



The 70th Anniversary of the Creation of the United Nations: Giving Peace a Chance

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Abstract

War and peace perpetually alternate. Peace is always seen as an endless project, even a dream, to be realised in brotherhood by everyone all over the earth. During the last centuries, outstanding endeavours have been undertaken by the international community to create an international order free from wars through the strengthening of mechanisms aimed at promoting peaceful settlement of disputes. The UN Charter is the most solemn pact of peace in history, which lays down the necessary basic principles for an enduring peace, such as the full respect of fundamental rights. Today, in the context of the 70th Anniversary of the creation of the United Nations, the Human Rights Council should raise the voice of victims to strongly condemn war and to openly reiterate our inalienable right to live in a context in which war and conflict are progressively eliminated on earth through the promotion of mutual understanding, tolerance, respect for human rights and peaceful relationships.

1. Introduction

In its thirty-ninth session on 12 November 1984, the General Assembly adopted the *Declaration of the Right of Peoples to Peace*. The result of the vote was 92 to none and 34 abstentions.* Twenty-nine States were absent from the vote[†] and two countries did not participate.[‡] Resolution 39/11 was sponsored by 8 States.[§]

In general terms, most of the governmental representatives[¶] who took the floor before the vote stated that the right of peoples to peace was implicitly recognised by the international community in accordance with the UN Charter. Other governmental delegations^{**} stated that

* Australia, Austria, Belgium, Brunei Darussalam, Cameroon, Canada, Cape Verde, Denmark, Finland, France, Gabon, Germany, Federal Republic of Greece, Grenada, Guinea-Bissau, Iceland, Ireland, Italy, Japan, Luxembourg, Malawi, Netherlands, New Zealand, Niger, Norway, Philippines, Portugal, Saint Christopher and Nevis, Senegal, Spain, Sweden, Turkey, United Kingdom and United States

[†] Those absent include Iran, Israel, Morocco, Saudi Arabia and several developing countries

[‡] Albania and Malaysia

[§] Bulgaria, Cuba, Equatorial Guinea, German Democratic Republic, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mongolia and Nicaragua

[¶] Mongolia, Union of Soviet Socialist Republics, German Democratic Republic, Bulgaria, Vietnam, Hungary, Poland, Byelorussian Soviet Socialist Republic, Lao People's Democratic Republic, Czechoslovakia, Cuba, India and Malaysia

** Malaysia and Philippines.

while peace is an indispensable condition for human survival, it cannot be peace at any price. Finally, another group of countries* stressed that the right of peoples to peace has no legal basis.

The right of peoples to peace resolution contains four substantive sections: 1. The solemn proclamation that the peoples of our planet have a sacred right to peace; 2. The solemn declaration that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each State; 3. The demand that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations; 4. The supplication to all States and all international organizations to do their utmost in implementing the right of peoples to peace.

Since 2008 the Human Rights Council (hereinafter HRC) has been working on the “Promotion of the right of peoples to peace” inspired by previous resolutions on this issue approved by the General Assembly of the United Nations and the former Commission on Human Rights, particularly the General Assembly resolution 39/11 of 12 November 1984, entitled “Declaration on the Right of Peoples to Peace” and the United Nations Millennium Declaration.

On 17 June 2010, the HRC adopted resolution 14/3 on the right of peoples to peace, which explicitly requested the Advisory Committee, in consultation with Member States, civil society, academia and all relevant stakeholders, to prepare a draft declaration on the right of peoples to peace. In addition, this resolution called upon States and relevant United Nations bodies to promote the effective implementation of the Declaration and Programme of Action on a Culture of Peace.

The Advisory Committee’s text identified, in cooperation with some civil society organizations, the main elements which should be part of the future Declaration (including issues such as migrants, refugees, conscientious objection to military service, disarmament, environment, rights of victims, development and human security). The added value of the Advisory Committee’s text was to elaborate on a compilation about all linkages between the notion on peace and human rights, to mobilize civil society organizations and also to create the notion of the human right to peace by putting together all these elements in the form of a Declaration. Afterwards, Member States would make a global assessment about this text and eventually accept or reject it as a good and useful basis to continue the work on this topic.

