments; members of the Judiciary; universities and research institutes; media; and experts on education, science and culture.

³⁵ Both individuals and institutions may become members of the World Alliance for the Human Right to Peace by filling in a simple on-line form at www.aedidh.org.

³⁶ GA resolution 60/251, adopted on 3 April 2006, § 6 of its preamble.

In fact, the HR Council has consistently approached the development of the human right to peace as an emerging right in the international human rights law (IHRL) from a three-fold perspective: as part of the emerging right to *international solidarity*; as part of the right of all *human beings* and all *peoples* to a *democratic and egalitarian international order*, as claimed for in Art. 28 of the UDHR; and as an essential element in the *right of peoples to peace*.

In this last realm, the developments achieved have been particularly promising for the human right to peace. As it will be shown, the HR Council approved in 2008, 2009 and 2010 resolutions on the promotion of the right of peoples to peace. In addition, it requested that the UN High Commissioner for Human Rights organize an expert workshop on the right of peoples to peace. For its part the Advisory Committee initially recommended that one of its experts make a study on the issue. Finally, the HR Council decided in 2010 to request its Advisory Committee to prepare a draft declaration on the right of peoples to peace.

1. Human rights and international solidarity

Since 2007 the HR Council is reaffirming the fundamental value of solidarity in 21st century international relations. Along with the UN Millennium Declaration (2000), it stated that “global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with basic principles of equity and social justice, and that those who suffer, or who benefit least, deserve help from those who benefit most”.³⁷

The HR Council also recognised that so-called *third generation rights*, closely linked to the fundamental value of solidarity, require greater progressive development in the context of the UN’s human rights mechanisms, in order to be able to respond to the recent problems posed by international cooperation in this sphere”.³⁸

As a result, the HR Council proclaimed “the right of peoples and individuals to international solidarity”³⁹ and requested that the independent expert on human rights and international solidarity continues preparing “a draft declaration on the right of peoples and individuals to international solidarity”.⁴⁰ It also requested that the independent expert “further develops guidelines, standards, norms and principles with a view to promoting and protecting this right, by addressing, inter alia, existing and emerging obstacles to its realisation”.⁴¹

³⁷ Res. 6/3 of the HR Council, adopted on 27 September 2007, § 1. Approved by 34 votes in favour (African, Asian and Latin American States), 12 against (Germany, Bosnia and Herzegovina, Canada, Slovenia, France, Italy, Japan, The Netherlands, the United Kingdom of Great Britain and Northern Ireland, the Republic of Korea, Romania and the Ukraine), and one abstention (Switzerland). In similar terms see § 1 of HR Council resolution 12/9 of 1 October 2009, approved by 33 votes against 14.

³⁸ § 4 of resolution 6/3, cit. Likewise, § 5 of HR Council res. 9/2 of 24 September 2008, approved by 33 votes against 13; and § 6 of res. 12/9, cit.

³⁹ § 5 of resolution 6/3, cit.

⁴⁰ *Ibidem*, § 7.

⁴¹ § 7 of res. 9/2, cit. Likewise, § 8 of res. 12/9, cit.

In his reports to the HR Council, the independent expert, Professor Rudi Muhammad Rizki (Malaysia) stated from the first moment that the *right of peoples to peace* shall be part of the future declaration on the right of peoples and individuals to international solidarity. His mandate was renewed in 2008 for another three years with the aim, *inter alia*, “of promoting the right of peoples and individuals to international solidarity”.⁴²

In parallel the HR Council asked its Advisory Committee to “prepare inputs to contribute to the elaboration of the draft declaration on the right of peoples and individuals to international solidarity and to further develop guidelines, standards, norms and principles...”,⁴³ with a view to promoting and protecting this right.⁴⁴

In his latest report to the HR Council, the independent expert concluded that there exists a principle of international solidarity, on the basis of which it can be built a regulatory framework for human rights and international solidarity, as well as for the emergence of a right of peoples and individuals to international solidarity.⁴⁵

2. The promotion of an egalitarian and democratic international order

In 2008 the HR Council initiated the development of the content of Art. 28 UDHR interpreting the aspirations of all peoples for an international order based on the principles enshrined in the Charter of the United Nations, among which the respect for human rights, equal rights and the right of peoples to self-determination, peace and international solidarity, the right to development, to living peacefully and freely, and to take part in economic, social, cultural, civil and political life in equal conditions, without discrimination.⁴⁶

In consequence, the HR Council stated that “all individuals and all peoples have a right to a democratic and egalitarian world order”, which “encourages the full realisation of human rights for all”.⁴⁷

It also said that, “in order to achieve a democratic and egalitarian international order” it is necessary to put into effect, *inter alia*, “[...] the right of all peoples to peace; [...] international solidarity as a right of peoples and individuals; [...] and] multilaterally confront threats against international peace and security”.⁴⁸

In addition, States must achieve “general and full disarmament, under efficient international control, as well as ensuring that the resources liberated through the application of effective disarmament measures are used for comprehensive development, especially in developing countries”.⁴⁹

⁴² § 1.a) of HR Council res. 7/5 of 27 March 2008, approved with 34 votes in favour and 13 against.

⁴³ § 9 of res. 9/2, cit.

⁴⁴ § 10 of HR Council res. 12/9, adopted on 1 October 2009 by 33 votes against 14.

⁴⁵ Doc. A/ HRC/12/27 of 22 July 2009, p. 2.

⁴⁶ HR Council res. 8/5 of 18 June 2008, § 5 and 6 of the Preamble. Adopted by 34 votes in favour, 13 against and one abstention (Mexico).

