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EDUCATION, DIALOGUE, AND COOPERATION FOR THE BUILDING OF PEACE



CONTRIBUTIONS FROM THE INTERCULTURAL CHAIR
EDUCATION FOR PEACE
OF THE UNIVERSIDAD DE MENDOZA

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EDUCATION, DIALOGUE, AND COOPERATION FOR THE BUILDING OF PEACE CONTRIBUTIONS FROM THE INTERCULTURAL CHAIR "EDUCATION FOR PEACE" OF THE UNIVERSIDAD DE MENDOZA

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Foreword

The Spanish Society for International Human Rights Law (SSIHRL) welcomes the publication of this work, as it builds upon the very solid precedent presented in 2023, directed by Professor Georgina Alejandra Guardatti and coordinated by Professor José Antonio Musso (respectively, Secretary General and Executive Director of the SSIHRL), entitled *¿e Constituent Elements of the Human Right to Peace*¹, which we had the honor of prefacing at the time.

On this occasion, Professor G. A. Guardatti once again leads, from the Intercultural Chair of the Universidad de Mendoza, a research project that has materialized in the collective volume entitled *Education, Dialogue and Cooperation for the Construction of Peace*, bringing together the contributions of ten peace researchers from various countries, organized into ten chapters. Throughout the work, peace is presented as a permanent and fundamental aspiration, as well as an essential purpose, of the international community. These ten contributions revolve significantly around education, dialogue, and cooperation as indispensable means of achieving peace.

¹ Vid. Guardatti, Georgina A. (Dir.) and Musso, José A. (Compiler coordinator), *Los elementos constitutivos del derecho humano a la paz*, Qellqasqa (Mendoza), 2023, 497 p. <https://repositorio.um.edu.ar/items/cade7334-0530-4aa8-ac79-a12d913f0434>

In the first of these contributions, from the aforementioned Chair at the Universidad de Mendoza, Professor G. A. Guardatti proposes strengthening the intercultural skills of higher education students as members of a heterogeneous and global citizenship of Humanity, so that coexistence and understanding of the nearly infinite diversities and differences among communities, groups, and societies may ground education for peace as an essential vector of a culture of peace. Such efforts contribute to the acquisition of competencies or skills that facilitate peaceful coexistence and critical knowledge in plural societies within a complex global village, of which we are all part. To this end, the proposed teaching/learning model—an innovative and high-quality educational approach—consists of adopting a flexible model of international and online collaborative learning, capable of stimulating intercultural capacities by engaging students and faculty from different cultures to interact in groups while addressing problem-solving and developing meaningful activities (synchronous or asynchronous) through which they learn and deliberate reflectively and critically. This approach goes beyond the mere presentation of theoretical content to facilitate understanding of the “other” and to assist the less advantaged in their transition to a new and unfamiliar reality. It is not simply about learning together, but about learning to be, to live, and to act collaboratively and inclusively, respecting differences and upholding shared values as pathways to forging lasting alliances and bonds capable of extending into future professional life.

For her part, lecturer and attorney Eliana Irene Martínez (Universidad de Córdoba) begins with a brief exegesis of the

celebrated painting *Guernica* by Pablo Picasso, with the aim of revisiting the broad notion of the term peace —richer and more substantial than the mere absence of war or armed conflict— since it entails the rejection of other structural forms of violence present in international and domestic relations, which explain conflicts among States and within national societies. It is calls for mutual cooperation, an active commitment to peaceful coexistence, and attention to human needs arising from inequality, discrimination, and exclusion, all of which generate social injustice.

As a tool for overcoming conflict and attaining the value of peace, María Cecilia Atencio Torres (Universidad de Mendoza) emphasizes the importance of strengthening dialogue and conversational skills, surely insufficient in times such as ours, when interactions are rapidly digitalized, leaving little room for spoken and thoughtful exchanges that are useful for understanding the needs of others. In this task, education must promote the paradigm of collaboration rather than competition, prioritizing the act of relating over that of triumphing, and accepting that differences exist with which we must learn to coexist in order to transform conflict and the ways of overcoming it.

In her contribution, Professor Ana María Moure (Universidad de Chile) critically reflects on the recognition —through the 2012 Nobel Peace Prize— of the role played by the European Union (EU) in promoting reconciliation, democracy, and human rights on the European continent after the end of the Second World War. Indeed, repeated proclamations appear in the instruments of EU primary law to promote and contribute to international peace and security, the protection of human

rights, the eradication of poverty, and the promotion of justice and social protection (see, *inter alia*, Article 3 of the TEU). However, failures have repeatedly resonated, as evidenced, among others, by the Bosnian genocide, the crimes in the former Yugoslavia, the Russian invasion of Ukraine, and European inaction in the face of genocidal and criminal Israeli actions in Gaza. Within the EU, anti-migration policies and widespread social injustice prevail in an organization increasingly fragmented into national sovereignties whose democracies face far-right, xenophobic, and unsupportive pressures. Thus, the author understands the award not only as recognition, but also as an essential reminder to rebuild Europe as a bastion of peace in particularly troubled times, in which resistance against hegemonic powers and actors openly seeking the destruction of an international order of peace and justice based on respect for international law is imperative.

In his text, Professor Gabriel Anich Sfeir (Universidad de Chile) briefly presents various attempts to limit and eradicate the threat or use of armed force, encourage the peaceful settlement of international disputes, and advance peace through nuclear disarmament. As he rightly notes, this is an ongoing process under constant construction, since threats to peace continually loom, as do the dynamics of State powers that prioritize individual interests over the values, interests, and needs for peace of the international community of States as a whole.

Professor J. A. Musso of the Universidad Católica de Santiago del Estero studies in *¿e Human Dimension of Peace and Security* the concept of human security as opposed to the classical notion of national security of States, since the UNDP

coined it in 1994 as security centered on persons and communities, consisting in living free from want and fear and in dignity. It is allowed the development of a “peace dividend” derived from reduced military spending, redirected toward human development, addressing security in its economic, food, health, environmental, personal, community, and political dimensions. The interrelation between peace, development, and human rights was thus recognized. Looking ahead to 2026, the author describes institutional reactions to the Palestinian genocide in Gaza, especially the provisional measures adopted by the International Court of Justice (ICJ) to protect the food, health, and personal security of the affected population, all of which were disregarded by Israel as the occupying power. By contrast, Colombia’s Ministry of Defense adopted a new security policy based on human security to protect life and the environment, though its success was overshadowed by the persistence of armed conflict in the country. Meanwhile, the model of armed peace described by Fernández Prida in his 1889 essay continues to prevail in 21st-century Europe, conditioned by Russian aggression against Ukraine, despite the fact that the UN Charter prohibits the use of force but does not oblige States to disarm. Moreover, the ICJ offers no guarantees to States wishing to disarm, given its optional jurisdiction and lack of enforcement mechanisms. The author rightly concludes that peace must be recognized as a human right, proposing as a model the 2023 Draft Universal Declaration on the Human Right to Peace defended by the SSIHRL and associated civil society organizations before the UN codification bodies.

Professors Marcela Andino and Valentina Erice, of the

Universidad de Mendoza, demonstrate the close relationship between water and peace throughout human history, as water is a vital yet scarce natural resource, a situation exacerbated by climate change, which produces increasingly frequent droughts and floods. Conflicts over access to drinking water and sanitation services arise when the management of these public services is inadequate (privatization, pollution) and when equitable access is denied to the most vulnerable sectors of society (persons living in extreme poverty, Indigenous peoples, women, children, the elderly, migrants, and persons with disabilities). At the same time, recognition that the right to drinking water and sanitation forms part of the right to an adequate standard of living (Article 11.1 of the International Covenant on Economic, Social and Cultural Rights, ICESCR) provides the starting point for establishing genuine dialogue among all stakeholders in order to build peace.

Professor Cristina Alé, also from the Universidad de Mendoza, focuses on the right to adequate food as an integral part of the human right to peace. Both the positive and negative dimensions of these rights interact dialogically and bidirectionally, both being necessary for their full realization. The proliferation of armed conflicts clearly causes food crises among the poorest and most vulnerable sectors of countries involved in such conflicts. However, at the legal level, the international community has not advanced in recognizing the human right to peace, as civil society has demanded since the Universal Declaration on the Human Right to Peace (Luarca, 2023). In contrast, the right to adequate food enjoys explicit recognition in Article 11.1 of the ICESCR and has been authoritatively developed by

the CESC in its General Comment No. 12 (1999), although its practical realization remains insufficient, as evidenced by the failure to meet the UN 2030 Sustainable Development Goals and, consequently, States' obligations to respect, protect, and fulfill both human rights in a synchronized manner.

Next, Amnesty International lawyer María Macarena Bertone (Spain) examines historical memory as a constituent element of the human right to peace within South American societies that have faced the legacies of State violence, dictatorships, and human rights violations. She observes that historical memory is a useful tool for neutralizing both cultural and structural violence, converging in the concept of "neutral peace," as illustrated by examples from civil society in Chile and Argentina. Furthermore, education for peace is necessary to consolidate democratic values and prevent the repetition of historical injustices.

Finally, José A. Musso (Universidad Católica de Santiago del Estero and Executive Director of the SSIHRL) and G. A. Guardatti (Universidad de Mendoza and Secretary General of the SSIHRL) examine the 2023 Draft Universal Declaration on the Human Right to Peace, its civil society background, and its impact on the international codification process of the human right to peace within the United Nations. They also analyze its constituent elements, including education for peace, disarmament, environmental sustainability, and the protection of vulnerable groups. The authors conclude by inviting civil society to empower itself with the human right to peace and to demand that the still unfinished official codification be consistent with the proposal advanced by civil society.

The monograph concludes with the full text of the SSIHRL's 2023 Draft Universal Declaration on the Human Right to Peace.

The SSIHRL congratulates and thanks the ten authors for their commitment to the human right to peace, the leadership shown by the director of this collective work and Secretary General of the Association, as well as the constant support of our Executive Director. We are confident that this work will effectively contribute to disseminating among international civil society our shared project of a Universal Declaration on the Human Right to Peace.

Georgina Alejandra Guardati² & Carmelo Jaleh³ Párrafo

Oviedo and Las Palmas de Gran Canaria,

24 January 2026, International Day of Education

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Education for Peace: An Initiative of the Universidad de Mendoza's Intercultural Chair

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*Everyone talks about peace, but no one educates for peace,
people educate for competition and this is the beginning of any war.
When we educate to cooperate and be in solidarity with one another,
that day we will be educating for peace².*

1 PhD in Human Rights and Fundamental Freedoms and master's degree in Specialization and Research in Law (Universidad de Zaragoza–UNIZAR). Specialist in Higher Education and Lawyer (Universidad de Mendoza–UM). Extension and Liaison Coordinator, Researcher, Professor of Public International and Integration Law (UM). Secretary General at AEIHL Regional Coordinator for Cuyo of ReFEPAZ.

The author is especially grateful to the International Relations team of the Universidad de Mendoza, led by its Director Paula Vázquez Viera, to the students and teachers of the Intercultural Chair of the University of Mendoza; for the UM: Arrieta Guevara, María Marta; Alé, María Cristina; Atencio, María Cecilia; Bertone, Macarena; Erice, María Valentina; for UChile: Moure, Ana María; Anich Sfeir, Gabriel Emilio; Aguirre, Gonzalo; Lages, Rita; Sánchez, Ignacio Antonio; and, for REFEPAZ: Musso, José Antonio (UCSE), Martínez, Eliana Irene (UNC) and Barrios, María Teresa (UNR).

2 Words of the Italian pedagogue, doctor and humanist Maria Montessori (Chiaravalle, Italy, 1870 – Nordwijk, Netherlands, 1952) at the International Montessori Congress held in 1937 in Copenhagen, Denmark (La Grotteria, 2019).

1. Introduction

In a critical scenario such as the current one, global problems are cross-cutting, threatening international peace and security and preventing the achievement of a democratic and equitable international order. Although this represents an enormous challenge for higher education, it constitutes an opportunity to venture into new models of resilience and educational strategies using information and communication technologies.

Today, students perceive themselves as citizens of the world, members of humanity and of the richness that the diversity of cultures allows. In this complex framework, education for coexistence and intercultural dialogue becomes the central axis of the efforts of socialization and exchange of knowledge typical of educational processes. A pedagogy of interculturality implies the construction of sensitivities and knowledge that help us to transcend our own and to savor what is different, to recognize our own in what is not ours, to appreciate and respect the keys to the happiness of others (Fornet-Betancourt, 2009). Peace education is a specific field that is part of the educational challenge of a "global village", which is asymmetrical, where disparities widen instead of reducing (Mayor Zaragoza, 2018, p. 10).

The development of intercultural skills allows us to build bridges to other cultures. Professional training cannot be limited to addressing content and developing tasks or activities in the classroom, but:

"... students need to broaden their horizons and have the opportunity to know, compare, characterize, contextualize, analyze and recognize the differences that exist in the different cultural, social, political and economic contexts in order to propose relevant solutions to the needs of the world".

Higher education should not be oblivious to this reality but should take responsibility for educating its students in an open, respectful, inclusive, and flexible manner. Intercultural dialogue involves sharing ideas and differences with the intention of developing a deeper understanding of different perspectives and practices; it fosters social cohesion and helps to create an environment conducive to sustainable development. As indicated by UNESCO, universities and higher education institutions have a unique capacity for the promotion of intercultural dialogue as they are centers of knowledge and dialogue (Meza Morón, 2018, p. 5).

It is motivated the formation of a global citizen capable of resolving conflicts through respect for human rights, democratic principles, equality, solidarity, environmental protection, universal accessibility and the promotion of a culture of peace. Hence, intercultural competence in the curriculum of students in higher education has become a real need, since it consolidates a new way of seeing, understanding and living the current world. Although education for peace continues to be a common objective in educational establishments, this is not defined as a concrete proposal that lasts in the teaching-learning process (La Grotteria, 2019).

Educating for peace consists of promoting the development

of skills and the acquisition of tools that allow individuals and people to live together peacefully, or in other words, to live without violence. It is possible to educate for peace, among other ways, by fostering a culture of respect, tolerance, practice of values, equal opportunities and democratic participation in the different university environments from different educational environments. The new Global Goals and the 2030 Agenda for Sustainable Development³ reaffirm that development is not possible without peace, and peace without sustainable development, emphasizing that education is the means to achieve it.

In an interconnected world, the teaching-learning process poses challenges in the face of the digital revolution that, at an exponential rate, combines multiple technologies that lead to access to knowledge and unprecedented social changes. It is opportune to venture into alternative educational strategies, using new technologies and the approach of intercultural competence in the curriculum of the student in higher education, since it has become a real need that allows the consolidation of a new way of seeing, understanding and living the current world. For this reason, one of the educational proposals that has existed for years, and which today acquires notoriety in a

3 Within the framework of the 2030 Agenda for Sustainable Development approved by the United Nations, this project aims to contribute to the realization, in particular, of SDG 4: Quality Education and SDG 16: Peace, Justice and Strong Institutions, among the interrelated targets that seek to address a wide range of issues related to economic and social development: the right to health and education, access to water and energy, employment, inclusive and sustainable economic growth, climate change and environmental protection, urbanization, production and consumption patterns, social and gender equality, justice and peace.

globalized context, is the COIL (Collaborative Online International Learning) model. This proposal allows the development of international and intercultural collaborative learning online in an innovative way, becoming an appropriate response to the challenges generated by the internationalization of academic programs, since it offers:

"... students who do not have the possibility of accessing mobility and academic exchange programs to live an international experience during their university education, thereby increasing their actions of internationalization and extending its prestige and links with other parts of the world" (Meza Morón, 2018, p. 3).

Therefore, it is worth asking how the use of new technologies promotes global learning and intercultural experiences in the classroom for the formation of a global citizen? To what extent does international collaborative online learning facilitate education in a culture of peace? On these issues, an attempt has been made to reflect and rethink the design of a concrete proposal, through an initiation course by the intercultural chair of the Universidad de Mendoza, which promotes education for peace and contributes to the peaceful resolution of conflicts through respect for human rights.

2. Educating for peace and fostering a culture of peace

In recent years, peace education has undergone significant development. It is, as Mayor Zaragoza points out:

"... a process of participation in which critical capacity, essential for the new citizens of the world, must be developed. Solutions to conflicts, war, violence, terrorism, gender exploitation, to combat environmental damage and oppose everything that is contrary to life and human dignity must be taught and learned. We must learn to behave to facilitate the transition from a culture of war and force to a culture of peace" (Mayor Zaragoza, 2018, p. 11).

