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the Draft United Nations Declaration on the Right to Peace**

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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

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I. Introduction

1. The Human Rights Council decided, in its voted resolution 20/15 of 5 July 2012, 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 for 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 had the ultimate objective of creating a peaceful environment in which all people could fully enjoy their human rights and freedoms. She commended the comprehensive work of the Drafting Group of the Advisory Committee that had prepared the draft declaration on the right to peace and acknowledged the diversity of views and positions with regards to the right to peace. She also 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 were 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 stakeholders 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. He 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 Christian 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, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, the Czech Republic, the Democratic People's Republic of Korea, Ecuador, Egypt, Estonia, Ethiopia, France, Gabon, Germany, Guatemala, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Kuwait, the Lao People's Democratic Republic, Latvia, Libya, Luxembourg,

Madagascar, Mali, Malaysia, Mauritania, Mexico, Monaco, Morocco, Nepal, the Netherlands, Nicaragua, Pakistan, Paraguay, Peru, the Philippines, Poland, Portugal, Qatar, the Republic of Korea, Romania, the Russian Federation, Saudi Arabia, Senegal, Singapore, South Africa, South Sudan, Spain, Sri Lanka, Sudan, the Syrian Arab Republic, Thailand, Tunisia, Turkey, Turkmenistan, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam and Yemen.

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: the African Union, the European Union, the International Organization of la Francophonie, and the Organization 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; Associazione 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; Franciscans International; 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 1,619 civil society organizations and cities); International Fellowship of Reconciliation; International Volunteerism Organization for Women, Education, Development; International Youth and Student Movement for the United Nations; 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 défense des droits de l'homme; Soka Gakkai International; United Network of Young Peacebuilders; UN Watch; United Religions Initiative; U.S. Federation for Middle East Peace; VIVAT international; Women's World Summit Foundation; World Alliance for Citizen Participation (CIVICUS); 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, 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 of Human Rights, the Vienna Declaration and Programme of Action, and human rights treaties that related 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, had continued in preparation for 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 Draft United Nations Declaration on the Right to Peace as Chairperson-designate, where he presented the road map that would guide the session and promote a confidence-building atmosphere. He indicated that he had 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 had been useful and had contributed to setting a positive environment.

16. At its first meeting, on 18 February 2013, the Working Group adopted its agenda as it appeared 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, 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 were 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 was not new, but recognized in soft law instruments including in General Assembly resolution 39/11 of 12

November 1984, whereby the international community had 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 18 November 2012.

21. Several other delegations stated that a stand-alone “right to peace” did not exist under international law. In their view, peace was not a human right in and of itself: it was rather a goal that could 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 was 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 diverted the focus of the Council’s activities.

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 39/11 of 1984 and the subsequent resolutions of the Human Rights Council.

23. Delegations debated as to whether the right to peace was an individual or collective right. Some believed that there was 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 did 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 were 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 (the United Nations Conference on Disarmament and the Arms Trade Treaty negotiations), peacekeeping (the Security Council), development (the Human Rights Council’s Working Group on the Right to Development), peace education (the United Nations Educational, Scientific and Cultural Organization (UNESCO)), refugees (the United Nations High Commissioner for Refugees) and climate change (the 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. Commenting on the draft declaration did not imply agreement to negotiate its text. It was also 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 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 organizations 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 was a cultural process that could progress even when a context of violence persisted. It was also noted that women were key actors in non-formal peace education and that since discrimination and inequality were at the root of violence against women, gender equality was an important element of peace.

29. The Chairperson-Rapporteur stated that the draft declaration should be a consensual document containing a short and balanced text. Therefore, the current text required 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. A delegation's silence regarding a particular point did not necessarily indicate its acceptance of that provision. Likewise, if no delegation addressed a specific provision, it did not necessarily mean that there was consensus. The Chairperson-Rapporteur reiterated that as part of a confidence-building exercise, nothing would be agreed upon until everything was agreed upon. He also added that his report would be a faithful and transparent reflection of what 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 were 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 peoples' right to peace and 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 purposes and principles of the United Nations, relevant references to the Charter of the United Nations, the Universal Declaration of Human Rights and the General Assembly Declaration on a Culture of Peace (General Assembly resolution 53/243 of 13 September 1999) as well as resolutions of the General Assembly and the Human Rights Council on the subject. It was suggested that positive language should be used instead of a negative definition of peace as the 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 the peaceful settlement of disputes and to include instruments adopted at regional levels.