⁴⁷ *Ibidem*, § 1 and 2.

⁴⁸ Res. 8/5, cit., § 3, sections (d), (f) and (p).

⁴⁹ § 6 of res. 8/5, cit.

Finally it recalled that the General Assembly expressed its determination to establish “an international economic order based on equity, sovereign equality, interdependence, common interests and the cooperation between all States, regardless of their social and economic system, and to correct inequalities and repair social injustices, allowing for the elimination of the increasing disparity between developed and developing countries, ensuring an economic and social development which accelerates at a sustained pace, as well as peace and justice for current and future generations”.⁵⁰

3. The promotion of the right of peoples to peace

In 2008, 2009 and 2010 the HR Council approved resolutions entitled “The promotion of the right of peoples to peace”. The resolution adopted in 2008⁵¹ was the first positive response – although incomplete – to the constant work carried out by international civil society before the HR Council in favour of the recognition of the human right to peace. It was inspired by previous resolutions on this issue approved by the General Assembly and the former Commission on Human Rights, especially GA resolution 39/11 of 12 November 1984 (“Declaration on the Right of Peoples to Peace”), as well as the 2000 UN Millennium Declaration.

Promoted by Cuba and sponsored by 28 developing States, the resolution reiterated the traditional position according to which “the peoples of our planet have the sacred right to peace”, whose promotion and protection is a fundamental obligation of each State.⁵² Therefore, States must focus their policies toward “the elimination of the threat of war, especially nuclear war, the renunciation to 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”.⁵³

These principles also constitute an essential requirement for the promotion and protection of “all human rights of all individuals and all peoples”, including the right to development and the right of peoples to self-determination.⁵⁴

The resolution also emphasised that “peace is an essential requirement for the promotion and protection of all human rights for all individuals”; and that “the deep rift that divides human society into the rich and the poor, and the ever-increasing gap between the developed and developing worlds pose a major threat to global prosperity, peace, security and stability”.⁵⁵

The SSIHRL took part at the informal negotiations among the States on the Cuban draft resolution, proposing numerous amendments. Slovenia, on behalf of the European Union, stated its opposition to the draft resolution on the grounds that, although it recognised that there exists a relationship between peace and human rights, it believed that the HR Council was not the appropriate forum for

⁵⁰ § 8 of res. 8/5, cit.

⁵¹ HR Council res. 8/9, adopted on 18 June 2008.

⁵² § 1 and 2 of res. 8/9. cit.

⁵³ *Ibidem*, § 5.

⁵⁴ § 8 and 6, respectively, of the same resolution.

⁵⁵ § 3 and 4 of the same resolution.

a debate on this issue. Additionally, the draft failed to analyse the relationship between citizens and States.

On the contrary, the SSIHRL argued that the HR Council is the appropriate forum to deal with issues connected to peace and human rights, given the close relationship between them. On the other hand, it proposed that *the right of peoples to peace* be expanded to integrate the *individual* perspective, as well as the gender approach to the right to peace. The sum of both subjects, peoples and human beings, would give rise to the emerging *human right to peace* whose holders are both peoples and individuals.⁵⁶

Lastly, the sponsors of the resolution did not accept the express inclusion of the individual approach to the right to peace, although they did accept a reference to the importance of *education for peace* as a means to promote the realisation of the right of peoples to peace.⁵⁷

The resolution was finally approved by 32 votes in favour,⁵⁸ 13 against⁵⁹ and two significant abstentions.⁶⁰ The result of the voting revealed, once again, the division between developed and developing countries.

However, both the States in favour of the resolution and those who voted against it or abstained promised to continue negotiating until an agreement could be reached. The SSIHRL considered that such an approach should eventually lead in the future to the acceptance of the *human right to peace* by the international community as a whole.

To this purpose, the Council resolution 8/5 requested that the UN High Commissioner for Human Rights organise, before April 2009, a three-days workshop on the right of peoples to peace with the participation of ten experts from countries of the five regional groups. Unfortunately, in March 2009 the Office of the High Commissioner informed to the HR Council that not enough financial resources had been allocated to the workshop to take place before April 2009.⁶¹

The second resolution of the HR Council on this issue was approved in 2009.⁶² With the vote in favour of Latin American, African and Asian States (with the

⁵⁶ SSIHRL written statement of 18 June 2008. Available at www.aedidh.org.

⁵⁷ § 9 of the same resolution.

⁵⁸ Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Yibuti, Egypt, Gabon, Ghana, Guatemala, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, the Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay and Zambia.

⁵⁹ Bosnia-Herzegovina, Canada, France, Germany, Italy, Japan, The Netherlands, the Republic of Korea, Romania, Slovenia, Switzerland, the Ukraine and the United Kingdom.

⁶⁰ India and Mexico.

⁶¹ Doc. A/HRC/11/38 of 17 March 2009, 2 p.

⁶² HR Council res. 11/4, adopted on 17 June 2009 by 32 votes in favour (Angola, Argentina, Azerbaijan, Bahrain, Bolivia (Multi-national State of), Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay and Zambia). 13 States voted against (Bosnia and Herzegovina, Canada, Germany, France, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine and United Kingdom). There was only one abstention (India).

exception of India), the HR Council reiterated the material content of the right of peoples to peace as it had been stated in the 2008 resolution.

In addition, the HR Council was innovative by favouring the *individual* dimension of the right to peace, as its preamble stated that “human rights include social, economic and cultural rights and the right to peace, a healthy environment and development, and that development is, in fact, the realisation of these rights” (paragraph 15); that, in accordance with Art. 28 UDHR, “everyone is entitled to a social and international order in which the rights and freedoms set forth [...] can be fully realised” (paragraph 17); and that “life without war is the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation of the human rights and fundamental freedoms proclaimed by the United Nations” (paragraph 19).

