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**REPORT BY THE DIRECTOR-GENERAL
ON THE HUMAN RIGHT TO PEACE**

OUTLINE

Source: The present item has been included in the agenda of the General Conference in accordance with the decision of the 152nd session of the Executive Board (152 EX/Decision 7.1)

Background: The idea of proclaiming the human right to peace was formulated in the Director-General's declaration on this subject, issued in January 1997. This idea received a positive response and was discussed at an international meeting of experts held in Las Palmas (Spain) in February 1997. As requested by the experts, a Draft Declaration on the Human Right to Peace was prepared at a meeting organized in Oslo by the Norwegian Institute of Human Rights (June 1997). This draft was sent by the Director-General to heads of state for their comments. Taking into account the answers and comments received, the Director-General proposed the inclusion of this item in the agenda of the General Conference.

Purpose: The General Conference is expected to discuss this report and resolve on further steps.

I

1. In January 1997, the Director-General prepared a declaration on the human right to peace in which he emphasized that 'lasting peace is a prerequisite for the exercise of all human rights and duties' and that the right to live in peace should be added to the list of already recognized human rights. This declaration was presented to the Secretary-General of the United Nations, the Ministers of Foreign Affairs and Ministers of Education of Member States,

NGOs, human rights centres, academic and educational institutions, etc. The declaration aroused great interest and the idea of gaining full recognition for the human right to peace was supported.

II

2. Taking into account this encouraging reaction, a meeting of experts on the human right to peace was organized by the University of Las Palmas, the Tricontinental Institute of Parliamentary Democracy and Human Rights and UNESCO, with the support of the Government of the Canary Islands, in Las Palmas (Spain) from 23 to 25 February 1997.

3. This meeting gathered together 30 participants, among them well-known specialists in international law and human rights: Mr M. Bedjaoui (Algeria) and Mr R. Ranjeva (Madagascar), judges of the International Court of Justice; Judge A. Cançado Trindade (Brazil), member of the Inter-American Court of Justice; Mr I. Nguema (Gabon), President of the African Commission of Human and Peoples' Rights; Mr A. Eide (Norway) and Mr G. Guerin (Italy), directors of human rights institutes; and Mr E. Roucouas (Greece), member of the United Nations Commission on International Law.

4. The meeting recognized the intimate linkage between human rights and peace. This relationship was recognized and formulated in the Preamble and Articles 1 and 55 of the United Nations Charter, in the UNESCO Constitution, in the Preamble and Article 28 of the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as in other human rights instruments adopted by the United Nations. The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States (1970) in its third preambular paragraph stresses 'the importance of maintaining and strengthening international peace founded upon freedom, equality, justice and respect for fundamental human rights'. Recently, this linkage was reaffirmed by the Vienna Declaration and Programme of Action of 1993.

5. The participants underlined that the right of states to peace is already well established in international law as a result of the prohibition of war by the United Nations Charter (and other instruments), the prohibition of the use and threat of force, the recognition of a war of aggression as a crime against peace, the introduction of responsibility for aggression, as well as the recognition of the so-called fundamental rights of states.

6. Concerning the right of peoples to peace, the African Charter on Human and Peoples' Rights provides (in Article 23) that 'All peoples have the right to national and international peace and security'. In 1984, the General Assembly adopted (with 34 abstentions) the Declaration on the Right of Peoples to Peace which 'solemnly proclaims that the peoples of our planet have a sacred right to peace' and 'solemnly declares that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each state'.

7. The Las Palmas meeting recalled that the right to peace as a human right has been incidentally mentioned in various documents, though none of them was entirely devoted to the elaboration of this right. As early as 1969, the Istanbul Declaration, adopted during the twenty-first International Conference of the Red Cross, proclaimed the right to lasting peace as a human right. In 1976, the right to life in peace was recognized as a human right by resolution 5/XXXII of the Commission on Human Rights. In 1978, the General Assembly adopted resolution 33/73 on the Preparation of Societies for Life in Peace which provides:

‘1. Every nation and every human being, regardless of race, conscience, language or sex, has the inherent right to life in peace. Respect for that right, as well as for the other human rights, is in the common interest of all mankind and an indispensable condition of advancement of all nations, large and small, in all fields’.

8. The participants also raised the question of whether the human right to peace really falls within UNESCO’s field of competence. In this context, it was recalled that the UNESCO Constitution, in Article I, links peace and human rights when it states that ‘The purpose of the Organization is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms ...’. This linkage is also underlined by the Preamble to the Constitution which emphasizes that ‘... the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfil ...’.