In general, according to the author, education provides the basic tools for citizens to understand the complex world in which they live and thus be able to manage democratic principles, use natural resources in a balanced way, build and defend a system of values impregnated by tolerance, justice and respect for differences. Peace is promoted and not violence, ignoring the Latin maxim "if you want peace, prepare war" (Mayor Zaragoza, 2018, pp. 11-12). On the contrary, as other authors maintain, "if you want peace, prepare peace" (Gerardi, 2022).

Today, armed conflicts, interethnic and intercultural, exclusion and marginalization, in others, continue to call for an education for peace. Hence, education for peace must be considered as a transversal and intercultural content of education, to promote a culture of peace (Mayor Zaragoza, 2018, p. 11).

Although there is abundant research on peace, the idea of peace:

"... is a common idea of all human beings, it is a universal aspiration that by essence is an ethical principle that, when it

takes a legal form, becomes a necessary right for peaceful social coexistence. Peace is the absence of violence and war, and it is precisely in the Charter of the United Nations, in its first article, where it refers to peace as a concept that must be guaranteed by International Humanitarian Law and thus be included in the law"⁴.

Researching and teaching in peaceful conflict resolution means assuming values that must be transmitted to society. The creation of skills and the promotion of knowledge related to peace revolves around three axes: Culture of peace, Education for peace and Sustainable Development (Acevedo Suárez & Báez Pimiento, 2018, p. 69).

The Culture of Peace is a concept already defined by the United Nations, and in particular UNESCO (Martínez, 2023, p. 45), which follows the path taken by the peace movement and by Peace Research. This has profound social and cultural implications that must be assumed, studied and disseminated by all those educational institutions that feel committed to the promotion and creation of a more just, peaceful and sustainable world. In peace education, UNESCO recognizes four fundamental axes, namely: 1. learning to know, that is, acquiring the tools of understanding; 2. learning to do, to be able to act on the environment; 3. learning to live together, to participate and

⁴ Regarding the Human Right to Peace, you can consult the work on "The constituent elements of the Human Right to Peace" (Guardatti & Musso, 2023), the article "The human right to peace and its international codification", (Musso, Guardatti, & Martínez, 2022) and the article "The human right to peace" (Gros Espiell, 2005), among others.

cooperate with others in all human activities and 4. learning to be, an essential progression that participates in the three previous learnings (Acevedo Suárez & Báez Pimiento, 2018, p. 70).

For this reason, we try to analyze below one of the educational proposals that, although it has existed for years, allows the development of international and intercultural collaborative learning online in an innovative way, and becomes an appropriate response to the challenges generated by education for peace.

3. The International Online Collaborative Learning (COIL) Model

The COIL (Collaborative Online International Learning) model is a new approach to teaching and learning that promotes the development of students' intercultural capacities through international collaborative online learning environments. It is an interactive approach to learning or learning by doing, and focuses on collaboration between students for the analysis and resolution of problems that are addressed from their specific fields of knowledge, thereby sharing disciplinary knowledge and generating proposals from a multicultural perspective and as a strategic action for the internationalization of the curriculum, since this model allows educational practice to be placed in the international context and multicultural allowing students access to internationalization at home and offering the educational institution greater opportunities to continue its positioning as an international institution with quality programs (Meza Morón, 2018, p. 9). Some authors, such as Oliva Suárez, express that COIL:

"is a model for fostering students' intercultural com-

petence by developing a multicultural learning environment that connects university classes in different countries" (Peralta Vázquez, 2020).

The COIL model consists of an approach that connects students and teachers from different cultures to learn, discuss, and collaborate with each other. Teachers participate in the design of the experience and students in the execution of the designed activities, which allows for a meaningful intercultural experience. It can last from 3 to 12 weeks. While classes can be taught entirely online, they are also held in blended formats with synchronous sessions at each of the institutions. Synchronous and asynchronous activities favor interaction between groups and create knowledge through the exchange of experiences of one's own reality and which generates analytical proposals, as a product of reflection and collaborative work (Meza Morón, 2018, p. 3).

A pedagogical model of learning based on competencies is essential because it is a gradual process of learning complex knowledge (knowing, knowing how to do and knowing how to be),⁵ in which theoretical knowledge is evaluated as the basis for action. This model offers the possibility for students to develop new skills that allow them to perform as protagonists in a complex and constantly changing world, who are aware of the importance of collaborating so that the less fortunate can

5 As indicated above, in peace education there are four fundamental axes as recognized by UNESCO: 1. learning to know, 2. learning to do, 3. learning to live together, 4. learning to be (Acevedo Suárez & Báez Pimiento, 2018, p. 70).

make the transition to this new reality to which they do not have access. From the many possible innovations, the proposal to implement an international virtual learning experience in which students from different cultures, who are in different countries, can interact with the guidance of the teachers involved and the help of technological tools, has been selected. Planning requires that prior to its start, the objectives are set, that the activities to be carried out are detailed that facilitate a significant cultural exchange and that promote the acquisition of knowledge about the culture of the students at the other university and the evaluation adjusted to the objectives set. The collaborative proposal is not so much related to the content of the subject itself, but to the introduction of a method that involves the use of new technologies in the teaching of Education for Peace, a modification in the way it is carried out and in the acquisition of intercultural competence.

The proposed method is a way to achieve the learning objectives agreed in advance by the teachers, so it is recommended that it follows a logical sequence ordered in an ascending way from lower-order to higher-order thinking skills (remembering, understanding, applying, analyzing, evaluating, and creating). Implementing a COIL experience involves carrying out an institutional and course evaluation. For the evaluation of the educational innovation proposal itself, it will be essential that the project has been formalized in writing and then its effectiveness and relevance analyzed. In the teaching process, teachers not only transmit knowledge, but also promote values and attitudes and teach strategies, ways of doing things. On the other hand, in the learning process, students not

only acquire knowledge in relation to the subject, but also learn skills, attitudes and values. Although this model places the student as the protagonist of his or her own learning process, it does not mean that teachers have lost their role, nor that it is secondary. There is a change of role, from teachers who transmit knowledge to guides and facilitators of the process (Fernández Marcha, 2014).

However, in the COIL, the learning objectives or outcomes are the obligatory reference to which the intervening teachers must resort to planning the evaluation of the course. They mark the starting point and are the point of arrival since the evaluation has as its mission the verification that these objectives have been achieved by the students (Meza Morón, 2018, p. 9). In this process, teachers must establish what they want to evaluate and what is the purpose of said evaluation. Then it is necessary to define what strategies will be used to evaluate: techniques and means. Finally, determine the aspects to be assessed to select the instrument to be used. Coherence between the teaching modalities that are implemented, and the evaluation strategies appears as a fundamental principle of evaluation (Nuñez, 2022).

In the COIL model, it is recommended that the evaluation be planned by common agreement, specific to the course, but that the performance evaluation be carried out by each teacher responsible for his or her own students. Once what is evaluated has been defined, namely, knowledge, skills, attitudes and values that are evidenced through performance, the methodological strategy is designed, the means to be used, the techniques are defined, and the evaluation instruments are

selected. Before starting the proposed model, it is necessary to make the evaluation criteria public so that students can understand why they pass or fail the evaluation and the modes of recovery. Feedback is essential for the student to understand what can be improved in their performance, whether individual or global (Nuñez, 2022).

Of the different instruments, the rubric is usually the most appropriate because it is an:

"... instrument for evaluating performance outputs through performance levels and descriptors, articulating the indicators or taking the output as a reference. However, the checklist can also be used, since it allows distinguishing the indicators of achievement proposed by teachers and knowing whether they are met, in a clear and simple way for students" (Tobón, 2017).

The application of the COIL model allows for a series of benefits that have been selected because they are considered valuable in a course on Education for Peace.

3.1 Promotes the development of intercultural competences

Providing students with opportunities through academic activities that allow them to reflect, and intercultural interaction is a pressing need in a globalized and complex world that universities must contemplate. This international experience promotes the development of a series of competencies for students' lives to prepare them as professionals with value in

the current context, giving them access to the collaborative development of disciplinary, interdisciplinary or even transdisciplinary tasks or projects. Cultural exchange in higher education is one more factor of educational quality, which implies the introduction of aspects such as coexistence, the appreciation and validation of the other, and interaction through mutual recognition (Peñalva Vélez & Leiva Olivencia, 2019).

According to UNESCO:

"... the development of intercultural competencies facilitates relationships and interactions between people of various origins and cultures, as well as within heterogeneous groups, all of whom need to learn to live together in peace. Intercultural competences allow, among others, to share an awareness of sameness and otherness with many more people, avoiding risks such as the reproduction of stereotypes and the promotion of an essentialist perspective of culture" (Universidad Nacional de Colombia & Leeds-Hurwitz, 2017, p. 11).

And she adds that:

"... learning to know about cultural others is the first step to achieve intercultural competencies, a step that is never complete because there are always others to be found. Learning to do serves as an active stage of interaction with other cultural actors; through such interactions, people practice the knowledge gained and acquire more learning from interactions with others in the past and designing future interactions. Learning to be is supported by a reflective phase on one's social being in having

a place in the global world" (Universidad Nacional de Colombia & Leeds-Hurwitz, 2017, p. 13).

One of the pillars of education is to "learn to live together", learning to develop an understanding of other people and an appreciation of interdependence in a spirit of respect for the values of pluralism, mutual understanding and peace. As stated in Article 26(2) of the Universal Declaration of Human Rights, education

"... it shall promote understanding, tolerance and friendship among all nations and all ethnic or religious groups and shall promote the development of United Nations peacekeeping activities."

In summary, some minimum skills required to achieve intercultural skills are: respect (valuing others); self-awareness/identity (understanding the lenses through which each one sees the world); seeing from other perspectives/worldviews (how these perspectives are similar and different); listening (engaging in authentic intercultural dialogue); adaptation (being able to temporarily change perspectives); the construction of the bond (forging lasting intercultural links); cultural humility (combines respect with self-awareness). (Meza Morón, 2018, p. 16)

3.2 Promotes the use of new information and communication technologies for learning and knowledge

☐ The use of virtual environments in the educational process for comprehensive training in higher education has generated

new types of teaching and learning spaces. The teacher must offer the student tools and mediate content, activities or practical guides that help them develop their own learning process. The COIL model seeks to promote and support the development of curricular subjects with an international component through the incorporation of collaborative activities with the support of new technologies. In this way, the enriching benefits of international education are extended to a wider spectrum of students, faculty and administrative staff who are currently unable to study abroad.

3.3 Encourage collaborative group work and problem solving

Among the necessary skills that are developed during a COIL model, the so-called soft skills stand out, that is, collaboration, teamwork, problem solving, intellectual cooperation. Students must form effective and efficient work groups capable of successfully concluding the assigned tasks, they must organize themselves, distribute the performance of activities equitably, reach agreements in an open and assertive manner always focused on achieving the purposes of the project. This will also allow for the construction of inclusive environments, since it is a model that promotes the formation of work networks and is based on the formation of alliances that, although they begin as academic, lay the foundations for potential future professional and personal alliances. In other words, it manages to increase social networks, professional contacts and work. It facilitates the student learning to become aware of the differences in the training of people in a professional work environment and to

openly consider the opinion of other people. In addition, the ability to communicate will be put into action, since:

"... the student must be willing to listen, must reduce the influence of prejudices and preconceptions and must strive to establish common codes for understanding in order to build an empathetic relationship oriented towards concord that will be the basis for collaborative work". (Badillo Torres & Silva-Bustillos, 2015)

3.4 Improve teaching practice

Using new technologies that contribute to the creation of learning environments, innovation is inspired and allows improving teaching intervention with other teachers, venturing into the development of hybrid teaching models through the exchange of teachers between educational institutions. For the teacher, the opportunities to participate in international experiences without having to travel are expanded, which allows them to meet and interact with professors and students from other countries and facilitates new opportunities for internationalization, such as participating in conferences, research and international publications. It allows them to develop virtual global collaboration skills and soft skills, such as collaboration, teamwork, and problem-solving. They will also be able to work in multilingual spaces, enrich their curriculum and increase their creativity.

3.5 It promotes the internationalization of higher education

In recent years:

"... the international dimension of higher education has become more prominent on the agenda of international organizations and national governments, higher education institutions and their representative bodies, student organizations and accrediting agencies" (De Wit, 2011).

It is understood as "the inclusion of an international, intercultural and/or global dimension within the curriculum and the teaching-learning process" (Knight, 2010). Given its multidimensional nature, curricular internationalization requires the participation of all the institution's social actors (authorities, knowledge managers, teachers, researchers and students, among others), since it has a direct impact on each one. Hence, it is a complex, gradual and continuous process, which sets the course in an institution and must be assumed as a long-term policy.

4. The experience of the initiation course in "education for peace" by the intercultural chair of the Universidad de Mendoza

The innovative proposal was made on October 3, 2023, when the Initiation Course in "Education for Peace" began by the Intercultural Chair of the Universidad de Mendoza, under virtual modality, under the COIL method in conjunction with the Universidad de Chile (UCHile), the academic collaboration of the Federal Network of Studies on the Human Right to Peace (ReFEPAZ) and the sponsorship of the Spanish Association for

Law International Human Rights Commission (AEIHRL)⁶ and the sponsorship of the Ibero-American Network for the International Protection of Human Rights (RedIPIDH). Although this course ended on November 14, 2023, there was one more meeting in December between students and teachers to make a dialogic return on the projects presented in compliance with the last module. The Intercultural Chair is made up of professors from multiple Universities (UM, UChile, UNR, UNC, UCSE) and civil society organizations (ReFEPAP, SSIHRL, RedIPIDH), which represents a plurality of nationalities (Argentine, Chilean, Brazilian, Spanish), languages, ages, women and men, which has been consolidated as a meeting space, based on academic freedom, respect for diversity, flexibility and predisposition for dialogue, collaboration and commitment to educating for peace. This course was offered within the framework of International Relations and the Faculty of Legal and Social Sciences, and the teamwork of other areas of the Universidad de Mendoza, such as the Department of Communication and Design and the Department of Technology, is indispensable.

The course content was organized into seven thematic modules:

1. Culture of peace

This module was led by professors Eliana Irene Martínez (UNC-ReFEPAP), María Marta Arrieta Guevara (UM), Macarena Bertone (UM-ReFEPAP), who addressed the

6 For more information, please consult the official website of the Spanish Association for International Human Rights Law (SSIHRL, s.f.)

various currents on the conceptual formulation of peace; the historical evolution of the concepts of peace and its dimensions were described.

2. Peace and conflict

With the participation of professors María Cecilia Atencio (UM), María Teresa Barrios (UNR-ReFEPAP), Gabriel Anich Sfeir (UCHile), various critical approaches were presented. The following aspects were developed: peace and nonviolence, the positive view of conflict and ways of dealing with it, the notion of conflict management, mediation, negotiation and facilitation. Among other relevant topics, theories on conflict, the prevention of violent conflicts and the mapping of conflict were presented.

3. Peace and security

This module oversaw José Antonio Musso (UCSE-ReFEPAP), Eliana Irene Martínez (UNC-ReFEPAP), Ana María Moure (UCHile), Monce Cepeda Aced (UCHile), who inquired about the concept of international security, its origin and evolution, its dimensions and categories. Reference was also made to human development and new threats to human security in the Anthropocene. Finally, various projects were presented on a possible universal declaration of the human right to peace.

4. Peace and Communication

It was attended by professors María Cecilia Atencio (UM), María Teresa Barrios (UNR-ReFEPAP), María Marta Arrieta Guevara (UM), Fabiola Wust Zibetti (UCHile), Ignacio Sánchez González (UCHile). Here the theory of Communication and its main notions were outlined, the basic

concepts of non-verbal and para-verbal communication, active listening and dialogue as a tool for peacebuilding.

5. Peace and Environment

Led by María Valentina Erice (UM), María Cristina Alé (UM), Fabiola Wust Zibetti (UNChile), Ignacio Sánchez González (UNChile), this module included topics such as the protection of the environment in conflicts generated by the exploitation of resources, the environment as another victim of wars, the importance of achieving sustainable development, etc.

6. Peace and Appreciation of Diversity

María Cecilia Atencio (UM), María Teresa Barrios (UNR-ReFEPAZ), Georgina A. Guardatti (UM-ReFEPAZ), Rita Soñla Lourenço Lages de Oliveira (UNChile) participated in this module. The meeting made it possible to address needs and emotions in the dynamics of attraction and rejection; the recognition and management of emotions to resolve conflicts; cultural assumptions and the deconstruction of the image of the other as an enemy, adversary and similar, stereotypes and prejudices, etc. To this end, it was mainly presented on human mobility and human rights, since the absence of peace, as a cause of migration, is manifested in structural violence, armed conflicts, persecution and repression.