In consequence, the HR Council further restated that “peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being.”⁶³ In addition it reiterated to the UN High Commissioner for Human Rights its request to organize an expert workshop on the right of peoples to peace.

4. The expert workshop on the right of peoples to peace

Challenged by the insistence of the HR Council resolution 11/4 on the request it had formulated in 2008, the High Commissioner finally agreed in 2009 to organize the expert workshop on the right of peoples to peace. Funds were delivered and it was held in Geneva while in a two-day reduced version (15 and 16 December 2009). Representatives of States, international organisations and NGO’s took part at it, as well as ten experts specially invited by the UNHCHR from three of the world’s regions. The SSIHRL actively cooperated with the OHCHR and the sponsor States of the HR Council resolution in the organization of the workshop, promoting also the active participation of other NGO’s.⁶⁴

The mandate of the workshop on the right of peoples to peace was threefold:

- a) to further clarify the content and scope of this right;
- b) to propose measures to raise awareness regarding the importance of the realisation of that right; and
- c) to suggest specific measures to mobilise States and inter-governmental and non-governmental organisations for the promotion of the right of peoples to peace.⁶⁵

⁶³ § 5 of the same resolution.

⁶⁴ Additionally, the SSIHRL was represented at the workshop by five experts who submitted six session papers to the consideration of the workshop, which are available at www.aedidh.org/?q=node/1284. The other NGO’s that took part were: Graines de Paix, the Institute for Planetary Synthesis, the Planetary Association for Clean Energy, UNESCO Etxea, Interfaith International, the Union of Arab Jurists, APRED, the International Organization on the Elimination of All Forms of Racial Discrimination and Rencontre Africaine pour la Défense des Droits de l’Homme.

⁶⁵ Paragraph 11 of res. 11/4, cit.

The workshop recalled that in the Outcome Document of the 2005 World Summit the GA recognised that peace and security, development and human rights are the foundations of collective security and wellbeing. It also acknowledged that peace and respect for human rights, along with the right to the rule of law and gender equality, among others, were interlinked and mutually reinforcing.⁶⁶ It was highlighted that, as set out by various declarations⁶⁷ and human rights treaties⁶⁸ of the United Nations, peace is a prerequisite for the full enjoyment of human rights and fundamental freedoms, and that, in turn, respect for the human rights is essential to promote development, peace and security.⁶⁹ Additionally, it was stated that the progressive development of international human rights law has favoured the emergence of solidarity rights, including the human right to peace.⁷⁰

According to the experts, the collective dimension of the human right to peace was codified in the preamble to the Charter of the United Nations, as the responsibility to save succeeding generations from the scourge of war lies with the peoples.⁷¹ Additionally, it was acknowledged that peace constitutes an enabling right which allows people to enjoy civil, political, economic, social and cultural rights.⁷² It was also stated that the move from negative peace -seen as the absence of armed conflicts – to positive peace required the promotion of human security.⁷³ Therefore the experts reached the conclusion that the human right to peace has a double dimension, i.e. individual and collective.

Mr. Cançado Trindade maintained that “the right of peoples to peace was justifiable, and that there was a path to be pursued to that end in the years to come”.⁷⁴ He focused on the jurisprudence developed by the Inter-American Court of Human Rights and the International Court of Justice, showing that the rights of peoples have been acknowledged and supported by existing international tribunals.⁷⁵ Specifically, the International Court of Justice has acknowledged the right of peoples to live in peace on a number of occasions.⁷⁶

Ms. Dah recalled that in the Preamble of the International Convention on the Elimination of All Forms of Racial Discrimination it is asserted that “discrimination

⁶⁶ Opening statement by the Deputy High Commissioner. See doc. A/HRC/14/38, of 17 March 2010, § 6.

⁶⁷ Universal Declaration of Human Rights, Declaration on the Right of Peoples to Peace and Declaration on the Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. See doc. A/HRC/14/38, cit., § 4 y 11.

⁶⁸ International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of People with Disabilities (A/HRC/14/38, cit., § 4 y 5) and International Covenant on Civil and Political Rights (A/HRC/14/38, cit., § 11).

⁶⁹ DOC. A/HRC/14/38, cit., § 6.

⁷⁰ Statement by Mr. Mario Yutzis. *Ibidem*, § 25.

⁷¹ Statement by Justice Cançado Trindade. *Ibidem id.*, § 33.

⁷² Statement by Mr. Alfred de Zayas. *Ibidem id.*, §15.

⁷³ Statement by Mr. Thierry Tardy. *Ibidem id.*, § 19–20.

⁷⁴ Statement by Mr. Cançado Trindade. *Ibidem id.*, § 38.

⁷⁵ *Ibidem id.*, § 36.

