

Comentarios generales del GRULAC en la primera sesión del Grupo de Trabajo intergubernamental sobre el derecho a la paz. Ginebra, 18 de febrero de 2013.

Señor Presidente:

El GRULAC lo felicita por su elección para presidir este grupo de trabajo. Estamos seguros de que su habilidad, experiencia y dedicación le permitirán conducir nuestras labores a feliz término.

Señor Presidente:

Iniciamos hoy una nueva etapa del proceso que intenta poner en su justo lugar a la paz en el disfrute de todos los derechos humanos, en particular el derecho a la vida.

Consciente de la trascendencia del tema, la comunidad internacional, junto a miles de organizaciones no gubernamentales, ve con expectativa y apoya estas labores.

Nos corresponde ahora negociar y alcanzar acuerdos convenientes para todos los actores, incluyendo la sociedad civil.

Señor Presidente:

El GRULAC alienta a todas las delegaciones a involucrarse activamente en los trabajos de este grupo.

El GRULAC le ratifica su disposición de dialogar con usted y las demás delegaciones. Cuento con nuestra cooperación y le deseamos éxitos en su tarea.

Muchas gracias.

1ª sesión del Grupo de Trabajo sobre el Derecho a la Paz

Intervención del Representante Permanente del Perú

Ginebra, 18 de febrero de 2013

Señor Presidente,

Mi gobierno tiene la firme convicción que es necesario efectuar todos los esfuerzos necesarios para elevar los niveles internacionales de protección en materia de los derechos humanos en beneficio de nuestros propios ciudadanos. Esta es una política del Estado peruano que hace que nuestra participación en los foros internacionales busque generar condiciones para que los estándares de protección sean cada vez mayores. Así hemos apoyado constantemente el desarrollo progresivo del derecho internacional de los derechos humanos.

El Perú es asimismo un país de paz. Orgullosamente pertenecemos a una zona de paz como es América del Sur, región en la que constantemente promovemos el desarme y las medidas de fomento de la confianza.

La vinculación entre los derechos humanos y la paz se impone por sí sola, pues el goce de los derechos humanos resulta imposible si no vivimos en paz. Es por ello que la preservación de paz es el objetivo fundador y fundamental de nuestra organización. Sin embargo, la paz no es sólo la ausencia de guerras o conflictos, sino un estado de cosas que requiere de un proceso participativo positivo y dinámico, que aliente el diálogo para que los conflictos sean resueltos en un espíritu de comprensión y cooperación mutuas.

Existe en nuestra región, América Latina y el Caribe, una feliz convergencia entre la preservación de la paz y la promoción de los derechos humanos. Por eso debo saludar la elección de un latinoamericano como Presidente de este Grupo de Trabajo. Pero además me felicito de que sea usted, Embajador Guillermet, cuyas credenciales diplomáticas todos conocemos, quien en representación de su país, Costa Rica, presida los trabajos que hoy comienzan. Sabe que cuenta con todo nuestro apoyo.

Una manifestación concreta de ese apoyo es nuestro acuerdo con la metodología propuesta por usted, en el sentido de efectuar, durante esta primera sesión del Grupo de Trabajo, una lectura completa del proyecto de Declaración preparado por el Comité Asesor, con miras a identificar tempranamente aquellas cuestiones que son susceptibles de alcanzar temprano consenso, de aquellas que requieren mayor atención.

Con miras a esa lectura, quisiera señalar que el Perú considera que una Declaración sobre el Derecho a la Paz como derecho humano no puede ser concebida bajo el paradigma tradicional centrado en los derechos de los individuos, sino más bien como un conjunto de obligaciones que los Estados y otros actores asumen en favor de la paz.

Señalo expresamente al Estado y a otros actores porque la construcción de la paz sólo puede ser lograda con el esfuerzo mancomunado en todos los niveles de la sociedad humana. Incumbe a los Estados una responsabilidad especial, pero también resulta de la mayor importancia la contribución de las organizaciones internacionales, de la sociedad civil y de los propios individuos en la consecución de este objetivo.

Esta asociación entre el Estado y otros actores ha demostrado ser sumamente efectiva en el ámbito de la promoción de los derechos humanos, el derecho humanitario y la preservación de la paz y la seguridad. La eliminación de las municiones de racimo y de las minas antipersonal, por ejemplo, en los procesos de Oslo y Ottawa, no hubiese sido posible sin esta aproximación moderna, en la que a los individuos y a los actores no estatales se les reconoce su cuota de responsabilidad en la consecución del objetivo común de preservar a los ciudadanos de ser víctimas de violaciones de sus derechos fundamentales.

Con estos breves comentarios preliminares, le deseo señor Presidente la mejor de las suertes en la conducción de nuestros trabajos, y le reitero el pleno apoyo de nuestra delegación en todos sus esfuerzos.

Muchas gracias, señor Presidente.



Mission Permanente de la République de Côte d'Ivoire auprès des Nations Unies, de l'Organisation Mondiale du Commerce et des autres Organisations Internationales à Genève.

DECLARATION DE LA DELEGATION DE LA COTE D'IVOIRE

PREMIERE SESSION DU GROUPE DE TRAVAIL SUR LE DROIT A LA PAIX

Genève, le 18 février 13

Mesdames et Messieurs,

Ma délégation se félicite de la tenue de la première session de ce Groupe de travail sur le Droit à la paix et reste confiante que les travaux de cette session marqueront le début de progrès significatifs dans la problématique du maintien de la paix dans le monde.

Si nous tenons pour acquis que tout être humain est en droit d'attendre protection, sécurité et quiétude de la société dans laquelle il vit et que le manque de sécurité et de paix peuvent constituer dans certains cas une atteinte à un droit fondamental de l'homme qu'est le droit à la vie, force est de reconnaître que la question de la codification du droit à la paix mérite d'être suivie et appuyée avec un plus grand intérêt au sein de hautes instances telles que les Nations Unies.

Car que d'initiatives pour faire barrage aux dérives incontrôlables et parfois meurtrières occasionnées par les conflits qui ont conduit à la création d'organisations internationales, régionales, sous - régionales et même nationales à vocations multiples, qui ont notamment pour rôle :

- d'empêcher les conflits ainsi que leurs escalades qui peuvent mener au génocide, ou à des crimes contre l'humanité;
- de veiller à la consolidation de la paix pour résoudre des conflits où ils sont arrivés;
- d'autoriser la mise sur pied et le déploiement de missions de support et d'assistance à la paix et fixer les conditions générales pour la conduite de telles missions, y compris leur mandat.

Cet objectif de recherche de la paix a également conduit à l'élaboration d'instruments et autres conventions internationales, continentales et régionales pertinentes dont l'harmonisation permettrait de coordonner les efforts aux niveaux régionaux et continentaux.

La coordination et la coopération entre les Mécanismes Régionaux pour la promotion et le maintien de la paix et la sécurité permettrait d'établir un équilibre mondial et la stabilité notamment en Afrique, notre continent qui entend promouvoir et développer un fort " partenariat pour la paix et la sécurité entre son organisation sous - régionale, l'Union Africaine, les Nations unies et ses agences, aussi bien qu'avec d'autres Organisations Internationales pertinentes.

Finalement, l'objectif poursuivi par toutes ces entreprises vise à une pérennisation de la paix sur une période donnée, le conflit étant inhérent à toute vie en société.

Mesdames et Messieurs,

Ma délégation est d'avis qu'à ce jour, point n'est besoin de passer en revue les violences répétées et prolongées contre des populations dans le contexte de conflits armés, pour se convaincre de la nécessité de promouvoir le droit de la paix car la paix et la sécurité constituent sans aucun doute le fondement de tout Etat de droit et servent de base pour promouvoir et protéger les droits des personnes vulnérables de part le monde.

Dans cette optique, la caractéristique unique du droit à la paix est qu'il fournirait un contenu aux Nations Unies expliquant clairement les engagements principaux des États membres en vue d'appréhender ultérieurement la notion de culture de la paix, non seulement comme une réaction contre la guerre et le conflit, mais aussi comme un moyen pour éliminer toutes les formes de violence contre les personnes dans les cas de conflit ainsi que l'utilisation de la violence sur les personnes vulnérables comme une arme de guerre.

Mesdames et Messieurs,

Au regard de ce qui précède, ma délégation estime que la contribution de tous et de chacun pour promouvoir le droit à la paix est d'une importance capitale.

Développer et exécuter des initiatives externes et communes dans le domaine de la paix et la sécurité qui mettraient la priorité sur la prévention des conflits, ainsi qu'à la promotion de pratiques démocratiques, la bonne gouvernance, l'État de droit, la protection de droits de l'homme et des libertés fondamentales, tel devrait être les prochains défis communs sur lesquels se focaliseraient les États membres des Nations Unies.

Je ne saurais clore mon propos sans souhaiter un plein succès aux travaux de cette session.

Je vous remercie pour votre attention.