7. Peaceful Transformation of Our Reality

The last module allowed the passage to action. This is relevant since education for peace, as information and training, requires concrete action.

In this course, it should be noted that the evaluation was continuous. A Checklist was used to adjust the participants'

performance. The last module was decisive in concretizing the passage to action, since the design of socio-community intervention projects in, with and for the community was proposed by the students, who, in intercultural groups, interacted to achieve the objectives set.

The motivation of the various participants was the ideal framework for this project. They were participatory, interested and enthusiastic in each of the synchronous meetings and in the various asynchronous activities presented in the virtual classroom.

5. Final Reflections

In today's world, intercultural competence in students' curricula has become a real need, as it consolidates a new way of seeing, understanding and living the current world. This allows exchange, generates trust and mutual security, helps to overcome differences and praises similarities, motivates the formation of the global citizen capable of respecting the rights of others, aware that coexistence and solidarity with those who are similar and different strengthens, enriches and allows them to grow as members of humanity (Meza Morón, 2018, p. 40)

The COIL model is presented as an innovative teaching and learning methodology that leverages online technologies to deliver global learning and intercultural experiences in the classroom. It constitutes an innovative pedagogy that involves two or more institutions in other countries, facilitated by on-line communication. All learning aims at the acquisition of

knowledge, the development of skills and the solidification of work habits. Competency-based learning represents a set of strategies to achieve this goal. Rough assessment tools, teachers can teach the academic curriculum without deviations from the current curriculum, but which approaches it in a different way, and puts into practice real examples and, thus, transmit to their students a more tangible dimension of the contents. It establishes a teaching and learning paradigm that develops intercultural awareness in shared multicultural and transdisciplinary learning environments.

Likewise, it favors the construction of an open and inclusive world through education, promotes the internationalization of higher education, since COIL experience is a lesson in academic content, communication and intercultural collaboration for students and teachers. It promotes pedagogical innovation and the development of several competencies necessary for education in a culture of peace. It was an experience of great richness and value to implement in Education for Peace, since it has become a real need that allows consolidating a new way of seeing, understanding and living the current world.

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Negative and Positive Peace in Higher Education: A Symbolic Language

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1. If there is no war, do we have peace? What is peace?

The legal system has been designed since the Second World War to prevent a new nuclear confrontation, and while the threat of international war has diminished, internal conflicts have increased. As a species, we face new challenges: biodiversity loss, climate crisis, ocean acidification, food crises, large-scale transboundary movements, sustainable development,

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migration, and displacement —issues that require urgent global attention (Martínez, 2023).

✶ is investigation refers *ab initio* to the global legal system designed to avoid nuclear confrontations on a planetary scale. From there the author asks if the absence of war is equivalent to peace.

2. Pablo Picasso and the "Guernica": The symbolic value of the painting

✶ e government of the Second Spanish Republic commissioned several artists, including Calderón, Gargallo, Joan Miró, and Picasso, to create works for the pavilion at the 1937 Paris International Exposition, designed by architect Josep Lluís Sert. Pablo Ruíz Picasso was commissioned to create a large painting, a mural, for this pavilion, which was to be completed in the summer of the same year, when it was commissioned in January 1937.

On Monday, April 26th, at around 4:30 p.m., the "Condor Legion" of the Nazi air force, with the approval and consent of General Franco, bombed the small town of Guernica, a sanctuary for the inhabitants of Euskadi, for three hours. It is believed to have been the first systematic bombing of an urban center.

When Pablo Picasso discovered what had happened, he was hurt but also inspired. A series of sketches began on May 1, and the painting was completed in June 1937. Due to World War II, the artist sent the mural to the Museum of Modern Art in New York until the end of the war, returning the work to Spain in 1981.



The painting is exposed the Reina Sofia Museum in Madrid.



“Guernica” in 3D

American artist Elena Gieseke has created a three-dimensional video that immerses you in Picasso's painting. While watching the video, you are asked to look for nine symbols: four women, a soldier, and three animals: a bull and a horse (symbols of Spain), and a dove.

You will notice that all the faces have a similar expression, with open, desperate mouths. They convey anguish. Even the horse's tongue appears sharp as a spear.

If we look to the left of the canvas, the bull appears

tense, astonished, perplexed, and bewildered. Some argue that it represents Spain. Below the animal, we see a desperate woman holding her dead son in her arms, representing the greatest pain, the death of a child. This image is reminiscent of Michelangelo's *Pietà* and all Christian pieties.



If we look to the right of the painting, the feminine world gains prominence, with women as the protagonists. It could represent the suffering of the civilian population in war, represented by women.

At the top right, a woman stretches out her arm, carrying a lamp in her right arm, illuminating the Dantesque scene before her eyes. Some argue that it represents the Republic. Below, we look at the woman holding her wounded leg and fleeing in terror. There are images of bombed cities that resemble this effect. It symbolizes the terror that the bombing instilled in the population of Euskadi, also representing the suffering of the civilian population during the attack.

A woman raises her arms to the sky, begging for mercy,

pleading, or praying while the houses burn. It is the only image that looks up at the sky, with a gesture of supplication. This image recalls Goya's *The Execution of May*.

If we look at the central part, the light bulb, or eye, could represent the sun, the all-seeing eye, the Eye of Fatima, or the universe, illuminating and observing everything from above.

Between the bull and the horse, almost blurred with some effort due to the dark tone, we can see the dove with its drooping wing. The bird "can no longer fly" and symbolizes broken peace.



In the lower part of the mural, a dismembered man, dying, holds a dagger, from which a flower emerges. This man represents the soldiers who die on the front lines. The flower symbolizes hope.



Once we've completed the tour, we're left with the sensation that screams, thunderous, loud noises, tears, pleading, weapons of destruction, pain, a lot of pain, emerge from the canvas. We will then understand that the painting is a categorical rejection of violence (p.10).

Guernica today has universal value for what it expresses and denounces. It is a no to war, a no to violence, a no to gratuitous suffering.

3. Some Doctrinal Currents on Peace

Although ideas for achieving peace have a history of more than 3,000 years, it was only in the 20th century that research on peace began to move toward scientific investigation (Martínez, 2023).

Numerous schools and doctrinal currents maintain that the semantic content of the word "peace" is characterized by its radical opposition to the antonym "war", meaning the mere absence of war, conflict, or confrontation. Among the most recognized are the minimalist, intermediate, and maximalist currents. All of them concluded that peace is, in principle, equivalent to the absence of violence (Martínez, 2023).

Martínez (2023) refers to the classification developed by the internationalist professor Celestino del Arenal, who expresses that the most limited notion is that provided by the minimalist current, which perceives it merely as the absence of international war, so the dominant idea is to avoid interstate armed confrontations and the outbreak of conflicts. For the intermediate theory, the spectrum expands and establishes

that peace is the absence of war, including the absence of instruments and institutions of war. Some theorists of this current define it as "the absence of organized violence at the international and domestic levels".

Finally, the maximalist current, also known as critical, defines peace as *the absence of all types of violence, whether real or virtual, direct or indirect, including, of course, war*, thus developing the conception of peace closest to what we know today. The negative evocation of the previous stages—in this case, referring to the causes of conflict, direct violence, and the means to overcome it—is added to a positive meaning.

Thus, they correspond to the three doctrinal currents presented: the study of the causes of war, research on conflict, and research on peace in the strictest sense.

In research on peace in the strictest sense, the negative notion of peace is combined with the positive; peace is thus understood as the absence of war and structural violence, as the control and reduction of violence; but it is also personal and social development, nonviolent, egalitarian, non-repressive cooperation, and fundamentally social justice (Martínez, 2023).

Peace is the absence of international war violence, the absence of direct violence between member states of the international community, but it is also the absence of violence within national communities (Martínez, 2023). The entire history of humanity has been governed by the concept of peace understood as the absence of war (*absentia belli*), until approximately 1959, when the Norwegian Johan Galtung founded the International Peace Research Institute in Oslo, Norway (Peace Research Institute of Oslo-PRIO), as the first

academic institution in the world to focus on Peace Studies, where the definition of positive peace and structural violence was proposed (Galtung, 2016). During these years, the contrast between negative peace and positive peace emerged.

Álvarez Maestre (2019), following Calderón (2009), states that Johan Galtung developed his theory of positive-negative peace based on a vision of “man as a being with the capacity for peace”. Thus, he proposes an epistemological shift by stating “if you want peace, prepare for peace” as opposed to the dictum “if you want peace, prepare for war”. He paves the way for humanity to observe an anthropology that trusts in the person, the mechanisms for peaceful conflict resolution, peacebuilding, and the strengthening of ethics. In this way, values acquire a special meaning in a theoretical context, because constructivism, empiricism, and criticism can be applied as epistemological approaches that support peacebuilding (Galtung, 2016).

The positive conception of peace upholds principles of cooperation and solidarity among member nations of the international community. This implies active partnership, mutual and planned cooperation, as well as joint and intelligent efforts aimed at preventing and resolving conflicts. Achieving peaceful coexistence among human beings is a *sine qua non* for the comprehensive satisfaction of human needs and human fulfillment (Martínez, 2023).

Peace, from a positive perspective, is a dynamic conflict; therefore, we must unlearn the old vision and relearn from a new one. Peace, in positive terms, is justice and social harmony.

4. Final Reflections

Peace is a broad and complex phenomenon that requires a multidimensional understanding, referring to three core concepts: conflict, development, and human rights. A provisional approach to defining positive peace allows us to say that:

... authentic peace is one that, while opposing war, also implements all actions, efforts, and conditions to minimize all discrimination, violence, and oppression that hinder the integral development of people in their social dimension. Peace requires overcoming levels of inequality and social exclusion and actively integrating development processes and the satisfaction of people's basic needs.

The findings reached by interdisciplinary peace studies cannot remain mere information and reflection to which we simply adhere; rather, they require a real commitment from the entire scientific community and civil society to overcome violence as a response to conflict and to develop policies for peacebuilding.

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Building Peace Through Dialogue: Paradigm Shift and Possible Consolidation

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1. Introduction

Article 399 of the Argentine Civil and Commercial Code establishes a general rule: "No one may transfer to another a better or more extensive right than the one they already have". The statement appears logical, coherent, and almost obvious. Clearly, one can only give what one possesses. This raises an essential question: are people truly capable of building peace?

Every day, actions are undertaken in daily life to satisfy a specific need, whether basic or complex, such as eating, working, or meeting with loved ones. It is said that between 50 and 100 problems must be addressed daily, from getting up in the morning to keeping a promise. This becomes complicated when the resolution involves interaction between people. Each interaction invites us to consider the needs of others and their interdependence to satisfy them, and the resolution of that problem, together, implies a conflict.

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The most sensible consequence would be to attempt dialogue in order to resolve the aforementioned conflict. And it is persistently believed that this would be the best path. Although this approach is often successful, it is not always the case. Therefore, a spiral of conflict begins that can end with undesirable effects, such as declarations of war and embarking on battles, with all the costs that this entails.

So why can this path lead to combative situations? Does conversation work? Is it a *sine qua non*? Is talking enough, or is something more needed? Do people really know how to dialogue?

2. Dialogue and the Construction of Peace

In search of answers, we find the preamble to UNESCO's Constitution, which proclaims: "Since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed".

Therefore, we can redefine these questions into a single one: What is happening in our minds that makes dialogue not help us resolve conflicts?

First, we can say that we were taught to read, we were taught to write, but we were not taught to converse. We need to have skills for dialogue, but we don't have them, and each person incorporates them as best they can (Gabriela Rodriguez Querejazu, ASIMEC Opening Event, April 2021). That is, each person learns with their own history and within our Western European culture.

From this learning, we build our assumptions (a set of beliefs, values, and ways of constructing the experience of reality that is highly personal. The "truths" we take for granted and from which we give meaning and explain experience.) (Gianella, 2018–2019).

In addition to the above, Western European culture, of which we are a part,

... develops within the coherence of the paradigm of competition: a way of organizing differences in which the continuous task is to prioritize them in order to eliminate them. If diversity manifests itself, it is necessary to establish which is the correct, superior, or winning option, in order to unify diversity, discarding, devaluing, or marginalizing the option that falls into the frame of the wrong, inferior, or losing option. It is a general and naturalized way of organizing our ties, between people, between groups, between countries, between ideas or intentions, in any manifestation of differences.

What is to say, *"wars are born in the minds of men"*, and we incorporate learning from each person's particular life circumstances and the culture to which we belong, and this is what shapes our assumptions. These assumptions allow us to act "automatically", operating unconsciously, determining our actions, including our dialogues.

Thus, we arrive at the first conclusion: if we believe that the *"bulwarks of peace must be built in the minds of men"*, then the need arises to educate in a paradigm different from that

of competition, because in this paradigm there is little collaboration; Gain is Personal; Relationships are not given importance; It is about asserting the power of each person; seeking individual interests; and finally, the Win-Lose dynamic occurs.

In other words, education must be based on the paradigm of collaboration, since its characteristics are Cooperation prevails; Mutual gain; Relationships are valued; Power is not asserted; objectives of common interest are sought; Win-Win. And the most important thing is the basic assumption of collaboration, which is "the compatibility of differences, which implies the belief that human beings are capable of coexisting by articulating our differences".

Second conclusion: diversity can coexist. By abandoning the paradigm that the other is the "enemy", then there is no need to eliminate it. To make room for differences, we can thus see the richness of the creative tension that these encounters offer us (Gianella, 2018-2019).

Third conclusion: the first step toward peace education begins with examining whether my dialogues are guided by "assumptions" of competition. In that case, I must focus on the paradigm of collaboration, allowing myself to be guided by the assumption of articulating differences, and consequently seeing the "other as a valid other" (Maturana, 1992).

Fourth conclusion: let us insist on educating ourselves to look at ourselves, and dialogue will be organized accordingly.

3. On the other hand, how do we achieve a social change of this magnitude?

The origin of this model lies in the proposal of Ken Wilber, a contemporary American thinker whose work articulates theories and practices about human evolution, drawn from a diversity of cultures and sources of knowledge.

The model proposes a simple idea: social change is consolidated when the transformation process is based on four "quadrants" or dimensions.

The model is constructed on two vertical axes and two horizontal axes (two columns and two rows), which, when intersected, form four quadrants.

- Internal individual dimension: Includes sensations –all the perceptions we experience through the senses of touch, smell, hearing, sight and taste–, emotions and feelings –the learned patterns of internal management of what we feel–, thought –and the set of basic assumptions from which thought is organized– our intuitions, our conscience, and spiritual experience.
- External individual dimension: What other people can perceive in behavior. This is also the quadrant of interpersonal relationships, as behavior develops in interaction.
- Internal collective dimension: If the first quadrant is the internal dimension of the "I", this quadrant is the internal dimension of the "we". It is the dimension of culture, the worldview shared by a group of individuals who make up a community, from which they organize an experience. It is the aspect of culture that we cannot perceive.

- External collective dimension: Σ is the external face of culture. It refers to observable social behavior, in the ways in which each social group organizes itself: the dimension of social structures; the ways of relating that each group stabilizes in institutions, laws, regulations, among others.

From this perspective, social change requires transformations to occur (sooner or later) in each of these dimensions.

There is no linear, successive process between the four dimensions. The change that takes place and a new reality that emerges simultaneously from all four quadrants, at some point after a process that takes time.

In fact, it involves many processes carried out by different people, groups, and institutions in different places. Something much less linear, organized, and rapid than we generally want to assume.

This analysis serves to gain a broader awareness of what the social change we are proposing requires.

The integral approach helps us understand that our quadrant is not enough; that social transformation is the task of many different people, at different moments in a given period of history.

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The Nobel Peace Prize Boosts the European Union

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1. The European Union and the Nobel Peace Prize

The European Union (EU) was chosen by the Norwegian Nobel Committee to receive the Nobel Peace Prize for having contributed, for over sixty years, to reconciliation, democracy, and human rights in Europe and for demonstrating that States can become close partners (European Commission, 2012).

In 2012, José Manuel Barroso, then President of the European Commission, described the award as a “well-deserved recognition” of a project that benefits not only European citizens but also extends to other regions of the world.