⁷⁶ *Ibidem id.*, § 37.

among human beings is an obstacle to friendly and peaceful relations among nations and could jeopardize peace and security among peoples and harmonious coexistence".⁷⁷

The experts pointed out that, although the right to peace had not been sufficiently developed in human rights instruments, it is mentioned a number of times in the preamble to the UDHR, as well as in the preambles to the two human rights Covenants.⁷⁸ The linkages between human rights, peace, security and disarmament served to understand the emerging right to peace.⁷⁹ Mr. Sareva added that the right to peace included an important disarmament dimension, as there is a link between national security and the right to life.⁸⁰ And Mr. Schabas recalled that the Human Rights Committee, in its General Comment No. 14 on nuclear weapons and the right to life, established a clear link between the prohibition of war and the right to life.⁸¹

The workshop emphasised that it was an appropriate moment to clarify the legal nature of the human right to peace. It was suggested that an in-depth scholarly study might help the HR Council to decide which path to follow in order to ensure the position of the right to peace in international law.⁸² In turn, a systemic approach to future consideration of the issue was advocated, relating the right of peoples to peace to other rights of peoples, and further relating the human right to peace to rights of peoples.⁸³

The SSIHRL and other NGO asserted that, on the basis of the most recent reports and developments of the doctrine and of civil society, it was possible to identify the content and scope of the human right to peace as an emerging right. It was shown by the *Luarca Declaration on the Human Right to Peace* of 2006, as well as civil society's active participation at the Human Rights Council's discussions on the right of peoples to peace.⁸⁴

Ms. Dah concluded that there was an urgent need to codify the right of peoples to peace and that all actors should support initiatives in that direction, in particular States participating at the non-aligned movement that were current members of the HR Council. In that respect, she supported the idea of inviting the HR Council to establish an open-ended working group entrusted with the codification of such right.⁸⁵

Mr. de Zayas concluded by suggesting that the HR Council could establish the mandate of a special rapporteur or independent expert on the right to peace.⁸⁶

⁷⁷ Statement by Ms. Dah. See doc A/HRC/14/38, cit., § 45.

⁷⁸ Statements by Mr. Jarmo Sareva (*Ibidem*, § 22) and Mr. William Schabas (*Ibidem id.*, § 41).

⁷⁹ Statement by Ms. Vera Gowlland-Debbas. *Ibidem id.*, § 14.

⁸⁰ *Ibidem id.*, § 23.

⁸¹ *Ibidem id.*, § 43.

⁸² Statement by Mr. William Schabas. *Ibidem id.*, § 52.

⁸³ Statement by Mr. Cañado Trindade. *Ibidem id.*, § 38.

⁸⁴ *Ibidem id.*, § 58.

⁸⁵ *Ibidem id.*, § 47.

⁸⁶ A/HRC/14/38, cit., § 54.

Mr. Yutzis concluded that the HR Council should “initiate the codification of the human right to peace through the establishment of an open-ended working group, open to the participation of civil society organizations”; invite the Advisory Committee to prepare “elements for the elaboration of a universal declaration on the human right to peace and to propose guidelines, norms and principles aimed at protecting and promoting that right”; and “also invite human rights treaty bodies and special procedures to contribute to the development of the right to peace from the perspective of their respective mandates”.⁸⁷

The proposals by Mr. Yutzis were subsequently accepted by all the experts attending the meeting (namely, Ms. Dah, Mr. de Zayas and Mr. Tiburcio), as well as by the participating NGO.

Therefore, it is appropriate to conclude that the workshop recommended that the HR Council establish an open-ended working group (representatives of States), with the task of initiating the official codification of the human right to peace. The working group should include the active participation of civil society representatives.

To sum up, the SSIHRL supported the relevance of the human right to peace as it was codified in three consecutive texts elaborated by the civil society, namely the *Luarca Declaration on the Human Right to Peace* of 30 October 2006, the *Bilbao Declaration on the Human Right to Peace* of 24 February 2010 and the *Barcelona Declaration on the Human Right to Peace*, of 2 June 2010.⁸⁸ The three Declarations, at the specific request of the international civil society, did incorporate an *individual* and a *collective* (peoples) dimension of peace, in equal manner and on the same footing. The sum of both subjects – peoples and human beings –, gives rise to the emerging *human right to peace* whose holders are both peoples and individuals.

5. The Advisory Committee

For its part, the Advisory Committee of the HR Council – a subsidiary body made up of 18 experts who advise the HR Council on subjects indicated by the Council – approved without a vote, on 7 August 2009, recommendation 3/5 entitled “promotion of the right of peoples to peace”, addressed to the HR Council. It appointed the expert Mr. Miguel Alfonso Martinez (Cuba) to “prepare an initial working document on the need to begin a study with the purpose, among others, of: a) clarifying the content and scope of that right; b) proposing measures to raise awareness of the importance of exercising that right; and c) suggesting specific measures to mobilise States and inter-governmental and non-governmental organisations in the promotion of the right of peoples to peace”.

The report should be submitted to the consideration of the Advisory Committee in August, 2010. As per the AC Regulations, “the research proposal shall take

⁸⁷ *Ibidem*, § 57.

⁸⁸ All Declarations are available at www.aedidh.org.

the form of a working paper and indicate, inter alia, the relevance of the study, including its being within the scope of the work set out by the Council, timelines, object and the general outlines envisaged, as well as a draft timetable”.⁸⁹

In addition, the expert must keep in mind the “conclusions and recommendations” which might be formulated by the workshop with regard to the issue to which the Council refers in paragraph 11 of resolution 11/4”.

However, the study was not authorized by the HR Council in March 2010 and it will not be carried out, given the unexpected passing away of the Cuban expert in February 2010. In addition, the last decision taken by the HR Council on this matter in June 2010 rendered obsolete the study since, as discussed below, it requested the Advisory Committee to prepare a draft declaration on the right of peoples to peace, thus assuming that preparatory studies were already carried out by the civil society.