This paper will analyse the resolutions 20/15 and 23/16 by which the Council decided firstly to establish, and secondly to extend for the first time the mandate of the Open-Ended Working Group (hereinafter OEWG) aimed at progressively negotiating a draft United Nations declaration on the right to peace. The approach of the Chairperson-Rapporteur of the OEWG, the Deputy Permanent Representative of Costa Rica to the United Nations in Geneva, will be taken into account. Resolution 27/17 by which the mandate of the OEWG

* European Community

was again extended will also be studied. Finally, the importance of consensus, the three UN pillars and the added value of the future Declaration will be analyzed.

2. Open-Ended Working Group

2.1 First Session

On 5 July 2012, the HRC adopted resolution 20/15 on “The promotion of the right to peace”. The resolution established an Open-Ended Working Group (OEWG) with the mandate of progressively negotiating a draft UN Declaration on the right to peace on the basis of the draft submitted by the Advisory Committee, and without prejudging relevant past, present and future views and proposals. The resolution was on the mandate to negotiate a text and not on the text itself, which was a different matter.

The OEWG held its first session in 2013 and following this session it concluded that there were some governmental delegations while other stakeholders that recognize the existence of the right to peace and other groups do not, arguing that peace is not a human right, but a consequence of the full implementation of all human rights.

In addition, the OEWG witnessed that the text presented by the Advisory Committee was not supported by Member States, even by those countries that actively support the process within the HRC. Cuba, Iran and Egypt pointed out that using undefined, ambiguous and un-grounded concepts that lack any consensus in international law is counter-productive and complicates the work entrusted with the working group. Controversial issues should be excluded from the text, such as human security, conscientious objection to military service, peacekeeping, refugees and migrants, among others. Some proposed sections should be discussed in other specialized fora (i.e. disarmament). Sri Lanka added that the draft Declaration has attempted to “re-invent the wheel” by formulating new concepts and definitions, whereas it should be guided by international law, basing itself on the UN Charter. Singapore also indicated that the thematic areas proposed seem to have been arbitrarily picked, as well as that the draft Declaration is philosophically and substantively problematic and is not conducive to a coherent and meaningful text.

Taking into account that the text prepared by the Advisory Committee in cooperation with some civil society organisations did not receive a general support by Member States, Indonesia stated that the last phrase of the resolution 20/15, which indicates “and without prejudging relevant past, present and future views and proposals,” opened the possibility to change it with new ideas and formulations. In addition, they added that a declaration should also be realistic, containing common denominators that are acceptable to all.

2.2 Second Session

On 13 June 2013, the HRC adopted resolution 23/16 by which the HRC requested the Chairperson-Rapporteur of the working group to prepare a new text on the basis of the discussions held during the first session of the working group and on the basis of the inter-sessional informal consultations to be held, and to present it prior to the second session of the working group for consideration and further discussion thereat.

The second session took place from 30 June to 4 July 2014 in Geneva. At the final meeting of this session, the OEWG, which is composed of representatives of States, civil society organizations and other stakeholders, acknowledged the constructive dialogue, broad participation and active engagement of governments, regional and political groups, civil society and relevant stakeholders, and took note of the input received from them and finally welcomed the approach put forward by the Chairperson-Rapporteur.*

One of the issues that the OEWG needed to consider was that during the drafting process within the Advisory Committee all the main elements identified by this UN body had previously been elaborated by Member States, international organizations and Non-Governmental Organizations (NGOs) in the Programmes of Action on Vienna and Culture of Peace. There was nothing new in the Advisory Committee's text apart from a useful compilation of those elements of international law linked to peace. Consequently, taking into account that the right of people to peace and culture of peace are different sides of the same coin, the HRC should recuperate the spirit of the resolutions 14/3 of 2010 and 17/16 of 2011, which clearly invite all stakeholders to promote the effective implementation of the Declaration and Programme of Action on a Culture of Peace.

With regard to the new text on the right to peace, it was felt that it is not necessary to re-draft a Declaration, which includes the same elements already elaborated in programmes of action previously adopted by consensus, as the Advisory Committee had made in the past. This possible exercise would be a clear duplication of efforts and energy. In addition, as clearly explained, the Advisory Committee's text was not accepted by Member States and consequently, the Chairperson-Rapporteur could not continue spinning on an approach, which had not received a general support, with the exception of some civil society organizations. It should also be noted that as of today no State has resorted to go back to the text prepared by the Advisory Committee. They prefer a short and concise text in the line of the text elaborated by the Chairperson-Rapporteur.

