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Requests addressed to the Advisory Committee stemming

From Human Rights Council resolutions:

Promotion of the right of peoples to peace

Joint written statement* submitted by the Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), the International Association of Soldiers for Peace, Zonta International, the International Federation of Settlements and Neighbourhood Centres (IFS), the International Council Of Women (ICW-CIF), the International Association for Religious Freedom (IARF), the Asian Legal Resource Centre (ALRC), Franciscans International, International Federation of Business and Professional Women, Soroptimist International, International Institute for Non-aligned Studies, non-governmental organizations in general consultative status, the World Young Women's Christian Association (World YWCA), the Dominicans for Justice and Peace (Order of Preachers), Buddha's Light International Association, the Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (España), Pax Romana (International the Catholic Movement for Intellectual and Cultural Affairs and the International Movement of Catholic Students), the Temple of Understanding (TOU), the Women's World Summit Foundation (WWSF), the International Federation of University Women (IFUW), the Worldwide Organization for Women (WOW), the Union of Arab Jurists, Rencontre Africaine pour la Defense des Droits de l'Homme (RADDHO), the Foundation for the Refugee Education Trust (RET), the International Bridges to Justice (IBJ), the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (IAC), the American Association of

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Jurists (AAJ), Congregation of Our Lady of Charity of the Good Shepherd, the Lassalle-Institut, the UNESCO Centre of Catalonia, the Pan Pacific and South East Asia Women's Association (PPSEAWA), the International Movement for Fraternal Union Among Races and Peoples (UFER), the International Federation of Women Lawyers (FIDA), the International Federation of Women in Legal Careers (FIFCJ), the Canadian Federation of University Women (CFUW), the International Association for Women's Mental Health (IAWMH), the International Women's Year Liaison Group (IWYLG), the Institute of International Social Development, African Action on AIDS, the International Society for Traumatic Stress Studies (ISTSS), the Lama Gangchen World Peace Foundation (LGWPF), Pax Christi International, International Catholic Peace Movement, the Tandem Project, the Organization for Defending Victims of Violence (ODVV), the Solar Cookers International (SCI), the World Federation for Mental Health (WFMH), the United States Federation for Middle East Peace, the Network Women in Development Europe (KULU), North-South XXI, the United Towns Agency for North-South Cooperation, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Maryknoll Fathers and Brothers, Maryknoll Sisters of St. Dominic, the International Forum for Child Welfare, the BADIL Resource Center for Palestinian Residency and Refugee Rights, the Arab Lawyers Union, the General Federation of Iraqi Women, the International Federation of Social Workers (IFSW), the International Association of Peace Messenger Cities, the Committee for Hispanic Children and Families, the Comite International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC), Education International, the Cairo Institute for Human Rights Studies (CIHRS), the World for World Organisation (WFO), the Universal Esperanto Association (UEA), the Associated Country Women of the World (ACWW), the Council of American Overseas Research Centres, Zenab for Women in Development, Inc., the Grail, UNANIMA International, the Association for Democratic Initiatives (ADI), the Centre for Development Studies and Action, the Deniz Feneri Association (Light House Aid and Solidarity Association), the Arab Centre for the Independence of the Judiciary and the Legal Profession (ACIJLP), the Commission for the Defense of Human Rights in Central America (CODEHUCA), the International Association of Democratic Lawyers (IADL), the General Arab Women Federation (GAWF), the Centre Independent de Recherches et d'Initiatives pour le Dialogue (CIRID), the International Association of Schools of Social Work (IASSW), the International Fellowship of Reconciliation (IFOR), the Comision Colombiana de Juristas (CCJ), the COJEP International (Conseil de Jeunesse Pluriculturelle), the Association of African Women for Research and Development (AAWORD), the Center for Migration Studies of New York (CMS) (member of the Scalabrini International Migration Network), the World Association for Psychosocial