6. Human Rights Council resolution 14/3

At the opening of its fourteenth session (31 May 2010) the HR Council had before it the report of the Office of the High Commissioner on the outcome of the expert workshop on the right of peoples to peace,⁹⁰ as well as the joint written statement of more than 500 NGOs world-wide conducted by the SSIHRL. The NGOs supported the main recommendations of the workshop and, therefore, they requested that the HR Council initiate the international codification of the human right to peace through the appointment of an open-ended working group (representatives of States) open to the participation of civil society organizations.⁹¹

In the following days Cuba distributed among delegations a draft resolution on “the promotion of the right of peoples to peace”, and called them to an informal meeting to be held on 7 June 2010 to discuss the text with the participation of interested NGOs. The draft reiterated the same substantive issues already approved in 2008 and 2009. In addition, it welcome “the important work being carried out by civil society organizations for the promotion of the peoples right to peace and the codification of such right”, and took note with satisfaction of the report of the workshop on the right of peoples to peace.⁹² As a result, it supported “the need to codify the peoples right to peace” and it “requested the President of the Human Right Council, in consultation with Member States, to appoint an *independent expert* on the right of peoples to peace, with the mandate to prepare a *draft declaration on the right of peoples to peace* and to submit a report to the Council in 2011”.⁹³

⁸⁹ Art. 17.2 of the AC Regulations of 6 August 2009. See doc. A/HRC/AC/3/2, of 9 October 2009, pp. 25–34.

⁹⁰ Doc. A/HRC/14/38 of 17 March 2010, 16 p.

⁹¹ Doc. A/HRC/14/NGO/47, of 31 May 2010, 9 p.

⁹² Respectively, last preambular paragraph and dispositive paragraph 13 of the draft resolution discussed at the informal meeting held on 7 June 2010. No official document with the author.

⁹³ *Ibidem*, paragraph 14. Italics are added.

At the informal meeting held on 7 June 2010 the Czech Republic, on behalf of the European Union, stated their position contrary to the draft resolution based on the same arguments used in the previous years, namely: issues regarding peace shall be discussed in other *fora*; the draft only referred to inter-States relations, and not to the relations among States and individuals. The United Kingdom added that there already exists a Declaration on the Right of Peoples to Peace of 1984 and there is no need to draft a new one, an exercise that would require excessive resources expenditure. On the contrary, China said it was in favour of the draft resolution and the Russian Federation stated that the right of peoples to peace is a part of the international human rights law whose development remains within the HR Council's competence.

In its turn the SSIHRL recalled the recommendations of the expert workshop on the right of peoples to peace – which were supported by more than 500 NGOs world-wide –, according to which the HR Council shall establish a *working group to codify the human right to peace* instead of an independent expert to draft a declaration on the right of peoples to peace.

Therefore, the SSIHRL proposed to the drafters of the resolution to amend it by adding the individual dimension of the right to peace to its collective dimension (“right of peoples”), thus giving birth to the claimed *human right to peace*. In addition, it asked for the following issues to be included into the draft resolution: a gender-based approach; an open reference to the three Declarations on the human right to peace already adopted within the civil society (namely, the *Luarca, Bilbao and Barcelona Declarations*); and the workshop recommendations asking for a standards setting working group.

Next, the Cuban delegate thanked the SSIHRL proposals and stated that his country was ready to accept the *individual* dimension of the right to peace, provided that it would be requested by delegations contrary to the draft resolution. To this purpose he concluded the informal meeting inviting delegations to negotiate the following days the draft resolution, with a view to achieve a text that could be approved by consensus.

On 8 June 2010 the expert workshop report was orally introduced to the plenary of the HR Council by the Deputy High Commissioner. Spain, on behalf of the European Union and other associate European States, said that the EU recognised the linkage between peace and enjoyment of human rights. However, it considered that the absence of peace cannot justify failure to respect human rights. Finally, it believed that most of the issues raised in the expert workshop report were better dealt with another *fora*, which have the competence to do so and which are already dealing with these issues.

On the contrary, the Arab Jamahiriya Libyan was in favour of setting up of an open-ended working group to develop the right of peoples to peace, a special rapporteur to deal with the question of the right to peace, and to request the Advisory Committee to prepare principles and guidelines for the protection of peace and security.

On the same day the SSIHRL, on behalf of more than 500 NGOs world-wide, reiterated before the plenary of the HR Council the joint written statement by

which they requested the establishment of a working group to codify the human right to peace (A/HRC/14/NGO/47).

In the following days not a single developed State accepted to negotiate the draft resolution as distributed by Cuba and discussed at the informal meeting held on 7 June 2010. On the contrary, developing States made a number of proposals to the drafters of the resolution. As a result, Cuba tabled before the Secretariat draft resolution L.12 on “The promotion of the right of peoples to peace”,⁹⁴ which included two outstanding amendments to be attributed to the developing States, as follows:

Firstly, at Bangladesh’s proposal, the draft resolution recalled the United Nations 1999 Declaration and Programme of Action on Culture of Peace and the General Assembly resolution 53/25 proclaiming 2001–10 as the International Decade for a Culture of Peace and Non-Violence for the Children’s of the World;⁹⁵ and it “calls upon States and relevant United Nations bodies to promote effective implementation of the United Nations Declaration and Programme of Action on Culture of Peace”⁹⁶ of 1999.

Secondly, at the request of various Latin-American countries (Argentina, Chile and Mexico), reference to the “independent expert” in paragraph 14 of the original draft was deleted and replaced by the Advisory Committee in the equivalent paragraph, so that the final draft said: It “supports the need to further promote the realization of the right of peoples to peace, and in that regard, requests the *Advisory Committee* to, in consultation with Members States, civil society, academia and all relevant stakeholders, prepare a *draft declaration on the right of peoples to peace* and to report on the progress thereon to the Council at its 17th session”⁹⁷ (June 2011).