**INTERVENCIÓN DEL DELEGADO DE CUBA, JUAN ANTONIO
QUINTANILLA ROMÁN, EN EL GRUPO DE TRABAJO
INTERGUBERNAMENTAL SOBRE EL DERECHO A LA PAZ.
GINEBRA, 18 DE FEBRERO DE 2013.**

Señor Presidente:

Le felicitamos por su elección para presidir este grupo de trabajo. Conocemos las dificultades y obstáculos que deberá enfrentar durante todo el proceso. Sin embargo, confiamos en sus habilidades, experiencia y liderazgo para conducir nuestras labores y llevarlas a feliz término.

Deseamos también reconocer los esfuerzos de la Secretaría para organizar esta sesión.

Señor Presidente:

Cuba reafirma el derecho a la paz como una condición fundamental para el disfrute de todos los derechos humanos, en particular el derecho a la vida. En virtud de la Declaración Universal de los Derechos Humanos, toda persona tiene derecho a un orden en el que todos los derechos puedan ser plenamente realizables. La paz es, sin lugar a dudas, un componente esencial de ese orden.

Convencida de la trascendencia del tema, Cuba ha liderado un creciente movimiento en favor de la codificación del derecho a la paz. En su empeño ha contado con el apoyo de la inmensa mayoría de la comunidad internacional y miles de organizaciones no gubernamentales. La acción conjunta ha hecho posible adoptar varias resoluciones sobre el derecho a la paz en el Consejo de Derechos Humanos y la Asamblea General.

Lamentablemente algunos países cuestionan la existencia del derecho a la paz, al tiempo que promueven guerras e intervenciones en varias regiones del Mundo.

Reiteramos la necesidad de que todos se involucren en este proceso, que resulta ya imparable.

Invitamos a todos los países, incluyendo aquellos que no reconocen este derecho, a participar activa y constructivamente en la negociación del proyecto de declaración sobre el derecho a la paz.

Señor Presidente:

Permítame ahora realizar algunos comentarios generales sobre el proyecto de declaración que examinaremos en esta sesión.

Creemos que debemos apegarnos al propósito inicial de este proceso, es decir, reafirmar el derecho a la paz, en particular el derecho de los pueblos a la paz, como precondition para el disfrute de todos los derechos humanos.

Estamos convencidos de la necesidad de que la declaración resulte lo más breve y balanceada posible. Su contenido debe estar guiado por el derecho internacional, incluyendo la carta de las Naciones Unidas y deben evitarse referencias irrelevantes para el derecho a la paz.

Al mismo tiempo, el preámbulo del proyecto actual es muy débil y no refleja importantes y necesarios elementos incluidos en las resoluciones adoptadas por la Asamblea General y el Consejo de Derechos Humanos.

Señor Presidente:

Identificar elementos aceptables para todos resulta esencial en este proceso. La utilización de temas controversiales, ambiguos e indefinidos, que además no gozan de un consenso internacional y que aún se encuentran bajo estudio y debates en otros foros, sería contraproducente y complicaría más nuestro mandato.

En correspondencia con lo anterior, debemos excluir del texto temas controversiales como seguridad humana, responsabilidad de proteger, objeción de conciencia al servicio militar, las operaciones de mantenimiento de la paz, refugiados, entre otros.

Somos del criterio que el proyecto actual de declaración se adentra en temas irrelevantes para el derecho a la paz. También ofrece muchos detalles sobre asuntos que corresponden a otros foros. En esos casos, y como principio, deben tratarse de manera general.

Otras temáticas como las compañías militares y de seguridad privadas, el derecho al desarrollo, el medio ambiente o la educación para la paz, pudieran ser reforzados.

Señor Presidente:

Permítame destacar un tema de particular importancia. La declaración debe tener énfasis en el derecho a la paz a nivel internacional. Al tiempo que reconocemos la necesidad de incluir referencias a la paz en el ámbito nacional, reafirmamos que esta debe hacerse sin interferencias en los asuntos domésticos como la democracia o la defensa nacional, por solo citar dos ejemplos. No se trata de soslayar la relación entre los niveles internacional, regional y nacional. Se trata de concederle al texto el necesario balance tal como lo tiene la Carta de las Naciones Unidas.

Señor Presidente:

Estos son los comentarios generales que deseamos realizar. Durante la sesión realizaremos otros y esperamos presentar propuestas concretas sobre el texto.

Reiteramos la invitación a todos para que se involucren en el proceso de negociación. A usted le aseguramos nuestra cooperación y voluntad de trabajar para avanzar hacia el cumplimiento de nuestro mandato. Le deseamos éxitos.

Muchas gracias.

US

2/18/13



Thank you Mr. Chairperson.

We appreciate this opportunity to provide further views both on the establishment and work of this Inter-Governmental Working Group and on its subject, the possibility of elaborating a Declaration on a "right to peace." As most of you know, the United States voted against the establishment of this working group. I'd like to explain several of the reasons why:

First, we do not recognize the existence of a "right" to peace. The United States is deeply concerned whenever conflict erupts. We work assiduously in our diplomacy at the Security Council and bilaterally to resolve conflicts or prevent them before they can erupt, and we believe human rights and peace are closely related. Indeed, in the words of the UDHR, "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." But the proposed "right" is neither recognized nor defined.

Second, our concern isn't solely that the "right" to peace is unrecognized right now. Our concern is also with efforts to create such a right. We are worried that such efforts not only would be unproductive, but could do serious damage. As we will explain in more detail over the coming days, in many cases, the issues that the draft Declaration purports to address are already addressed in other, more appropriate forums, some under the Human Rights Council, and some not. By way of example of issues that are addressed outside the Council, arms control issues are, for instance, already being addressed at the Conference on Disarmament and in the Arms Trade Treaty talks. Peacekeeping is more appropriately addressed at the Security Council. "Peace education" is already addressed by UNESCO. And with respect to issues already under discussion in the Council, we would point out, for instance, that the draft Declaration has a provision on the right to development, which is the subject of its own HRC Working Group. We see a real risk that discussions on a "right" to peace could duplicate if not undermine these different existing processes.

Third, we have a fundamental concern with some of the ideas that have long been connected with discussions on the "right to peace." Among them, the draft Declaration asserts that the right to peace is held by "peoples," when the UDHR and other foundational documents accord human rights to individuals, not groups or nations. Further the draft Declaration sometimes appears to suggest that the "right to peace" includes and subsumes a range of existing human rights, some of which are universally recognized and are not subsets of the right to peace and others of which do not exist and add little value to the civil, political, economic, social, and cultural rights that are foundational to the humanity and dignity of each person. By way of example, the draft Declaration includes the "right to live in a world free of weapons of mass destruction," Article 3(3), "the right to have the resources freed by disarmament allocated to ... the fair redistribution of natural wealth," Article 3(5), the "the right to the elimination of obstacles to the realization of the right to development such as the servicing of unjust or unsustainable foreign debt burden and their conditionalities, or the maintenance of an unfair international economic order," Article 9(3).

While some of these may be important national objectives, defining them as rights -- which an individual may assert against a State and for which he or she may seek a remedy for violations -- wholly inconsistent with and may risk eroding the international framework of universal human rights guaranteed to individuals.

Additionally the Declaration appears to envision roles for different UN entities that may be inconsistent with the arrangements set out in the UN Charter.

We would also like to take the opportunity to say a word about this Working Group. While we are participating in the Working Group to explain our views on this issue, and appreciate the Chairperson's efforts to bring everyone to the table and willingness to listen to all perspectives, our presence here should not be mistaken for agreement to negotiate a Declaration on the Right to Peace. We have listened with interest to what the Chairperson has said on this subject and are pleased that he does not wish the next three days to be a negotiation, either. Indeed, I want to be clear that we are not prepared to engage in such negotiations.

That said, we would offer the following brief preview of positions that we may take later this week:

As noted above, there are a number of issues addressed by the draft Declaration that are properly addressed in other forums. These issues include disarmament and peacekeeping and refugees and migration. There are also a number of issues addressed by the draft that are already under discussion in the Human Rights Council -- and indeed in many cases are due for further discussion either in the coming weeks at HRC22 or later this year. Included in that category are the right to development and the environment. Finally, there are also issues where certain aspects of the issue are under discussion at the international level, including at the HRC, while other aspects are more appropriate for domestic regulation. And I would put PMSCs in that category. None of these are suitable for discussion in this Working Group.

On the other hand, we do agree with those delegations that argue that the promotion and protection of existing human rights can make a profound contribution to peace. For instance, protecting the right to freedom of expression can make a society more stable. As former Secretary of State Clinton has said, "[e]ach time a reporter is silenced, or an activist is threatened, it doesn't strengthen a government, it weakens a nation." But we don't think the right answer here is to draft a new Declaration that seeks to convert peace from a fundamental objective of our country and of the UN into a new human right. Rather, recognizing the links between the promotion and protection of human rights, on the one hand, and peace, on the other, we should instead all strive to ensure our own respect for our human rights obligations and seek to learn from each other on how to strengthen that link between respecting those obligations and peace.