B. Article 1. Right to peace: principles

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 as to the actual contents of the paragraph. It was observed that in connection with the wording of paragraphs 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 of 18 June 2008, 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 were already enshrined in international law so as not to move away from legally established rights. It was also stated that the right to peace should be defined in terms of undertakings of States rather than by reference to other 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 was no consensus in international law. Other options were possible: 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 had responsibilities 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 had 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 was made up of human beings, and the right to peace, as well as human beings, would have both an individual and a collective dimension. It was therefore proposed to state that all human beings, individually and collectively, had a right to peace, which was related to all human rights in an indivisible and interdependent manner.

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 set 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 encompassed the collective dimension of the right to peace and that, in accordance with the Vienna Declaration and Programme of Action, peace was a right and a prerequisite and as such it facilitated the enjoyment of economic, cultural, social, civil and political rights. Many of the constitutive elements of the right to peace were already justiciable, including the right to life, to health, to education, to conscientious objection to military service, to freedom of expression and peaceful assembly, the prohibition of the recruitment of child soldiers and the prohibition of propaganda for war. Moreover, the prohibition of the use and the threat of force was a *jus cogens* obligation clearly set by the Charter of the United Nations and represented a fundamental element for the respect of national sovereignty and the self-determination of peoples.

C. Article 2. Human security

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

43. The work currently being done by the 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 contained 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 could not 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 of the United Nations. 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 had a right to peace, and that article 2 as currently drafted focused excessively on an individual dimension.

46. It was noted that the order of priorities and the criteria for the choice of themes were not clear and that the text required 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 captured the aspirations of States.

D. Article 3. Disarmament

47. With regard to article 3 of the draft declaration, a number of delegations drew the link between disarmament and the right to peace, without the intention of discussing disarmament as such but to highlight the above-mentioned link, and the will of States to undertake negotiations with such an aim. Others felt that the Human Rights Council was 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 in view of both its sensitive nature and extensive scope. Other delegations focused on the need for greater transparency vis-à-vis military spending and the need to free up resources and redistribute them to the poorest sections of the society. It was proposed to subdivide paragraph 1 of article 3 into two paragraphs, the first one to address the aim to achieve, within a reasonable period of time, 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 negotiations aimed at reducing military spending without impinging on the area of national sovereignty.

E. Article 4. Peace education and training

49. Moving to the consideration of article 4, there was broad consensus in the Working Group to support the inclusion of a provision concerning peace education and training, which 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 felt nevertheless 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 its resolution 66/137 of 19 December 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 using, in paragraph 5 (a), the previously agreed language “racism, racial discrimination, xenophobia and related intolerance” instead of just “xenophobia”.

F. Article 5. Right to conscientious objection to military service

54. With regard to article 5, many delegations asked for the 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, fell purely within the realm of the 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 had 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 was an additional reference to the right to civil disobedience.

G. Article 6. Private military and security companies

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 at both the national and international levels 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 Open-ended intergovernmental 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. Article 7. Resistance and opposition to oppression

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 to delete 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, perhaps by 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. Article 8. Peacekeeping

62. With regard to article 8 on peacekeeping, it was affirmed that peacekeeping missions were 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 its inclusion would not provide added value. It was stated that human rights advisers had been included in peacekeeping operations and that those human rights components of peace missions were adequately guided and supported. Moreover, it was suggested that operational matters fell outside the mandate of the Human Rights Council.

64. Non-governmental organizations noted that United Nations and other humanitarian organizations, including various non-governmental organizations, played a long-established and critical role in seeking to enhance the protection of civilians in armed conflicts, including in places that did not have a peacekeeping presence. As a result, United Nations peacekeeping missions should include unarmed civilian forces for the adequate protection of the population.

J. Article 9. Right to development

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 were 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 would be more correct to discuss and use the word "development" rather than "sustainable development" because peoples were 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 prevented development and consequently affected the achievement of peace.

68. Other delegations pointed out that article 9 contained redundant concepts which were 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 existed and, in September 2012, the Council adopted the Guiding Principles on Extreme Poverty and Human Rights. Moreover, poverty was one of the targets included in the Millennium Development Goals (Goal 1 – Eradicate extreme poverty and hunger). In

the same vein of other articles of the draft declaration, the issue of the right to development was a duplication of other initiatives within the Human Rights Council and other United Nations bodies.