On 17 June 2010 Cuba introduced before the plenary of the HR Council draft resolution L.12 on behalf of its 23 co-sponsors, pointing out the new paragraphs in relation to the resolution adopted in 2009 on the same issue. It requested its approval by a large majority, thus renewing the HR Council’s engagement with the promotion of the right of peoples to peace.

Before the vote France, on behalf of the European Union, said that the EU supported some of the principles set up in the draft resolution and acknowledged the existing linkage between peace and the enjoyment of human rights. However, it advanced the negative vote of Member States represented before the HR Council because the text was not outlining that the absence of peace cannot justify in any case human rights violations. In addition, the text almost exclusively dealt with

⁹⁴ Draft resolution A/HRC/14/L.12 was co-sponsored by 23 developing countries, namely: Algeria, Bangladesh, Belarus, Bolivia (Plurinacional State of), Burkina Faso, Congo, Cote d’Ivoire, Cuba, China, Dominican Republic, Ecuador, Egypt, El Salvador, Iran (Islamic Republic of), Lao (Popular Democratic Republic of), Korea (Popular Democratic Republic of), Nicaragua, Nigeria, Sri Lanka, Sudan, Syrian Arab Republic, Venezuela (Bolivarian Republic of) and Vietnam.

⁹⁵ Preamble paragraph 4 of draft resolution A/HRC/14/L.12, cit.

⁹⁶ *Ibidem*, operative paragraph 11.

⁹⁷ *Ibidem id.*, operative paragraph 15. Italics are added.

inter-State relations, while it should focus on the relations between States and their citizens, as well as the States obligations to respect human rights. It also reiterated that most of the issues involved in the text should be dealt with in other international *fora* which have the mandate and the competence to do it. Finally it wondered whether the Advisory Committee could provide a positive contribution since the General Assembly had already adopted a Declaration on the Right of Peoples to Peace in 1984.

Next the United States of America announced its vote against the draft because it did not meaningfully promote peace or address the plight of vulnerable people in conflict zones. Instead, it focused on issues that were primarily a matter of state-to-state relations. In addition, the United States was concerned that the resolution seeks to cast this overall issue as a collective right. Human rights are universal and apply to individuals. Collective rights are a distinct category of rights. The United States also regretted the resolution's request for the Advisory Committee to prepare a draft declaration, which it anticipated will be an exercise fraught with difficulty and divisions that makes no meaningful contribution to the protection of human rights. Finally, it noted that there were other international bodies – particularly the Security Council – that were better suited to address issues related to international peace and security. The United States would prefer to see this Council focused on addressing the numerous violations of human rights and fundamental freedoms that occur around the globe.

Next the President of the HR Council ordered to proceed to a roll-call vote as requested by France. Draft resolution L.12 was approved on 17 June 2010 by 31 votes in favour, 14 against and 1 abstention. This vote revealed again the prevailing deep gap among developing and developed States.⁹⁸

In its explanation of vote after the vote Argentina (on behalf of Argentina, Chile and Mexico) stated on 18 June 2010 before the plenary of the HR Council that their countries had voted in favour of draft resolution L.12. However, they considered it necessary to advance in a progressive way towards the elaboration of a draft declaration on the right of peoples to peace. To achieve this objective, there was wise to open a space of dialogue and reflexion with the widest participation of actors that would analyse the need of such an instrument and, if positive, that could contribute to the concept, content and scope of this right, as well as to the

⁹⁸ Resolución 14/3 was approved by 31 votos in favour (African, Asian and Latin American and Caribbean States), namely: Angola, Argentina, Bahrein, Bangladesh, Bolivia (Plurinational State of), Brasil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Indonesia, Jordan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay and Zambia.

14 States voted against, namely: Member States of the European Union (Belgium, France, Hungary, Italy, Netherlands, Slovakia, Slovenia and United Kingdom), associate European States (Bosnia and Herzegovina, Norway and Ukraine), United States of America, Japan and Republic of Korea).

There was 1 abstention (India). Kyrgyzstan did not participate.

way to implement it. It concluded showing their availability to contribute to the analysis of the issue.

Therefore, it may be concluded that resolution 14/3 is a historic land-mark, since it has formally opened within the United Nations the process of international codification of the right to peace, thus replying positively to the progress that civil society had achieved in the last years. It is now to all international actors to take care of the codification process that should be carried out in the next years towards proposals of consensus that would eliminate any threat of set back.

The HR Council did not accept the recommendation from the expert workshop, nor from civil society on the mechanism that should be entrusted with the codification – i.e., a working group –. The co-sponsors of the resolution originally accepted that an independent expert be appointed by the President of the HR Council, but disagreements within the group led to trust this task to the first body in the scale of the process of codification and progressive development of international human rights law within the United Nations: the Advisory Committee of the HR Council. In contrast, civil society was in favour of a standards setting working group within the HR Council, while it gave a complementary role to the Advisory Committee: to identify elements which will contribute to the elaboration of a draft universal declaration of the human right to peace, and further to formulate guidelines, criteria, standards and principles aimed at promoting and protecting this right.⁹⁹

On the other hand, the HR Council resolution 14/3 reduced the material content of the draft declaration to be prepared by the Advisory Committee to *the right of peoples to peace*. However, given that this resolution indirectly accepted the individual dimension of this right,¹⁰⁰ it should not be a serious obstacle to preclude in the future to extent the mandate of the Advisory Committee to prepare a *draft declaration on the right of individuals and peoples to peace*.

The international civil society claims a universal declaration of the human right to peace to be adopted by consensus of all States. To this purpose it would be determinant that developed States, which are in minority within the HR Council, accept to negotiate *bona fides* this declaration with developing States. Among them Argentina, Chile and Mexico, in addition to other interested Latin American countries, may be very useful to bridge the gap between developed States and international civil society.