Statement by Sri Lanka at the first session of the Inter-Governmental Working Group on the Right to Peace

Mr. Chair,

Sri Lanka at the outset wishes to congratulate you for being elected as Chair of this open ended Intergovernmental Working Group on the draft UN declaration on the Right to Peace, and for chairing its first session. My delegation wishes you success, and is confident that you would ably steer this Working Group through this challenging task.

Sri Lanka supports the process of codification of the right to peace, which enjoys the support of the majority of the international community, including civil society. Peace is a precondition to the enjoyment of all other rights. We wish to recall in this regard the General Assembly resolution 39/11 of 12 November 1984 which proclaimed that 'the peoples of our planet have a sacred right to peace', and the UN Millennium Declaration of September 2000 which proclaimed the determination 'to establish a just and lasting peace all over the world in accordance with the purposes and principles of the Charter.'

We are also encouraged that the Human Rights Council, which in several resolutions, clearly reaffirmed the right to peace as a sacred right of peoples and individuals. Sri Lanka has been a co-sponsor of resolutions, 17/16 of 17 June 2011 and 20/15 of 17 July 2012, which led to the establishment of this Working Group on the right to peace. As a nation that has been denied peace for over 3 decades due to a ruthless terrorist

conflict, Sri Lanka applauds this initiative of the Council to attempt to progressively negotiate a draft UN declaration on the right to peace.

The right to peace is universal, indivisible, interdependent and interrelated. Furthermore, peace and security, development and human rights are the three pillars of the United Nations system and the foundations for collective security and well-being. All states are therefore bound to promote the establishment, maintenance and strengthening of an international system based on respect for the principles enshrined in the UN Charter and the promotion of human rights and fundamental freedoms, including the right to development.

The ever-increasing gap between the developed and developing countries, the north and the south, pose a major challenge to the enjoyment of the right to peace. Education in this regard, is an important tool that can foster the realization of the right to peace.

Allow me Mr. Chair, to provide a brief elucidation below on my delegation's views on the draft declaration on the right to peace (A/HRC/20/31) submitted by the Advisory Committee:

1. It is our considered view that the draft declaration does not fit its own definition of 'comprehensive yet concise'. On the contrary, it is very broad in mandate and ambiguous in scope and content. It is not comprehensive, as it has excluded important issues such as terrorism, the countering and the absence of which are fundamental to the enjoyment of the right to peace. Regrettably, the draft declaration also appears to be a departure, rather than an expansion, of the original GA Declaration of November 1984, and the subsequent resolutions of the Council on the right to peace.
2. There is therefore a need to prepare a brief, concise and balanced text in conformity with the original purpose.
3. The draft declaration has attempted to 're-invent the wheel' by formulating new concepts and definitions, whereas it should be guided by international law, basing itself on the UN Charter.

4. It contains undefined concepts and ambiguous language. The main objective of this Working Group should therefore be to eliminate these ambiguities in concept and language, and pave the way to an incremental process of constructive engagement on the content and language.
5. The pre-ambular paragraphs have failed to objectively reflect the importance of the preventive role of peace vis-à-vis human rights violations, and the complementary nature of the three main pillars of the UN.
6. The pre-ambular paragraphs have also excluded several issues addressed in the Council resolutions on the right to peace. It has for example, disregarded a wealth of positive language deposited at GA resolution 39/11, and relevant Council resolutions, namely 8/9, 14/3, 17/16, and 20/15), and above all the relevant articles in the UN Charter.
7. There are many elements which, in our view, are intrusive. Issues such as human security, responsibility to protect, conscientious objection to military service, peacekeeping, refugees and migrants, among others, should be excluded from the draft declaration, as these are topics on which the international community has not arrived at any agreement or mutual understanding, and indeed they are still under study and careful consideration in other fora.
8. It is necessary for the reference to war and the use of force in the draft declaration to specify the legal and legitimate exceptions for such use of force as established by the UN Charter including, article 51 on self defense and the use of force sanctioned by Chapter 7 of the UN Charter. It must acknowledge the importance of respecting the sovereignty/territorial integrity and political independence of sovereign States as established by the UN Charter. **In particular, with regard to Article 2(3), we propose to include the following in bold italics;**

... "If there is proof that States are unable to prevent these crimes from occurring within their jurisdiction or State mechanism has failed, they should call on Member States and United Nations to fulfill that responsibility, in keeping with the Charter of the United Nations and International Law."

9. My delegation has already noted that the rights of people and states to be **protected from terrorism**, including aggression posed by non-state actors, is an important element of the right to peace which is missing in the draft declaration, and reference should be made to this as a general principle. Mr. Chair, my delegation therefore recommends that the following language be inserted before the preambular paragraph which begins with, 'convinced that the prohibition

'Deeply concerned about the worldwide escalation of acts of terrorism in all its forms and manifestations.'

If there is a need to further elaborate the above, my delegation is pleased to provide further language on terrorism as follows:

Recalling the Declaration on Measures to Eliminate International Terrorism annexed to General Assembly Resolution 49/60 of 9 December 1994, in which, inter alia, the Member States of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States.'

10. We also need to keep in mind that the reference to **the right of peoples to self determination** is interpreted in core human rights instruments, without prejudice to full respect of sovereignty, national unity and territorial integrity of States, and is therefore subject to the relevant provisions of both International Covenants on Human Rights, i.e., the exercise of their inalienable right to full sovereignty over all their natural wealth and resources. It may be further noted

that the 1993 Vienna Declaration and Programme of Action affirmed the universal application of the right to self determination of people under colonial or other forms of alien occupation or foreign domination, and also specified, in conformity with the Declaration of principles, that the right would not be interpreted as dismembering the rights of territorial integrity and political unity of sovereign states. My delegation therefore proposes that this qualification be appropriately reflected in the draft declaration in order to provide the correct interpretation of the right to self determination.

11. Some proposed sections of the draft declaration delve into the details of work and substance discussed in other specialized fora, and here I refer to issues such as disarmament. Reference to these issues should remain as general principles that only highlight the basic relationship with the right to peace.

12. Other references in the draft declaration such as private military and security companies, the right to development, environment and peace education and training, need to be reinforced.

13. It is our view that the removal of sub-headers will also ensure the organic cohesiveness of the text and its logical flow.

In conclusion, Mr. Chair, we encourage all countries, including those that do not recognise the right to peace, to engage actively in the negotiations of the draft declaration on the right to peace.

Thank you.

18th February 2013

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**Working Group on the Right to Peace
General Statement – 18 February 2013
Statement by Australia**

Australia appreciates the opportunity to participate in this first session of the working group on the right to peace for the purpose of considering the Advisory Committee's draft declaration on the right to peace.

While Australia continues to have serious reservations about the need for a new declaration, we recognise the importance of engaging in the process to ensure a diversity of views and positions is heard.

Mr Chairman, Australia does not seek to deny the importance of the wide range of issues covered in the proposed declaration. However, the current draft raises a number of serious concerns:

- It contains a wide range of provisions that significantly expand upon or contradict existing international law;
- It includes elements which would be very difficult to implement; and
- As currently drafted it runs the risk of undermining ongoing processes and negotiations taking place in other, more appropriate, forums.

It is Australia's view that acknowledging a right to peace would overlook the fact that international law permits force to be used in certain circumstances – for example, in individual or collective self-defence and in situations where the Security Council has authorised the use of force under Chapter VII of the UN Charter. Crucially, the draft declaration does not address how the right to peace interacts with these fundamental norms of international law.

Similarly, it references and expands on rights covered by existing human rights treaties without accurately reflecting the permissible limitations that may exist on those rights under international law. To the extent that the draft provisions are intended to be restatements of existing obligations, it is Australia's view that they are unnecessary. The draft declaration also refers to a range of so-called rights that in Australia's view simply do not exist as a matter of international law.

Mr Chairman, thank you for the opportunity to put forward Australia's initial views on the draft declaration. We look forward to hearing the views and positions of other states.



**INTERVENCIÓN DE LA DELEGACIÓN DE LA
REPÚBLICA BOLIVARIANA DE VENEZUELA**

**GRUPO DE TRABAJO SOBRE EL DERECHO A LA PAZ
Primer período de sesiones**

GINEBRA, 18 DE FEBRERO DE 2013

Cotéjese al pronunciarse

La República Bolivariana de Venezuela expresa su satisfacción por el inicio de este Grupo de Trabajo, cuyo mandato otorgado por el Consejo de Derechos Humanos ha sido la codificación del derecho a la paz, la cual cuenta con un importante apoyo de la comunidad internacional, incluida la sociedad civil.

El verdadero disfrute del derecho a la paz, el logro de su efectiva aplicabilidad nos reúne nuevamente, para hacer frente a quienes hoy en día reivindican el derecho a hacer la guerra, su principal instrumento de dominación.