Rehabilitation (WAPR), the Foundation for Subjective Experience and Research, the African Women's Development and Communication Network (FEMNET), the Salvation Army, Initiatives of Change International, the Planetary Association for Clean Energy, Inc., the International Association of Gerontology and Geriatrics, Prison Fellowship International, Associazione Comunita Papa Giovanni XXIII, World Organisation Against Torture, the Action internationale pour la paix et le développement dans la région des Grands Lacs, the Association apprentissage sans frontieres (ASF), the Indian Movement "Tupaj Amaru", the General Arab Women Federation, the National Council of Women of Canada, National Council of Women of the United States Inc., National Council of Women in Great Britain, Peace Boat, United Network of Young Peacebuilders (UNOY), the African Peace Network (APNET), Right to Energy Sos Future, Myochikai (Arigatou Foundation), the Fondation Idole, IUS PRIMI VIRI International Association, the African Women Association (AWA), the Center for Practice-Oriented Feminist Science (PROFS), the Femmes Africa Solidarité (FAS), the International Movement against all Forms of Discrimination and Racism (IMADR),), the National Alliance of Women's Organisations (NAWO), the Mennonite Central Committee (MCC), the African Services Committee (ASC), the Guild of Services, the Women's International League for Peace and Freedom (WILPF), non-governmental organizations in special consultative status, the Federation for Peace and Conciliation (IFPC), the World Association for the School as an Instrument of Peace, the International Society for Human Rights (ISHR), the Institute for Planetary Synthesis (IPS), the International Peace Bureau (IPB), the UNESCO Centre Basque Country (UNESCO ETXEA), the 3HO Foundation, Inc. (Healthy, Happy, Holy Organization), the Dzeno Association, the Country Women Association of Nigeria (COWAN), the Association Nigerienne des Scouts de l'Environnement (ANSEN), the International Peace Research Association (IPRA), the Asia Pacific Forum on Women, the Law and Development (APWLD), the International Progress Organization (IPO), the Arab NGO Network for Development, Gray Panthers, European Federation of Road Traffic Crash Victims, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 July 2011]

Amendments to the draft Declaration on the Right of Peoples to Peace submitted by the Advisory Committee Drafting Group**

On 2 May 2010 the International Observatory on the Human Right to Peace and the Spanish Society for the International Human Rights Law, acting on behalf of 1.795 CSO and cities world-wide, submitted to the Advisory Committee their joint reply to the questionnaire. It provided further elements and standards that civil society would like to see included in the AC progress report. It was the result of a genuine and transparent international dialogue with peace-loving organizations from the five regions of the world¹.

On 16 May 2011, the IOHRP/SSIHRL in coordination with the World Council of Churches and the German Institute for Human Rights, organized a first Consultation on the human right to peace between experts and representatives of the regional groups of Eastern Europe and Western Europe and other States at the Palais des Nations.

On 17 June 2011, the HR Council adopted resolution 17/16 by which it "takes note of the progress report of the HRC Advisory Committee on the right of peoples to peace (A/HRC/17/39)..." and it "supports the need to further promote the realization of the right of peoples to peace and, in that regard, requests the Advisory Committee, in consultation with Member States, civil society, academia and all relevant stakeholders, to present a draft declaration on the right of peoples to peace, and to report on progress thereon to the Council at its twentieth session" (June 2012).

The Advisory Committee will have before it at its 7th session (August 2011) the Drafting Group's Declaration on the Right of Peoples to Peace. Paragraph 6 of the report states that

