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**Human Rights Council**  
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Agenda item 5  
Adoption of the report

**Report of the Open-ended Inter-Governmental  
Working Group on the Draft United Nations  
Declaration on the Right to Peace**

*Chairperson-Rapporteur:* Christian Guillermet-Fernández (Costa Rica)

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## I. Introduction

1. The Human Rights Council decided, in its resolution 20/15, to establish an open-ended intergovernmental working group with the mandate of progressively negotiating a draft United Nations declaration on the right to peace, on the basis of the draft submitted by the Advisory Committee (A/HRC/20/31), and without prejudging relevant past, present and future views. It decided that the working group would meet for four working days prior to the twenty-second session of the Human Rights Council.
2. Pursuant to this resolution, it was decided that the working group would meet from 18 to 21 February 2013.
3. The session was opened by the Deputy High Commissioner of Human Rights on behalf of the United Nations High Commissioner for Human Rights, on 18 February 2013. The Deputy High Commissioner recalled that the work of the United Nations has the ultimate objective of creating a peaceful environment in which all people can fully enjoy their human rights and freedoms. She commended the comprehensive work of the drafting group of the Advisory Committee that prepared the draft declaration on the right to peace and acknowledge the diversity of views and positions with regards to the right to peace. She finally expressed the readiness of the Office of the High Commissioner for Human Rights to assist the Working Group in all its endeavours.
4. The President of the Human Rights Council also participated in the opening of the session. He recalled that international peace and cooperation are central to the founding principles of the United Nations. Furthermore, he noted the work of the Advisory Committee as a result of broad consultations among member states and other stake holders and wished delegations a productive session.

## II. Organization of the session

### A. Election of the Chairperson-Rapporteur

5. At its first meeting, on 18 February 2013, the working group elected Christian Guillermet-Fernández (Costa Rica) as its Chairperson-Rapporteur, by acclamation. Mr. Guillermet-Fernández was nominated by the delegation of Ecuador, on behalf of the Group of Latin American and Caribbean Countries. The representative of Ecuador, on behalf of its regional group, indicated that the nomination was based on broad consultations with all regional groups and on agreement reached and contained in the note verbale of 29 November 2012, addressed to the President of the Human Rights Council. Furthermore, the representative of Ecuador stated that Mr. Guillermet-Fernández possessed all the necessary credentials to successfully carry out and accomplish his mandate.

### B. Attendance

6. Representatives of the following States members of the United Nations attended the Working Group's meetings: Algeria, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Benin, Botswana, Bolivia (Plurinational State of), Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Ecuador, Egypt, Ethiopia, France, Gabon, Germany, Guatemala, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Kuwait, Lao People's Democratic Republic, Latvia, Libya, Luxembourg, Libya, Madagascar, Mali, Malaysia, Mauritania, Mexico, Monaco, Morocco, Nepal, Netherlands,

Nicaragua, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Singapore, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of) and Vietnam.

7. The following non-member States were represented by observers: Holy See and the State of Palestine.

8. The following intergovernmental organizations were represented at the meetings of the Working Group: African Union, European Union, International Organization of la Francophonie, Organisation of the Islamic Cooperation.

9. A representative of the United Nations Population Fund participated in the session as well.

10. The following non-governmental organizations in consultative status with the Economic and Social Council were represented: African Commission of Health and Human Rights Promoters, American Association of Jurists, Association "Comunità Papa Giovanni XXIII", Association of World Citizens, Bangwe et Dialogue, Association Points-Coeur, Centre Europe - Tiers Monde, Congregation of Our Lady of Charity of the Good Shepherd, Initiatives of Change International, Institute for Planetary Synthesis, Institute of Global Education, International Association of Democratic Lawyers, International Association of Peace Messenger Cities (on behalf of 1619 civil society organization and cities), International Fellowship of Reconciliation, International Volunteerism Organization for Women Education and Development, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, Japan Federation of Bar Associations, Japanese Workers' Committee for Human Rights, Make Mothers Matter International, Nonviolent Peaceforce, North-South XXI, Rencontre Africaine pour la defense des droits de l'homme, Soka Gakkai International United Network of Young Peacebuilders, United Religions Initiative, Women's World Summit Foundation, Worldwide Organization for Women and Zonta International.