The Chairperson-Rapporteur decided to include in his text all the specific measures aimed at preserving the right of peoples to peace. Since 2008 the HRC has elaborated the following measures in all its resolutions: 1. The principles of the Charter of the United Nations, such as the peaceful settlement of disputes, international cooperation and the self-determination of peoples; 2. The elimination of the threat of war; 3. The three pillars of the United Nations (i.e. peace, human rights and development); 4. The eradication of poverty and promotion of sustained economic growth, sustainable development and global prosperity for all; 5. The wide diffusion and promotion of education on peace and 6. The strengthening of the Declaration and Programme of Action on a Culture of Peace.

In addition, his text was based on the relationship between the right to life and the three UN pillars, taking into account that the Declaration on the right of peoples to peace of 1984 and the subsequent resolutions adopted by the HRC recognize that "life without war serves as the primary international prerequisite for the material well-being, development and progress

* Report of the Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace elaborated by Ambassador Christian Guillermet-Fernández (Chairperson-Rapporteur), Doc. A/HRC/27/63, 4 July 2014, Conclusions

of countries, and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations”.

2.3 Third Session

On 12 September 2014, the Chairperson-Rapporteur presented his report of the second session of the OEWG before the HRC. Ireland commended the diligent approach that the Chairperson-Rapporteur had taken in seeking to find text that would allow a declaration to be adopted by consensus. They also welcomed the fresh direction taken in the new draft and hoped that the future negotiations will continue down this path.

In its resolution 27/17 of 2014, the HRC decided the OEWG would hold its third session for five working days in 2015 with the objective of finalizing the declaration. It further requested the Chairperson-Rapporteur to conduct informal consultations with Governments, regional groups and relevant stakeholders before the third session of the OEWG and to prepare a revised text on the basis of the discussions held during the first and second sessions of the OEWG.

This previous resolution is not explicitly referring to the draft declaration on the right to peace elaborated by the Advisory Committee, because this text was categorically rejected by Member States in the first session of the OEWG. This resolution is a clear example of the decision taken by the Human Rights Council to not accept the Advisory Committee’s text as a basis for future negotiations. The community of States and an increasing number of civil society organizations had realized that there was a close linkage, even sometimes the repetition, between the elements proposed by the Advisory Committee and the Programmes of Action on Vienna and a Culture of Peace. For this reason, no State claimed in the 27th session of the HRC to go back to the Advisory Committee’s text in order to avoid duplications.

As of 2013, most of the European and Western countries voted against the resolution, with the exception of Italy, Ireland and Romania, which abstained. This abstention does not mean that these countries implicitly support the notion of the right to peace, but they prefer to negotiate a balanced text which includes the positions of all Member States, those who believe in this right and others who do not support this notion.

The third session took place from 20-24 April 2015 at the Palais des Nations in Geneva. Eventually, the text should be adopted by the Human Rights Council in June 2015 and the General Assembly in September-December 2015.

Apart from recalling the measures identified by the Council for the promotion of the right of peoples to peace, the Chairperson-Rapporteur will again stress in his second text that the right to life has properly been characterized as the supreme human right, since without effective guarantee of this right, all other rights of the human being would be devoid of meaning. Since the right to life should not be narrowly interpreted, it has traditionally been linked to peace and security matters. As for the positional relationship between the right to life and peace, it appears to have been correctly stated in the Preamble to the Universal Declaration of Human Rights and the Declaration on the Preparation of Societies for Life in Peace, which recognize the inherent right to live in peace.

In preparation of the third session, on 30 January 2015, the Chairperson-Rapporteur convened an informal consultation at the Palais des Nations. The Secretariat circulated a preliminary invitation to all Permanent Missions and other stakeholders on 12 January 2015. The provisional agenda and the Chairperson's comments and questions were circulated by the Secretariat on 23 January 2015. He raised the following issues, which were answered by some missions: elements of the Charter of the United Nations, the victim-centred approach to the notion, the principles of international law and State actions to promote the future text. All governmental delegations again supported the approach put forward by the Chairperson-Rapporteur, in particular the transparency, consensus and inclusiveness of the process.