9. The special role of UNESCO in the implementation of the human right to life in peace was, in fact, recognized by the Declaration on the Preparation of Societies for Life in Peace (1978), which, in Part III, paragraph 2, called for ‘... concerted action on the part of governments, the United Nations and the Specialized Agencies, in particular the United Nations Educational, Scientific and Cultural Organization, as well as other interested international and national organizations, both governmental and non-governmental’.

10. Recognition of the human right to peace would give fresh impetus to the struggle against violence and behavioural attitudes based on force and imposition. A culture of peace cannot be built on intolerance, injustice and exclusion. Peace is the result of the observance of human rights and also the precondition for that observance. There is also another intimate dimension of peace, the need for internal peace, for the prohibition of violence of all kinds.¹ The General Assembly, in resolution 50/173 of 22 December 1995 entitled ‘United Nations Decade for Human Rights Education: Towards a Culture of Peace’ and resolution 51/101 of 12 December 1996 entitled ‘Culture of Peace’, recognized the importance of this programme and UNESCO’s competence in this field.

11. During the half century of UNESCO’s existence, almost 60 conventions, declarations and recommendations have been elaborated and adopted by the General Conference. Some of UNESCO’s declarations linked peace with human rights. Thus, in 1978, the Organization adopted the Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights (...) and, in 1974, the Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms.

12. In its final document (Annex I) the Las Palmas meeting expressed the view that the human right to peace should be recognized, guaranteed and protected at the international level through the preparation and adoption of a Declaration on the Human Right to Peace. It was

1. In February 1997, the Secretary-General of the United Nations, addressing the American Council on Education, said that: ‘In the broadest sense, we seek to establish a culture of peace. The United Nations Educational, Scientific and Cultural Organization (UNESCO), a leading international voice on behalf of education and literacy for all, is founded on the premise that “since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed”. (The minds of women, I might add in these more enlightened times, are already well oriented towards peace)’. He was reaffirming the common role of the United Nations system: ‘to save the succeeding generations from the scourge of war’, and to build peace in the minds of all human beings.

also stressed that such a declaration should lead to a series of constitutional, legislative and administrative measures at national level. The participants asked the Director-General to continue the work initiated at the Las Palmas meeting, with a view to elaborating a draft declaration on this subject and presenting it to the twenty-ninth session of the General Conference on the eve of 1998, the year of the fiftieth anniversary of the Universal Declaration of Human Rights.

III

13. On the initiative of Dr A. Eide, Director of the Norwegian Institute of Human Rights, a meeting on the human right to peace was held in Oslo from 6 to 8 June 1997. The Director of the Institute chaired the debates. Among the eminent experts participating in the meeting were Mr Asdrubal Aguiar, Minister of the Presidency of Venezuela, Ambassador H. Gross Espiell (Uruguay), Professor K. Vasak (France), Professor C. Zenghi (Italy) and Professor Rafea Ben Achour (Tunisia).

14. The main objective of the meeting was to prepare a Draft Declaration on the Human Right to Peace. Participants once again agreed that the preparation of such a declaration in the new circumstances created by the fall of the Berlin Wall and in an international context of violence and internal conflicts was of utmost importance. They elaborated a text (Annex II) which was presented by the Director-General, who took part in the final session of the meeting, to the Norwegian press and radio.

15. The Oslo Draft Declaration on the Human Right to Peace in its preamble refers to the Charter of the United Nations, the Constitution of UNESCO and the Universal Declaration of Human Rights. It notes that 'peace, a common good of all humanity, is a universal and fundamental value to which all individuals and all peoples, and in particular the youth of the world, aspire'. The recognition of a human right to peace can give peace its full human dimension.

16. The Draft Declaration proclaims that 'Every human being has the right to peace, which is inherent in the dignity of the human person'. It stresses that war, armed conflicts, violence and insecurity are intrinsically incompatible with the human right to peace. It underlines that peace is not only a human right but also a duty.

IV

17. After the Oslo meeting, other meetings were held in Member States, at which the need to recognize the human right to peace was affirmed. Those meetings resulted in documents such as the Bamako Declaration (Mali) (Annex III), adopted on the occasion of Peace Week in March 1997, which proclaims that the human right to peace is a fundamental right. Likewise the Maputo Declaration (Mozambique) (Annex IV), adopted by the International Conference on the Culture of Peace and Governance in September 1997, states that 'the human right to peace is an inalienable right'.