11. Pursuant to paragraph 4 of Human Rights Council resolution 20/15, the Chairperson of the Advisory Committee drafting group on the draft declaration on the right to peace, Mona Zulficar, participated in the first session of the Working Group and delivered a general statement and made comments during the session.

12. The Independent Expert on the promotion of a democratic and equitable international order, Alfred de Zayas, also participated in the first session and delivered a general statement.

### C. Documentation

13. The Working Group had before it the following documents:

A/HRC/WG.13/1/1	Note by the Secretariat and provisional agenda
A/HRC/20/31	Report of the Human Rights Council Advisory Committee on the right of peoples to peace
A/HRC/14/38	Report of the Office of the High Commissioner on the outcome of the expert workshop on the right of peoples to peace

#### D. Adoption of the agenda and organization of work

14. In his opening statement, the Chairperson-Rapporteur briefly referred to the relevant provisions of the Charter of the United Nations, the Universal Declaration for Human Rights, the Vienna Declaration and Programme of Action and human rights treaties that relate to the right to peace. In referring to the draft declaration before the working group, he indicated that it was the result of extensive consultations carried out by the Advisory Committee and acknowledged that the efforts, especially those lead by civil society, have continued in preparation to the working group's session. The Chairperson-Rapporteur underlined the basic principles for conducting the session of the Working Group, i.e. transparency, inclusiveness, consensus and objectivity within the encompassing principle of realism.

15. The Chairperson recalled that he convened informal consultations in preparation of the first meeting of the open-ended Intergovernmental Working Group on the Right to Peace as Chairperson-designate, where he presented the roadmap that will guide the session and to promote confidence building atmosphere. He indicated that he convened three informal consultations. A first meeting was held with coordinators of regional and political groups and members of the Bureau of the Human Rights Council on 21 January 2013; a second meeting took place with Member States on 6 February 2013 and a third consultation with civil society was held on 7 February 2013. He expressed that these consultations were useful and contributed to set a positive environment.

16. At its first meeting, on 18 February 2013, the Working Group adopted its agenda, as it appears in document A/HRC/WG.13/1/1 and the programme of work without comments.

17. Upon the proposal of the Chairperson, the working group agreed to hold a general debate to be followed by a preliminary reading of article by article of the draft United Nations declaration on the right to peace prepared by the Advisory Committee.

### III. General comments

18. At the first meeting, on 18 February 2013, following the adoption of the agenda, the floor was open for general comments. The general segment continued into the first part of the second meeting on the same day.

19. In introducing this part of the session, the Chairperson-Rapporteur reiterated his intention for the Working Group to proceed in a transparent, inclusive, consensual and objective manner. Numerous delegations congratulated the Chairperson-Rapporteur on his election, and commended him for his leadership on this issue and for his cooperative, transparent and objective approach. Delegations also stated their appreciation for the efforts of the Advisory Committee to prepare an initial draft declaration on the right to peace.

20. There was wide consensus among delegations that human rights, peace and development are interdependent and mutually reinforcing and that the draft declaration should be guided by the Charter of the United Nations, in addition to a vast jurisprudence inspired by international law. The concept of the right to peace is not new, but recognized in soft law instruments including in General Assembly resolution 39/11 of 12 November 1984, whereby the international community adopted the Declaration on the right of peoples to peace, and most recently in the Human Rights Declaration adopted by the Association of Southeast Asian Nations (ASEAN) on 19 November 2012.

21. Several other delegations stated that a stand-alone "right to peace" does not exist under international law. In their view, 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. They reiterated that there was no international consensus to negotiate a declaration on a right to peace as evident from the result of the vote on Human Rights Council resolution 20/15 on 5 July 2012, and that initiatives like the draft declaration on the right to peace divert the focus of the activities of the Council.

22. The draft declaration prepared by the Advisory Committee was described by a number of delegations as too broad in mandate and ambiguous in scope and content. It excluded important issues such as terrorism, the countering and the absence of which were considered as fundamental to the enjoyment of the right to peace. The draft appeared to be a departure from the original General Assembly resolution of 1984 and the subsequent resolutions of the Human Rights Council.