No hay posibilidad del ejercicio de los derechos fundamentales en medio de la guerra. Ninguna transformación socioeconómica puede dar resultado en el marco de una situación de conflicto; por lo que para asegurar la promoción y el ejercicio del derecho a la paz, es preciso agotar todos los esfuerzos que sean necesarios para la eliminación de cualquier amenaza de guerra; así como el cese de las que están en curso y que afectan gravemente la vida de millones de personas.

La construcción de una sociedad justa y amante de la paz es fin esencial del Estado venezolano, y así está consagrado en nuestra Constitución; y en ese sentido seguiremos apoyando y alentando estas iniciativas que constituyen verdaderos llamados a la paz; cuyas bases sin duda alguna descansan en los principios universales del empleo de medios pacíficos para la resolución de las controversias; la solidaridad y cooperación internacional; la autodeterminación de los pueblos y el respeto a su integridad territorial y soberanía; como únicas vías para alcanzar el pleno desarrollo; principios básicos establecidos en la Carta de las Naciones Unidas. Sólo bajo esas premisas estaremos en la capacidad de avanzar hacia la verdadera concreción del derecho a la paz.

Para finalizar, los pueblos comprometidos con la paz en el mundo, debemos apoyar y participar activamente en las labores de este Grupo de Trabajo para la redacción definitiva de una Declaración de Naciones Unidas sobre el Derecho a la Paz, como un importante y fundamental apoyo para la verdadera protección y promoción de los derechos humanos que aspiran los pueblos del mundo, a la luz de la intrínseca interdependencia de la paz, el derechos al desarrollo y los derechos humanos.

Muchas gracias.

SINGAPORE

POINTERS FOR GENEVA MISSION STATEMENT ON THE DRAFT DECLARATION ON THE RIGHT TO PEACE AT THE 1ST SESSION OF THE WORKING GROUP, 18 FEBRUARY 2013

- In respect of the Draft Declaration proposed by the Advisory Committee, Singapore has a lot of difficulties with it. We are concerned that it may give a dangerously simplistic, distorted and perhaps even misguided view of what might constitute the “right to peace”. Our reasons are as follows:
 - Firstly, the thematic areas proposed in the Declaration seem to have been arbitrarily picked. There is no clear legal basis for equating the right to peace with what seem to be core “standards” relating to international peace and security as well as areas of peace education, the environment, and victims and vulnerable groups. There is no agreement or international consensus on how such standards could be derived or could be taken as prerequisites to the proposed “right to peace”.
 - Secondly, many concepts of human rights proposed in the Draft Declaration are new and unheard of – such as a right to human security and a right to demand from a government the effective observance of the norms of international law. These proposed ‘rights’ lack clear definition and there is no international common understanding of what they entail. The inclusion of such new rights which lack conceptual clarity is unproductive and could have the unfortunate effect of rendering the Declaration a frivolous and futile exercise.
 - Thirdly, the Declaration should not include human rights concepts such as the proposed ‘right to conscientious objection to military service’. This ‘right’ must be considered within the broader scope of the circumstances and right of a sovereign State to defend itself and preserve its sovereignty. The inclusion of this proposed ‘right’ in the Declaration reflects an overly simplistic view of peace, and denies the right of a State to adopt the necessary and appropriate measures to ensure that its people can enjoy peace.
 - Lastly, many of the categories of rights reflected in this Draft Declaration are already being addressed by existing mechanisms at the international level. For example, the issue of climate change is already being dealt with under the United Nations Framework Convention on Climate Change and its accompanying institutions. The Draft Declaration should avoid duplication of the work of existing international institutions and

legal processes, as this would be counter-productive for the multilateral system as a whole.

- As the Draft Declaration as proposed by the Advisory Committee is philosophically and substantively problematic, we do not believe that it is conducive towards our objective of a coherent and meaningful Declaration on the Right to Peace.
- We should avoid a divisive text and strive towards one that builds consensus. It is not productive to conflate the right to peace with all other aspects of human rights. The document should be focused and succinct, and directed towards the elimination of the threat of war and aggression, the renunciation of the 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.

[Note: The proposed language in the last sentence above is largely drawn from General Assembly resolution 39/11 of 12 November 1984.]

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Open-ended Intergovernmental Working Group on a Draft United Nations Declaration on the Right to Peace, first session (18-21 February 2013)

Canadian Position

The goal of peace is a laudable one and indeed achieving peace is a fundamental aim of the United Nations and should always be a key focus of the international community. In Canada's view the protection and promotion of the core values of human rights and democracy are an integral part of achieving the goal of peace. This said, we must express serious concern about the project that this working group is undertaking.

Canada does not accept that a stand-alone "right to peace" exists under international law. As such we do not see the justification for negotiating a declaration on this concept. Peace is not a human right in and of itself. It is rather a goal that can be best realized through the enforcement of existing identifiable and distinguishable human rights. We are concerned that projects such as this declaration shift attention away from what should be the proper focus of the Human Rights Council – which is to ensure that states are meeting their international human rights obligations.

We have carefully studied the Advisory Group's draft declaration on the right to peace, and believe that it is a deeply-flawed document and should not serve as a basis for discussion or negotiation. It makes many assertions to rights which have no basis in international law, including the "right to peace" itself as well as other aspirational concepts such as the "right to live in a world free of weapons of mass destruction" (Article 3.3), the "right to a comprehensive peace and human rights education" (Article 4.1), and the "right to a safe, clean and peaceful environment" (Article 10). While we agree that pursuit of these aspirational goals are something to which all nations could strive, it would be disingenuous, and ultimately self-defeating, to try and assert legal obligations based on such amorphous concepts.

We also have concerns with the "exception" to peace provision, inherent in Article 7 and the "right to resist and oppose oppressive colonial, foreign occupation or dictatorial domination" (Article 7). We would note that these concepts are often subject to differing interpretations, making international standards extremely difficult to negotiate or enforce, and that the Declaration risks being used as a justification to take up arms.

Canada cannot support and will not take part in a negotiating process based on this draft document. Our non-participation should not be construed as acceptance of any of the specific provisions contained in the draft declaration. We are gravely concerned that the attempt to somehow transform vague aspirational goals into "rights" will actually result in diluting adherence to, and enforcement of, existing identifiable and distinguishable human rights that can be clearly applied to individuals and secured by law, such as those enunciated in the Universal Declaration of 1948 and in the ICCPR.

Canada will continue to work to achieve the goals of peace by protecting and promoting existing human rights and calling on the international community and this Council to hold to account those states that continue to violate human rights or tolerate human rights abuses.

Statement of the Arab Republic of Egypt

General Segment

1st Session of the Inter-Governmental Working Group on the Right to Peace

Mr. Chairperson,

Let me at the outset seize this opportunity to congratulate you, Mr. Chairman, on assuming your responsibilities, and ensure you of our full support to you in chairing the proceedings of this working group.

Ladies and Gentlemen,

Our gathering today marking the inauguration of the working group of the right to peace is a source of great optimism and inspiration, as it reflects the remarkable distance we walked so far in supporting the right of persons and people to peace, a right that naturally enjoys wide scale support among the majority of the international community of governments and civil society. The deliberations and outcome of the proceedings of this working group certainly constitute the most important juncture on our path towards the right to peace, as it shall open the way to finalize the process of codification of this right through a governmentally negotiated declaration that shall reflect the common position of the member states of the UN in this regard.

Peace is among the ultimate aims of the entire humanity, as well as an important pre-condition for protecting and promoting of human rights, and an effective preventive measures against the occurrence of human rights violations. Our work should be guided by the principle of interdependence and organic correlation between peace, human rights, and developments enshrined in the UN Charter. Our efforts in protecting and promoting human rights will never be complete in the absence of a fulfilled right to both peace and development.

Today we are not starting our work from zero level, but we are be guided with and building on a rich literature furnished to us starting from GA/RES/39/11 and a series of subsequent HRC resolutions up to HRC/RES/20/15, which all reaffirmed the right to peace as a sacred right to peoples and individuals and that the preservation and promotion of peace ^{is} a fundamental obligation of all states.

In accordance to HRC 20/15 the negotiations within the IGWG should be based on the draft presented by the Advisory Committee, without prejudice to any past present or future views. We take note of the draft at hand, and would like to deposit the following general remarks about it:

- There is a need for the draft to be in conformity with the original purpose of drafting a declaration in the first place, which is basically the reaffirmation of the right of individuals and peoples to peace, its importance as a pre-requisite to protecting and promoting human rights,

My country chose peace as a strategic and only choice, and faced a lot of challenges for this route, and for this reason and others we attach great interest & support for the right to peace file in U.N.

in accordance with the method decided by you which that can be built on

with peaceful settlement of disputes

and welcome some of its content that include quite positive elements

and in the light of the intrinsic interdependence of peace, development, and human rights. The declaration needs to be guided by international law, including and primarily with the UN charter, the purpose shall not and was never meant to re-write a new reference document.

Unfortunately, the draft declaration is ^{some} full of conceptual and structural misgivings, as well as considerable ambiguity in its vision regarding the purpose of the requested draft and hence the corresponding format of the document to be discussed. The main objective of this session, in our view, should be treating these conceptual and structural misgivings to pave the way later to constructive engagement on the level of content and language.

