

Speech by Mona Zulficar, Chairperson of the Drafting Group on the Right to Peace, before the Open Ended Working Group on the Right to Peace

- The right to peace/^{has been} underscored in the Charter of the UN, together with security as a common purpose, a principle and a foundation for dispute settlement, and recognized explicitly by the GA as a sacred right of all peoples, affirmed in several GA resolutions, CHR resolutions and HRC resolutions as well as in several human rights treaties and conventions.
- In our work at the AC, we have faced ^{many challenges} and addressed differences on the meaning and scope of the right to peace, positive peace and/or negative ^{Ref} peace, collective ^{at} or individual rights, and issues of justiciability ^{of the Ref} as a norm of international law, in addition to political differences which can be inferred from the abstention/dissent votes. We have navigated through deep waters and worked hard to produce a draft that is balanced, comprehensive yet concise by determining the boundaries and focusing on the principal issues, rather than an all inclusive document, and finally a draft that would constitute an effective building block in standard setting for the right to peace and the implementation of human rights ^{and judicial} in general. I would like here to particularly recognize my colleague ^{now} Prof. Wolfgang Heinz ^{judicial} the Rapporteur of our Drafting Group.
- The AC in its draft declaration examined all literature available and consulted with all stakeholders, notably governments of member states, international organizations, academia and civil society organizations. Particular mention should be made to the four year campaign lead by the Spanish Society for International Human Rights Law and its Santiago Declaration of 2010.
- Despite the differences, there is growing consensus that the right to peace, we are seeking to codify, ^{we must} does not only include negative peace (absence of direct physical violence or war) ^{violence is a part of} but also positive peace which addresses the conditions for just and ^{justiciable} sustainable peace and enables building an environment conducive to social justice, respectful of human dignity and ^{governance}

covers principal issues and components of the right to peace

protective of all human rights. There is growing consensus that although the right to peace manifests itself as a collective right of peoples in the context of inter-state relationships, the right of each individual to peace is undeniable as a condition for the enjoyment of the right to life and an enabling right to enjoy all other civil, political, economic, social and cultural rights. Significant jurisprudence during the last decades has addressed many components of the right to peace at the regional and international levels.

- *On draft declaration you headed that we hope it will serve as a basis for the codification process*
I would like to focus on three issues in the draft declaration.
- Human security is an important positive element of the right to peace that addresses structural violence and includes freedom from fear and from want. Freedom from fear includes the right to be protected from violence, war crimes, genocide and crimes against humanity and also freedom of thought, conscience, opinion, expression, belief and religion. Freedom from want includes the right to be free from poverty, exclusion, unequal opportunities, unemployment and other endemic and systemic social injustices which give rise to disruption of peace both at the international and domestic levels. Addressing structural imbalances, allocating more of the budgets for development rather than for military purposes, ensuring accountability and remedies to victims would definitely be conducive to an environment that is more respectful and protective of human rights.
- The second issue relates to the gender perspective of the right to peace both positive and negative. We have emphasized the need to encourage and sustain representation of women in all decision making positions, in national, regional and international institutions, as well as the role of women in preventing, management and peaceful settlement of disputes as well as their contribution to building and maintaining peace after conflicts.
- Women are the primary victims of violence both during wars and conflicts and also of endemic injustices during peaceful times and should be equal partners in the struggle for the right to peace in its negative and positive dimensions. What I would like to recommend is that the gender

armed conflict

perspective of the draft declaration should be underscored and strengthened.

- Finally nothing is more important than ensuring monitoring and implementation. The international community and certainly men and women in various villages and corners of the world do not need a new document to be added to the hundreds of human rights heritage without concrete results. Human life and dignity is being violated every day and every minute through violence, wars and endemic injustices. An effective accountability mechanism would be instrumental for ensuring that the right to peace is respected, protected and enjoyed by all peoples and individuals.
- Although the AC has not specifically recommended an accountability mechanism, I would like to invite you to consider favorably the mechanism provided in the Santiago Declaration.
- OEIGW Groups have previously succeeded in codifying and setting standards for significant human rights, like the rights of the Child, migrants, human rights defenders, torture and human rights education. Many components of the right to peace have been covered in the ICCPR and ICESCR. Yet, you have this time, in the context of codifying the right to peace, a golden chance to address not only the prevention of wars and various forms of violence, ^{and armed conflict} but also structural violence, its underlying causes and to focus on the imbalances and the endemic injustices that render peace unjust and definitely not sustainable, in the context of codifying the right to peace. We at the AC stand ready and eager to participate and assist your Working Group in any way deemed helpful to your valuable work.

Thank you.