23. Delegations debated as to whether the right to peace is an individual or collective right. Some believed that there is no legal basis for the right to peace either as an individual or a collective right. It was noted that the draft declaration did not try to define the right to peace, but tried to contextualize it in a compendium of rights, more than define it as a right on its own.

24. Several delegations called for the drafting of a brief, concise and balanced declaration that would be guided by international law as well as by the Charter of the United Nations, compliant with its article 51. The declaration should avoid referring to controversial issues and unidentified and vague topics that do not presently enjoy international support and consensus such as the responsibility to protect, human security, peacekeeping, conscientious objection to military service, refugees, and private military and security companies. Other concepts included in the draft declaration such as "the right to live in a world free of weapons of mass destruction", the "right to a comprehensive peace and human rights education" and "the right to safe, clean and peaceful environment" lacked conceptual clarity and, in the view of several delegations, it would be counterproductive to discuss them in the context of a draft declaration on the right to peace.

25. Other delegations pointed out that many of the categories of rights reflected in the draft declaration are already being addressed by existing mechanisms and legal processes at the international level. They warned against referencing principles and rights already covered by existing human rights treaties and addressed in other international forums, for example disarmament (Conference on Disarmament and the Arms Trade Treaty negotiations), peacekeeping (Security Council), development (Human Rights Council's Working Group on the Right to Development), peace education (United Nations Educational, Scientific and Cultural Organization), refugees (United Nations High Commissioner for Refugees) and climate change (United Nations Framework Convention on Climate Change and its accompanying institutions).

26. Several delegations supported the process of codification of the right to peace and expressed full support to further elaborating on the draft declaration in accordance with the Working Group's mandate. Other delegations stated that, while they recognized the intrinsic value of peace, they could not support a standard-setting process on the right to peace and would not take part in a negotiating process on the draft text. It was indicated that non-participation in the Working Group should not be construed as acceptance of any of the specific provisions contained in the draft declaration.

27. It was mentioned that efforts by States in the pursuance of peace should be meaningfully complemented by cooperative initiatives and arrangements at the regional level, as demonstrated through conflict-prevention initiatives already undertaken in, for example, South America and Africa, though the focus of the declaration should remain on peace at the international level.

28. Representatives of non-governmental organisations drew the attention of the Working Group to the concepts of positive and negative peace, the need for a culture of peace and peace education. Peace is a cultural process that could progress anyway, even when a context of violence persists.

29. The Chairperson-Rapporteur stated that the draft declaration should be a consensual document containing a short and balanced text. Therefore the current text requires improvements at the legal level. He also noted that human rights education and training were part and parcel of the promotion and protection of human rights.

#### **IV. Preliminary reading of the a draft declaration on the right to peace prepared by the Advisory Committee**

30. Before starting the discussion of the draft declaration, some delegations requested that the Chairperson-Rapporteur indicate the way in which he intended to proceed with the preliminary reading, while others explained how the lack of comments from their side should be interpreted. The Chairperson-Rapporteur responded that his intention was to proceed with a first reading of the text with the purpose of gathering the broadest possible information on different positions, examining the various objections and listening to initial preliminary thoughts and considerations on the articles. The preamble could be tackled on Wednesday afternoon. If no delegation addressed a particular point, it did not necessarily mean that there was consensus. The Chairperson-Rapporteur reiterated that as part of a confidence-building exercise, nothing will be agreed upon until everything is agreed upon. He also added that his report will be a faithful and transparent reflection of what it was discussed in the room.

31. A number of delegations, noting the length of the draft declaration in which all articles contained more than one paragraph, supported the view of having a succinct and balanced text with an increased legal approach founded on international human rights law. It was reiterated that, although all rights should be taken into account, some issues like disarmament and refugees are already broadly dealt with in other forums.

32. It was recalled that resolution 20/15 of the Human Rights Council establishing the Working Group gave it a clear mandate to progressively negotiate a text based on the draft declaration of the Advisory Committee without excluding new contributions. It was also noted that, at this early stage the Working Group, should discuss views and ideas without entering in a drafting exercise.