IV. CONCLUSIONS

The analysis above leads us to conclude that the *human right to peace* in the works of the HR Council has been linked, in its material formulation, to emerging rights of solidarity, particularly the right to international solidarity, the right to a democratic and egalitarian international order, and the right of peoples to peace.

⁹⁹ Doc. A/HRC/13/NGO/89, cit., p. 9 *in fine*.

¹⁰⁰ Preambular paragraphs 15, 18 and 20 of resolution 14/3, which reiterated same paragraphs of resolution 11/4 of 2009, as discussed above.

In addition, the HR Council confirmed that the three above-mentioned emerging rights have a twofold nature, similar to other solidarity rights claimed under the basis of the *Declaration on the Right to Development* of 1986: individual and collective. Both dimensions lead to the acknowledgment of peace as a human right whose holders are both peoples and individuals, as a life without wars constitutes the main international requirement for material well-being, the development and progress of countries, and the full realisation of all human rights.

The expert workshop on the right of peoples to peace also reaffirmed the relevance of the human right to peace in its two dimensions, both individual and collective. Both the expert workshop and the civil society recommended that the HR Council establish an open-ended working group for the codification and progressive development of the human right to peace, in close consultation with civil society.

The HR Council resolution 14/3, of 17 June 2010, acknowledged the civil society's persistent claim to initiate the process of the international codification of the right to peace, but reducing it to the *peoples*, while it could be extended in the future to *individuals* as well. The Advisory Committee, in charge of preparing a draft declaration on the right of peoples to peace, should appoint in August 2010 one or various experts to perform this task, that shall be carried out in close consultation with States, civil society, academia and all relevant stakeholders.

The SSIHRL and associate NGOs shall offer to the Advisory Committee's members its full support and shall be vigilant so that the future declaration shall include, *inter alia*:

- Consider the human right to peace as a corollary of the right of peoples to self-determination and of all human rights, including the right to development.

- Acknowledge the close relationship between the human right to peace and the right to life, integrity, freedom and security of persons; physical and mental health and well-being; the protection of civil society against the out-of-control use of weapons of mass destruction during armed conflicts; the need to examine the possibility of complete disarmament of all weapons, including small, light and nuclear weapons; the right to emigrate; the right to know the truth about human right violations and the realisation of economic, social, cultural and linguistic rights, in order to achieve social justice, equity, gender equality and the elimination of poverty, which will ensure solidarity, peace and friendly relations between all nations, races, ethnic groups and religions.

- Highlight the fact that the human right to peace promotes solidarity and education for peace, as well as the construction of democratic, egalitarian and multi-cultural societies, and dialogue and peaceful coexistence among cultures, civilisations and religions, which will contribute to discouraging the armament's race.

- Identify the measures necessary for the realisation of the human right to peace in accordance with the UN Charter, the UDHR, the International Covenants on Human Rights, the UN 2000 Millennium Declaration, the Outcome Document of the 2005 World Summit, the Declaration on the Preparation of Societies to Life in Peace, the Declaration on the Right of Peoples to Peace, the Charter of the Organisation of American States, the European Convention for the Protection of

Human Rights and Fundamental Freedoms, the Asian Human Rights Charter, the African Charter of the Rights of Individuals and Peoples, the Arab Charter on Human Rights and the Charter of the Organisation of the Islamic Conference.

– Take also into account the decisive contributions made by international civil society as provided for in the *Luarca Declaration on the Human Right to Peace* – adopted by Spanish civil society in 2006 –, and the results of the World Campaign in favour of the Human Right to Peace, which have crystallised in the *Bilbao Declaration on the Human Right to Peace* of 24 February 2010. This Declaration echoes the reports of the expert meetings organised by the SSIHRL in the five regions of the world, as well as the Regional Declarations on the human right to peace adopted by experts from civil society in La Plata, Yaundé, Bangkok, Johannesburg, Sarajevo, Alexandria and Havana. Also worthy of mention are the CSO joint written and oral statements on the content and scope of the human right to peace submitted by the SSIHRL, with the support of more than 500 NGOs and academic institutions, to the different sessions of the HR Council.¹⁰¹ Lastly, the *Barcelona Declaration on the Human Right to Peace* approved on 2 June 2010 by an International Drafting Committee composed of ten independent experts from the five regions of the world, which provided an international authority to the *Luarca and Bilbao Declarations*. And,

– Pay special attention to the gender-based approach in the field of peace-building, as set out by the 1995 Beijing Declaration and the Platform of Action from the Fourth World Conference on Women; and promote the participation of women in the decision-making process in connection with peace and security, in accordance with resolutions 1325, 1880 and 1888 (2009) of the Security Council, as well as conducting a gender-based analysis in all situations of armed conflict.

In June 2011 the HR Council shall receive the first progress report from the Advisory Committee regarding the draft declaration on the right of peoples to peace. The HR Council shall also have before it the final text of the *universal declaration of the human right to peace* which would have been approved by the international civil society meeting at the *International Congress on the Human Right to Peace* to be held in *Santiago de Compostela*, Spain on 9–10 December 2010. Taking into account these new elements the HR Council should extend the mandate of the Advisory Committee to the codification and progressive development of the *human right to peace*. At the end of the codification process the *universal declaration of the human right to peace* shall be adopted and proclaimed by the UN General Assembly as the Annex to a GA resolution.