V

18. At the beginning of July 1997, the Director-General sent a letter to the heads of state of all Member States, accompanied by the Draft Declaration on the Human Right to Peace, prepared by the Oslo meeting. The aim of this letter was to present the Director-General's ideas on the human right to peace (contained in his Declaration on the Human Right to Peace of January 1997), to inform Member States on the development of this idea at the meetings

held in Las Palmas de Gran Canaria and Oslo (Norway) and to present briefly the normative background. Finally, the letter introduced the Oslo Draft Declaration to Member States in order to elicit their opinions on this initiative.

19. As at 22 October 1997, 42 Member States had replied to the Director-General's letter. They were the People's Democratic Republic of Algeria, the Republic of Angola, the Azerbaijani Republic, Barbados, the Republic of Belarus, Belize, Cambodia, Canada, the Republic of Croatia, the Republic of El Salvador, the French Republic, the Republic of the Gambia, Georgia, the Republic of Ghana, Grenada, the Co-operative Republic of Guyana, Jamaica, the Republic of Kazakhstan, the Lebanese Republic, the Grand Duchy of Luxembourg, the Republic of Maldives, the Republic of Malta, the Principality of Monaco, the Republic of Mozambique, the Republic of Namibia, the Kingdom of Nepal, the Kingdom of the Netherlands, New Zealand, the Republic of the Philippines, the Republic of Poland, the Portuguese Republic, the Republic of Moldova, the Republic of San Marino, the Slovak Republic, the Republic of Slovenia, the Kingdom of Spain, the Democratic Socialist Republic of Sri Lanka, the Swiss Confederation, the Republic of Trinidad and Tobago, the Republic of Tunisia, the Republic of Uganda and Ukraine.

20. For the most part, the Member States that replied to the Director-General's letter expressed their interest in this initiative. Twenty-eight of the 42 replies received voiced support. The Member States affirmed their commitment to the values set out in the Charter of the United Nations and the Constitution of UNESCO, particularly to peace and to the need permanently to enshrine the right to peace as a human right which is fundamental to the building of a culture of peace. Most of the Member States concerned also stressed that the adoption of this Declaration by the General Conference would make an important contribution to the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights.

21. Ten Member States suggested changes or proposed amendments to the Draft Declaration while at the same time expressing interest, in the principles of the initiative. Among the suggestions put forward was the need to include in the Draft Declaration provisions for the promotion of sustainable development and the protection of states which were vulnerable owing to their geographical situation or the fragility of their economies. The amendments proposed concerned in particular the rewording of Article 2 of the Draft Declaration in order to go more deeply into the notion of violence, clearly state its various manifestations, and include a reference to the need to prevent all forms of discrimination (racism, anti-Semitism, etc.).

22. Four Member States expressed reservations regarding the possible adoption by UNESCO of the Draft Declaration on the Human Right to Peace. They were of the view that the matter lay more properly within the competence of the General Assembly of the United Nations, and that UNESCO should focus its efforts on its own fields of competence (fostering collaboration, understanding and respect among nations in the fields of education, science, culture and communication) rather than on a declaration relating to human rights.

VI

23. Twenty-five Members of the Executive Board raised this question in their statements to the debate in plenary of the 152nd session. Some Members of the Board supported the idea of such a declaration, underlining that peace is a major precondition for the implementation of all human rights, and that human right to peace is really one of the most fundamental rights of a human being, other members expressed doubts on the advisability of elaboration by UNESCO of this kind of declaration. The Executive Board agreed with the proposal of the Director-General to include the item concerning the human right to peace in the agenda of the General

Conference, in order to discuss the Report with the Oslo Draft Declaration and resolve on further steps.

ANNEX I

The participants in the UNESCO meeting of experts on the human right to peace, organized in Las Palmas de Gran Canaria from 23 to 25 February 1997, with the support of the Government of the Canary Islands, by the University of Las Palmas de Gran Canaria and the Tricontinental Institute of Parliamentary Democracy and Human Rights,

1. **Endorse** the proposal of the Director-General of UNESCO that peace, both international and internal, be regarded as a true human right, as set out in his publication 'The Human Right to Peace', that is to say, within the framework of the democratic ideals proclaimed in UNESCO's Constitution;
2. **Note** that the maintenance and restoration of peace between and within states come up against political, economic, social and cultural obstacles that should be overcome by appropriate measures, in particular, those of an ethical and legal nature;
3. **Recognize** that all human beings have a right to peace which is inherent in their human dignity;
4. **Consider** that the realization of the human right to peace implies necessarily that corresponding duties be assumed by individuals, states, international organizations and all other actors in society;
5. **Consider** that the human right to peace should be recognized, guaranteed and protected at the international level through the preparation of a Declaration on the Human Right to Peace, which could lead to the adoption at national level of constitutional, legislative and regulatory measures in all states members of the international community;
6. **Request** the Director-General of UNESCO to continue the work initiated at the Las Palmas meeting, by identifying the essential components of the human right to peace, with a view to drawing up a declaration that could be approved by the General Conference on the eve of 1998, year of the fiftieth anniversary of the Universal Declaration of Human Rights.