Among the major misgivings is using undefined, ambiguous and un-grounded concepts that lack any consensus in international law and International human rights law, and at some other times the draft uses the concepts inter-changeably and without providing a clear reference to their basis or background. This approach adopted by the draft unfortunately can prove to be counter-productive and may complicate the work entrusted with the working group. In the same vein, it was difficult for us to understand the rationale behind inserting issues and topics that do not have a slightest linkage to the purpose of the declaration and the right to peace; there would be a critical necessity to revisit these parts and to work to only retain the relevant content that serves the objective of the desired outcome of our work. *we further elaborate on this during the up coming days.*

On the other hand, some proposed sections delve into the details of the work and substance discussed in other specialized fora. Any reference to any of these issues, if necessary, should remain as general principles that only highlight the basic relationship with the right to peace.

The UN Charter and the UN in general were created to ^{primarily dedicated to the preservation of} preserve international peace and security. While bearing in mind the relationship between international and regional peace and domestic peace, the focus of the declaration should remain peace at the international level. The declaration needs to reflect this relation in a manner proportional and corresponding to the balance established within UN charter.

"Support The need to remove the sub-headers to ensure the organic cohesiveness of the text and its logical flow. The current headings give the impression that they are repeating or copying and pasting from other sources."

Finally, we like to welcome and congratulate all the partners who decided to engage with the work of the working group, and express our aspirations for constructive and non-politicized deliberations that take us further steps ahead on the course of the right to peace.

I Thank you.

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PERMANENT MISSION OF THE REPUBLIC OF KOREA
GENEVA

The First Session of the IGWG
on the Draft Declaration on Right to Peace
Geneva, 18 February, 2013

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Statement of the Republic of Korea

Thank you, Mr. Chairman,

I would like to express my sincere appreciation to you for the realistic and flexible approach you have taken in your tasks as chairman of the first session of the Inter-Governmental Working Group.

Mr. Chairman,

The Republic of Korea shares the view that the protection and promotion of human rights is a fundamental basis for the maintenance of peace around the world. We also agree that there are close correlations between peace and such issues as human security, disarmament, development, environment, and the protection of refugees which are incorporated in *the Draft Declaration on the Right to Peace* proposed by the Human Rights Council Advisory Committee.

However, the Republic of Korea must reiterate its opposition to the *Declaration on the Right to Peace* itself, primarily for the three following reasons;

First, it is difficult for us to come to an understanding of how the *Draft Declaration on the Right to Peace* proposed by the Advisory Committee suggests a clear-cut definition on the *Right to Peace* as a specific right. We are of the view that the *Draft Declaration* simply introduces a broad concept of the *Right to Peace* by touching on and binding many disparate issues to peace and human rights instead of establishing a clear definition of a new right in and of itself.

Second, we are unable to recognize the *Right to Peace* as both an individual and a collective right. While the *Draft Declaration* seeks to define the *Right to Peace* as an individual right as well as a collective one and thus obliging Governments of the Member States to implement and promote it, we believe it is impossible to draw a substantive right and obligation from the present concept of *Right to Peace* as it remains vague and ambiguous.

Third, it is our firm belief that, in order to ensure maximum efficiency of the UN institutions including the human rights mechanisms, redundant discussions should be avoided. Any redundancy

will hamper the sincere efforts made by the UN institutions and the human rights mechanisms to reduce their cost and improve their overall efficiency and effectiveness. Most of the issues included in the *Draft Declaration* are being discussed within the relevant institutions and mechanisms, each of which has their own special competencies. Taking this aspect into consideration, we believe the concept on the *Draft Declaration on Right to Peace* is still vague and that the debate represents a duplication of what is already being carried out. Furthermore, we believe it is not appropriate to consider the establishment of a special procedure.

Mr. Chairman,

The Republic of Korea would like to request to you that its aforementioned positions be duly reflected in your report to the Human Rights Council.

Thank you, Mr. Chairman. /End/

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Statement of Indonesian Delegation
For the First Session of the Intergovernmental Working Group on a Draft UN Declaration on the Right to
Peace
18-21 February 2013

Thank you Chair,
Mr. Chairman,

1. My delegation welcomes the convening of the first session of the Intergovernmental Working Group on a draft UN Declaration on the right to peace. My delegation would also like to commend the role of the Chair in guiding the deliberation of the Working Group.
2. Indeed, our deliberation today and next few days is a history-in-making for our common effort in drafting a new UN Declaration. We should be proud to ourselves to be part of this process.

Mr. Chairman,

3. To my delegation, a declaration should be aspirational, inspirational as well as realistic.
4. A declaration should sum up the aspirations of all, but not all issues in the aspirations included in the declaration, since it will only lose of its focus.
5. A declaration should be inspirational, to encourage us to work together; not to stay indifferent or, worse, to act counter productively.
6. At the same time, a declaration should also be realistic. It contains common denominators that are acceptable to all.

Mr. Chairman,

7. Now, let me turn to the matter at our hand, the right to peace.
8. My delegation commends the work of the Human Rights Council Advisory Committee in producing its version of the draft declaration. Indeed, the draft serves, as stated in the Council Resolution 20/15, as the basis of the deliberation of this Working Group. Nevertheless, we also believe that the draft is widely-open for discussion for all possibility: to be maintained, to be revised, to be adjusted, or to change it with new ideas and formulations. It is the essence of the next phrase in the resolution which stated 'and without prejudging relevant past, present and future views and proposals.'

9. In this regard, my delegation views that the declaration should be based on relevant agreed languages that derive from related documents on the issue of right to peace, or in this case, the right of peoples to peace. By this, it does not mean that our creativity is constrained; on contrary, the past, and of course the present, could inform about the future.
10. The declaration shall also inform our common commitment. The declaration should comprise of principles and relevant aspects pertaining our shared understanding of the right to peace. These aspects should take into account the cross cutting nature of human rights with other issues.
11. We should not, however, distract ourselves with delving into details on other issues that fall under the purview of other mechanisms, nor should we try to codify of other issues that are still under discussion.

Mr. Chairman,

12. My delegation believes in the progressive realization of the right to peace. This nature should be reflected in the Declaration. State, as duty bearer, shall endeavor to fulfill this right according to its own policy, resources and capacity. International community can provide necessary platform as well as, upon request, assistance for state.
13. Lastly, my delegation believes that the only way to progress the drafting of the Declaration is through consensus, as it enhances the sense of ownership and responsibility to take further action.

Mr. Chairman,

14. To conclude, I wish to reiterate my delegation commitment to contribute to the work of the Working Group.

I thank you.

EU

FINAL -15/02/2013

Open-ended IGWG on a draft Declaration on the Right to Peace

General Statement

Mr. Chairperson,

The European Union wishes to congratulate you on your election as Chairperson of this *Intergovernmental Working Group on a Draft UN Declaration on the Right to Peace*, established by Human Rights Council resolution 20/15.

Let me underline at the outset that the EU is a firm believer in peace and in human rights. Peace and human rights are interlinked. As stated in the preamble to the Covenants, "recognition of human dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world". Peace and human rights can thus be mutually reinforcing. The European Union itself is a peace project and we are deeply committed to working with everyone to promote peace and respect for human rights. As we have stated previously, we are willing to engage in a discussion on the linkages between peace and the enjoyment of human rights. We expressed this readiness during negotiations at the 20th session of the Human Rights Council, and were disappointed that the Council missed the opportunity for what could have been a fruitful - and consensual - debate.

EU Member States did not support the resolution establishing this Working Group for several reasons:

First, it is evident that there is no legal basis for the "right to peace" in international law, either as an individual or collective right. As you are well aware, none of the human rights treaties recognise peace as a right in itself, neither as an individual or collective right, or otherwise.

Second, we deem it impossible to find a common definition, grounded in human rights, of the right to peace. What should it contain that is not captured in other rights? We remain unconvinced that there is any added value by establishing it as a new concept. Also, since its content is so vague, it will hardly ever be justiciable, something that sets it apart from the human rights acquis.

Third, we are convinced that questions related to peace and security should essentially be dealt in other fora having the mandate to do so. In fact, we are concerned that an elaboration of a stand-alone "right to peace" will unnecessarily undermine the Charter of the UN that very clearly states legitimate reasons for the use of force.

Fourth, we would like to underline that the European Union believe that those responsible for crimes against humanity, war crimes and genocide should be held accountable. The European Union is a strong supporter of the International Criminal Court. Those that believe that there should be individual responsibility for such heinous acts should consider ratifying the Rome

Statute, rather than elaborating lofty declarations that help no one.

Fifth, we have previously expressed concern at the content of the “draft declaration on the right to peace” prepared by the *Human Rights Council Advisory Committee*. This flawed document is not a good basis for any discussion of this nature. Many of the themes covered in the draft are properly dealt with in other fora – indeed this document is potentially inconsistent with relevant international norms, including the UN Charter. Furthermore, we question the added value of a declaration on a concept for which there is no legal basis in international law.