In particular, the Russian Federation stated that the second session identified clearly the points of divergence and convergence and that the third session should build on convergent issues. They considered the declaration as an expression of political will and not a legally binding document and thus would not expect any monitoring or follow-up mechanism. It should be based on the three pillars of peace, human rights and development. The United States of America appreciated the approach, in particular the consensus, and announced that they would continue to participate actively despite voting against the resolution setting up the WG. They wanted to focus its attention on those points of convergence among all different States. In addition, Algeria stressed that they did not want a 'Christmas tree' like the Advisory Committee had made in the past.

In addition, the Chairperson-Rapporteur met on 26 February 2015 in the morning with UN entities based in Geneva on the premises of the Mission of Costa Rica. They made useful contributions in terms of text, but in particular they focused their attention on draft Article 3 on the role of the UN entities and international organizations in the promotion of the future instrument. They considered that this Declaration contains all main elements and consequently, it would be a very useful instrument to implement their peace-building programs in the field.

The same day in the afternoon, the Chairperson-Rapporteur also met with NGOs at the Palais des Nations. He assured civil society organizations that he was listening very carefully to the proposals made by them and that he had identified some interesting points to be taken into consideration, such as the mention of the three Declarations (Right of Peoples to Peace, Preparation of Societies for Life in Peace and Principles on International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations). Other interesting elements were the Preamble of the UNESCO constitution; the issue of the eradication of poverty; the concept of eradication of inequality; the respect for life and practice of non-violence linked to education; the concept of peace infrastructures; violence, and the inherent right to life in peace. The Chair mentioned that there were also a number of elements raised during the last informal consultations by NGOs that he would like to take into account (disarmament, nuclear weapons, notion of democracy, issue of a monitoring mechanism, contentious objection, and environmental issues) which did not enjoy support by countries.

The Chair also stressed that most of the elements proposed by the Advisory Committee were not accepted even by those countries that support the initiative of the right to peace within the Human Rights Council. He again invited some NGOs to read both his report of the first session of the Working Group, which made a reading of the Advisory Committee text, and the statements delivered by States to better understand which stage the process is in at the HRC now.

Afterwards, David Fernandez (Mission of Costa Rica) referred to resolution 14/3 adopted in 2010 which had requested the Advisory Committee to prepare a declaration of the right of peoples to peace and called upon States and relevant United Nations bodies to promote the effective implementation of the Declaration and Programme on a Culture of Peace. He stressed that the elements included in the Advisory Committee text had been previously elaborated by the Programme of Action on Culture of Peace (i.e. migrants, refugees, disarmament, environment, rights of victims, economic rights...). Additionally, he pointed out that these elements were also included in the Programme of Action of Vienna. He recalled that since 2008 the HRC has elaborated some measures in all its resolutions aimed at promoting the right of peoples to peace. Finally, he stated that the main holders of the right of peoples to peace are States. Therefore, we need to go beyond by recognizing the victim approach of this notion without taking a step backwards.

“Consensus is neither compromise nor unanimity; it aims to go further by weaving together everyone’s best ideas and key concerns.”

3. Consensus in Action

Since the beginning of the negotiation process, the Chairperson-Rapporteur has always repeated that the work of the OEWG should be based on the TICO approach, which means the process is based on transparency (T), inclusiveness (I), consensual decision making (C) and objectivity (O), and a little realism. In this context, realism means that the Chairperson-Rapporteur shall conduct the negotiations by taking into consideration not his personal opinion on this topic, but the inputs received by the main drivers of the process – States – and other stakeholders – UN entities, international organizations and civil society. This consensual approach always needs specific diplomatic skills to identify a solution that is agreeable to a core set of delegates and then bring others into that group.

Consensus is a process of non-violent conflict resolution. In this type of process, everyone works together to make the best possible decision for the group. All concerns are raised and addressed, until all voices are heard. Since proposals are not the property of the presenter, a solution can be reached at cooperatively. Reaching consensus on a proposal does not mean that everyone is in agreement. It only means that all important concerns raised have been addressed, and unresolved concerns are at a low enough level that everyone feels that the goals of the group are being furthered by the proposal.