** Other non-ECOSOC NGOs supporting this statement: AMA (asociación Indígena del Perú), PSIVIVA (asociación consultora psicológica viva), Comunidad nativa mariscal caceres, Comité de gestión del barrio la Legua, Operation Peace Through Unity, Federación española de la Orden Masónica Mixta Internacional, Canadian Museum for Human Rights, Global peace building Strategy, Widows for peace through democracy, Instituto de Paz, Derechos Humanos y Vida Independiente (PADEVI), The Global Hand, Fundación María Deraismes, Asociación Soriana para la recuperación de la memoria histórica "Recuerdo y Dignidad", Una ventana a la Libertad, Asociación Civil Humanity, Sol de Paz-Pachakuti, Center for Global Nonkilling, General Federation of Iraqi Women, Monitoring Net of Human Rights In Iraq (MHRI), The Association of Iraqi POWs, Association of International Humanitarian Lawyers (AIHL), Women's Will Association (WWA), The Association of Iraqi Jurists (AIJ), Conservation Centre of Environmental & Reserves In Iraq (CCERF), Human Rights Division of the Association of Muslims Scholars In Iraq (AMSI), Al-Basaer Media Association (ABMA), Studies Center of Human Rights and Democracy (SCHRD), Association of Human Rights Defenders In Iraq (AHRDI), The Iraqi Commission for Human Rights (Iraqi-CHR), The Organization For Widows And Orphans (OWO), The Iraqi Association Against War (IAAW), Organization for Justice and Democracy In Iraq (OJDI), Association of Iraqi Diplomats (AID), Arab Lawyers Network (UK), Iraqi Human Rights Center, APRED (Association for Non-Militarisation and Demilitarisation), Associació per a la recuperació de la memòria històrica de Catalunya, Spanish Federation of Associations on Defensa and Promotion of Human Rights (Asociación para la Defensa de la Libertad Religiosa (ADLR), Asociación Pro Derechos Humanos de España (APDHE), Associació per a les Nacions Unides a Espanya (ANUE), Comisión Española de Ayuda al Refugiado (CEAR), Comunidad Bahá'í de España, Federación Catalana d'Organitzacions no Governamentals pels Drets Humans (27 NGOs and CSOs), Fundación Paz y Cooperación, Institut de Drets Humans de Catalunya (IDHC), Instituto de Estudios Políticos para América Latina y África (IEPALA), Justicia y Paz. España (JP. España), Liga Española Pro-Derechos Humanos (LEPDDHH), Movimiento por la Paz, el Desarme y la Libertad (MPDL), Paz y Tercer Mundo – Mundubat (PTM), Global Alliance for Ministries and Departments of Peace (39 NGOs, please see in <http://www.mfp-dop.org/>), International Association of Peace Messenger Cities (101 cities, please, see in <http://www.iapmc.org/>), United Network of Young Peacebuilders (47 NGOs and CSOs, please in <http://www.unoy.org/>), Asamblea Permanente de la Sociedad Civil por la Paz de Colombia (71 colombian NGOs, please see <http://www.asambleaporlapaz.com/>), International Peace Bureau (20 international and 270 national NGOs, please see <http://ipb.org/i/index.html>), Global Network of Women Peacebuilders (48 NGOs and CSOs worldwide, please see in <http://www.gnwp.org/>)

¹ See full text of the NGO joint reply to the questionnaire at www.aedidh.org and a summary at doc. A/HRC/17/NGO/57, of 27 May 2011.

“...the draft declaration refers to the right of peoples to peace, but subsequently uses the language of the “human right to peace”, which was found to be more appropriate”.

II.

We congratulate the Drafting Group for its draft Declaration. However, we invite the Advisory Committee to consider the following amendments to the draft Declaration:

Title: “Draft Declaration on the Human Right to Peace”².

Preamble: To be completed by the Preamble of the Santiago Declaration on the Human Right to Peace (2010). It includes important universal and regional legal instruments providing background to the codification of the human right to peace³.

Art. 1. Principles of the human right to peace

Paragraph 1:

To be replaced by:

“Individuals, groups, peoples and all humankind have the inalienable right to a just, sustainable and lasting peace. By virtue of that right, they are holders of the rights and freedoms proclaimed in this Declaration”.

New paragraph:

“States, individually, jointly or as part of multilateral organizations, are the principal duty-holders of the human right to peace. This right shall be implemented without any distinction or discrimination for reasons of race, descent, national, ethnic or social origin, color, gender, sexual orientation, age, language, religion or belief, political or other opinion, economic situation or heritage, diverse physical or mental functionality, civil status, birth or any other condition”.

New paragraph:

² The General Assembly affirmed the individual dimension of the right to peace in 1978 inviting all States to observe the principle that “every human being, regardless of race, conscience, language or sex, has the inherent right to live in peace” (Resolution 33/73 Declaration on the preparation of Societies for Life in Peace).

³ To make reference to the purposes and principles of the UN Charter; the positive dimension of peace; the affirmation of the right to life; the settlement of international disputes by peaceful means and the prohibition of use or threat of use of force; the need to establish a national and international social order in which peace has absolute priority; education is indispensable for the establishment of an universal culture of peace; the prohibition of war propaganda and the prohibition of incitement to hate and violence; the recognition of that human rights are inalienable, universal, indivisible and interdependent; the constant and progressive degradation of the environment and about the need and obligation to ensure to present and future generations a life in peace and in harmony with nature; to peace is a general principle of international law the recognition of peace as a general principle of international law; the manufacture of weapons, the arms race and the excessive and uncontrolled traffic; the concern by gross and systematic violations committed in peace times; the contribution of women to peace processes; structural violence incompatible with peace; the need that peace is based on justice, redress and truth; the recognition of that impunity is incompatible with peace and justice; the impunity and the increasing activities of mercenaries and private military and security companies; the need to establish an international migration regime as a matter of urgency; and the recognition of all peace movements and ideas that have marked over the history of humankind, which have recently crystallized in major contribution. See at www.aedidh.org/sites/default/files/Santiago-Declaration-en.pdf (english) and www.aedidh.org/sites/default/files/DS.pdf 24 marzo 11.pdf (spanish).