The Nobel Peace Prize, first awarded in 1901, honors individuals and organizations that have contributed to the promotion of peaceful international relations among States and other actors. Alfred Nobel (1895) wrote that it should be

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awarded “to the person who shall have done the most or the best work for fraternity between nations, for the abolition or reduction of standing armies, and for the holding and promotion of peace congresses”.

The EU became the twenty-fourth institution to receive the prize, particularly for its contribution to maintaining peace. Many political leaders emphasized that this global actor was built upon the ashes of two world wars and developed a distinct identity linked to processes of multilateral regionalization (Schuman, 1950).

2. European Integration and Peacebuilding

From its inception, the European integration process aimed to promote collaboration among States to facilitate the peaceful settlement of disputes, prevent armed conflicts, and encourage cooperation inspired by shared principles established in its founding treaties.

The EU’s role in the current structure of international order has evolved significantly since the Peace of Westphalia treaties of 1648. One of the most notable achievements recognized by the Nobel Committee was the Franco-German reconciliation, which ended centuries of armed conflict and transformed both States into allies and leaders of integration.

The development of collective objectives aimed at achieving common benefits assuring not only economic but also political and social prosperity —demonstrates that the EU’s mission remains the creation of permanent spaces for dialogue and exchange. These efforts strengthen its contribution

to peace, stability, and development, while fostering social cohesion and regional integration (European External Action Service [EEAS], 2023).

3. The EU and Latin America: Shared Commitments to Peace

This commitment has been reaffirmed in every EU–Latin America and Caribbean (LAC) summit, from the first in 1999 to the most recent in Brussels in July 2023. These meetings have produced a series of biregional commitments to promote peace, security, democracy, human rights, and prosperity within the framework of the United Nations system, aiming to improve representativeness, transparency, and global governance.

Both regions share a cultural heritage inspired by values of peace, progress, and respect for international law. Association Agreements with Central America, Mexico, Chile, and MERCOSUR illustrate this shared commitment through political dialogue and cooperation (CELAC–EU Summit, 2023).

Article 3 of the Treaty of Lisbon explicitly establishes that one of the EU’s main objectives is to promote and contribute to peace, security, and sustainable development, as well as mutual respect among peoples, guaranteeing fair trade, poverty eradication, and the protection of human rights—particularly the rights of the child—in line with the principles of the United Nations Charter (European Union, 2007).

4. Challenges and Critiques

The Nobel Prize award has not been free from criticism. Many point to the deterioration of social peace due to the deep economic and financial crisis in Europe, which has weakened citizens' sense of belonging and European identity (Habermas, 2012).

Furthermore, the Common Foreign and Security Policy (CFSP) has not always been consistent or unified. Enhanced cooperation mechanisms under the Treaty of Nice cannot address issues with military or defense implications, revealing a gap between European principles, institutional frameworks, and reality. This was evident in the failure to prevent the genocide during the wars in the former Yugoslavia in the 1990s and, more recently, in the conflict in Ukraine (Kissinger, 2014).

Additional issues—such as the deaths of thousands of African migrants in the Mediterranean, high unemployment, and the enrichment of the banking sector at the expense of social rights—illustrate that this prize should not be interpreted as a validation of the *status quo*, but rather as encouragement for the EU to uphold its founding ideals in times of crisis.

5. Peace, Democracy, and the Future of the European Project

The preservation of democracy within the EU depends on the rights, freedoms, and principles of equality, solidarity, and justice enshrined in the *Charter of Fundamental Rights of the European Union* (European Union, 2000).

However, the European *demos* remain distant from EU

decision-making, aside from electing Members of the European Parliament, leaving citizens with limited oversight of the powers exercised by EU institutions. Addressing this democratic deficit remains a major challenge for European civil society. Greater transparency and tangible service to citizens' welfare are essential for legitimizing the Union's exercise of sovereignty (Weiler, 2012).

The award should thus be viewed within the ongoing debate on the need to rebuild the EU project on new foundations capable of mitigating the negative effects of economic globalization. The EU was originally created to ensure peace—an aspiration expressed by Jean Monnet and Robert Schuman, who envisioned Europe as a space built upon “solidarity in fact,” enabling common development, improved living standards, and the pacification of inter-State relations in pursuit of lasting peace.

A remarkable example of democratic participation occurred in 2012, when children and young people were invited to express—through drawings and writings—what peace in Europe meant to them. In doing so, they became active participants in shaping their future and inheriting a Europe conceived as a continent of peace.

6. Final Reflections

The European Union's Nobel Peace Prize represents both recognition and responsibility. It honors a historic achievement—the transformation of a war-torn continent into a union of peace—and reminds Europe of its unfinished task: to ensure

that its democratic values, social justice, and solidarity extend beyond its borders and to future generations.

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Peace and Conflict: Institutional Frameworks and International Cooperation

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1. Introduction

Throughout history, numerous wars and atrocities have led humankind to seek mechanisms for the peaceful settlement of disputes and the prevention of armed conflict. The rejection of war as a legitimate means of resolving disputes among states —and the effort to ensure world peace— has evolved gradually over the course of the twentieth century.

2. Early Developments in Limiting War

The first attempt to restrict warfare emerged in the Drago-Porter Convention, signed at the 1907 Hague Conference, which prohibited armed intervention to collect debts owed to foreign nationals. This was inspired by the doctrines of Argentine jurists Carlos Calvo and Luis María Drago and represented

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a Latin American response to European interventions in the region over unpaid external debt.

The Treaty of Versailles (1919), which ended the First World War, established the League of Nations (LN) as the first global body tasked with maintaining international peace. Although the LN Covenant did not categorically prohibit war, Article 12 required states to exhaust peaceful means of dispute settlement, and Articles 15–17 empowered the League Council to intervene in conflicts and propose measures for peace. A decade later, the Kellogg–Briand Pact (1928) explicitly committed its signatories to renounce war as an instrument of national policy.

3. The United Nations and the Prohibition of the Use of Force

After the devastation of the Second World War, the Allied powers founded the United Nations (UN) in San Francisco on June 26, 1945, with the primary purpose of maintaining international peace and security (Article 1, UN Charter). The Charter's preamble expressed the determination “to save succeeding generations from the scourge of war.”

Article 2(4) of the Charter declares:

“All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”

This prohibition extends beyond war itself to encompass any threat or use of force. Consequently, states may not employ force —directly or indirectly— to resolve their disputes.

The International Court of Justice (ICJ) has reaffirmed this as a customary principle of international law and a cornerstone of the UN Charter (ICJ, 1986).

Further elaboration appears in the Declaration on Principles of International Law Concerning Friendly Relations (1970) and the Definition of Aggression (1974). These instruments identify acts such as wars of aggression, support for armed groups in third states, and blockades of coasts or ports as forms of unlawful use of force.

4. Peaceful Settlement of Disputes

Article 2(3) of the UN Charter obliges members to settle disputes by peaceful means. Article 33 lists political and legal mechanisms for this purpose, including negotiation, mediation, arbitration, and judicial settlement. The International Court of Justice serves as the UN's "principal judicial organ," competent to adjudicate disputes of international law between states (Articles 92–96).

5. Collective Security and the UN System

The UN's collective security system is entrusted to the Security Council, composed of 15 members with "primary responsibility for the maintenance of international peace and security" (Article 24). Under Chapter VII, the Council may take binding measures —ranging from sanctions and diplomatic severance to military action— in response to "threats to the peace, breaches of the peace, and acts of aggression" (Articles 39–51).

Examples include peacekeeping missions and authorized interventions in Korea (1950), Kuwait (1990), Haiti (1994), and Libya (2011). The Council also established ad hoc criminal tribunals for Yugoslavia and Rwanda in the 1990s.

However, the veto power of the Council's five permanent members —China, France, Russia, the United Kingdom, and the United States— often paralyzes its action. In response, the General Assembly adopted the Uniting for Peace Resolution (1950), allowing it to recommend measures when the Council is deadlocked. Though non-binding, these resolutions carry significant political weight. The mechanism was notably invoked during the Cold War, and more recently in the Arab Israeli conflict and Russia's invasion of Ukraine (2022).

6. Regional Institutions for Peace

The UN provides a global framework for peace, but regional organizations also play crucial roles. The European Union (EU) emerged as a peace project after World War II. The Schuman Declaration (1950) launched Franco-German unity as essential to reconstruction, affirming that “world peace cannot be safeguarded without the making of creative efforts proportionate to the dangers which threaten it.”

From the European Coal and Steel Community (ECSC, 1951) to the European Economic Community (EEC, 1957) and the European Union (EU, 1992), integration has expanded from economic cooperation to political and social dimensions. The EU now features supranational institutions, a common currency, and a shared foreign and security policy. In recognition of these

achievements, the EU received the Nobel Peace Prize in 2012.

In Latin America, regional organizations have also promoted peace and cooperation. The Southern Common Market (MERCOSUR), created to establish a regional common market, was declared in 1998 a zone of peace and free of weapons of mass destruction by its member and associated states.

7. Peace, Democracy, and Economic Interdependence

Immanuel Kant argued that lasting peace could be achieved through a “federation of peace” among independent “republics,” gradually extending to other constitutional states. Democratic governance —characterized by separation of powers, regular elections, and checks and balances— fosters international cooperation and the rejection of war.

Economic interdependence also contributes to peace. The Bretton Woods Agreements (1944) established the World Bank and International Monetary Fund, forming the postwar global economic order. These institutions, along with the World Trade Organization (WTO) (created by the Marrakesh Agreement, 1994), promote open markets and cooperation. The nineteenth-century economist Frédéric Bastiat presciently warned: *“If goods don’t cross borders, soldiers will.”*

8. Nuclear Disarmament and Contemporary Challenges

Since 1945, major powers have avoided direct military confrontation —partly due to nuclear deterrence. All five permanent members of the Security Council possess nuclear

weapons, as do India, Pakistan, Israel, and North Korea. Their devastating humanitarian and environmental effects have prompted treaties to limit and eliminate nuclear weapons.

The Partial Test Ban Treaty (1963) banned atmospheric and underwater testing, while the Treaty on the Non-Proliferation of Nuclear Weapons (NPT, 1968) committed nuclear states to disarmament and others to abstain from acquiring such arms. Regionally, the Treaty of Tlatelolco (1967) declared Latin America and the Caribbean a nuclear-weapon-free zone under the supervision of OPANAL (Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean).

The International Court of Justice (1996) advised that the use of nuclear weapons would be “generally contrary” to international humanitarian law but did not exclude their possible use in “extreme circumstances” where the survival of a state is at stake.

In 2017, the Treaty on the Prohibition of Nuclear Weapons (TPNW) became the first universal instrument banning the use, threat, manufacture, or testing of nuclear arms. As of April 2023, 70 states —mainly from nuclear-free regions— have ratified it. However, nuclear powers have refused to sign, citing deterrence as a security necessity.

9. The Role of Civil Society and the Culture of Peace

Peace remains an ongoing process of construction. While states and international organizations provide institutional frameworks, civil society plays a vital role in promoting peace. Churches, NGOs, academic groups, and artistic collectives can

exert moral and political pressure on governments to end wars and foster a culture of peace.

10. Final Reflections

The pursuit of peace depends on a dynamic interplay between law, institutions, and civic engagement. The evolution of international mechanisms—from the League of Nations to the UN and the EU—illustrates humanity's enduring effort to prevent war through cooperation and shared governance. Yet, as global power dynamics evolve, ensuring genuine peace will continue to require not only institutional innovation but also sustained commitment from societies worldwide.

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The Human Dimension of Peace and Security

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1. Introduction

The Charter of the United Nations establishes that one of the purposes of the Organization is the maintenance of international peace and security; however, as the present century advances, that purpose seems increasingly distant: the world is becoming ever more insecure, and armed conflicts and violence are multiplying.

Almost no one speaks of peace, and the nuclear threat has been latent since the invasion of Ukraine by the Russian Federation. Added to this are the situation in the Middle East, tensions in Asia, and ongoing conflicts in other parts of the world.

In this context, the Special Report *New Threats to Human Security in the Anthropocene Demand Greater Solidarity* (2022), prepared by the United Nations Development Programme (UNDP), argues that reducing violence in all its forms

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and everywhere in the world is a requirement of human security, and that in the Anthropocene a new generation of threats comes into play, presenting themselves as global, systemic, and interconnected.

2. Human security and peace dividend

The UNDP Human Development Report 1994 introduced the concept of human security, understood as security centered on people and communities rather than on States. “It consists of leading a life free from want, free from fear, and with dignity; of protecting what matters most to us as human beings in our lives” (UNDP, 2022, p. 25).

Human security and State security reinforce each other and are mutually dependent, as noted by the Commission on Human Security (2003) in its report on the subject.

In 1994, the end of the Cold War created opportunities to rethink certain issues, and it was time to move away from potential conflicts between States to pay attention to the everyday security problems of people around the world (UNDP, 2022).

A fundamental aspect of the Human Development Report 1994 was the consideration of the so-called “peace dividend”—the savings derived from reduced military spending—to support human development, as recalled by the 2022 Special Report. During the Cold War, a large portion of budgetary resources was devoted to maintaining the military balance, generating an arms race. Nevertheless, in industrialized countries total military spending fell by 15% between 1987, when it reached its peak, and 1991, creating an opportunity

to reallocate those resources to other purposes (UNDP, 2022, p. 44). That period marked the end of the Cold War and the announcement of the advent of a new international order. It should be recalled that previously the bulk of military spending was focused on national security, so suggesting that part of those resources be devoted to financing individual well-being was highly significant (UNDP, 2022, p. 44).

Seven dimensions of the concept of human security were identified in the Human Development Report 1994: (1) economic security; (2) food security; (3) health security; (4) environmental security; (5) personal security (physical security from violent conflict, crime, and other threats); (6) community security (security from oppressive community practices and ethnic conflict); and (7) political security (freedom from State oppression and from violations of human rights).

In 2012, the United Nations General Assembly adopted resolution 66/290, which states that the common understanding of human security encompasses the right of people to live in freedom and dignity, free from poverty and despair. It adds that all people, particularly those who are vulnerable, have the right to live free from fear and want to enjoy equal opportunities to exercise all their rights, and to fully develop their human potential.

Human security calls for people-centered, comprehensive, context-specific, and prevention-oriented responses that strengthen the protection and empowerment of all people and all communities. It also recognizes the interrelationship between peace, development, and human rights, and gives equal consideration to civil, political, economic, social, and cultural

rights. It does not entail the threat or use of force or coercive measures, nor does it replace State security.

The resolution under analysis also notes that human security requires enhanced collaboration and partnership among governments, international and regional organizations, and civil society.

We will now examine how different dimensions of security, understood in this way, may be affected in a specific situation, in this case within the framework of a particular armed conflict.

3. The human dimension of conflicts

On 25 March 2024, the United Nations Security Council adopted resolution 2728 (2024), restating its demand that obligations under international law be complied with, including international humanitarian law and international human rights law, and deploring in this regard all attacks against civilians and civilian objects, as well as all acts of violence against civilians and all acts of terrorism, while recalling that the taking of hostages is prohibited under international law. At the same time, it expressed deep concern about the catastrophic humanitarian situation in the Gaza Strip.

In another paragraph, it recognizes the diplomatic efforts of Egypt, the United States, and Qatar in relation to the conflict, and subsequently “demands an immediate ceasefire for the month of Ramadan respected by all parties, leading to a lasting, sustainable ceasefire”, also demanding the immediate and unconditional release of all hostages, with guarantees

of humanitarian access to address their medical and other humanitarian needs. The resolution further underscores the urgent need to expand the flow of humanitarian assistance to civilians in Gaza and to strengthen their protection.

It can be said that resolution 2728 (2024) “brings to light the human dimension of a violent conflict” —to paraphrase the title of a chapter of that UNDP Special Report— but the problem is that it did so six months after the conflict erupted. This means that the body to which the Charter confers primary responsibility for maintaining international peace and security arrived very late with its decision, which could only be adopted due to the abstention of one of its permanent members, since abstention does not amount to a veto².

For her part, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, presented the report “Anatomy of a Genocide³” to the Human Rights Council, in which she concludes that there are reasonable grounds to believe that the threshold indicating the commission of acts of genocide against the Palestinian population as a group in Gaza⁴ has been met.

2 It should also be remembered that the United States exercised its veto power on three previous occasions, preventing the adoption of a resolution demanding an immediate ceasefire in Gaza.

3 A/HRC/55/73, March 25th, 2024.

4 The Special Rapporteur also strongly condemns the crimes committed by Hamas and other Palestinian armed groups in Israel on 7 October 2023 and urges the release of the hostages but clarifies that her report does not examine those events because they are beyond the geographical scope of her mandate (para. 2).