Consensus decision making is a creative and dynamic way of reaching agreement between all members of a group. Instead of simply voting for an item and having the majority of

the group getting their way, a group using consensus is committed to finding solutions that everyone actively supports, or at least can live with. Consensus is neither compromise nor unanimity; it aims to go further by weaving together everyone's best ideas and key concerns. At the heart of consensus is a respectful dialogue between equals. Consensus is looking for 'win-win' solutions that are acceptable to all, with the direct benefit that everyone agrees with the final decision, resulting in a greater commitment to actually turning it into reality.

In the disarmament affairs all resolutions are adopted by consensus. In addition, the convention on cluster munitions and landmines operates through the rule of consensus among all countries. The World Health Organization, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization and the World Trade Organization, among others, also operate on the unwritten rule of consensus. The Security Council is actually divided on just a limited number of issues; 92 percent of their resolutions operate by consensus. The majority of resolutions (such as 81 percent) adopted by the Human Rights Council in each session are also adopted by consensus.

It follows that consensus is the norm and tendency not only in international relations, but in the United Nations as well. In international relations, States cede part of their sovereignty on the condition that their individual voice should be heard. In general terms, the United Nations does not work like a national or regional parliament in which some political parties impose their will by using the majority of votes. For important matters affecting the life of millions of people, the United Nations, including its multiple entities and bodies, works on the basis of multilateralism with the purpose of reaching important consensual decisions.

On the basis of the UN spirit and multilateralism, the Chairperson-Rapporteur gives to the notion of consensus an important protagonism. Therefore, he gives all stakeholders a solemn call to help guide themselves in this process by recognizing the supreme importance of practicing tolerance, dialogue and cooperation. To that end, the main priority in this process is to create a solid basis with the purpose of sparing future generations the scourge of war and ensuring the maintenance and perpetuation of humankind. This highest aspiration can only be realized if all Member States and other stakeholders operate by the unwritten UN rule and tendency of consensus and dialogue.

4. The Three Pillars of the United Nations

On 26 March 2015 the Human Rights Council adopted by consensus in its 28th regular session under the leadership of the Russian Federation a presidential statement on the seventieth anniversary of the end of the Second World War by which the "Council pays tribute to all victims...", "...stresses that this historic event established the conditions for the creation of the United Nations, designed to save succeeding generations from the scourge of war...", "...calls upon the States Member of the United Nations to unite their efforts in dealing with challenges and threats to international peace and security, with the United Nations playing a central role ..." and finally "...underlines the progress made since the end of the Second World War in overcoming its legacy and promoting reconciliation, international and regional

cooperation and democratic values, human rights and fundamental freedoms, in particular through the United Nations ...”.

Seventy years ago, the UN Charter established the three founding pillars of the United Nations: peace and security, human rights and development. Since 1945 these pillars have provided the framework for the United Nations to tackle important challenges. We cannot pick and choose which pillar the United Nations should support, nor can we focus on one to the detriment of the others. To do so would be to ignore the lessons of the past 70 years, and to invite future conflicts.

On 21 August 2014, the General Assembly adopted the resolution 2171 by which it expressed “... its determination to pursue the objective of prevention of armed conflict as an integral part of its primary responsibility for the maintenance of international peace and security” (para. 1) and called upon “...all States to intensify efforts to secure a world free of the scourge of war and conflict” (para. 2). In this resolution Member States also expressed their deepest concern about the high human cost and suffering caused by armed conflicts and also recognized that peace, security and development are mutually reinforcing, including in the prevention of armed conflict (preambular paragraph 12).

The resolution 60/251 on the Human Rights Council adopted by the General Assembly on 15 March 2006 recognised in its preambular paragraph 6 that “peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing.”

The three UN pillars have been recognised by the Human Rights Council as a fundamental element aimed to promoting the right of peoples to peace. In particular, resolutions 11/4 of 2009, 14/3 of 2010 and 17/16 of 2011 have constantly been stressed in its operative sections. They emphasize that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being. Therefore, it follows that the three UN pillars are strongly linked to the issue of the right of peoples to peace.