“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”.

Art. 2. Right to human security

New paragraph 7 bis:

“Freedom from want implies the enjoyment of the right to sustainable development and of economic, social and cultural rights, particularly the rights set forth in Art. 9.2 of this Declaration”.

Art. 3. Right to disarmament

A new paragraph on the recognition of gender mainstreaming as a major global strategy for the promotion of gender equality and disarmament.

A new paragraph on the impact of environment in the agreements on disarmament and arms limitations (UN Conference on Environment and Development).

Art. 4. Right to education on and for peace and all other human rights

Three additional dimensions, namely:

- gender approach to the peace education;
- peace education as means to halt racism or xenophobia and to promote human rights;
- relationship between peace education and children (Convention on the Rights of the Child).

Art. 5. Right to disobedience and to conscientious objection

Paragraph 1:

To be replaced by:

“Individuals, individually or as members of a group, have the right to civil disobedience and to conscientious objection against activities that entail a threat against peace”.

New paragraph:

“Individuals, individually or as members of a group, have the right to obtain conscientious objection status towards their military obligations”.

Three new paragraphs to be added at the end:

“Individuals, individually or as members of a group, have the right not to participate in, and to publicly denounce scientific research for the manufacture or development of arms of any kind”.

“Individuals, individually or as members of a group, have the right to object to participate in a working or professional capacity, and to oppose taxation for military expenditures connected with military operations in support of armed conflicts that violate international human rights law or international humanitarian law. States shall provide acceptable alternatives to tax payers who object to the use of their tax money for military purposes”.

“Individuals, individually or as members of a group, have the right to be protected in the effective exercise of their right to disobedience and conscientious objection”.

Art. 7. Right to resist and oppose oppression

A new paragraph to be added at the end:

“The glorification of violence and its justification as necessary to build the future and enable progress shall be prohibited by law”.

Art. 9 Right to development

Paragraph 4:

After "development", add "and human rights".

Art. 10. Freedom of thought, opinion, expression, conscience and religion

The proposed paragraph shall be replaced by three new paragraphs, namely:

“1. 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 favor of warlike or aggressive objectives.

2. 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 defense and promotion of the human right to peace, without interference by governments or by the private sector.

3. All peoples and individuals have the right to be protected against any form of cultural violence. To this end, persons should fully enjoy their freedom of thought, conscience, expression and religion, in conformity with international human rights law”.

Art. 11. Right to environment

A new paragraph to be added at the end:

“The use of weapons that 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”.

Art. 12. Rights of victims and vulnerable groups

To split in two Articles, as follows:

Art. 12. Right of all victims

“1. All victims of human rights violations have the right, without discrimination, to recognition of their status as such and to an effective remedy to protect them against violations of human rights, particularly of the human right to peace.

2. All individuals have an inalienable right, not subject to statutory limitations, to obtain justice in respect of gross violations of human rights, including the investigation and determination of the facts, as well as the identification and punishment of those responsible.

3. The victims of human rights violations, the members of their families and society in general have the right to know the truth, not subject to statutory limitations”.

4. (To keep Article 11.4 of the Santiago Declaration⁴).

Art. 12 bis. Groups in situations of vulnerability

1. (To keep Article 12.1 of the Santiago Declaration⁵).

2. (To keep Article 12.2 of the Santiago Declaration⁶).

3. (To keep Article 12.3 of the Santiago Declaration⁷).

4. (To keep Article 12.4 of the Santiago Declaration⁸).

5. (To keep Article 12.5 of the Santiago Declaration⁹).

⁴ “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”.

⁵ “All individuals share the same human dignity and have an equal right to protection. Nevertheless, there are certain groups in situations of specific vulnerability who deserve special protection. Among them are women in particular situations, children, victims of enforced or involuntary disappearances, persons with diverse physical or mental functionality, elderly persons, displaced persons, migrants, minorities, refugees and indigenous peoples”. The Secretary-General, in his report “women’s participation in peace building” of 7 September 2010 (A/65/354–S/2010/466), recognized that war widows may be targeted by relatives eager to intimidate rival claimants for the inheritance of deceased men’s property (paragraph 17). It follows that widows need special assistance in post-conflict situations (paragraph 12). Widows benefit from protection of the rights enshrined in the universal instruments for the protection of human rights, in particular CEDAW, ICCPR, ICESR and ICCR.