The report recommends that Member States immediately implement an arms embargo on Israel, insofar as it appears not to have complied with the provisional measures ordered by the International Court of Justice (ICJ) on 26 January 2024, in addition to other economic and political measures necessary to ensure an immediate and lasting ceasefire and to restore respect for international law, including sanctions. It also recommends, among other measures, action to ensure a thorough, independent, and transparent investigation of all violations of international law committed by all actors, adopting for that purpose various measures, including immediately referring the situation in Palestine to the International Criminal Court in support of its ongoing investigation.

The report concludes that Israel, by distorting the rules of customary international humanitarian law, has de facto treated an entire protected group and its vital infrastructure as “terrorist” or “supporting terrorism”, thereby transforming everything and everyone into a target or collateral damage, such that “no Palestinian in Gaza is safe by definition” (para. 94). Human insecurity in that territory is therefore extremely severe.

The Special Rapporteur urges Member States to enforce the prohibition of genocide in accordance with their non-repealed obligations, noting that Israel and those States that have been complicit in what can reasonably be considered genocide must be held accountable and provide proportional reparations for the destruction, death, and harm inflicted on the Palestinian people (para. 96).

In turn, on 5 April 2024 the Human Rights Council adopted

a resolution⁵ calling for an end to the sale, transfer, and diversion of arms, munitions, and other military equipment to Israel to prevent further violations of international humanitarian law and violations and abuses of human rights.

4. Provisional measures and human security

On 28 March 2024, the International Court of Justice modified its decision regarding provisional measures in the case *South Africa v. Israel*, considering that a change in the situation justified it, in its view, under Article 76(1) of its Rules. The new order states as follows:

The Court notes that, on 18 March 2024, an updated report on food insecurity in the Gaza Strip was released by the Global Integrated Phase Classification Initiative, a global partnership of organizations that includes, inter alia, the World Food Program (WFP), the Food and Agriculture Organization of the United Nations (FAO), and the World Health Organization (WHO). According to this report, an acute analysis carried out by the Initiative in December 2023 warned of the risk that a famine could occur by the end of May 2024 if an immediate cessation of hostilities and sustained access to essential supplies and services for the population did not take place (para. 19).

The Court also notes that on 15 March 2024 the United Nations Children's Fund (UNICEF) reported that 31% of children under two years of age in the northern Gaza Strip were suffering

5 Resolution 55/28 was approved by 28 votes in favor, six against and 13 abstentions.

from acute malnutrition, and warned that malnutrition among children was spreading rapidly and reaching devastating and unprecedented levels in Gaza due to the wide-ranging impacts of the war and the ongoing restrictions on the delivery of aid⁶.

In paragraph 21, the Court observes that Palestinians in Gaza are no longer exposed merely to a risk of famine, as it had indicated in its decision of 26 January 2024, but that famine is setting in, with at least 31 people, including 27 children, having already died from malnutrition and dehydration, according to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA)⁷. In the Court's view, these "exceptionally grave" circumstances constitute a change in the situation that justifies the indication of additional provisional measures.

For these reasons, it reaffirmed the previous measures and indicated the following: the State of Israel must, in accordance with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, and in view of the worsening living conditions faced by Palestinians in Gaza, in particular the spread of famine and starvation⁸, take all necessary and effective measures to ensure, without delay and in full cooperation with the United Nations, the unhindered provision at scale of basic services and humanitarian assistance to all those urgently in need, including food, water, electricity, fuel,

6 UNICEF, "Acute malnutrition has doubled in one month in the northern Gaza Strip", press release, March 15, 2024.

7 OCHA, "Hostilities in the Gaza Strip and Israel – Impact Reported, Day 169", March 25, 2024.

8 Human Rights Council resolution 55/28, of 5 April 2024, condemns "the use of starvation of civilians as a method of warfare in Gaza.

shelter, clothing, hygiene, and sanitation requirements, as well as medical supplies and medical care to Palestinians throughout the Gaza Strip, including by increasing the capacity and number of land border crossings and keeping them open for as long as necessary. ⁹ This decision was adopted unanimously.

By fifteen votes to one⁹, the Court decided that Israel must ensure, with immediate effect, that its military does not commit acts that constitute a violation of any of the rights of Palestinians in Gaza as a protected group under the Convention on the Prevention and Punishment of the Crime of Genocide, including by preventing, through any action, the delivery of urgently needed humanitarian assistance.

Considering the guiding concept used here, these provisional measures are primarily aimed at protecting food security, health security, and personal security of the affected population.

5. A people-centered policy

In contrast to the extreme human insecurity evidenced by the facts considered thus far, there emerges what the United Nations High Commissioner for Human Rights (OHCHR) highlights in its report about human rights in Colombia, presented to the Human Rights Council on 14 February 2024. ¹⁰ The report welcomes the adoption of the new security policy of the Ministry of Defense based on the concept of human security, with the primary objective of protecting life and the environment,

⁹ From ad hoc judge Barak

adding that it positively values the human rights-based approach of this policy.

It does not mean that everything is fine in that country, far from it. A reading of the report suggests:

Despite a decrease in some indicators of violence in 2023, the continued territorial expansion and violent strategies of social and territorial control by non-State armed groups and criminal organizations against the civilian population, ethno-territorial organizations, and grassroots organizations continue to put at risk the physical and cultural survival of several peoples and historic organizational processes (para. 10).

Moreover, the OHCHR Office verified 134 cases of recruitment, use, or utilization of boys and girls in the armed conflict.

The Office recognizes progress in the construction of the First National Action Plan for Security Council resolution 1325 on Women, Peace and Security in Colombia, noting the participation of more than 1,500 women from across the country in participatory consultations.

Regarding the right of peaceful assembly, the report mentions that the Mobile Anti-Riot Squadron was replaced by the Unit for Dialogue and Maintenance of Public Order, and that a manual was drafted incorporating elements aligned with international human rights standards, although the Office considers the adoption of a law establishing a regulatory framework to be indispensable.

6. Armed peace

In 1889, *Armed Peace* was published for the first time, and it has recently been republished. In this book, Fernández Prida (2023) reminds us that “in ancient societies the army was a temporary institution, organized on the eve of combat and dissolved the day after peace” (p. 29). However, there came a time when the people began to respond weakly to the call to go to war, which neither excited their interest nor appealed to their patriotism, and thus “the custom of forming armies with salaried foreign troops had to be generalized”, docile to the will of the sovereign, “but eager for booty and plunder, and entirely alien to the character and aspirations of the nation” (p. 30).

The period of mercenary militias passed quickly and, hand in hand with the profound transformation of the art of war, military expenditures increased, military science was perfected, and prolonged training and continuous exercise became necessary. Thus emerged the standing army —also national, since all States aspired to have one of their own— and as military science was enriched with new advances, the period of troop training increased; consequently, the need for a standing army took root and grew in the same proportion as the art of war progressed (Fernández Prida, 2023).

Elsewhere in the work, it is emphasized that all that was missing was for a State stronger or bolder than the others to set out to expand its territory or intimidate with its power, which soon occurred.

Fortunately for humanity, the bellicose current is opposed by the irresistible movement of universal opinion calling for

peace, disarmament, and the guarantee of law in international relations, notes the Spanish jurist. He then mentions that four modern schools aspire to put an end to armed peace: one calls for the abolition of armies; another is satisfied with proportional disarmament; a third seeks only to restrict hostilities; and the fourth looks “to the organization of the society of States for the definitive guarantee of a disarmed and stable peace” (Fernández Prida, 2023, p. 55).

The idea of proportional disarmament finds support in the work, although not without pointing out the weak side of that doctrine: there is no State in Europe that believes it has reached the maximum possible level of military effort and does not aspire to better protect its borders, to have more ships and more soldiers in its ranks. And after examining different proposals for proportional disarmament, the author concludes that, without even considering future causes of war that may arise, since the growth of States is not simultaneous —some retreat while others advance— the moment will never arrive when all can together exclaim that “the last effort has been made; let us disarm to an equal extent, and thus we can preserve the due proportion of forces without being crushed by the weight of arms” (Fernández Prida, 2023, p. 63).

It is time to call for international organization that definitively ensures compliance with law in international relations, and when such an organization exists, “disarmament would not be the remedy for the evil, but the forced consequence of the solution to the problem of armed peace” (Fernández Prida, 2023, p. 64).

The establishment of a tribunal to judge States is the idea

from which the best results may be expected, since just as the individual lays down arms when he trusts in the protection of public authorities, so too may the State lay them down when it knows that the guarantee of its rights is entrusted to an international tribunal. Moreover, even if recourse to the tribunal were voluntary, international progress would be tangible, because it is not the same to choose a judge when the dispute is pending as to have one chosen in advance. The text also clarifies that the international tribunal is not perpetual peace, but it is the end of anarchy. The book concludes with the author noting that there may be those who consider the aspiration to end armed peace through international organization to be chimerical.

It is well known that this did not become reality, not even with the creation of the United Nations. The sale of arms and the growing military expenditure, among other issues, reveal that armed peace continues. And the fear of a new war is present on the European scene. Following Fernández Prida (2023), it can be affirmed that “peace disturbed at every instant by fear and preparations for conflict is not true peace” (p. 11).

7. Conclusions

For peace and security to be matters whose management adequately reflects the legitimate aspirations of civil society, their human dimension must be strengthened. In terms of security, the concept of human security must be applied in public policies. As for peace, which is not merely the absence of war, but also the absence of economic, social, and cultural violence, it is absolutely necessary and urgent that the right to

peace be recognized as a human right through an international instrument that expressly states it, incorporating its constituent elements without reservation.

The Spanish Society for International Human Rights Law (SSIHRL) updated in 2023 the draft civil society declaration on the human right to peace, which is submitted for the consideration of United Nations Member States in the hope that some State or group of States will promote the resumption of the process of codification and progressive development of that right, since the Declaration on the Right to Peace, adopted by the General Assembly in 2016, is insufficient insofar as it does not recognize the human right to peace nor its constituent elements.

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Water for Peace

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1. Introduction

Water, in addition to being a natural resource, is an economic, religious, cultural, and geopolitical strategy resource.

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A review of history reveals that, from the Industrial Revolution (19th century), the idea that nature could be subdued by man was implanted, and arid lands would be transformed into productive ones through large-scale irrigation.

The key to achieving this was the water management based on a single model: managing supply through the construction of large hydraulic infrastructure projects, financed by the State. Therefore, the agricultural use became the engine of development. In this context, water demand was only considered a variable to be satisfied in all cases.

In the present century, the effects of climate change have aggravated the state of water resources due to rising temperatures, impacting more intense and recurrent episodes of droughts and floods (IPCC, 2014).

The alteration of rainfall patterns and the decrease in snow precipitation, the increase in the frequency and severity of droughts, disorderly land use, population growth (with the consequent increase in needs to cover food security), inequities, and inequalities affect water and make it a determining factor for peace in the world.

Peace constitutes a positive, dynamic, and participatory process in which dialogue must be promoted and conflicts resolved with a spirit of mutual understanding and cooperation. There can be no sustainable development without peace, nor peace without sustainable development (United Nations, 2024).

In this paper, we will address the climatic, social, and economic factors that exert pressure on water resources and are a source of conflicts that endanger peace in communities, regions, and even the global world.

2. The Role of Water in History

Water appears to play a key role in human history. In creation, according to the Quran, God creates the human, animal, and plant world through water, and it will also resurrect the dead. Water was divine punishment, one of the plagues of Egypt, and the main actor during the universal Flood to destroy all human and animal life on the planet, completely flooding the earth (Genesis 6–9). It has also been the protagonist of miracles and the liberation of sins through baptism in Christianity. In the New Testament of the Bible, water represents a symbol of the spirit of God and eternal life.

For Hinduism, everything is water. The world egg is incubated on the surface of the waters, since, by cleansing and purifying the body, water acquires a symbolic or even sacred status. In India there are seven sacred rivers through which purification can be achieved by being an incarnation of the goddess Ganga, the best known being the Ganges River.

Plato (427–347 BC) also pondered water, and in his dialogue titled *Phaedo*, he describes how all the waters on the earth's surface: seas, lakes, rivers, and springs, come from a huge cavern called Tartarus, to which all the free waters of the earth's surface return after having traveled various intricate paths. His theory is considered the origin of the conception of the hydrological cycle.

Currently, because of the events that occurred between 2000 and 2004, a 2023 ruling by a Colombian court, based on the precedent of recognizing nature as a subject of rights, recognizes the Cauca River as a victim of the armed conflict.

During this time, paramilitary groups, together with members of the Colombian public force, used this body of water as a mass grave to disappear the bodies of their victims. The river's victimhood is also related to the dumping of chemicals in the context of illegal mining and the production of illicit substances (JEP, 2024).

The mysticism surrounding water strengthens it as a sign of life; from conception as human beings, we navigate in liquid in the maternal womb. We are born in water, our bodies are mainly composed of water, and we need it to drink, for our hygiene and food, as well as being indispensable for food production and preserving our ecosystem; in this context, it can be the center of conflict or the channel to resolve them.

3. Conflicts Surrounding Water

Water, as a natural resource, generates conflicts due to its abundance in some cases and its scarcity in others. Population growth, its advance on the countryside, and its concentration in regions of low rainfall, the scarcity of surface water, and the overexploitation of groundwater are variables that generate social, economic, and environmental conflicts. It forces water administrations to adopt measures that do not always have the approval of society and are the cause of conflicts of varying intensity. Some conflicts, which we will not refer to in this work, emerge as a reaction of organized groups in rejection of a political decision or with the aim of having it adopted.

Water, in many cases, opens opportunities for dialogue that allows for the prevention or resolution of conflicts.

In regions with a high degree of political instability, water is often fundamental as a conflict prevention strategy and as an instrument for negotiations on regional development.

When water is taken hostage in a conflict, it can be both a factor of tension and collaboration. When it acts as a crispening factor, water can sour good relationships and worsen bad ones. However, it is one of the fundamental and effective tools for giving content to peace dialogues and a factor that drives change.

Likewise, water is a stabilizing element in relationships. To combat the resurgence of violent conflicts and create the conditions for long-term peace, the best way is to fight against poverty, hunger, and disease. Water is the key to achieving this.

Conflicts related to water that endanger peace begin with the lack of safe, reliable, and equitable water supply and sanitation services. Without this supply, citizens' relationships with their local public authorities begin to deteriorate.

As a rule, water management is conflict management. And these conflicts have not changed much over time despite artificial intelligence, satellite measurement tools, pressurized aqueducts, or modern information systems. Despite all the tools that contribute to efficient management of existing water resources today, disputes over water continue to arise from the simple opening of a gate to divert flows into a canal or from solid waste thrown into a channel, or from the decrease in available volumes due to drought.

When these conflict factors affect existing watercourses or aquifers that flow through different countries or serve as boundaries between them, we can say that the conflicts acquire an interjurisdictional (international) character.

But despite the complexity that the management of international waters can represent, cooperation has proven to be the stabilizing factor in relations. Some of the most bitter declared enemies have negotiated or are negotiating agreements on water and have created institutions that often demonstrate great flexibility, even in times of tension between the parties, leading one to believe that water is one of the most interesting and fruitful elements for building peace.

In contrast, it is noted that as the geographical scale decreases —region, province, local community— the probability and intensity of violence increase. This is because irrigators, indigenous populations, and environmentalists generally consider water as something intimately linked to their way of life, increasingly threatened by urban and hydroelectric demand (Wolf, 2005). New uses such as tourism or mining can generate instability in a community, destabilizing a country or an entire region. As an example of this, we can cite the violent conflicts and clashes that took place in Cochabamba, Bolivia, in 2000.

The lack of access to water or the problems generated by deficient water supply management is always a cause of conflict. The case cited, which occurred in the third-largest city in Bolivia, originated in the privatization of public water services in the city of Cochabamba, which had been experiencing water shortages and irregular supply for years. In response, the Bolivian government granted the international consortium *Agua del Tunari* (ADT) a 40-year concession for supply services, with the accessory obligation of expanding the number of subscribers. To enable the fulfillment of its obligations, the concessionaire indiscriminately increased the water tariff, which in many cases

absorbed a significant portion of the inhabitants' monthly income, while services continued to be deficient. It is provoked serious conflicts with road closures and civil protests, creating chaos that initially lasted four days.

Then, other municipalities around Cochabamba joined the protests, mobilized mainly by farmers who managed alternative supply sources for individuals. It was not until April 2000 that the government declared a state of exception throughout the country and sent the army to Cochabamba. After several days of violent clashes that claimed the life of one person and more than one hundred injured, the government agreed to revoke the concession granted to ADT and returned the management of water services to the municipality.