##### **A. Preamble**

33. Several delegations commented on the preamble as drafted by the Advisory Committee, proposing to strengthen the text, make it more comprehensive as regards references to the peoples' right to peace and to reaffirm the determination of all people to live in peace.

34. Specific suggestions for elements that should be referenced in this section were made, including reaffirming the principles and objectives of the United Nations, relevant references to the Charter of the United Nations and the Universal Declaration of Human Rights as well as resolutions of the General Assembly and the Human Rights Council on the subject. It was suggested that positive language is used instead of a negative definition of peace as absence of war.

35. There was a suggestion to refer to the freedom from terrorism and to include agreed language concerning measures to eliminate terrorism, while maintaining the universal

nature of the preambular paragraph. Another suggestion was to mention peaceful settlement of disputes and to include instruments adopted at regional levels.

## **B. Right to peace: Principles (article 1)**

36. The Working Group then moved to consideration of article 1 of the draft declaration. Some delegations felt that paragraph 1 contained very detailed language related to discrimination and that it would be better to replace it with a more general wording, still entrenched in international human rights law, as the right to peace should be implemented without distinctions of any kind. Delegations felt that the headings of the articles were not necessary and that, in some cases, they could mislead the reader on the actual contents of the paragraph. It was observed that in connection with the wording of paragraph 3 and 4 of article 1, the Advisory Committee text should to be founded on instruments such as the Charter of the United Nations, General Assembly resolution 39/11 and Human Rights Council resolution 8/9, and cleaned of groundless concepts.

37. Some delegations felt that the declaration should clearly uphold principles of national sovereignty, territorial integrity and non-intervention in States affairs falling under their domestic authority, especially with reference to paragraph 6 of article 1, which should focus on terms that are already enshrined in international law so as not to move away from legally established rights.

38. Delegations discussed the extension of the right to peace to individuals. In General Assembly resolution 39/11, peoples were entrusted with the right to peace while the Advisory Committee extended this right to individuals, a principle on which there is no consensus in international law. Other options are available; could States and international organisations be seen as rights holders as well? Moreover, some delegations seemed to perceive the right to peace as a fully-fledged right while others appeared to conceive this right as a mere concept able to benefit from other rights. The necessity of a clear definition of the right to peace should be explored. It was also noted that paragraph 2 of article 1 should reflect the fact that the Security Council and the General Assembly are responsible for security and peacekeeping.

39. Other delegations noted that the beneficiaries of the right to peace should be both individuals and peoples as this concept had already been developed during negotiations and reached a sort of consensus. The right to peace would be a prerequisite to enjoy all other recognized human rights, particularly the right to life. Likewise, the separation between individual and collective rights appeared to be artificial as humankind is made up of human beings.

40. Recalling statements made in the morning, it was noted that there was no legal basis for the right to peace in international law as such, and that there was no added value in recognizing the right to peace as a new right. A stand-alone right to peace would undermine the Charter of the United Nations that sets out the legitimate reasons for the use of force. It was mentioned that, duly reinforced, article 1 could be the focus of the whole declaration, but the inclusion of the right to peace as an individual right would undermine the scope of the declaration.

41. Non-governmental organizations noted that the Preamble of the Charter of the United Nations encompasses the collective dimension of the right to peace and that, in accordance with the Vienna Declaration and Programme of Action, peace is a right and a prerequisite and as such it facilitates the enjoyment of economic, cultural, social, civil and political rights. Moreover, the prohibition of the use and the threat of force is a *jus cogens* obligation clearly set by the Charter of the United Nations and represents a fundamental element for the respect of national sovereignty and the self-determination of peoples.



### C. Human security (article 2)

42. Opening the discussion on article 2, several delegations and non-governmental organizations pointed out that there is no universal definition of the concept of human security. The idea is currently being discussed in the General Assembly. These delegations also asked for the deletion of ambiguous language and topics that do not enjoy international consensus. Other delegations noted that paragraphs 4, 5 and 8 are irrelevant to the declaration while 1, 2 and 7 could be rephrased to make them applicable.

43. The work currently being done by the United Nations Special Adviser on Human Security, among others, was highlighted. It was recommended that the Working Group avoid replicating the work being done by other United Nations forums or experts. It was also felt that many of the paragraphs contain ambiguous and ambitious language not based on any internationally agreed definition.