During the High Level Segment of the 28th session of the Human Rights Council held in March 2015, dignitaries recognised the centrality of the UN pillars in the work of the United Nations. The Ministry for Foreign Affairs of Slovakia stated that there are no prospects for peace and security without respect for basic human rights and fundamental freedoms. The Ministry of the Principality of Liechtenstein stressed that today there is a general agreement that human rights, development and peace and security are closely interlinked and therefore, the United Nations cannot achieve its mission with a severely underfunded pillar. In addition, the Vice-Minister of Japan highlighted that protection of human rights is one of the three pillars of the United Nations’ activities along with peace and security and development. All these ideas about the three UN pillars were also included in the statements delivered by the Ministries of Foreign Affairs of Germany, Cameroon, El Salvador, Vietnam, Nepal, Burkina Faso, Sierra Leone and Romania.

5. The Future Declaration in Perspective

The future Declaration, which is being discussed within the Human Rights Council, shall help the UN entities, bodies, international humanitarian organizations and civil society, among other actors, to develop its programmes of peace building and reconciliation, as follows:

- It would help to achieve a coordinated response on a world-wide scale to those threats to human rights arising from the global interdependence of all individuals and nations;
- It would strengthen international cooperation, united interests and joint action in order to achieve its collective goals;
- It would provide a solid basis to elaborate progressively the Programme of Action on establishing a culture of peace;
- It would proclaim the universal principles developed under international human rights law (i.e. freedom from fear and want, equality and non-discrimination and justice and rule of law);
- It would recognize that the holistic concept of peace goes beyond the strict absence of armed conflicts (negative peace). Peace is also positive, since it is linked to the effective respect for all human rights and fundamental freedoms without discrimination (civil, political, economic, social, cultural rights and the right to development);
- It would help to understand that the enjoyment of peace is both the precondition and the final purpose of international human rights law.
- It would assist States and International Organizations to focus on the development of the three pillars on which the Charter of the United Nations is based, namely: peace and security, human rights and development.

6. Conclusions

The aspiration to create a society in which war plays little or no part in the life of our fellows has fired the human imagination throughout the history of humankind. The champions of peace have only obtained half-triumphs in their attempts at reaching a more peaceful world, because “peace has always conduced to a war”.¹

The future Declaration to be elaborated by the Chairperson-Rapporteur will surely contribute to the strengthening of international cooperation and multilateralism and will also influence the current objectives of the United Nations as a fundamental step towards the promotion of peace, tolerance, friendship and brotherhood among all peoples. Today the obligation of the international community is to hear the voice of victims, which strongly demands the right to live in a world free of wars and conflicts.

This year the United Nations is commemorating the 70th anniversary of its inception. The most important message that should be given by the United Nations is the adoption by consensus of a Declaration which takes into account all different positions, and above all pays

real tribute to all victims of war and conflict. The Declaration shall be an instrument aimed at raising the voice of the voiceless.

The future of peace deserves our efforts and imagination. For global problems affecting peace and stability, we need global solutions based on cooperation and multilateralism. For the maintenance and perpetuation of humankind, we need to concentrate our thoughts on the present and future generations. For the promotion of agreements and dialogue, we need to liberate peace from the chains of war, incomprehension and hatred. Today our responsibility is to advance in the world peace agenda.

“Let us not ignore our basic need to live in harmony and brotherhood! Let us make an effort to give peace a real chance...”

Our children will always thank us for our compromise and engagement with this noble cause. Let us not fail in our attempt to make peace prevail over earth! Let us not close the door to our dreams and hopes of a better world! Let us not ignore our basic need to live in harmony and brotherhood! Let us make an effort to give peace a real chance....