Extreme poverty is another destabilizing factor for peace, as it generates conflicts related to the subsistence of many people, which is aggravated by the scarce availability of fresh-water in many regions of the world. These factors are constant challenges for water authorities, who must reconcile the interests of various social actors at the local, national, and in some cases international levels, requiring them to be institutionally strengthened to achieve efficient resource management and conflict prevention management.

Likewise, girls, boys, and adolescents, older adults, women, people with illnesses or disabilities, indigenous peoples, and people living in rural areas or suffering from poverty, who are more vulnerable to the effects of climate change, are often the recipients of power struggles to manage water in regions of extreme scarcity, where a third of the world's population lives. Every day, more than 30,000 children die before the age of five

due to hunger and diarrhea from contaminated drinking water. Every night, millions of people go to sleep hungry and thirsty; therefore, achieving sustainable levels of satisfaction of the universal right to access to potable water and sanitation should be the highest priority for States to achieve the objectives assumed in the 2030 Agenda for the well-being of the population and sustainable peace.

But floods, hurricanes, tsunamis, and logging of timber forests that have reduced the lines of defense against natural disasters also generate devastating violence on human populations. Floods are a global phenomenon that can cause widespread devastation, economic damage, and loss of life (World Bank 2011). Between 1970 and 2013, flood natural disasters were the most frequent of all natural disasters in Latin America and the Caribbean (hereinafter LAC) (EM-DAT n.d.). LAC is the region most vulnerable to natural disasters (IDB, 2013).

On the other hand, conflicts between users can be identified in relation to water, that is, between those who are beneficiaries of a permit or concession for special use of surface or groundwater, between these and the water authority, and between third parties who are not users and the administration due to actions or omissions of the latter. These conflicts, according to their nature, will be resolved administratively or will necessarily have to be raised and resolved in the civil judicial sphere.

A source of conflict between users is the contamination of the resource. The conflicts generated by contamination caused by industrial and agricultural uses that affect the availability of

the resource require concrete actions from the administration in the exercise of police power over water quality.

A mechanism to prevent conflicts in regions with structural scarcity of water resources is the establishment of a "priority" regime. This implies that, in the event of concurrent applications, the authority must choose which use to allocate water to, taking into account the uses of greater convenience to the general interest for each case, either in the face of scarcity of a resource to satisfy all demands or in the face of the greater economic or environmental convenience of the use of a particular resource.

On the other hand, when there are several users of a well for extracting groundwater, they must enter into a use agreement for said well and agree on how they will make use of it and distribute the maintenance costs, fees, and well repairs, among others. These agreements are then submitted to the water authority for homologation; therefore, the accompaniment of users during the agreement process by the water authority facilitates the parties reaching an agreement and guarantees that it will then be homologated without observations. The conflicts referred to so far generally find a solution in the local administrative sphere, that is, they are resolved with the intervention of the water authority.

In this sense, Bauer argues that in those systems where the resolution of water conflicts has been entrusted to judicial authorities outside the specific subject matter, based on brief processes that prevent a deep and adequate understanding, a failure of such a mechanism has occurred. Apart from expensive and slow processes, the judges have had to rule based on

limited technical knowledge and little deliberative possibility due to the incompleteness of the process. All this has generated unpredictable and contradictory jurisprudence, with a negative effect on the controlled administrative bodies, which have consequently tended to adopt a formalistic stance that has caused a partial void in public decision-making processes for the benefit of large pressure groups and to the detriment of other users and interested parties (Bauer, 2002).

It is also worth mentioning the conflicts that arise between individuals or third parties who are not users and the water administration. The damage caused to third parties by flooding, overflows of channels, breakage of hydraulic works, properties affected by infiltrations, changes in traces, people drowning in channels or bodies of water can be identified as causes of this type of conflict.

Finally, it remains to mention the conflicts that arise between the owners of private waters, or of riverside or adjacent properties to watercourses or bodies of water that make up the hydraulic public domain, and the remaining members of society who aspire to access the enjoyment or common use of such assets.

Along with the situations that may arise due to community needs for private waters, there is currently a manifest social tension regarding the access of inhabitants to the enjoyment of public goods, for example, watercourses or aquatic ecosystems, when they run through private land or constitute the limits of private property. This conflict is growing in Argentina. In the absence of a civil law that regulates any specific limitation on private ownership in these cases, these tensions or conflicts

lack a solution in the specific case, having generated numerous acts of violence, mainly in relation to access to rivers or lakes where activities such as sport fishing are practiced.

It should be mentioned that at the national level, in 2016, Law No. 27,261 was enacted, establishing August 30 as "National Day of Free Access and Circulation to the Banks of Rivers, Lakes, and Streams". The purpose of this law was to entrust the Federal Council of Culture and Education, the National Ministry of Education, and the educational authorities of the different jurisdictions with the inclusion in the respective school calendars of days commemorating this date, consolidating collective memory regarding the need to guarantee the conservation and protection of our common spaces. It also empowers the national Executive Power to provide, in the different areas of its competence, for the implementation of specific activities, in the same sense as that provided for the educational community.

This law was enacted in homage to Cristian González. The reasons for the law state that:

"On August 30, 2006, Cristian González was killed by a gunshot wound to the neck while fishing with two friends on the banks of the Quilquihue River, a few meters from Lake Lolog, in San Martín de Los Andes, Neuquén. The businessman who owned a nearby cabin complex, Gaspar Schroh, had instructed his private guard to shoot if anyone approached the place, and he did so. The guard was sentenced as the material author of the crime to thirteen and a half years in prison, but his boss received only two and a half years of conditional execution.

Cristian was 31 years old, had two daughters, and a partner with another baby on the way”.

4. Building Peace Through Water

Peacebuilding, as well as conflict transformation, is a participatory process of relationship building, centered on people, as defined by Caritas International in its 2002 training manual. On this, Caritas says:

“Peacebuilding occurs either before violent conflict erupts (a preventive measure), or after a violent conflict ends (an effort to rebuild a more peaceful society). It can take the form of activities aimed at increasing tolerance and promoting coexistence, or activities can address the structural sources of conflict or injustice. Conflict transformation aims to change unjust and unequal relationships and social structures in order to build a more just society. In this way, conflict transformation transcends the concept of conflict resolution because it requires the transformation of the parties, the relationship between them, and the structural elements underlying the conflict” (Neufeldt, 2002, pp. 14–15).

Building peace through water requires hearing the voices of the most vulnerable, implementing concrete actions to reduce gaps in access to water and sanitation, ensuring that girls have bathrooms and personal hygiene items that facilitate their attendance at school every day of the school calendar and do not lose class time every time they have their menstrual period, and especially those policies that allow women leaders to sit

at the tables where decisions are made within the framework of water resource governance.

Water can be a channel to achieve peace when current inequities that lead to conflict are overcome and understandings are reached that provide mutual benefits. “Water and humans are living beings that coexist in the ‘Pacha’ —Aymara for the ‘Sacred Universe’. To recreate life in abundance, an integral subject-to-subject relationship between human beings and water is required” (Calixto Quispe Huanca).

The role of users in defending their own interests through opposition procedures or complaints that allow the water authority to become aware of facts that may be affecting water resources is fundamental. While the procedures for resolving the main conflicts around water contained in most Argentine laws can be considered adequate, in practice, due to the prolonged duration of administrative and judicial processes, the resolution of these arrives late and causes water management to be inefficient and costly in many aspects.

In terms of management, the basic actions that contribute to generating or maintaining peace are increasing water use efficiency, reducing pollution, controlling groundwater extraction, recycling and reusing treated wastewater, applying the most innovative nanotechnologies for water treatment, ensuring alternative water sources, and desalination at affordable prices.

5. Final Reflections

Pope Francis, in his Encyclical Letter *Laudato Si*, states that:

“... there is no longer two separate crises, one environmental and the other social, but one complex socio-environmental crisis. The lines for the solution require an integral approach to combat poverty, to restore the dignity of the excluded and simultaneously to care for nature” (Francis, 2015, 139).

Strengthening peace demands respect for the universal Human Right of all people to access potable water and basic sanitation services, as well as the right to be informed and to participate in the decision-making process in water resource governance.

Conflicts are part of the historical process of forming the networks of a region and the configuration of its spaces, thus showing the space-society and nature-culture relationships of a water society (Montagna, 2008).

The world urgently needs us all to work to protect and conserve our most precious resources. Cooperation will be a key tool in creating a more peaceful and prosperous world for all.

Our water has a history, it has accomplices, it has heroes, and it also has THIRST. A thirst for care, for awareness, for valuation, and respect. Its thirst sometimes causes drought, and drought produces heat, cracks the earth, destroys the herbs, leaves our soils arid, inviting hunger, disaster, and poverty to our homes. From within, humanity hears its desperate cry: “water is an essential right for the enjoyment of life; we cannot abandon it because, in doing so, we abandon ourselves too” (Fundación Mujeres Activas, 2024).

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Peace and Food as Interdependent Human Rights: A Bidirectional Interpretation¹

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1. Introduction

The dynamics of current global crises drive the need for transformation in socio-legal change processes and in international law itself. These multi-causal and cross-cutting crises both underline and affect the enjoyment and guarantee of fundamental rights. One of the most critical consequences of these crises is the breakdown of peace and the urgent need to recognize peace as a human right to contribute to the realization of all other rights.

The breakdown of peace as a universal value —and therefore the enjoyment of the human right to peace— can result from countless factors, among which the most extreme are conflicts. Although conflicts can occur in various forms and

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degrees, this paper focuses on inter-state and intra-state armed conflicts, including internal violence, civil unrest, and political conflicts that accompany —or result from— armed conflicts. These conflict situations generally lead to the disruption of livelihoods and food systems, whose deterioration may begin gradually and culminate in acute food crises, causing severe food insecurity and, consequently, the violation of the rights to adequate food, health, and life.

It is well known that human rights are universal, indivisible, interdependent, and interconnected. In the present case, both rights —peace and food— are materialized through the realization of other fundamental rights that are also closely interlinked and mutually dependent.

However, from the perspective of the right to peace, it could be understood as a core right in which all human rights converge and from which they interact in mutual dialogue —particularly, in this context, the right to adequate food.

Thus, when viewed from a legal standpoint and recognized as human rights, peace and food entail a corresponding set of duties. The responsibility framework for the international legal order places the State at its center. As the primary guarantor and duty-bearer of respect, protection, and fulfillment of human rights, the State is legally bound to take the necessary measures to ensure the full realization of fundamental rights. While other subjects of international law also bear certain responsibilities —with characteristics in terms of respect and guarantee of rights— this paper focuses on the State as the original subject of international law and the main duty-bearer.

Accordingly, this article proposes —by way of an essay—

an approach to the relationship between the human right to peace and the human right to adequate food, considering the latter as a component and constitutive element of the former. The premise is that the effective and timely realization of the right to adequate food, together with each of its constitutive elements and closely related rights, contributes to the effective realization of the right to peace. In like manner, the full realization of the human right to peace helps to ensure and make effective the human right to adequate food. It is hypothesized that both their positive and negative dimensions function dialogically and bidirectionally in linking the two rights to achieve their full expression.

Beginning with a brief understanding of the concept of peace and food security, the article will review the historical and normative foundations that give rise to and demand the binding legal recognition of the human right to peace, on one hand; and on the other, it will examine the constitutive elements of the right to adequate food and the corresponding duties of the State for their realization in both positive and negative dimensions. Based on the applicable legal framework and in light of key historical and contemporary examples, the analysis seeks to demonstrate the relevance of adopting a bidirectional approach to both rights to understand their connection, interrelation, and the need for a circular perspective that enables a comprehensive interpretation and analysis of both rights.

2. Peace and Food: two sides of the same coin

2.1 Peace: the Human Right

The concept of peace as a universal value has been deeply rooted since ancient times, present in diverse cultural, religious, and philosophical traditions throughout history. It has been established as a fundamental element for both individual and collective development —essential to interpersonal coexistence as well as to relations among peoples and even among States (Gross Espiell, 2005, p. 518). However, the idea of peace as a human right became clearer in the 20th century, particularly with the emergence of international human rights law. The *Luarca Declaration on the Human Right to Peace* in 2006 marked a milestone in the private codification, followed by the *Santiago Declaration* (2010), later updated in 2019 and 2023. On the contrary, the *United Nations Declaration on the Right to Peace*, adopted in 2016, was criticized by civil society for its lack of concrete content, as it mainly established general principles rather than providing a stronger protection framework for this fundamental right.

At the national level, countries such as Colombia have led the way by recognizing the right to peace and its corresponding mandatory duty in the 1991 Constitution (Article 22). This example highlights how the international community has lagged behind in acknowledging this right within binding instruments that would grant individuals all the entitlements inherent to subjective rights.

2.1.1 Dimensions of the Human Right to Peace

The enjoyment of peace—as a universal value—is closely linked to the possibility of living and to human dignity. From a legal standpoint, the human right to peace operates as a *core right*, serving as the central axis for the realization of other human rights, around which governmental actions primarily—and those of other public and private actors secondarily—are articulated.

Those rights that primarily require negative action by the State—i.e., non-interference or abstention—correspond to the obligation to respect. In this sense, the concept of peace has historically been understood in law as the absence of war, violence, or aggression, as reflected in the *United Nations Charter*, which requires States to refrain from the threat or use of force (Article 2), since such actions would inevitably lead to conflict. Achieving this *negative dimension* of peace—non-interference and the avoidance of armed conflicts or violence—thus requires preventing the initiation of such conflicts.

However, this negative dimension is always related to its positive counterpart. The *United Nations Charter* also establishes that, in order to maintain international peace and security, actions must be taken in accordance with the principles of justice and international law (Article 1.1), encompassing a wide range of areas. Therefore, the *positive dimension* of the human right to peace requires responsible actors to take measures, actions, and initiatives across multiple fields—including international human rights law and international environmental law, among others.

It is why the draft *Universal Declaration on the Human*

Right to Peace (Luarca, 2023), as proposed by civil society organizations, emphasizes the existence of structural violence in and among States, calling attention to the need to address inequalities in economic growth, social exclusion, trade asymmetries, economic and exploitative colonialism, and sanction regimes—all of which undermine human rights and, in particular, the human right to peace.

Within this positive dimension are rights that primarily demand proactive State action, such as social rights, which have a service-oriented character. In this context, the right to adequate food represents one of the key elements contributing to the realization of the human right to peace. As peace functions as a central and articulating right for the realization of others, it becomes necessary to understand how certain inherently *performance-based* human rights correspond to its fulfillment, and how the realization of peace, in turn, contributes to these rights.

Nevertheless, the analysis cannot be limited strictly to the legal sphere—even though this paper focuses on it for reasons of space—since, as Alé (2021) notes, “it is in social rights that the boundary between the strictly legal and the political inevitably shifts, as they entail a duty to act on the part of the State”, requiring a governance-based analysis for a comprehensive understanding.

2.2 The Human Right to Adequate Food: A Fundamental Pillar of the Human Right to Peace

Food, essential for human existence, is recognized as a fundamental human right. The notion of *food security* emerged

at the 1974 *World Food Conference*, initially focused on food availability. Since then, it has evolved to include accessibility, quality, nutritional composition, stability of access, and sustainability in food production. This evolution reflects the need to address various economic and sociocultural factors to ensure the full realization of the right to food. Today, food security is understood as the condition in which all people, at all times, have physical and economic access to sufficient, safe, and nutritious food to meet their dietary needs and food preferences for an active and healthy life (FAO, *World Food Summit* – 1996).

Among other factors, food security can be affected by intra and inter-state conflicts, extreme weather events, economic disruptions, agricultural and livestock plagues, and disease outbreaks, epidemics, or pandemics (GRFI, 2021).

The right to adequate food legally translates the substantive content of food security into its constitutive elements. In fact, one could refer to it as the *right to food security* or even incorporate the concept of *food sovereignty* within the same term. It is an inclusive right and also a precondition for the realization of other rights, such as the rights to health, life, work, social security, and freedom from torture or cruel, inhuman, or degrading treatment, among others. Mutually, other rights—such as the rights to information, water, education, adequate housing, participation, association, and a healthy environment—serve as conditions for its full realization.

It is a *social right* belonging to the category of *performance rights*, characterized by the predominance of positive obligations on the part of the State. It is recognized in both

binding³ and non-binding⁴ international and regional instruments, from which its normative content, correlative duties, and links to other human rights can be derived. Its normative elements —availability, accessibility, stability, sustainability, and adequacy— correspond to the State's obligations to guarantee this right.