44. Several delegations highlighted the link between security and the right to peace. They acknowledged that this nexus cannot be considered without recognizing the issue of terrorism in general and its effects on the right to peace and human security in particular. Other delegations suggested that a reworded text could include language related to both the right to self-defence and combating terrorism. In this connection, it was suggested to include a reference to the fight against terrorism and the legal and legitimate exceptions related to the use of force as outlined in article 51 of chapter VII of the Charter of the United Nations. Other delegations highlighted the importance of respecting the principles of sovereignty and territorial integrity as established by the Charter. Non-governmental organizations emphasized the civil nature of peacekeeping operations and stressed that resistance to oppression should be carried out in a non-violent manner.

45. It was stressed that both peoples and individuals have a right to peace and that article 2 as currently drafted focuses excessively on an individual dimension.

46. It was noted that the order of priorities and the criteria for the choice of themes are not clear and that the text requires better structuring in order to bring added value. The Chairperson-Rapporteur stated that the foundation and structure of the text had to be further examined in order to have a sound declaration that captures the aspirations of States.

### D. Disarmament (article 3)

47. With regard to article 3 of the draft declaration, a number of delegations drew the link between disarmament and the right to peace. Others felt that the Human Rights Council is not the appropriate venue for discussing the question of disarmament. It was suggested that the issues of disarmament, peacekeeping, and the proliferation of weapons of mass destruction should be addressed by other specialized bodies including the Conference on Disarmament, the United Nations Department of Peacekeeping Operations and the United Nations Security Council. It was noted that these organizations and bodies should continue to lead international efforts given their expertise in the field.

48. Some delegations felt the need to take a general approach when discussing the issue of disarmament given both its sensitive nature and extensive scope. Other delegations focused on the need for greater transparency vis-à-vis military spending and to free up resources and redistribute them to the poorest sections of the society. It was proposed subdividing paragraph 1 of article 3 into two paragraphs, the first one about the aim to achieve, within a reasonable period of time, a general disarmament, and the second about actively engaging in strict and transparent regulation and control of arms trade. The underlying idea was to encourage States to engage in a gradual disarmament without impinging in the area of national sovereignty.

## **E. Peace education and training (article 4)**

49. Moving to consideration of article 4, there was broad consensus in the Working Group to support the inclusion of a provision concerning peace education and training that were described as a central component of the present draft. A number of delegations highlighted the vital importance of peace education and training for bringing about a culture of peace. Peace education and training should not only focus on development, but should also contribute to changing the conduct of everyone. Several non-governmental organizations stressed the enabling and empowering nature of education.

50. Some delegations nevertheless felt that article 4 needed redrafting in the interest of succinctness and greater clarity. It was felt by some that paragraph 5 was too prescriptive for States and that the reference to the revision of national laws and policies was not relevant here. Non-governmental organizations encouraged the inclusion of peace education in every educational system and the need to train teachers on peace education was also highlighted.

51. Some delegations felt that it was important to refer to another existing relevant and complementary instrument, the United Nations Declaration on Human Rights Education and Training, adopted by the General Assembly in 2011, and to specific elements contained in that Declaration, including awareness-raising campaigns, mass media, the private sector and others. On the other hand, while it was recognized that human rights education and training was a subject of another United Nations declaration, it would be difficult to find any added value in duplicating work already carried out in the context of UNESCO.

52. The pertinence of the prohibition of war propaganda was also highlighted. The issue of censorship as referred to in paragraph 3 was also debated, and certain delegations acknowledged that the right to access information without censorship was not an absolute right, and that limitations were legitimate in certain cases. Non-governmental organizations highlighted that the right to disseminate information freely was missing.

53. A number of delegations suggested to use, in paragraph 5 (a), previously agreed language "racism, racial discrimination, xenophobia and related intolerance" instead of just "xenophobia".

## **F. Right to conscientious objection to military service (article 5)**

54. With regard to article 5, many delegations asked for deletion of any reference to the right to conscientious objection to military service due to the lack of international consensus on this issue, which, in their opinion, falls purely in the realm of domestic legislation of each State. The subject was not considered relevant for the work of the Working Group and should not be examined further.