The divisive result of the vote on resolution 20/15 is evidence that we are not alone in holding these and similar views. There is no international consensus to negotiate a declaration on a “right to peace”. We will provide more detailed comments on elements of the draft declaration at the appropriate opportunity during this first session, as called for by the Chairperson in his informal consultations prior to this meeting, without entering into negotiations on the text per se.

Mr. Chairperson,

Despite the reservations I have outlined, we have decided to respond to your call and participate in this session. Our participation should not, however, be construed in any way as recognition of a “right to peace”. Furthermore, we are here on the understanding that our views will be fully reflected – alongside the views of others - in your factual report of this first session, in line with the commitment you have given during informal consultations and again this morning. We have also taken careful note of your commitment to conduct our meetings in accordance with a number of important principles: Transparency, Inclusivity, Consensus and Objectivity, as well as the overarching principle of Realism. We welcome this approach and will assess our continued participation in this process inter alia against adherence to such an approach.

I thank you Mr. Chairperson.



*Misión Permanente
de Costa Rica
Ginebra*

**Sesión del Grupo de Trabajo sobre Derecho a la Paz
Intervención de la delegación de Costa Rica
Comentarios Generales
18 de febrero de 2013**

Señor Presidente,

La delegación de Costa Rica le felicita por su elección y le desea los mayores éxitos en esta tarea que oficialmente inicia el día de hoy. Hacemos patente nuestra disposición a colaborar constructiva y activamente en los trabajos que emprendemos el día de hoy bajo su liderazgo, y le ofrecemos toda nuestro apoyo y colaboración para el efectivo desempeño de sus funciones.

Señor Presidente,

La búsqueda y el mantenimiento de la paz, comprendida tanto desde una perspectiva pasiva como también activa, es uno de los pilares fundamentales de la sociedad costarricense y así se ve reflejado en los ejes principales de la política exterior de mi país. Por ello, mi delegación le otorga especial atención al desarrollo de los trabajos de este grupo.

Reconocemos también el alcance de estas labores para la comunidad internacional. Hacemos por ello un llamado a mantener un diálogo franco, fluido y respetuoso, digno de los más altos estándares de la diplomacia multilateral. Haremos bien en escuchar a nuestros semejantes, procurando entender sus posiciones y, por qué no desde ya, identificando puntos de convergencia.

Señor Presidente,

Con respecto al proyecto de declaración presentado por el Comité Asesor, a quien hemos agradecido en anteriores ocasiones por su trabajo, manifestamos que es un buen punto de partida para comenzar nuestro diálogo. Nos parece pertinente la inclusión de ciertos temas y la exclusión de otros – sobre los particulares nos referiremos en los días siguientes según lo dispuesto en el programa de trabajo. Baste decir ahora que estamos anuentes a tener una amplia y fructífera discusión en los días venideros.

Muchas gracias.



DELEGACION PERMANENTE DEL URUGUAY
ANTE LAS NACIONES UNIDAS Y LAS
ORGANIZACIONES INTERNACIONALES CON SEDE EN
GINEBRA

GRUPO DE TRABAJO SOBRE EL DERECHO A LA PAZ
INTERVENCIÓN DE URUGUAY
18 al 21 de febrero de 2012

Sr. Presidente,

Quisiera iniciar mi intervención reiterando el compromiso de Uruguay con este proceso tendiente al reconocimiento del derecho a la paz. Dicho compromiso se funda en nuestra tradicional posición nacional de contribución con el fortalecimiento del sistema internacional de protección de los derechos humanos y con la causa de la paz. Para mi país, la paz y los derechos humanos están intrínsecamente relacionados y de hecho son dos de los pilares de las Naciones Unidas.

Uruguay ha formado parte de compromisos regionales específicos sobre esta materia, como ha sido el comunicado especial sobre el Derecho a la Paz aprobado en el ámbito de la XXI Cumbre Iberoamericana (en el año 2011), al tiempo que forma parte también de espacios regionales y sub-regionales que de manera más genérica persiguen el mismo objetivo. En ese sentido quisiera destacar que Uruguay es parte del llamado Tratado de Tlateloclo, el cual establece, mediante un sistema de proscripción total, absoluta y no discriminatoria, la primera y hasta hoy única zona libre de armas nucleares que cubre una región habitada del planeta. Asimismo, Uruguay es parte activa del proceso de consolidación de una zona de paz y cooperación en el Atlántico Sur (ZOPACAS), que es en sí mismo un proyecto de paz.

Uruguay ha formado y forma parte de diversos contingentes multilaterales auspiciados por las Naciones Unidas, desplegados en diferentes regiones y países, con el anhelo de contribuir a un esfuerzo colectivo por estabilizar situaciones críticas y consolidar la paz y recrear condiciones de desarrollo en los países que lo están necesitando. Uruguay seguirá participando en las operaciones de mantenimiento de la paz dentro del marco multilateral de las Naciones Unidas y aspira a que todas esas operaciones cuenten con componentes de monitoreo y apoyo en materia de derechos humanos.

Sr. Presidente,

Por tanto, cuando hablamos del derecho a la paz, no estamos hablando de algo nuevo o desconocido.

La Carta de las Naciones Unidas dispone que el fortalecimiento de la paz universal y el desarrollo y estímulo del respeto a los derechos humanos, sin discriminación, figuran entre los principales propósitos de la Organización.

En su resolución 39/11 de 1984, que mi país votó favorablemente, la Asamblea General aprobó una breve Declaración sobre el Derecho de los Pueblos a la Paz, que afirma que una vida sin guerras constituye el requisito previo para el bienestar material, el florecimiento y el progreso de los países y la realización total de los derechos y las libertades fundamentales del hombre proclamados por las Naciones Unidas. La declaración proclama que los pueblos tienen el derecho sagrado a la paz y declara que proteger el derecho de los pueblos a la paz y fomentar su realización es una obligación fundamental de todo Estado. También destaca la importancia de la paz para la promoción y protección de todos los derechos humanos de todas las personas.

Así, diversos instrumentos internacionales de derechos humanos hacen referencia a la importancia de la paz para el pleno disfrute de los derechos humanos fundamentales y a la importancia de respetar los derechos humanos para la creación de una sociedad pacífica.

La Comisión de Derechos Humanos y el Consejo de Derechos Humanos, a su vez, han reafirmado que proteger el derecho de los pueblos a la paz y promover su efectividad constituye una obligación fundamental de todo Estado.

Sr. Presidente,

El derecho a la paz aún no se ha formalizado como tal en un tratado. No obstante, en los últimos años se han multiplicado los instrumentos del llamado "derecho blando" (o "soft law"), en los que se proclama el derecho a la paz.

En la Constitución de mi país el derecho a la paz no se encuentra regulado expresamente, pero el Artículo 72 de la Carta establece que "La enumeración de derechos, deberes y garantías hecha por la Constitución, no excluye los otros que son inherentes a la personalidad humana o se derivan de la forma republicana de gobierno".

Como han destacado muchos juristas, la paz debe considerarse como un derecho habilitador, que permite a las personas disfrutar plenamente de sus derechos, sean civiles, políticos, económicos, sociales o culturales.

La paz no puede sino edificarse de la mano de la inviolabilidad y dignidad de la persona humana y de la justicia social. La paz es un derecho que tiene como contrapartida el deber colectivo de hacer posible y viable la vida del conjunto y en conjunto en términos de no violencia y respeto en sentido amplio.

La paz es un valor supremo, irremplazable, para abrirle paso a todos los grandes objetivos que la comunidad internacional se ha trazado y que se encuentran plasmados, entre otros, en la Declaración del Milenio, ya que sin paz, es imposible alcanzar el bienestar económico, social y cultural de nuestras sociedades.

Somos conscientes de la necesidad de asegurar que la Declaración sea un instrumento realista, que convenza de su propia identidad y valor agregado y suponga un mensaje claro en esa interrelación con los derechos humanos.

Deberemos asegurar su compatibilidad con los principios de la Carta y demás principios generales de derecho internacional.

En este sentido, nos gustaría comenzar en este Grupo por considerar reflexiones sustantivas sobre su eventual contenido, sin limitarnos al texto de base a consideración.

Muchas gracias.

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**Intervention of the Syrian Arab Republic
1st Session of the IGWG on the Right to Peace.**

18 - 21 February 2013

I would like to begin by congratulating you Mr. Chairman on assuming the leadership of this intergovernmental working group which was created by the Human Rights Council in recognition of the importance of the Right to Peace; a right we all agree is not only a basic and necessary right, but is in fact inseparable from the most fundamental right, which is the right to life.

It is this reality that pressed the Council, prompted by subsequent resolutions and supported by the vast majority of the international community, to seek the adoption of a declaration that would guarantee the Right to Peace; and my government joins this great majority of countries in actively negotiating a viable and effective ~~draft~~ *declaration* that serves humanity.