ANNEX II

Oslo Declaration on the Human Right to Peace

1. **The General Conference of the United Nations Educational, Scientific and Cultural Organization**, meeting in Paris from 21 October to 12 November 1997 at its twenty-ninth session,
2. **Considering** that according to the Preamble to the Charter of the United Nations the peoples of the United Nations are determined 'to practise tolerance and live together in peace with one another as good neighbours',
3. **Considering** that Article 1 of the Charter of the United Nations, an expression of the will of the peoples of the United Nations, proclaims as its first purpose the maintenance of international peace and security,
4. **Considering** that peace is itself the ultimate aim of the United Nations system as a whole, and of other international organizations, in that the specific objectives assigned to them are the means of establishing and preserving peace among states and with them,
5. **Recognizing** that this is particularly true of UNESCO since, according to Article I of its Constitution, the purpose of the Organization is to contribute to peace and security among nations through education, science, culture and communication,
6. **Noting** that peace, a common good of all humanity, is a universal and fundamental value to which all individuals and all peoples, and in particular the youth of the world, aspire,
7. **Considering** that according to the Preamble to the Universal Declaration of Human Rights 'the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world',
8. **Noting** that the maintenance and restoration of peace among states and within them are impeded by economic, social and cultural obstacles which must be removed by appropriate measures,
9. **Considering** that those measures should include the recognition, protection and realization of the right to peace as one of the human rights whose universal character is anchored in the Universal Declaration of Human Rights, and in the International Covenants on Human Rights,
10. **Considering** that the recognition of a human right to peace can give peace its full human dimension,
11. **Stressing** that international co-operation is essential for the promotion and protection of the human right to peace, since it can only be respected, guaranteed and realized through the combined efforts of states, international organizations, both governmental and non-governmental, and of individuals and public and private entities,
12. **Firmly convinced** that the future belongs to men and women of peace and that ultimately the fate of humanity rests in their hands,
13. **Wishing** to make UNESCO's contribution to the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, adopted in Paris on 10 December 1948,

I

Solemnly proclaims the Declaration which follows:

Article 1: Peace as a human right

- (a) Every human being has the right to peace, which is inherent in the dignity of the human person. War and all other armed conflicts, violence in all its forms and whatever its origin, and insecurity also, are intrinsically incompatible with the human right to peace;
- (b) The human right to peace must be guaranteed, respected and implemented without any discrimination in either internal or international contexts by all states and other members of the international community;

Article 2: Peace as a duty

- (a) Every human being, all states and other members of the international community and all peoples have the duty to contribute to the maintenance and construction of peace, and to the prevention of armed conflicts and of violence in all its forms. It is incumbent upon them notably to favour disarmament and to oppose by all legitimate means acts of aggression and systematic, massive and flagrant violations of human rights which constitute a threat to peace;
- (b) As inequalities, exclusion and poverty can result in the disruption of peace both at international level and internally, it is the duty of states to promote and encourage social justice both on their own territory and at the international level, in particular through an appropriate policy aimed at sustainable human development;

Article 3: Peace through the culture of peace

- (a) The culture of peace, whose aim is to build the defences of peace in the minds of human beings every day through education, science and communication, must constitute the means of achieving the global implementation of the human right to peace;
- (b) The culture of peace requires recognition and respect for - and the daily practice of - a set of ethical values and democratic ideals which are based on the intellectual and moral solidarity of humanity;

II

1. **Calls upon** all individuals, all states, all international organizations, governmental and non-governmental, and, in a general way, all social actors, to promote and to implement the human right to peace;
2. **Urges** all states, bearing in mind the requirements of international solidarity, to take, with a view to the implementation of the human right to peace, all appropriate measures of a constitutional, legislative and administrative nature at the economic, social and cultural levels, and in the fields of education, science and communication.

Adopted in Paris on

1997.