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Notes

1. Gaston Bouthoul, *Huit mille traités de paix* (Paris: René Julliard, Sequana, 1948), 12-13

Annexure

[United Nations Declaration on the Right to Peace]

Preamble

The General Assembly

Art. 1 and 2 of the UN Charter

Guided by the purposes and principles of the Charter of the United Nations

UDHR, UNGA Resolution 217 A (III), 10 December 1948; ICCPR, UNGA Resolution 2200A (XXI), 16 December 1966; ICESCR, UNGA Resolution 2200A (XXI), 16 December 1966

Recalling the Universal Declaration of Human Rights and the International Covenants on Civil, Political, Economic, Social and Cultural Rights

UNGA Resolution 41/128 on Declaration on the Right to Development of 1986, UNGA Resolution 55/2 on Millennium Declaration of 2000 and Vienna Declaration and Programme of Action of 1993

Recalling the Declaration on the Right to Development, the Millennium Declaration, including the Millennium Development Goals and the Vienna Declaration and Programme of Action

Resolution 33/73 on Declaration on the Preparation of Societies for Life in Peace, 15 December 1978; Resolution 39/11 on Declaration on the Right of Peoples to Peace, 12 November 1984 and Resolution 53/243 on Declaration and Programme of Action on Culture of Peace, 13 September 1999

Mindful of the Declaration on the Preparation of Societies for Life in Peace, the Declaration on the Right of Peoples to Peace and the Declaration and Programme of Action on a Culture of Peace

UNGA resolution 25/2625, 24 October 1970

Recalling that the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations recognised that friendly relations among nations are based on the respect for the principles of equal rights, self-determination of peoples, territorial integrity, political independence, international cooperation, peaceful settlement of disputes, sovereignty and non-interference in domestic jurisdiction of any State (notions included in the Declaration)

Art. I.2, UNGA resolution 49/60, 9 December 1994

Recalling that the Declaration on Measures to Eliminate International Terrorism recognised that acts, methods and practices of terrorism constitute a grave violation of the purposes and principles of the United Nations, which may pose a threat to international peace and security, jeopardize friendly relations among States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bases of society

First Pillar: Peace and Security

Preamble, para. 1 and Art. 1.2 of the UN Charter

Recalling the determination of the peoples of the United Nations to practice tolerance and live together in peace with one another as good neighbors in order to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, and to promote social progress and better standards of life in larger freedom (Partially drafted on the basis of the inputs received at the 2nd session of the OEWG)

Preamble, paragraph 6, Resolution 60/251 on the Human Rights Council adopted by the General Assembly on 15 March 2006 and Art. 72, World Summit Outcome Document, Doc. 60/1, General Assembly, 24 October 2005

Recalling that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing

Preamble, paragraph 4, Declaration on a Culture of Peace, 13 September 1999

Recognizing that peace is not only the absence of conflict, but also requires a positive, dynamic participatory process where dialogue is encouraged and conflicts are solved in a spirit of mutual understanding and cooperation.

Second Pillar: Human Rights

Preamble, paragraph 1, Universal Declaration of Human Rights, 10 December 1948

Recalling also that the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, and that freedom, justice and peace are prerequisite for the enjoyment of dignity and of inalienable rights by all members of the human family

Preamble, paragraph 2, Universal Declaration of Human Rights, 10 December 1948

Recalling that disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind

Art. 28, Universal Declaration of Human Rights, 10 December 1948

Recalling in particular that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized

Part. I, Art. 5, Vienna Declaration and Programme of Action on Human Rights, 12 July 1993

Recalling that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that the international community should treat human rights in a fair and equal manner, on the same footing and with the same emphasis

Art. 5, paragraph f, Resolution 60/251 on the Human Rights Council adopted by the General Assembly, 15 March 2006

Recalling that the United Nations contributes, through dialogue and cooperation, towards the prevention of human rights violations and abuses and prompt responses to human rights emergencies (Partially drafted on the basis of the inputs received at the 2nd session of the OEWG)

Third Pillar: Development

Art. 19, World Summit Outcome Document, Doc. 60/1, General Assembly, 24 October 2005

Recalling the world commitment to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all and the need to reduce inequalities within and among countries

Art. 74, World Summit Outcome Document, Doc. 60/1, General Assembly, 24 October 2005

Recalling the importance of prevention of armed conflict in accordance with the purposes and principles of the Charter and of the commitment to promote a culture of prevention of armed conflict as a means of effectively addressing the interconnected security and development challenges faced by peoples throughout the world

Preamble, paragraph 12, Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979)