55. A few delegations failed to see the value in duplicating discussions on an issue that has been addressed elsewhere, for example, by the Working Group on Arbitrary Detention and the Special Rapporteur on freedom of religion or belief. It was recognized that conscientious objection to military service was subject to a sovereign decision of each State.

56. Several non-governmental organizations favoured maintaining the notion of conscientious objection to military service, linking it also to the right to freedom of thought, conscience and religion. Among the modifications suggested to the article, there was an additional reference to the right to civil disobedience.

### **G. Private military and security companies (article 6)**

57. A debate was held on article 6 of the draft declaration concerning private military and security companies. Many delegations agreed that private military and security companies needed to be regulated in some way and that their activities had to conform to the norms set out in international humanitarian law and human rights law. This view was also shared by non-governmental organizations. Other delegations, however, noted that national-level regulation was the most effective and appropriate way to promote respect for human rights by these companies and encouraged the sharing of national practices in this area.

58. Many delegations suggested that a brief and general reference to private military and security companies would be appropriate in this declaration and should not be entirely omitted. A reference to terrorism and terrorist organizations should also be added.

59. Some delegations opposed the inclusion of an article on private military and security companies for reasons of redundancy and inconsistency with other efforts in this field, namely in the context of the Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, and the Working Group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies. They considered it unhelpful to engage in parallel negotiations on the subject.

### **H. Resistance and opposition to oppression (article 7)**

60. Concerning article 7, several delegations declared that they were not in favour of including a provision on resistance and opposition to oppression as worded by the Advisory Committee, objecting to controversial or ambiguous terms such as "dictatorial domination" or "domestic oppression". It was suggested deleting the article entirely. Other delegations opined that there was nevertheless some merit in mentioning, somewhere in the declaration, decolonization, the right of people to resist foreign occupation and opposition by non-violent means, eventually rephrasing the article in a more positive way.

61. It was also stated that many of these issues were addressed elsewhere, especially by the Special Committee on Decolonization and in the context of the General Assembly's annual resolution on universal realization of the right of peoples to self-determination.

### **I. Peacekeeping (article 8)**

62. With regard to article 8 on peacekeeping, it was affirmed that peacekeeping missions are a necessary and valuable tool to support the right to peace. It was stressed that the Charter of the United Nations should act as the foundation for any discussions related to peacekeeping, which should not be considered exclusively within the context of United Nations peace missions.

63. Others rejected the idea of incorporating the article since its language reflected negatively on peacekeepers and that its inclusion would not provide added value. It was stated that human rights advisors have been included in peacekeeping operations and that those human rights components of peace missions are adequately guided and supported. Moreover, it was suggested that operational matters fall outside the mandate of the Human Rights Council.

64. Non-governmental organizations indicated that United Nations peacekeeping missions should include unarmed civilian forces for the adequate protection of the population.

#### **J. Right to development (article 9)**

65. Moving to consideration of article 9, several delegations emphasized the importance of the presence of the right to development in the draft declaration because of its direct link with the right to peace. Development, a key issue at the core of United Nations principles and activities, and peace are inextricably connected. A reference to the Declaration on the Right to Development should be included in the text of the draft declaration on the right to peace, which could eventually be reinforced in order to be more precise and robust on this important matter.

66. It was noted that it will be more correct to discuss and to use the word "development" rather than "sustainable development" because peoples are entitled to the realization of the right to full development and not only to sustainable development.

67. Some delegations wished to include in paragraph 3 of article 9 additional elements, like coercive measures and sanctions, which prevent development and consequently affect the achievement of peace.

68. Other delegations pointed out that article 9 contained redundant concepts which are largely dealt with in other forums, including ad hoc United Nations bodies, Human Rights Council mechanisms and international human rights standards. For instance, within the Human Rights Council, a specific special procedure mandate on extreme poverty and human rights exists and, in September 2012, the Council adopted the Guiding Principles on Extreme Poverty and Human Rights. Moreover, poverty is one of the targets included in the Millennium Development Goals (goal no. 1 - Eradicate extreme poverty and hunger). In the same vein of other articles of the draft declaration, the issue of the right to development is a duplication of other initiatives within the Human Rights Council and other United Nations bodies.