ANNEX III

Bamako Declaration

Deploring the proliferation of armed conflicts in Africa,

Convinced that only a lasting peace can help the continent to meet the many challenges facing it today,

Particularly concerned by the situation in the Great Lakes region, where fratricidal conflicts continue to create thousands of innocent victims,

Noting that the proliferation of arms, and in particular light weapons, is a threat to peace and stability in several subregions of the continent, and continues to feed the sources of insecurity,

Noting with satisfaction the success of the national peace accord in Mali, a model of endogenous armed conflict resolution,

Gratified to see that the Flame of Peace in Timbuktu, lit on 27 March 1996, has reduced thousands of weapons to ashes and is now a symbol of peace,

The participants in Peace Week, held in Bamako from 24 to 28 March 1997, in the presence of President Henri Konan Bédié of Côte d'Ivoire and President Alpha Oumar Konaré of Mali and the Director-General of UNESCO, Mr Federico Mayor, launch an appeal to African leaders to put an end to the suffering of their peoples by opting for good governance, which gives precedence to participation rather than exclusion and to dialogue rather than confrontation - governance which respects democratic principles and human rights,

Reaffirm that without peace there can be no democracy, and that without democracy there can be no development;

Launch an appeal to the various actors in society: women, young people, elected representatives, members of the armed forces, communicators and educators, to work for the building of peace and democracy, and for development in a spirit of solidarity and tolerance;

Remain convinced that without peace it is impossible to guarantee respect for human rights;

Declare that the human right to peace is a fundamental right without which respect for human right is illusory.

Bamako, 28 March 1997

ANNEX IV

Maputo Declaration

Launched in 1995 on the initiative of the President of Mozambique with the support of the Director-General of UNESCO and the Secretary-General of OAU, an International Conference on the Culture of Peace and Good Governance³ was held in Maputo from 1 to 4 September 1997,

Mindful that the transition from a culture rooted in war, prejudice and violence to a culture of peace and tolerance can be achieved only with the help of all peoples of the region, the decision-makers, the elected representatives, the educators and particularly young people and women,

Convinced that a necessary accompaniment to peace-building is sustainable economic and social development and a system of participatory democracy based on governance informed by the democratic principles of justice, freedom, tolerance and solidarity,

Noting with satisfaction the encouraging shift towards peace that the southern region of the continent is experiencing,

Bearing in mind that the huge social disparities existing at the national and international levels constitute one of the main sources of conflict, together with the highly disturbing plight of the victims of violence and, more particularly, of the vulnerable sectors of the population,

Convinced that the spirit of intellectual and moral solidarity of UNESCO is destined to help make the human being the focus of all cultural, social, political and economic action,

Aware of our responsibility towards future generations and their right to live in peace in a healthy environment,

Recalling that UNESCO's mission, as enshrined in its Constitution, is to construct 'the defences of peace' in 'the minds of men', that peace is a precondition for ensuring respect for human rights, and that without peace there can be neither development nor democracy,

Further reminding the international community that only a new surge of solidarity can help the countries of the subregion to consolidate a peace that has been dearly won and is daily threatened by poverty and exclusion,

We, the participants in this Conference:

Pledge to champion education for tolerance, human rights and democracy throughout life, to foster reconciliation through the sharing and equitable distribution of resources of all kinds, and to stimulate the practice of democracy on a day-to-day basis, and **support** studies and experiments in reconciliation that can serve to prevent conflicts;

Launch an urgent appeal to the populations of the subregion and to decision-makers to work for an effective and rapid transition to a culture of peace, in particular by paying special attention to the victims of war and first and foremost to those belonging to the vulnerable sectors of the population;

Recommend the establishment of a network to consider the problems of governance and democratic principles, following the example of the DEMOS project which already exists in Latin America, and the creation of UNESCO Chairs in the Culture of Peace and Democratic Governance in the countries of the subregion;

Recommend, further, that an overhaul of curricula be undertaken in order to strengthen programmes of civic and moral education, and **encourage** the expansion of UNESCO clubs while at the same time noting with satisfaction the OAU initiative to set up similar Clubs;

Concerned, at the dawn of the twenty-first century, to pass on to future generations a world rid of the faults and failings of which we have been the victims, **express the wish** that UNESCO explore ways and means of attaining this goal, which we regard as our duty but also, above all, as a right for future generations;

Affirm our resolve to work to enhance the moral and ethical dimension of political management:

At a time when humankind is preparing to mark the fiftieth anniversary of the Universal Declaration of Human Rights, **reaffirm** that the human right to peace is an inalienable right, without which respect for the other rights cannot be guaranteed;

Recommend, finally, to UNESCO, OAU and all other regional, international and non-governmental organizations that they do their utmost to ensure that follow-up action is taken on the recommendations of this important Conference.

Maputo, 4 September 1997