Recalling that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields

Peace Education and Culture of Peace

Preamble, paragraph 1, UNESCO Constitution, 16 November 1945

Recalling that since wars begin in the minds of human beings, it is in the minds of human beings that the defenses of peace must be constructed (This provision has partially been cut and pasted. The notion of “men” has been replaced for “human beings”, in order to include a more neutral language and take into account the gender approach)

Art. 74, World Summit Outcome Document, Doc. 60/1, General Assembly, 24 October 2005

Recalling also that the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of human beings and constitute a sacred duty which all the nations must fulfil in a spirit of mutual assistance and concern (This provision has partially been cut and pasted. The notion of “men” has been replaced for “human beings”, in order to include a more neutral language and take into account the gender approach)

Art. 1.A and 1.F, Declaration and Programme of Action on Culture of Peace, 13 September 1999

Recalling that a culture of peace is a set of values, attitudes, traditions and modes of behaviour and ways of life based on, among others, respect for life, ending violence and promotion and practice of non-violence through education, dialogue and cooperation and the right to development

Art. 34, Vienna Declaration and Programme of Action on Human Rights, 12 July 1993

Recalling that a culture of peace is greatly enhanced when Governments, the United Nations system as well as other multilateral organizations increase considerably the resources allocated to programmes aiming at the establishment and strengthening of national legislation, national institutions and related infrastructure, which uphold human rights awareness through training, teaching and education (This provision has partially been cut and pasted, by linking the notions of culture of peace and the role played by the United Nations and multilateral organizations)

Preamble, paragraph 7, Universal Declaration on Cultural Diversity, UNESCO, 2 November 2001

Recalling further that respect for the diversity of cultures, tolerance, dialogue and cooperation, in a climate of mutual trust and understanding are among the best guarantees of international peace and security

Art. 1, Declaration of Principles on Tolerance, UNESCO, 16 November 1995

Recalling also that the tolerance is respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human, as well as a virtue that makes peace possible and contributes to the promotion of a culture of peace

Art. 1, Declaration on the Preparation of Societies for Life in Peace – adopted in 1978 with two abstentions. On 12 December 2002, the UNGA adopted the resolution 42/91 “Implementation of the Declaration on the Preparation of Societies for Life in Peace” without vote which invited “all States to guide themselves in their activities by principles enshrined in the Declaration aimed at establishing, maintaining and strengthening a just and durable peace for present and future generations”

Recalling that every nation and every human being, regardless of race, conscience, language or sex, has the inherent right to life in peace

Purposes of the Declaration: Elimination of the threat of war and responsibility of present generations

The first part of the paragraph is language proposed by the Chairperson-Rapporteur and the second one makes reference Art. 9.1 and 9.2, Declaration on the Responsibilities of the Present Generations Towards Future Generations, UNESCO, 12 November 1997

Inviting solemnly all stakeholders to guide themselves in their activities by recognizing the supreme importance of practicing tolerance, dialogue, cooperation and solidarity among all human beings, peoples and nations of the world as a means to promote peace through the realization of all human rights and fundamental freedoms, in particular the right to life, and dignity. To that end, the present generations should ensure that both they and future generations learn to live together in peace and brotherhood with the highest aspiration of sparing future generations the scourge of war and ensuring the maintenance and perpetuation of humankind:

Article 1

Art. 2 of the Universal Declaration of Human Rights, Art. 38 of the ASEAN Declaration on Human Rights and the three UN pillars

Everyone is entitled to enjoy peace and security, human rights and development.

Article 2

Inclusion of equality and non-discrimination, justice and rule, freedom from fear and want (Preamble, paragraph 2 and Art. 2 and 8, UDHR)

States should respect, implement and promote equality and non-discrimination, justice and the rule of law and guarantee freedom from fear and want as a means to build peace within and between societies.

Article 3

Language proposed by the Chairperson-Rapporteur after consulting UN entities and humanitarian organizations.

The United Nations and specialized agencies, as well as international, regional, national organizations and local organizations, including civil society, should take appropriate sustainable measures to act, support and assist in achieving the present Declaration.

Article 4

Principle pro homine or pro persona. Language proposed by the Chairperson-Rapporteur

Nothing in the present Declaration shall be construed as being contrary to the purposes and principles of the United Nations. The provisions included in this Declaration are to be understood in the line of the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international and regional instruments ratified by States.