⁶ “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 assessed. States also 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”. In accordance with the Preamble of the Convention on the Rights of Persons with Disabilities, the principles proclaimed in the Charter of the United Nations recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world. The international movement of independent living, as seen by its advocates, is a philosophy, a way of looking at disability and society, and a worldwide movement of people with disabilities working for self-determination, self-respect and equal opportunities. The linkage between the international movement of independent living and the culture of peace can be found at the World Declaration of Santiago on the contribution of Persons with Disabilities to the Culture of Peace, adopted by civil society organizations at the Forum 2010, held in Santiago de Compostela (Spain) in December 2010. Please, see full text of the Declaration at <http://www.slideshare.net/solearnau/declaracin-mundial-compostela-2010>

⁷ “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”.

⁸ “All individuals deprived of their liberty have the right to be treated humanely; their right life, dignity and physical and moral integrity shall be respected. In case of children, detention shall be imposed exclusively as a last resort and be limited to exceptional cases. States shall ensure conditions of detention that promote rehabilitation and inclusion of persons deprived of their liberty, particularly children and youth, ensuring their education, training and general development”.

⁹ “The enforced or involuntary disappearance of individuals constitutes a crime against humanity. Their victims have the rights to the recognition of their detention, to regain their freedom and to obtain

6. (To keep Article 12.6 of the Santiago Declaration¹⁰).

Art. 13. Rights to refugee status and to emigrate

Paragraph 2 bis shall be added:

“All individuals have the right of freedom of movement and to emigrate if their right to human security or to live in a safe and healthy environment, as stipulated in this Declaration, is seriously threatened”.

Art. 14. Obligations and implementation

It should be divided into three Articles, namely:

Art. 14. Obligations for the realization of the human right to peace

1. (To keep Article 13.1 of the Santiago Declaration¹¹).
2. (To keep Article 13.2 of the Santiago Declaration¹²).
3. (To keep Article 13.3 of the Santiago Declaration¹³).
4. (To keep Article 13.4 of the Santiago Declaration¹⁴).
5. (To keep Article 13.5 of the Santiago Declaration¹⁵).
6. (To keep Article 13.6 of the Santiago Declaration¹⁶).

complete, effective, fair and adequate reparation”. The international community should pay special attention to the phenomenon of forced migration. It often connotes violent coercion, and is used interchangeably with the terms "displacement" or forced displacement. A specific form of forced migration is population transfer, which is a coherent policy to move unwanted persons, perhaps as an attempt at "ethnic cleansing". Forced migration has accompanied persecution, as well as war, throughout human history but has only become a topic of serious study and discussion relatively recently.

¹⁰ “Indigenous peoples have all the rights guaranteed to them by international human rights law, particularly the right to live on their lands, to enjoy their natural resources and to the effective protection of their cultural heritage”.

¹¹ “The effective and practical realization of the human right to peace necessarily entails duties and obligations for States, international organizations, civil society, peoples, individuals, corporations, the media and other actors in society and, in general, the entire international community”.

¹² “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 realise the purposes and principles proclaimed in the UN Charter”.

¹³ “States shall take all the necessary measures for ensuring development and protection of the environment, including disaster preparedness strategies, as their absence poses a threat to peace. 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”.

¹⁴ “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”.

¹⁵ “Effectiveness of the United Nations should be further enhanced in its dual functions of preventing violations and protecting human rights and human dignity, including the human right to peace. In particular, it is for the General Assembly, the Security Council, the Human Rights Council and other competent bodies to take effective measures to protect human rights from violations which may constitute a danger or threat to international peace and security”.

7. (To keep Article 13.7 of the Santiago Declaration¹⁷).

8. (To keep Article 13.8 of the Santiago Declaration¹⁸).

Art. 15: Establishment of the Working Group on the Human Right to Peace

“1. A Working Group on the Human Right to Peace (hereinafter called “the Working Group”) will be established. It will be composed of ten members who will have the duties set forth in Article 16.

2. The Working Group will be composed of experts from the Member States of the United Nations who will carry out their duties with complete independence and in a personal capacity”.