It remains regrettable that a few countries, mainly countries that promote the exact opposite of peace, refuse to join this consensus and continue to oppose this endeavor. This unfortunate fact shall not prevent us from advancing in our negotiations in order to fulfill the mandate of this group and generate a comprehensive draft declaration with the hope of adopting it as soon as possible.

In this context, we believe that the draft declaration must be based on the obligation of all states to actively promote the implementation of the provisions of the Right to Peace. This demands policies that strive to eliminate the threat of war, most importantly nuclear warfare, and the renunciation of the threat of the use of force as a means of foreign policy or a way to settle international disputes. This Declaration must reflect the full respect of the UN Charter and its principles as well as the fundamental freedoms and rights, including the right to development and the right of peoples for self-determination.

Having carefully reviewed the draft text prepared the Advisory Committee we would like to make the following initial comments:

- The text prepared by the Advisory Committee is very long, encompassing concepts and ideas that do not necessarily serve the objective of the Human Rights Council's decisions in this regard. In fact these ideas lie clearly beyond the scope of its mandate and therefore we must be very careful in addressing them in this draft. They include the exploration of the topics of peacekeeping and its relation to the protection of civilians and so-called democratic oversight of military establishments and its budgets.

- The Committee's text needs to conform to the principles of international law and cannot allow for misinterpretation of fundamental principles, including concepts and definitions of the use of force and peacekeeping, as prescribed in the UN Charter. It also must not address, as given, other concepts and ideas that remain vague, ambiguous and undefined such as "human security" and "responsibility to protect", as well ^{as} other concepts that do not enjoy full consensus from the international community including certain aspects of the concepts of refugees and migration, peacekeeping, conscientious objection to military service, among others.
- The draft text also displays weakness when it comes to very important issues that constitute real obstacles to the Right to Peace, including the issues of private military and security companies, the right to development, environment, as well as peace education and training.
- This meeting must address these shortcomings along with several others that we can discuss in detail at a later stage.

Thank you Mr. Chairman.

Statement by the Islamic Republic of Iran

First Session of the Open-ended Intergovernmental Working Group on Right to Peace

18 February 2013, Geneva

Mr. Chair

Over the years, the international community has been endeavoring to establish the universality of peace and human rights. The United Nations, in its Charter, recognized peace as central to its existence and affirmed that it is both a prerequisite and a consequence of the full enjoyment of human rights by all. The collective dimension of the human right to peace was also codified in the UN Charter's preamble, as the responsibility to save succeeding generations from the scourge of war lies with the peoples.

The exercise of the right to peace and its promotion demands policies towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations.

the Human Rights Council, in consequent resolutions, has reaffirmed the right to peace as a sacred right of peoples and individuals and has emphasized that preservation of the right to peace and the promotion of its implementation constitute a fundamental obligation of all States.

To obtain those lofty goals, there is a need for an international system based on respect for the principles enshrined in the Charter and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination.

~~Mr. Chair~~

Despite the all efforts undertaken by the all International actors including the active role played by civil society during the past decades^{years}, the recognition of the right to peace as an autonomous human right has not yet been achieved.

My delegation endorses the process of codification of the right to peace through adoption of an UN declaration. We encourage all States, including those that don't recognize the right to peace, to engage actively in the negotiations of the draft declaration.

Mr- Chair

We have taken note of the draft Declaration of the Right to Peace prepared by the Human Rights Advisory Committee and would like to put forward the following comments and observations

- There draft declaration needs to be short, precise and balanced text guided by international law, in particular the UN charter.
- There is an essential need for compliance with the original purpose of outlining a draft declaration, which is basically the reaffirmation of the right of individuals and peoples to peace, as an important pre-requisite to protect and promote human rights, and in the light of the inherent interdependence of peace, development, and human rights.
- There is significant fault and terseness of the pre-ambulatory paragraphs which does not include several issues addressed in the relevant articles of the UN charter, HRC and GA resolutions on the right to peace. The pre-ambulatory paragraphs also failed to fairly reflect the importance of the preventive role of peace vis-à-vis human rights violations, and the complementary nature of the three main pillars of the UN, namely Peace-Development-Human Rights.
- The draft uses wording inter-changeably in a way that needs to be defined along the lines of international law. for example the reference to war and use of force needs to indicate the legal and legitimate exceptions for the use of force established by UN charter including article 51 on self defense and use of force sanctioned by UN according to chapter 7
- The draft declaration should not re-produce or create new concepts irrelevant to the right to peace. Identification of common grounds is essential in this process. Using undefined, ambiguous and un-grounded concepts that lack any consensus in international law and human rights law and they are still in the process for developing a definition for, is counter-productive and complicates the work entrusted with the working group.

- Thus, controversial issues should be excluded from the text, like human security, responsibility to protect, sexual orientation, conscientious objection to military service, peacekeeping, refugees and migrants, among others.
- The draft presents issues that have no relation with the purpose of the declaration. the role of peacekeeping in the protection of civilians, integrating gender perspective in peace keeping operations, democratic oversight on military establishments and its budgets, laws on discrimination against women, military conscription, redress, refugees and migrants are few examples in this regard.
- Some proposed sections look into the details of work and substance discussed in other specialized fora. Any reference to these issues should remain as general principles that only highlight the basic relationship with the right to peace (issues like disarmament)
- The declaration should have emphasis in peace at the international level while bearing in mind the relationship between international/regional peace and domestic peace. The declaration needs also to reflect this relation in a proportional manner corresponding to this balance exclusively within the UN charter.
- While recognizing also the need for reference of peace at national level, this should be without interferences in domestic question like democracy, national defense, etc.
- Other topics like private military and security companies, the right to development, environment and peace education and training, need to be reinforced in the text.

DECLARATION DU SENEGAL A L'OUVERTURE DE LA 1^e SESSION DU GROUPE DE TRAVAIL SUR LE
DROIT A LA PAIX (18-21 FEVRIER 2013, GENEVE)

Monsieur le Président,

de ma délégation
Je voudrais, à la suite des orateurs qui m'ont précédé, vous féliciter pour votre élection en qualité de Président-Rapporteur du Groupe de travail et vous assurer du soutien de ma délégation dans l'accomplissement de votre mandat.

Ma délégation est heureuse de prendre part à cette 1^e session du Groupe de travail qui offre un cadre pertinent de dialogue et de compréhension commune du contenu que nous voulons donner au droit à la paix.

dont je citerai brièvement
C'est dans cet esprit que ma délégation considère qu'il est judicieux d'améliorer le projet de Déclaration sur le droit à la paix tel que soumis à la 20^e session du Conseil par le Comité consultatif car certes, il comporte des points d'intérêt ~~comme~~ l'éducation et le droit au développement mais mérite d'être revu, notamment à la lumière des concepts controversés que le document comporte.

C'est pourquoi, il est évident pour ma délégation que le processus d'élaboration de la Déclaration sur le droit à la Paix, pour donner tous les gages de succès escomptés, doit être sous-tendu par la transparence, l'inclusivité et le compromis.

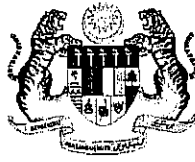
Monsieur le Président,

Malheureusement
L'importance du Droit à la paix et surtout sa mise en œuvre et son respect effectifs trouvent tout leur sens dans le contexte actuel marqué par des crises multiformes et lancinantes, qui n'épargnent aucune région du Monde. *et qui culmine avec le fuere*

Face à ces dangers permanents qui compromettent la sécurité et la paix internationales, l'élaboration du droit à la paix, en droite ligne de la Charte des Nations Unies nous semble être une réponse susceptible de donner avec vigueur tout leur sens, aux idéaux internationalement reconnus de paix, de sécurité, de solidarité, sans oublier la prévention et la résolution pacifique des conflits et le développement. Il s'y ajoute que le droit à la paix doit également être le vivier fertile d'une culture de paix et de tolérance ^{que} dont la Communauté internationale gagnerait à renforcer pour rompre d'avec la psychologie généralisée de la peur et de la méfiance.

Pour conclure, ma délégation fonde l'espoir que l'examen des différents points en lien avec le Droit à la paix se fera avec lucidité, dans l'objectif de parvenir à un résultat satisfaisant pour le triomphe du droit à la paix au bénéfice de tous.

Je vous remercie.



STATEMENT BY MALAYSIA
Open-ended Intergovernmental Working Group on
Draft Declaration on the Right to Peace

18 – 21 February 2013

Thank you Mr. Chairman,

We join the previous speakers in congratulating you on your appointment as the Chairman of this Intergovernmental Working Group on the Draft Declaration on the Right to Peace. We are fully cognisant of the challenging and arduous task that lies ahead of you to facilitate our discussions in the next four days.

2. We also wish to express our appreciation to the efforts of the Advisory Committee in the preparation of the draft Declaration on the Right to Peace that we have before us.

