

Human Rights Council's open ended working group on the right to peace.

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Brief overview of activities

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Preamble

Knowing if peace stands as a right, or better as a human right, is an old issue. Article 28 of the 1948 Universal Declaration of Human Rights states that: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized". Such an order is indeed a peaceful order. The issue or the project of having this right fully acknowledged as a human right has gained political clout in recent years, largely under the pressure of civil society and the United Nations' Human Rights Council (HRC) has designated an "open ended working group" (OEWG) to work on the topic in 2012.

The working group met for five days last week for its third session, hopefully to finalize a text to be submitted by the Human Rights Council for adoption by the General Assembly of the UN.

The position of States differs, sometimes largely, on how much they are ready to admit the right to peace and on how much peace should integrate human rights processes. However, the legal bases for the progress of peace are rather abundant and civil society, invited for the discussions, is pressing for progress.

During day 1, all States that wished to delivered general comments did so, 24 for of them used the possibility, most of them stating their position, sometimes with comments regarding their own situation; some big themes of international peace appeared (colonialism, occupation, economical rights, etc.) as well as some disagreement on the nature of peace as a right, but with sufficient good will to move forward. NGO's took the floor as well, reaffirming, in various manners, the aspirations of the people to see peace progress.

CGNK spoke just recalling that the right to peace was progressing and that the people will be claiming it more and so forth, that it was the OEWG's duty to reflect this societal trend.

During the afternoon of day 1, during day 2 and a part of day 3, took place the first and second readings of the proposed text. Most of the interventions focused on interest of intervening States, thus leading to a lot of State to State discussions, often far a human rights perspective; however quite a few interventions allowed for the text to come closer to what already exists in international law, thus sharpening rather than dispersing the process and recalling the importance of peace for the international community at large.

After the end of the first reading, NGO's had the floor again to speak on the proposed text. CGNK took the floor to support another NGO that had opposed to the deletion of the right to life from the preamble part of the draft declaration, stating that though all rights are equal and therefore that starting a list there is indeed not useful, but that however the right to life has a special place because if there is no right to life, then all the other human rights are cancelled. CGNK then made a comment regarding security, which is stated in the Universal Declaration

and the Covenant on Civil and Political Rights as “security of persons” and not only “security” as in the draft and demanded that States issue regular report on the way they forward the progress of peace. This proposal is in the draft report.

Day 3 started with giving the floor to NGO’s again for general comments, before moving to informal meetings that would last almost until the end of day 5. The plea given that morning by NGO’s for peace and for the progress of peace and human rights, showing from numerous points of view their reinforcing nature, was a heart moving moment.

CGNK made a long Statement recalling the right to peace of States and calling for people to enjoy peace likewise. Then saying that if 70 years of illegality of war (quoting the charter) had not been sufficient to end the scourge of war, new tools were needed: the human right to peace possibly being one of them. And showing as an example that a right to peace would be a good coordinating tool for the mutual expression of all human rights, mentioning the Charlie Hebdo massacre in Paris, where the freedom of religion and the freedom of expression came to a violent clash, while they should respectively be expressed in peace.

At the end of the informal meetings on day 5, the chairperson-rapporteur issued a new text, based on what had already been agreed and trying to fill the gaps. However, many details still needed clarifications in the preamble. And the operative part of the declaration was still largely open to discussions. So as time run out, he presented his final report for the working group, which was approved ad referendum (mentioning our proposal for more reports on the progress of peace) and he gave the floor one last time to NGO’s.

CGNK recalled that the right to life is also a duty not to kill and that as peace is a process bringing together various opinions, we had the feeling that some progress had been made and we encouraged States to continue the process. Then passing to a more informal mode, we recalled that “If peace was too important to be left to the military”, at the beginning of the week we wondered “if peace was too important to be left too... diplomats”. The answer, both for the right to peace and the right to life is that we are, each and all, as individuals and as representatives of institutions, responsible for the progress of peace and the protection and the quality of life, for us as for future generations. Finally on a personal mode, I thanked all the diplomats with whom I had personal contacts during the week and had a kind word for all the others with whom there was no time to do so, renewing our peace and trust to all and to the good future of the process on the right to peace.

Our general impression after a full week at the UN Geneva on the right to peace is that “progress is possible” and that if some main issues had not yet been fully cleared, a sufficient number of details had been addressed and solved, through consensus, for us to think that the process should continue. The next step shall hopefully be a renewal in June by the Human Rights Council of the mandate of the Working Group.

As we said a few times throughout the session, our feeling is that the support of NGO’s to the right to peace could be broader and more visible. Lawyers were well present, as well as many peace oriented organizations; however more organizations, including human rights organizations should support the process, hopefully soon with the support of the general public.

Done in Geneva, 4th of May 2015.