3. Criteria for the elections of experts (To keep article 14.3 of the Santiago Declaration)¹⁹.

4. (To keep Article 14.4 of the Santiago Declaration²⁰).

“5. The experts will be elected for four years and may be re-elected only once.

6. Half of the Working Group will be renewed every two years”.

Art. 16. Functions of the Working Group

(To keep Article 12.6 of the Santiago Declaration²¹).

¹⁶ “The United Nations system must engage in a thorough and effective manner, through the United Nations Peace-building Commission, in cooperation with other entities of the United Nations and relevant regional and sub-regional organizations, in the elaboration of integrated strategies for peace and for the reconstruction of affected countries following the end of armed conflicts. Such strategies must ensure stable sources of financing and effective coordination within the United Nations system. In this context, the effective implementation of the Program of Action for a Culture of Peace is underscored”.

¹⁷ “Any military action outside the framework of the UN Charter is unacceptable, constitutes a most grave violation of the principles and purposes of the UN Charter, and is contrary to the human right to peace. The so-called “preventive war” constitutes a crime against peace”.

¹⁸ “In order to better guarantee the human right to peace, the composition and procedures of the Security Council shall be reviewed so as to reflect and better ensure the representation of today’s international community. The methods of work of the Security Council must be transparent and allow a meaningful participation in its debates by civil society and other actors”.

¹⁹ “a.-) The experts shall be of high moral standing, impartiality and integrity, and show evidence of long and sufficient experience in any of the spheres stated in Part I of this Declaration; b.-) Equitable geographical distribution and representation of the different forms of civilization and of the main legal systems of the world; c.-) There shall be a balanced gender representation; and d.-) There may not be two experts nationals from the same State”.

²⁰ “The members of the Working Group will be chosen by secret ballot at a session of the United Nations General Assembly from a list of candidates proposed by the Member States and by civil society organizations. The ten candidates who obtain the highest number of votes and a two thirds majority of the States present and voting will be elected. The initial election will take place at the latest three months after the date of adoption of this Declaration”.

²¹ “1. 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: a.) To promote worldwide observance and awareness of the human right to peace, acting with discretion, objectivity and independence and adopting an integrated approach which takes account of the universality, interdependence and indivisibility of human rights and the overriding need to achieve international social justice; b.) To promote worldwide observance and awareness of the human right to peace, acting with discretion, objectivity and independence and adopting an integrated approach which takes account of the universality, interdependence and indivisibility of human rights and the

Final provisions

(To keep the provisions contained in the Santiago Declaration²²).

overriding need to achieve international social justice; c.) 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; d.) To address, when it considers it appropriate, 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, in accordance with Part I of this Declaration. The States shall give due consideration to those recommendations and appeals; e.) To carry out in loco investigations concerning violations of the human right to peace and to report to the pertinent bodies; f.) 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, as defined in Part I of this Declaration; g.) To present an annual report of its activities to the General Assembly, the Security Council and the Human Rights Council, in which it will include the conclusions and recommendations it may be considered necessary to the effective promotion and protection of the human right to peace, paying special attention to situations linked to armed conflicts; h.) To prepare for the attention of the General Assembly a draft international convention on the human right to peace with a mechanism for monitoring inter alia States compliance with its full and effective implementation. The future conventional mechanism and the Working Group shall coordinate their mandates to avoid duplicating their activities; i.) To approve by a majority of its members the working methods for the regular functioning of the Working Group, which shall include inter alia rules on the appointment of its Bureau, as well as the procedure for the adoption of decisions and recommendations.

2. The Working Group shall have its seat in New York and hold three ordinary sessions per year, as well as any extraordinary sessions to be determined in accordance with its working methods. The Working Group shall have a permanent Secretariat which will be provided by the UN Secretary General. The expenditures of the Working Group, including those associated with in loco investigations, shall be financed as part of the regular budget of the United Nations”.

²² “1. No provision of this Declaration may be interpreted as meaning that it confers on any State, group or individual any right to undertake or develop any activity, or carry out any act contrary to the purposes and principles of the United Nations.

2. The provisions of this Declaration shall apply without prejudice to any other provision more propitious to the effective realization of the human right to peace formulated in accordance with the domestic legislation of States or stemming from applicable international law.

3. All States must implement in good faith the provisions of this Declaration by adopting relevant legislative, judicial, administrative, educational or other measures necessary to promote its effective realization”.