The human right to food has been defined as:

“... the right to have regular, permanent, and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food, corresponding to the cultural traditions of the people to whom the consumer belongs, and ensuring a physical and mental, individual and collective, life that is free from anxiety, satisfactory and dignified” (E/CN.4/2001/53).

As this definition indicates, the right encompasses quantitative, qualitative, and cultural acceptability dimensions, addressing the variables mentioned earlier regarding food security. Quantitatively, it requires sufficient availability of food

3 International Covenant on Economic, Social and Cultural Rights (1966); Convention on the Elimination of All Forms of Discrimination against Women (1979); Convention on the Rights of the Child (1989); Convention relating to the Status of Refugees (1951); Convention on the Rights of Persons with Disabilities (2006); Protocol of San Salvador (1988).

4 Universal Declaration on the Eradication of Hunger and Malnutrition (1974); Rome Declaration on World Food Security (1996); FAO Voluntary Guidelines in Support of the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (2004); Committee on Economic, Social and Cultural Rights' General Comment No. 12.

to avoid hunger and to ensure physical and economic access to nutrition. Food must be available through land or other natural resources, or through an effective distribution system. It must also be accessible to everyone—not only physically (with special attention to vulnerable groups) but also economically—ensuring that people can afford adequate and nutritious diets.

However, the right to food should not be narrowly interpreted as access to a fixed set of calories, proteins, and nutrients (*General Comment No. 12, para. 6*), but rather as the right to *adequate* food, encompassing qualitative aspects such as nutritional needs, safety, and environmental soundness (*General Comment No. 12, para. 10*). Moreover, food must be *culturally acceptable*, respecting traditional, cultural, and religious practices. All means of realizing this right must therefore be *sustainable* and must not interfere with the enjoyment of other human rights (*General Comment No. 12, para. 11*).

These elements form the essential components of the guarantee of this right. If one of them is violated, the entire respect and protection of the right fails as well.

2.2.1 Dimensions of the Right to Food

As discussed earlier in relation to the human right to peace, the human right to adequate food also requires a distinction between its dimensions of realization.

The *negative dimension* refers to the absence of hunger, the absence of barriers to physical and economic access, the absence of toxins and contaminants, and non-interference with cultural and food biodiversity. However, as with peace, for this to be achieved, the *positive dimension* becomes essential.

In this sense, the tripartite obligations of States —to *respect*, *protect*, and *fulfill*— are expressed through progressively adopted measures, relying on international cooperation and the principle of non-discrimination.

Under the *obligation to respect*, the State must abstain from interfering with the enjoyment of the right, for example, by not suspending food programs or nutrition legislation that affect access to food⁵.

The *obligation to protect* requires the State to prevent third parties from interfering with the right, such as prohibiting the destruction of natural resources through overuse of agrochemicals or land grabbing, ensuring food safety and nutrition standards, and establishing public institutions to oversee the food chain.

Finally, the *obligation to fulfill* demands proactive State measures to ensure food security, including direct intervention —such as food provision— in critical situations where people cannot access food due to circumstances beyond their control, such as natural disasters or armed conflicts.

These tripartite duties, representing obligations of conduct, entail the adoption of national strategies and public policies, as well as *obligations of result*, meaning the achievement of established benchmarks in their implementation. While these are legally binding obligations for States, they are intertwined with issues of governance and other social, economic, cultural,

5 For more information on this topic, see Alé (2023), which explores how the rights to food and health are being violated through the use of pesticides, and how states bear responsibility for these violations.

and environmental variables that are cross-cutting and directly affect the effective guarantee (or lack thereof) of human rights.

3. Reciprocity between peace and food

From the bidirectional analysis of peace and food as human rights, it can be observed that the threat to peace —both in its positive and negative dimensions— operates dialogically and bidirectionally in the connection with the deprivation of food.

The positive dimension implies taking actions and adopting measures that ensure the constitutive elements of both rights in order to prevent conflicts that, in turn, may lead to the violation of their negative dimension. Thus, to guarantee the absence of armed conflict (negative dimension of peace) and to prevent hunger (negative dimension of the human right to food), the principles of justice and international law, respect for the principles of equality and non-discrimination, together with a constellation of variables aimed at avoiding power asymmetries, instability and economic imbalance, and social exclusion, among others (positive dimension of peace), require the implementation of provisions and actions which, if frustrated, will lead to imbalances that consequently result in conflicts. Likewise, preventing the existence of hunger (negative dimension of the human right to food), as well as promoting food security (positive dimension of the human right to food), are dynamics that interact to facilitate the comprehensive achievement of peace and food security.

Thus, when an armed conflict occurs —as history and current events demonstrate— it inevitably leads to the limitation

and destruction of natural resources, damages economies, deteriorates and destroys social and political infrastructure, interrupts trade and supply chains, and causes food shortages, directly affecting the guarantee of the population's basic needs. In particular, the loss of crops, the destruction of farmland and livestock, lead to forced internal and international displacements in order to endure the food crisis, and, in its most catastrophic state, famines culminate in the starvation and death of part or all of the population⁶. Conflicts, therefore, affect each of the normative elements of the right to adequate food by undermining both availability and access to food and the constellation of enabling factors. The correlation between conflict and food security has been widely studied by doctrine —Fillol Mazo (2020); Echarren (2013)— and, regrettably, numerous examples confirm it.

For instance, the Democratic Republic of the Congo (DRC) has suffered a food crisis for 25 years, coinciding with the duration of its civil war. A similar situation occurs in Somalia,

6 According to information provided by the United Nations World Food Programme, "...a famine is declared when: at least 20% of households face extreme food shortages; at least 30% of children suffer from acute malnutrition; and the daily death rate from starvation or from a combination of malnutrition and disease exceeds 2 persons per 10,000." In countries such as Yemen and South Sudan, conflict, insecurity, and resulting displacement have alarmingly increased levels of acute hunger—nations that have faced internal conflicts for more than 20 years. In general terms, according to the same source, 50 million people worldwide are on the brink of famine. Currently, there are 23 million more people affected compared to the 27 million suffering in 2019. Information available at: <https://es.wfp.org/luchar-contra-la-hambre>

where beyond the food crisis derived from civil war, the situation is further aggravated by persistent drought resulting from extreme weather phenomena linked to global climate change. Likewise, countries such as Afghanistan, Syria, Yemen, the Central African Republic, and South Sudan are experiencing food crises that converge as a consequence of ongoing internal and external conflicts (GRFC, 2021).

The Palestine–Israel conflict, whose most recent developments are taking place in the Gaza Strip, clearly illustrates this relationship. The IPC report (2024) projected that the entire population of Gaza would face catastrophic levels of food insecurity by mid-2024, as a consequence of the aggression carried out by Hamas on October 7, 2023, and Israel's disproportionate response. Intentional deprivation of food —evident here through the restriction of humanitarian corridors, the cutoff of supplies, and the destruction of production systems, among others— is considered a violation of numerous international instruments related to Crimes against Humanity, War Crimes, and Genocide (Convention on the Prevention and Punishment of the Crime of Genocide, 1948, art. 2(c); Rome Statute of the International Criminal Court, arts. 6(c), 7, 7.2(b), and 8.2(b) (xxv); Additional Protocol I to the 1949 Geneva Conventions, 1977, art. 54). Although the UN Security Council, through Resolution 2728⁷, as well as the UN General Assembly, called for a ceasefire and guaranteed humanitarian access without

7 S/RES/2728(2024) <https://documents.un.org/doc/undoc/gen/n24/o80/85/pdf/n24o8085.pdf?token=AGT1Q8v8Hp5Y4jNYXU&fe=true>

classifying the events, UN⁸ experts and the International Court of Justice⁹ have warned that Israel's actions could amount to acts of genocide.

Thus, the violation of the right to adequate food in its most severe form —hunger and famine— can not only result indirectly from conflict; its occurrence is also used as a weapon of war (Echarren, 2013) and as part of strategies of social domination. This has also happened historically, as during World War II, when Soviet troops, in their retreat before the German advance toward Moscow, dismantled their own cities to prevent the enemy from obtaining supplies —an act that meant sacrificing their own population as a war strategy (Marcus, D., 2003).

The current war in Ukraine highlights the interconnection between armed conflicts and food insecurity, eroding both the right to peace and the right to food. Internally, states in conflict suffer food crises due to shortages and difficulties in accessing food and production systems. Furthermore, since Ukraine and Russia are major global producers of raw materials such as

8 Special Rapporteur on the human rights to safe drinking water and sanitation; Special Rapporteur on the right to food; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. Available at: <https://news.un.org/es/story/2023/11/1525392>

9 Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa V. Israel) 2024 5 April General List No. 192 <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240405-ord-01-00-en.pdf>

sunflower, corn, barley, and wheat, the war has disrupted the supply and export of these goods, harming countries such as Cameroon, Tanzania, Uganda, and Sudan, which are significant importers of these commodities¹⁰. Likewise, the United Nations World Food Programme, the world's leading humanitarian agency, sources more than 50% of its wheat from the states affected by the war in Ukraine¹¹. The UN has warned that this war could increase food insecurity by up to 13 million people, adding to the approximately 800 million already affected¹². In 2018, the UN Security Council adopted Resolution 2417¹³, which emphasizes states' responsibility to protect their populations and recognizes the link between armed conflicts and food insecurity, urging diplomatic measures to prevent food crises during conflicts.

Conversely, the bidirectional analysis leads us to an inverse examination: food insecurity —in its various degrees¹⁴

10 Information available at: <https://reliefweb.int/report/world/ukrainerussia-war-continues-africa-food-crisis-looms>

11 Information available at: <https://es.wfp.org>

12 Information available at: <https://unric.org/en/the-un-and-the-war-in-ukraine-key-information/>

13 Resolution S/RES/2417 (2018). Available at: <http://unscr.com/en/resolutions/doc/2417>

14 The GRFC (2021) establishes five phases of food insecurity, ranked from least to most severe: Phase 1. Minimal or None; Phase 2. Stressed; Phase 3. Crisis; Phase 4. Emergency; Phase 5. Catastrophe/Famine. Likewise, in 2004, a tool was created to analyze and monitor the phases of food insecurity with the aim of generating early and preventive actions. This tool is called the Integrated Food Security Phase Classification (IPC) and can be found at: <https://www.ipcinfo.org/>

and forms, whether chronic, temporary, or seasonal¹⁵— affects the human right to peace, since the right to food, together with other human rights, constitutes an integral part of peace, understood as a core right that interacts with, reinforces, and depends on the realization of the others. Thus, food insecurity generates conditions that may result in disputes over the appropriation and use of resources, ultimately leading to social and cultural conflicts framed within widespread structural violence, and in many cases, to armed conflict.

A concrete example of how mismanagement and poor regulation can affect an entire population is the misuse of land, inadequate territorial planning, and the predominance of monocultures —along with their associated technological packages. Since these are mostly commodities, dependent on international price fluctuations— and thus on exports of such goods and imports of lacking food and raw materials —any adverse variation in prices or conditions will inevitably affect the population, particularly the most vulnerable. This occurred in Rwanda with the decline in coffee prices (Echarren, 2013).

In conclusion, the positive dimension of both rights implies advancing in actions and measures that guarantee them, in order to prevent disputes that, in turn, may lead to the violation of their negative dimension.

15 See for detailed information: Integrated Phase Classification Framework from Food Security to Humanitarian Emergency, FAQ, June 2006.

4. Final Reflections

The aim of this essay has been to present an approach to the relationship between the human right to peace and the human right to adequate food, considering the latter as a constituent part and element of the former. This has been done through a bidirectional interpretative approach that reveals the connection, interrelation, and the need for a circular and dialogical perspective for a comprehensive interpretation and analysis of both rights.

Starting from the understanding of the human right to peace as a “core right” —which functions as an articulating axis from and toward which other human rights converge, and consequently, the related State’s actions aimed at its realization— the right to adequate food becomes essential to respect, protect, and guarantee peace, and vice versa.

Both their positive and negative dimensions operate dialogically and bidirectionally in linking these two rights. The positive dimension involves taking actions and measures that ensure the constitutive elements of both rights in order to prevent conflicts that, in turn, may lead to the violation of their negative dimension. Thus, to guarantee the absence of armed conflict (negative dimension of peace) and to prevent the existence of hunger (negative dimension of the human right to food), the principles of justice, human rights, and other transversal principles that uphold them must be fulfilled (positive dimension of peace), as well as the promotion of food security (positive dimension of the human right to food).

In summary, to secure the rights to peace and food security, it is crucial to take positive measures that prevent disputes and protect these rights from being violated. By understanding these interactions, we can move toward the comprehensive achievement of peace and food security. Biased approaches that prioritize one dimension over the other in the realization of these rights contribute to maintaining an incomplete and fragmented conceptual and interpretative framework—conceptual palliatives that ultimately undermine the full realization and guarantee of such rights.

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Historical Memory as a Constitutive Element of the Human Right to Peace: A Study of South American Society

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1. Introduction

United Nations General Assembly Resolution A/53/243, in its Article 3, establishes that the full development of a culture of peace is intrinsically linked to the promotion of democracy, the advancement of human rights, and fundamental freedoms (United Nations, 1999).

Every hegemonic reorganization seeks a radical break from its predecessor. However, historical and social processes combine the new with the experienced past (Calveiro, 2006). Calveiro (2006) argues that historical memory functions as a bridge connecting these two shores, allowing societies to remember what they might wish to erase from the past due to its inconvenient or uncomfortable similarity with the present.

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2. The South American Case

Particularly in the South American context, Jelin (2004) notes that constructing historical memory is not merely about recalling the past but is an active process influencing the present and the social future. It is an act triggered from the present, prompted by current dangers, like a lightning flash illuminating the past (Calveiro, 2006). Historical memory, therefore, serves as a means to understand the past in light of the danger posed by ongoing violence that could affect both individuals and entire populations.

Discussing military dictatorships in South America entails recognizing that people were persecuted by the state for their political, union, student, professional, or social activities (Lessa, 2019). It also involves acknowledging a coordinated and systematic repression plan with specific political, economic, and social objectives, recognized by justice systems as crimes against humanity, primarily aimed at implementing a particular economic agenda.

During this period, significant social movements emerged employing both violent and non-violent measures. A common feature across the region was the decisive role of victims' and disappeared persons' families, as well as human rights organizations (Lessa, 2019), which pursued non-violent strategies. As a result, numerous historical memory and human rights groups emerged throughout the Southern Cone, crucial for achieving truth, justice, and reparation for human rights violations.

Argentina and Chile were the countries that most rapidly advanced judicial investigations into crimes committed during

that era. In Argentina, the first trial against the Military Juntas took place in 1985, just two years after the return of democracy (Lessa, 2019). In Chile, the Association of Relatives of Executed Political Prisoners filed over 1,000 legal cases, and despite the Amnesty Law, those responsible were prosecuted under direct application of international law.

In Uruguay, prosecutions only occurred at the request of these groups (Lessa, 2019), a pattern also seen in Paraguay, where the state has not deeply investigated nor actively sought the bodies, leaving this task to civil associations. In Brazil, although direct complaints are not accepted, the Attorney General has maintained close contact with these organizations.

Universities have also played a key role in educating about historical memory. For example, the Forensic Archaeology Research Group and the History Team at the University of the Republic in Uruguay, or the Open Chair of Human Rights at the National University of Cuyo in Argentina, connected to the Space for Memory and Human Rights, offer students practical experience and international exchanges.

Currently, policies that recall past events have mobilized South American societies, as seen in 2019, when the international press referred to a “Latin American Spring” in reference to the Arab Spring. Social movements continued in 2023 and 2024 in response to new governments and liberal economic measures.

Currently, we can see how, faced with the implementation of policies reminiscent of the past, South American society is rising up *en masse*, driven by the historical memory of the events of the 1970s. It was clearly evident in 2019, when

the international press spoke of a “Latin American Spring,” alluding to the Arab Spring. Throughout 2023 and 2024, social movements continued in response to the new governments and the implementation of liberal economic policies.

3. Historical Memory as a Practice of Neutral Peace

From a peace research perspective, historical memory relates to the concept of neutral peace, a method of eliminating cultural, structural, and symbolic violence toward a peaceful paradigm of conflict resolution and social understanding. It is not about being “neutral” but about “neutralizing.”