On the other hand, the *International Congress on the Human Right to Peace* shall be invited to establish the *International Observatory of the Human Right to Peace* within the framework of the SSIHRL. The *Observatory's* aims are twofold: Firstly, to provide the international civil society with a permanent institutional tool to closely follow the official codification of the human right to peace at the HR Council and its Advisory Committee; they should take into account the *Santiago*

¹⁰¹ Available on-line at www.aedidh.org.

Declaration on the Human Right to Peace, which, in its turn will set out the legitimate expectations of international civil society. Secondly, the *Observatory* shall also conduct studies, publish reports and set out objective indicators to enable the evaluation of the States' compliance with the rights and obligations set up in the *Santiago Declaration*.

It is urgent that the official codification of the *human right to peace* begins as soon as possible, as it is the target of continued and systematic violations. These violations originate both from *direct* armed violence – there are more than 40 armed conflicts taking place in the world, many of which have been forgotten –, and from the *structural* violence caused by extreme poverty and hunger, which, far from being reduced, now affects 1.02 billion human beings, most of them women and children from Southern countries. Other manifestations of *cultural* violence, such as *gender violence*, *mobbing*, *bullying* and *family-related* violence, round off the bleak panorama of a massive violation of the *human right to peace* in our societies where, paradoxically, a *culture of violence* (a corollary of the Latin dictum *si vis pacem para bellum*) prevails in detriment of the culture of peace.

There are no insurmountable legal obstacles given that, as showed by the *Luarca*, *Bilbao* and *Barcelona Declarations*, right to peace is strongly rooted in instruments universally accepted (i.e. the Charter of the United Nations and the Universal Declaration of Human Rights). The three Declarations drafted by civil society are offering a concrete content, holistic and legally founded to deal with peace as a human right.

The difficulties are more political in nature, as some States find it challenging to go beyond the international peace and security models originated from the Cold War, which happily ended 21 years ago. The arguments advanced by developed States to refuse the international codification of peace as a human right are rather cosmetic and formal excuses to discuss substance, so that these obstacles can be overcome as well. To this purpose States should respond positively to the permanent demands of civil societies for *fair, sustainable and lasting peace*, to whose construction we must all contribute.

If peace is a universal value which must prevail over international relations, the *human right to peace* is a legal imperative with which civil society world-wide is identified, because it is a demand of civilisation which is above any regional, historic and cultural particularities. Therefore, there is no excuse for the States to consolidate the codification and the progressive development of the human right to peace at the HR Council and its Advisory Committee, following the CSO international legislative initiative spelled out by the *Luarca*, *Bilbao*, *Barcelona* and *Santiago Declarations on the Human Right to Peace*.

Geneva, 20 June 2010.

International Refugee Day.

SUMMARY

The article reviews civil society initiatives to codify the human right to peace. The SSIHRL activities in this field (2005–2010) were crucial to disclose the official codification and progressive development process undertaken since 2010 by the

United Nations, in particular within the Human Rights Council and its Advisory Committee. It is expected that the General Assembly will approve a Universal Declaration on the Human Right to Peace that should take into account the Santiago Declaration on the Human Right to Peace, as adopted by international civil society on 10 December 2010, as well as its preparatory work.

Keywords

Peace; holistic approach to peace; right of peoples to peace; individuals right to peace; human right to peace; international codification; progressive development; civil society; legislative initiative; Luarca, Bilbao, Barcelona and Santiago Declarations; UN Human Rights Council; Advisory Committee; General Assembly; Security Council; Universal Declaration on the Human Right to Peace.

RÉSUMÉ

L'article analyse des initiatives de la société civile en vue de codifier le droit humain à la paix. Les activités de la SEDIDH dans ce domaine (2005–2010) ont été déterminantes pour faire démarrer la codification officielle et le développement progressif entamé depuis 2010 par les Nations Unies, en particulier au sein du Conseil des droits de l'homme et de son Comité consultatif. On demande l'Assemblée générale d'approuver la Déclaration universelle sur le droit humain à la paix qui devrait tenir en compte la Déclaration de Santiago sur le droit humain à la paix telle qu'elle a été adoptée par la société civile internationale le 10 décembre 2010, ainsi que ses travaux préparatoires.

Mots clefs

Paix; perspective holistique de la paix; droit des peuples à la paix; droit des individus à la paix; droit humain à la paix; codification internationale; développement progressif; société civile; initiative législative; Déclarations de Luarca, Bilbao, Barcelona et Santiago; Conseil des droits de l'homme des Nations Unies; Comité consultatif; Assemblée générale; Conseil de sécurité; Déclaration universelle sur le droit humain à la paix.

RESUMEN

El artículo analiza las iniciativas de la sociedad civil para codificar el derecho humano a la paz. Las actividades de la AEDIDH en este ámbito (2005–2010) han sido determinantes para comenzar en 2010 en las Naciones Unidas la codificación oficial y el desarrollo progresivo, en particular en el seno del Consejo de Derechos Humanos y de su Comité Asesor. Se espera que la Asamblea General apruebe la Declaración universal del derecho humano a la paz que debería tener en cuenta la Declaración de Santiago sobre el Derecho Humano a la Paz, tal y como ha sido adoptada por la sociedad civil internacional el 10 de diciembre de 2010, así como sus trabajos preparatorios.

Palabras claves

Paz; perspectiva holística de la paz; el derecho de los pueblos a la paz; el derecho de los individuos a la paz; el derecho humano a la paz; codificación internacional; desarrollo progresivo; sociedad civil; iniciativa legislativa; Declaraciones de Luarca, Bilbao, Barcelona y Santiago; Consejo de Derechos Humanos de las Naciones Unidas; Comité Asesor; Asamblea General; Consejo de Seguridad; declaración universal sobre el derecho humano a la paz.