69. Non-governmental organizations 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, in its paragraph 32 the Millennium Declaration reaffirmed the connection between peace, cooperation and development, and the Declaration on the Right to Development 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. Article 10. Environment

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

71. Many delegations indicated that the theme of the 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 would 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 was not possible to exercise economic, social and cultural rights in an unclean environment.

L. Article 11. Rights of victims and vulnerable groups

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 enjoyed 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 provided 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 of the International Criminal Court was encouraged.

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

M. Article 12. Refugees and migrants

77. Moving to the consideration of article 12, many delegations recognized that there was a human rights dimension in relation to refugees and migrants, regardless of their

migration status. States should undertake to ensure that causes underlying displacements of refugees and migrants were eliminated. However, numerous delegations expressed that there were 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 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, such as internally displaced persons, were excluded. Ultimately, the need to include an article on this subject in the draft declaration 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. Article 13. Obligations and implementation

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. It was also stated that the preservation, promotion and implementation of the right to peace constituted a fundamental obligation of all States, individually and collectively. Collective State action was encouraged in coordination with the United Nations. All human beings, individually and collectively, had a right and a duty to contribute to the enjoyment of the right to peace.

81. The Working Group then returned to discussing the definition of the right to peace. Some delegations reiterated that it would be difficult to impose obligations regarding 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. Article 14. Final provisions

82. It was suggested to modify paragraph 1 of article 14 on the final provisions in order to ensure that nothing within this declaration went against the principles of the United Nations or the principles of human rights. The purpose of this declaration was 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 believed were most appropriate in their contexts. As the declaration was 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. Concluding remarks

83. At its seventh meeting, on 21 February 2013, following the distribution of the draft report, the floor was open for concluding remarks.

84. In introducing this part of the session, the Chairperson-Rapporteur informed the delegations that the report would be adopted ad referendum and delegations would have the possibility of sending their comments to the secretariat of the Working Group in the following two weeks. Many delegations thanked the Chairperson for his leadership during this first session and for his transparent, inclusive, consensual and objective approach.

85. Some delegations stressed the absence of a consensus on the existence of a “right to peace” under international law and reiterated that it was inappropriate to discuss themes, including disarmament, refugees and migrants, traditionally and broadly treated by other mechanisms, within and outside the Council’s mandates, and by other United Nations organizations. They fully recognized the relationship between peace and human rights, but disagreed with the idea of peace as a prerequisite to human rights.

86. A number of delegations expressed their confidence in the elaboration of a declaration on the right to peace using as a basis the text prepared by the Advisory Committee, and that the nature and the essence of the right to peace lay, inter alia, in article 28 of the Universal Declaration of Human Rights. With regard to the recommendations for future action, it was felt that it would have been preferable to have recommendations directly emanating from the Working Group instead of the Chairperson-Rapporteur. The possibility that the Chairperson-Rapporteur would present a new text based on the debate held during the first session of the Working Group was also discussed.

VI. Conclusions and recommendations

A. Conclusions

87. **At the final meeting of its first session, on 21 February 2013, the Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace adopted the following conclusions, in accordance with its mandate established by Human Rights Council resolution 20/15:**

- i. The Working Group welcomed the participation of the Deputy High Commissioner, the President of the Human Rights Council and the Chairperson of the Advisory Committee drafting group on the draft declaration on the right to peace; and takes note of the input received from Governments, regional and political groups, civil society and relevant stakeholders.**

B. Recommendations of the Chairperson-Rapporteur

88. **Following the discussions held during the Working Group and acknowledging that differences of views on the way forward remain, the Chairperson-Rapporteur recommends to the Human Rights Council the following:**

- ii. That a second session of the Open-ended Intergovernmental Working Group be held before its twenty-fifth session;**
- iii. That permission be given to him for the holding of informal consultations with Governments, regional groups and relevant stakeholders in the intersessional period;**
- iv. That he be entrusted with the preparation of the new text on the basis of the discussions held during the first session of the Working Group and on the basis of the intersessional informal consultations to be held, and to present the text before the second session of the Working Group for consideration and further discussion thereat.**

VII. Adoption of the report

89. At its eighth 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.

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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