3. The concept of the right to peace is not new. ~~The prohibition against aggression as contained in~~ Paragraph 4 of article 2 of the UN Charter provides the basis for the right to peace. The right to peace and the full enjoyment of human rights are ~~mutually~~ ^{mutually} inter-dependent and ^h reinforcing. The international community took this further by adopting the General Assembly Resolution 39/11, ^{annexing} ~~on~~ the Declaration on the Right of Peoples to Peace, reaffirming ^{the} role of the United Nations in the maintenance of international peace and security and the aspirations of all peoples to eradicate war and, above all, to avert a world-wide nuclear catastrophe.

4. Paragraph 3 of the Declaration also clearly demands that the policies of States must be directed towards the elimination of the threat of war, particularly nuclear war; the renunciation of the use of force in international relations and the settlement of international disputes by peaceful means. In other words, war ~~and aggression~~ as instruments of national policy must be outlawed to prevent the recurrence of the scourge of war.

5. The subsequent resolutions adopted by the Human Rights Council also reaffirmed the right to peace as a sacred right of peoples and individuals whereby the preservation of peace and the promotion of its implementation constitute a fundamental obligation for all States.

6. While Malaysia is very supportive of the concept of the right to peace, our preliminary view of the draft Declaration is that, it is rather broad and too multi-dimensional. My delegation is therefore of the view that the concept of the right to peace, as envisaged by resolution 39/11 and subsequent HRC resolutions, should revolve around the original conceptual framework of governing inter-state relations in the preservation of peace.

7. This Working Group therefore has an arduous task before it to carefully sift through and deliberate on the elements of the draft Declaration. We look forward to participating in the deliberations of the Working Group on the Declaration on the Right to Peace.

Thank you, Mr Chairman.

GENEVA

18 February 2013

18/02/2013
15:00

Intervención del Estado Plurinacional de Bolivia
(Del 18 al 21 de febrero)
Grupo Intergubernamental de Trabajo para el Derecho a la Paz

Gracias Señor Presidente

La delegación boliviana lo felicita por su nombramiento y confiamos en su experiencia y capacidad para guiar este proceso.

La paz constituye uno de los derechos fundamentales del ser humano que se refleja en el ámbito individual, como la garantía de convivir pacíficamente a nivel interno entre conciudadanos, y a nivel colectivo, por medio de relaciones pacíficas y respetuosas con las demás naciones.

El Estado Plurinacional de Bolivia es un Estado pacifista, que promueve la cultura de la paz y el derecho a la paz, así como la cooperación entre los pueblos de la región y del mundo, a fin de contribuir al conocimiento mutuo, al desarrollo equitativo y a la promoción de la interculturalidad, con pleno respeto a la soberanía de los estados¹.

Este tema es de vital importancia, y de requisito *sine quanon* para el disfrute de todos los derechos, en particular el derecho a la vida, por lo que, el Estado boliviano invita a todos los estados a participar activamente en las negociaciones de este grupo intergubernamental

Asimismo alentamos a la codificación final de la Declaración del Derecho a la paz como medio de eliminación de la amenaza de la guerra, la guerra nuclear, la renuncia al uso o la amenaza del uso de la fuerza en las relaciones internacionales, el arreglo de las controversias internacionales por medios pacíficos con base a la Carta de las Naciones Unidas, y de esta manera fortalecer la vida armónica en la comunidad internacional.

Nuestro país apoya firmemente el derecho a la paz, y hacemos un llamado a todos los estados a incorporar este derecho en sus sistemas jurídicos, como el cimiento de la protección más amplia a la población mundial.

Señor Presidente, le deseamos muchos éxitos en su periodo de sesiones, le aseguramos nuestra voluntad de trabajar activamente en las negociaciones, haciendo comentarios específicos en el transcurso de este proceso, Muchas gracias.

¹ Artículo 10 Constitución Política del Estado

Выступление на сессии Межправительственной Рабочей группы

по разработке Декларации о праве на мир

17 февраля 2013 г.

Уважаемый господин Председатель,

Разрешите поздравить Вас с избранием на эту должность председателя и пожелать Вам успехов в руководстве работой Группы. Вы всегда можете рассчитывать на содействие и помощь со стороны нашей Делегации.

Господин Председатель, в строгом соответствии с Декларацией Генеральной Ассамблеи 39/11 от 12 ноября 1984 г. Российская Федерация рассматривает право на мир, как «священное право всех народов планеты». Поэтому мы активно поддерживаем инициативы, направленные на исследование возможности дальнейшего развития этого права, лежащего, на наш взгляд, в межгосударственной плоскости.

Мы внимательно изучили проект Декларации, подготовленный Консультативной Группой. Хотим поблагодарить Группу за приложенные усилия и проделанную работу. Вместе с тем, мы, к сожалению, вынуждены присоединиться к большинству других делегаций, которые указали на ряд серьезных системных недостатков подготовленного проекта.

Прежде всего, в проекте отсутствует попытка определения права на мир, как отдельного самоценного права, которое обосновывало бы необходимость его дальнейшего международно-правового закрепления. Право на мир представлено не как право само по себе, а как совокупность отдельных несочетаемых блоков из различных областей международного права прав человека и международных отношений. Предшествующие выступающие убедительно продемонстрировали, что большинство включенных в проект тематических разделов уже рассматриваются на других международных площадках и форумах (сюда относятся, например, вопросы разоружения, развития, отдельные аспекты прав человека). Другие элементы затрагивают вопросы суверенных прав государств, что, естественно, в мандат Группы входить не должно. По ряду других элементов проекта (как-то концепция «человеческой безопасности», «ответственность по защите», «право на отказ от воинской службы») в международном сообществе отсутствует консенсус и общее понимание.

В этой связи считаем контрпродуктивным подход к концепции прав человека, основанном исключительно на механическом объединении существующих международно-правовых норм и подходов. На практике это может привести к обратному эффекту, т.е. к размыванию и ослаблению существующих механизмов защиты прав человека и дублированию в работе ООН

Присоединяемся к делегациям, выступающим за краткий и сбалансированный проект. При этом мы реалистично считаем, что дальнейшая работа по разработке права на мир может быть успешной только в условиях консенсуса.

First Session of the IGWG on the right to peace.

Geneva, 18 -21 February 2013.

Merci Monsieur le Président

Ma délégation voudrait ajouter sa voix à ceux qui vous ont félicité pour votre élection en tant que Président-Rapporteur de ce Groupe de travail. Nous vous souhaitons plein succès dans l'accomplissement de votre mandat.

- Ma délégation souhaite partager avec vous ces quelques observations concernant le projet de Déclaration qui nous est présenté aujourd'hui.
- Tout d'abord le Maroc souligne que ce Projet de déclaration mérite d'être amélioré judicieusement, afin de parvenir à un projet de déclaration qui soit court, précis, équilibré et surtout consensuel.
- Tout en notant qu'il ne s'agit que d'un premier projet, le Maroc souligne **la nécessité que tous les droits soient pris en compte dans ce projet de déclaration.**
- Le Maroc souhaite attirer l'attention du Groupe de travail sur **les passages qui semblent vouloir hiérarchiser les droits et tendent à politiser certains.**
- De même, le Maroc souligne le besoin **d'éviter l'utilisation de concepts polémiques qui sont toujours en cours de définition, et qui ne bénéficient pas du consensus au droit international.**
- Le Maroc considère que le droit à la paix devrait passer indubitablement par le respect des droits de l'Homme et des libertés fondamentales dans leur ensemble, notamment à travers :
 - * Le respect de la liberté d'association, d'expression et d'opinion,
 - * La tenue d'élections libres, régulières et périodiques qui reflète la volonté du peuple,

* La séparation des pouvoirs, l'indépendance de la justice, des médias libres, indépendants et pluralistes,

* **Le respect des principes de la souveraineté et de l'intégrité territoriale et de l'indépendance politique des Etats et de la non-intervention dans les questions qui relèvent de la juridiction nationale de tout Etat, conformément à la Charte des Nations Unies et au droit international.**

- En outre, le Maroc estime que le droit à la paix passe, formellement, par l'adhésion aux principes de liberté, de justice, de démocratie, de tolérance, de solidarité, de coopération, du pluralisme, de la diversité culturelle, du dialogue et de la compréhension à tous les niveaux de la société et entre les Nations, et à travers l'élimination de toutes les formes de racisme de la discrimination raciale, la xénophobie et de l'intolérance qui y est associée, et encouragés par un environnement national et international favorisant la paix et dont l'instauration dépend d'un environnement national propice.

- Pour le Maroc, le droit à la paix passe, forcément, par la promotion du règlement pacifique des conflits, du respect de l'entente mutuels et de la coopération internationale, et du respect des obligations internationales en vertu de la Charte des Nations Unies et du droit international.

- Enfin, le Maroc souligne l'importance d'encourager les efforts faits par les acteurs sociaux afin de développer des valeurs et des savoir-faire favorables à une culture de la paix, y compris l'éducation et la formation aux droits de l'homme et la promotion du dialogue interculturel et de la tolérance religieuse.

Je vous remercie,