69. Non-governmental organisations expressed consensus on the inclusion of the right to development in the draft declaration. Several documents were mentioned to support the link between development and peace, for instance, the Millennium Declaration in its paragraph 32 reaffirmed the connection among peace, cooperation and development, and the Declaration on the Right to Development which affirmed the double nature of the right to development as a collective and individual right. The implementation of the right to development was seen as a condition sine qua non for the realization of peace.

#### **K. Environment (article 10)**

70. Concerning article 10, some delegations expressed their concern about the lack of connection between environment and the right to peace as the article is currently drafted. Furthermore it was noticed that the language used is confusing and inconsistent with United Nations agreed language.

71. Many delegations indicated that the theme of environment in the context of human rights was already being dealt by the Human Rights Council through its special procedures mechanisms and expressed concern that such a provision will interfere and create duplication with regard to the work of the Council.

72. Other delegations and non-governmental organizations favoured the current text and indicated that it should be kept in the declaration. It was emphasized that it is not possible to exercise economic, social and cultural rights in a non-clean environment.

#### **L. Rights of victims and vulnerable groups (article 11)**

73. With regard to article 11 on the rights of victims and vulnerable groups, there was an overall understanding to adopt a general approach when discussing the principles contained in the article. There was a recommendation to delete any reference to individual groups as outlined in the third paragraph. Others stressed the importance of incorporating concepts that enjoy international consensus.

74. Several delegations preferred to incorporate the language found in the Vienna Declaration and Programme of Action, particularly when referencing *inter alia*, racism, racial discrimination and xenophobia.

75. It was indicated that the United Nations framework and regional human rights treaties provide remedies for victims of human rights violations. Reference was made to the current work undertaken by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. Ratification of the Rome Statute was encouraged.

76. Non-governmental organizations recommended including paragraphs on enforced or involuntary disappearances which, in certain circumstances, constitutes a crime against humanity.

#### **M. Refugees and migrants (article 12)**

77. Moving to consideration of article 12, many delegations recognised that there is a human rights dimension in relation to refugees and migrants, regardless of their migration status. However, numerous delegations expressed that there are more appropriate forums to address the elements of the article in an exhaustive and specific manner.

78. It was felt that it would be preferable to include a more general language when addressing this theme. Several delegations nevertheless indicated that it was unclear why the issue of migrants and refugees had to be included while other categories of vulnerable groups like internally displaced persons were excluded. Ultimately, the need to include an article in the draft declaration on this subject was questioned.

79. Some delegations and non-governmental organizations supported the inclusion of this article and additional language was suggested to strengthen its contents.

#### **N. Obligations and implementation (article 13)**

80. With regard to article 13, many delegations felt that, generally speaking, its wording was slightly vague and ambitious. Regional and South-South cooperation could be the vehicles for the correct implementation of the right to peace. The Working Group returned to discussing the definition of the right to peace. Some delegations reiterated that it would be difficult to impose obligations about an undefined legal concept and that its implementation would not be feasible. It was also noted that the contents of paragraphs 4 and 5 would be difficult to apply because of the lack of clarity of the terminology used. A debate on paragraph 6 was considered by many delegations as premature.

## **O. Final provisions (article 14)**

81. It was suggested to modify paragraph 1 of article 14 on the final provisions in order to ensure that nothing within this declaration goes against the principles of the United Nations or the principles of human rights. The purpose of this declaration is to encourage the enjoyment of human rights and not to be an obstacle to them. It was also recommended to slightly modify paragraph 3 so as to indicate that all States must implement in good faith the provisions of the declaration by adopting measures that they believe are most appropriate in their contexts. As the declaration is not legally binding, States should be allowed to judge how best to implement those measures. These proposals were also favoured by non-governmental organizations.

## **V. Adoption of the report**

82. At its seventh meeting, on 21 February 2013, the Working Group adopted the draft report on its first session ad referendum and decided to entrust the Chairperson-Rapporteur with its finalization.

## **VI. Conclusions and recommendations**

## Annex

### Agenda

1. Opening of the meeting.
  2. Election of officers.
  3. Adoption of the agenda and organization of work.
  4. Programme of work.
  5. Adoption of the report.
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