Neutral peace is an active process aimed at reducing structural violence gradually through dialogue, research, honesty, equality, justice, and accountability, taking a stand against various forms of violence (Jiménez Bautista, n.d.). Historical memory involves open and frank dialogue, producing and analyzing information that allows for different forms of reparation and justice in processes including all actors, particularly those previously silenced. It aims to neutralize cultural violence —legitimized through social silence and apathy (Galtung, 1996)— which underpins other types of violence (Jiménez Bautista, 2014), promoting societal values and principles through truth, accountability, and reconciliation.

Once cultural violence is neutralized, social movements and educational practices using historical memory work to eliminate structural violence —manifesting as poverty, social injustice, inequality, and human rights violations— thereby fostering social peace and promoting justice and social equality.

In South America, societies react immediately when detecting violent political and economic structures from recent history they wish not to repeat. According to peace research theory, historical memory helps prevent the repetition of violent cultural, structural, and institutional patterns.

Neutral peace manifests publicly, in community spaces (Jiménez Bautista, 2014), where human rights and democracy advocacy groups operate, such as Chile's Vicaría de la Solidaridad and Argentina's Mothers and Grandmothers of Plaza de Mayo. Both organizations adopted non-violent methods including peaceful demonstrations, private investigations, data collection and verification, local and international legal actions, and promotion of human rights education.

These non-violent movements have achieved significant results and maintain strong popular support. In 2011, the Grandmothers of Plaza de Mayo received the UNESCO Prize for the Promotion of Peace for their tireless human rights work and resistance against oppression, injustice, and impunity (UN News, 2011), and they have been nominated six times for the Nobel Peace Prize (El País, Uruguay, 2018).

Conversely, historical negationism denies, downplays, or misrepresents past events without promoting dialogue, accountability, reparation, or justice (Torralba Roselló, 2015). Concealing history deepens resentment and obstructs reconciliation, justice, and accountability, setting the stage for repeating violence.

The 2023 Universal Declaration on the Human Right to Peace reinforces this in Article 7.7, stating that "victims of human rights violations have the right to truth, compensation, justice, reparation, and guarantees of non-repetition."

4. Historical Memory and Education for Peace

Civil populations often become involved, struggle, and take sides during social conflicts, sometimes violently or through armed struggle. Education plays a decisive role in building a society practicing a culture of peace.

Schools are effective venues for peacebuilding and promoting a culture of legality, coexistence, citizenship, and well-being, generating education for peace that transforms cultural processes in current and future generations (del Pozo Serrano, 2018). Education thus becomes a key ally for cultural change, fostering reconciliation and cultural neutralization in the medium and long term.

Peace education, from its epistemological projection (theoretical, practical, and methodological), has two main approaches: curricular—focused on content development for learning and teaching peace-related topics; and socio-educational—promoting democratic relationships and social participation for the common good (del Pozo Serrano, 2018). Its central aim is developing and embedding a culture of peace in individuals, extending to communities and institutions.

☐ e 2023 Luarca Declaration (Article 5) recognizes the right to education for peace and human rights, fostering trust, solidarity, respect, and peaceful conflict resolution, offering new perspectives for managing human relationships. Historical memory thus becomes central to peace education. Democratic societies seek non-violent conflict resolution, shifting from a culture of violence to a culture of peace (Gómez Santibáñez, 2011).

Following the neutral peace theory, Jiménez Bautista (2019) argues that education must teach how to neutralize various types of violence through hermeneutic methodology, tracing education evolution, and its connection to peace research. Without neutral peace education, populations and institutional actors cannot develop critical capacities, making conflict resolution education essential.

5. Final Reflections

Reconstruction, reconciliation, and reparation are fundamental in developing a culture of peace in countries directly affected by historical violence. The struggle focuses not on revenge but on repair and demonstrating that a state cannot systematically violate its citizens' human rights.

Historical memory in South America prompts societal action and serves as an alert against repeating past circumstances, enabling rapid responses to state violence. The 2000 Manifesto by 14 Nobel Peace Prize laureates underscores this principle (UNESCO, 1999).

Finally, schools remain key sites for social transformation, emphasizing peaceful conflict resolution under the theory and practice of neutral peace.

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The Civil Society Project for the Universal Declaration on the Human Right to Peace

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1. Introduction

Although we would like the reality to be different, we are not going to talk in this paper about an international instrument of that name, approved by the General Assembly of the United Nations after the Human Rights Council did so. To be honest, there should be such an instrument,

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because the General Assembly has been adopting resolutions entitled "Promotion of peace as a fundamental requirement for the full enjoyment of all human rights by all", and that means, *a priori*, that such a "fundamental requirement" cannot be anything other than a fundamental human right that functions as a prerequisite for the full enjoyment of other human rights.

Moreover, if we read the text of the last of those resolutions —resolution 77/216, adopted on 15 December 2022— we will find a paragraph that says that "human rights include social, economic and cultural rights and the right to peace, to a healthy environment and to development, and that development is —in fact— the realization of those rights".

This paragraph is not new, because it is present in all previous resolutions bearing the same title³. On a more in-depth search for background information, we find that on 20 April 2005 the Commission on Human Rights adopted resolution 2005/56, entitled "Promotion of peace as a fundamental requirement for the full enjoyment of all human rights by all", which contains a paragraph that reads the same as the paragraph quoted in that General Assembly resolution.

Moreover, in that resolution, the Commission on Human Rights recalls "all previous resolutions on this question" and recalls Sub-Commission on the Promotion and Protection of Human Rights resolutions 1996/16 of 29 August 1996 and 1997/36 of 28 August 1997, entitled "International peace and security as an essential condition for the enjoyment of human rights, above all life".

³ The first of these is resolution 60/163, adopted on 16 December 2005.

Consequently, for several decades, and through the action of two subsidiary bodies—which as of 2006 were replaced by the Human Rights Council and its Advisory Council— and the General Assembly, as its most democratic and representative main organ, the United Nations has been promoting peace as an essential requirement or condition for the enjoyment of human rights.

On the other hand, in the resolutions of 2018, 2020 and 2022, the General Assembly reaffirms the Declaration on the Right to Peace, which it adopted on 19 December 2016, inviting Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to disseminate it and promote its respect and understanding at the universal level.

In turn, the Spanish Society for International Human Rights Law (SSIHRL), from the Lluïsa Declaration on the Human Right to Peace (2006) onwards, has led an international legislative initiative of civil society on this fundamental right and has taken care to constantly update its draft declaration; which is offered for consideration by United Nations member States in both the Human Rights Council and the General Assembly.

2. The Declaration of Lluïsa and the Declaration of Santiago

Attempts to get UNESCO to approve a declaration recognizing the human right to peace did not advance, even though the efforts made at the time by its then Director-General, Federico

Mayor Zaragoza⁴. It is due to the *prima facie* lack of political will on the part of States to make concrete commitments in favor of peace (Rueda Castañón & Villán Durán, 2007, p. 44).

Since its foundation in 2004, the SSIHRL has undertaken the task of "transferring the universal value of peace to the category of human right", according to Villán Durán and Faleh Pérez (2012, p. 25).

In a first stage, it conducted a two-year process of consultation with experts that resulted in the approval of the *Luarca Declaration on the Human Right to Peace* of 30 October 2006 by a Drafting Committee of fifteen independent experts⁵ that met in the town of Luarca (Asturias) on October 29 and 30 of that year.

In line with the Declaration and Program of Action on the Culture of Peace (1999), the Declaration recognizes the following in a preambular paragraph:

The positive conception of peace that goes beyond the strict absence of armed conflict is linked to people's economic,

4 In a Declaration of January 1997, the Director-General of UNESCO proposed the initiative to proclaim the human right to peace as a "premise and requirement for the exercise of all human rights and duties", and in the same year, in Oslo, a Draft Declaration on the Human Right to Peace was drafted, called to be submitted to the consideration of the 29th session of the General Conference of UNESCO (Faleh Pérez, 2007).

5 Ángel Chueca Sancho, Carmelo Faleh Pérez, Héctor Faúndez Ledesma, Mercedes Fernández Menéndez, Pablo Antonio Fernández Sánchez, Román García Fernández, Felipe Gómez Isa, Alberto Hidalgo Tuñón, Carlota Leret O'Neill, Mikel Mancisidor, Carmen Rosa Rueda Castañón, Ana Salado Osuna, Jesús E. Vega López, Carlos Villán Durán and Josep Xercavins i Valls.

social and cultural development as a condition for the satisfaction of human beings' basic needs, all types of violence elimination, as well as effective respect for all human rights.

And as part of the content of the human right to peace it includes the following rights: to education in peace and human rights, to human security, to live in a safe and healthy environment, to disobedience and conscientious objection, to resist and oppose barbarism, to refuge, to migrate, to settle peacefully and to participate, to the exercise of freedoms of thought, conscience and religion, to an effective remedy (which protects the individual against violations of his or her human rights), to disarmament, to development and to a sustainable environment. It also contemplates the right of all persons belonging to groups in situations of vulnerability to have the specific impacts on the enjoyment of their rights of the various forms of violence of which they are victims analyzed, as well as the right of individuals and peoples to demand that States commit themselves to the effective implementation of the system of collective security established in the Charter of the United Nations and the peaceful settlement of disputes, to denounce any act that threatens or violates the human right to peace and to participate freely and by all peaceful means in activities and initiatives for the defense and promotion of the human right to peace, both locally and nationally as well as internationally.

In this way, the Luarca Declaration makes it clear that the human right to peace brings together and contains other rights and freedoms without which it could not be conceived as the full reflection of a holistic vision of peace.

The International Congress on the Human Right to Peace, held on 9 and 10 December 2010 in Santiago de Compostela, Spain, on the World Social Forum on Peace Education, specially considered the Luarca Declaration (as well as the Bilbao Declaration and the Barcelona Declaration⁶) and the Regional Declarations on the Human Right to Peace⁷. It agreed by consensus "and with the intention that the United Nations will endorse it in the near future" the *Santiago Declaration on the Human Right to Peace*, and civil society organizations were requested to disseminate, exhibit and publicize it throughout the world⁸.

The *Santiago Declaration* presents some changes with respect to that of Luarca. Thus, as for the holders of the right in question, it adds all humanity, in addition to individuals, groups and peoples. On the other hand, it identifies duty-bearers of the human right to peace by saying that "States, individually, jointly or as part of multilateral organizations", are the main duty-bearers of such a right.

The rights included as elements of the human right to peace are those that appear in the Luarca Declaration, but with some variations in their formulation. Thus, regarding

6 Both were approved in 2010 by a Technical Committee of fourteen Spanish specialists and by an International Drafting Committee of ten experts from the five regions of the world respectively.

7 La Plata (Argentina, November 2008; Yaoundé (Cameroon), February 2009; Bangkok, Thailand, April 2009; Johannesburg, South Africa, April 2009; Sarajevo, Bosnia and Herzegovina, October 2009; Alexandria (Egypt), December 2009, and Havana (Cuba), January 2010.

8 The *Statutes of the International Observatory on the Human Right to Peace* were also approved by the International Congress on the Human Right to Peace on 10 December 2010.

education, it is now added that "education and socialization for peace is a *sine qua non* condition for unlearning war and building identities unrelated to violence", and reinforces the idea, present in the previous Declaration, that this education facilitates the peaceful resolution of conflicts and helps to think about human relations in a new way. Freedom of opinion and expression are in addition to the freedoms mentioned in the former, and another important addition is that all victims of human rights violations have the right, without discrimination, to recognition as such, to justice, to truth and to effective reparation for violations of those rights. particularly the human right to peace (art. 11.1).

Regarding groups in vulnerable situations, those who deserve special protection are identified (art. 12), although it is made clear that this is a list that is not exhaustive.

The effective and practical realization of the human right to peace necessarily entails duties and obligations for States, international organizations, civil society, peoples, individuals, businesses, the media and other social actors and, in general, the entire international community. The essential responsibility for the preservation of peace and the protection of the human right to peace rests with States and with the United Nations as the most universal organization that harmonizes the concerted efforts of States to realize the purposes and principles proclaimed in the Charter of the United Nations. Any military action outside the framework of the Charter is unacceptable, constitutes a grave violation of the purposes and principles of the Charter and is contrary to the human right to peace. The so-called *preventive war* constitutes a crime against peace. All

this —and a few other things— is stated in Article 13, which refers to the obligations for the realization of the human rights in question.

In terms of obligations, the content is like that observed in the *Luarca Declaration*, which includes a reference to the fact that the composition and procedures of the Security Council should be reviewed.

The following article provides for the establishment of a General Assembly's Working Group on Human Right to Peace, which is given the primary function of promoting the observance and implementation of the Declaration (art. 15). The same provisions appear in the 2006 Declaration.

3. The subsequent route

In 2011, the *Santiago Declaration* was submitted to the Human Rights Council and its Advisory Committee for consideration with a promising first result, since the draft declaration prepared by the Advisory Committee (2012) has a content that is largely like that of the civil society project. The second stage of the codification process began when the Human Rights Council adopted a resolution establishing an open-ended inter-governmental working group to progressively negotiate a draft United Nations declaration on the right to peace, based on the draft submitted by the Advisory Committee⁹. During the third session of the Working Group on the Right to Peace, its chairperson-rapporteur submitted a revised draft declaration with an operative part of only four articles. This draft, with slight tweaks,

⁹ Resolution 20/15, of 5 July 2012.

was the one that the Human Rights Council finally approved as the Declaration on the Right to Peace through resolution 32/28, of 1 July 2016, which recommended that the General Assembly also approve it, which it did¹⁰.

According to article 1 of the Declaration, "everyone has the right to enjoy peace in such a manner as to promote and protect all human rights and to achieve development fully". Article 2 adds that States shall respect, implement and promote "equality and non-discrimination, justice and the rule of law and ensure freedom from fear and want, as a means of consolidating peace within and between societies".

In addition to not expressly recognizing the right to peace as a human right, the Declaration also does not incorporate its constituent elements.

In March 2016, the SSIHRL updated its project to include in the preamble a mention of the Sustainable Development Goals of the 2030 Agenda. It updated the text again in September 2017 to include the adoption of the Treaty on the Prohibition of Nuclear Weapons on July 7 of that year. A further update took place in 2019 to incorporate the Nelson Mandela Peace Summit Declaration of 24 September 2018 among the instruments that reinforce the legal foundations of the human right to peace.

The most recent update dates from 30 January 2023, this time motivated by the entry into force of the Treaty on the Prohibition of Nuclear Weapons on 22 January 2021 and by the adoption of resolution 76/300 by the General Assembly

¹⁰ GA resolution 71/189, of 19 December 2016.

on 28 July 2022, which recognized the right to a clean, healthy and sustainable environment, as a human right. The *Universal Declaration on the Human Right to Peace* of 2023 is then the project of the SSIHRL —and international civil society¹¹— that continues the path traced by the *Luarca Declaration* (2006) and the *Santiago Declaration* (2010). It may well be called the *Luarca Declaration II*, because their place of origin is the same.

4. Content of the new project

In its preamble, the draft recalls that the General Assembly has adopted resolution 76/262 of 26 April 2022, which establishes a permanent mandate to hold a debate within ten days when a veto is issued in the Security Council. The same draft also recalls the Human Rights Council resolutions entitled "Promotion of the right to peace", as well as resolution 47/17, of 13 July 2021, on the impact of arms trafficking on human rights.

In addition to stating that any military or security institution must be fully subordinate to the rule of law, the Declaration on the Right to Peace of the Advisory Committee of the Human Rights Council of 16 April 2012 is recognized, as well as the valuable contribution made by civil society organizations in the development of the human right to peace, in particular the *Santiago Declaration on the Human Right to Peace* (2010).

The preamble retains a paragraph on the positive conception of peace, which "is not simply the absence of war", since "it also means the absence of economic, social and cultural

11 The project currently has the support of 744 civil society organizations.

violence", which requires "a positive, dynamic and participatory process in which the root causes of conflicts are addressed in a timely manner, and preventive measures are developed and applied uniformly and without discrimination".

The preamble also welcomes the holistic vision of peace proposed by the Secretary-General of the United Nations in his report *Our Common Agenda*¹² and recognizes the contribution of women to peace processes and stresses the importance of their participation at all levels of decision-making, as recognized by Security Council resolution 1325 (2000).

As regards the holders of the human right to peace, the 2023 draft incorporates minorities, as previous updates had already done. It also notes that the constituent elements of the human rights to peace are set out in the Charter of the United Nations and in the relevant provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other international human rights treaties.

It adds that individuals can assert the various elements of this right by lodging complaints with the United Nations human rights treaty bodies, regional human rights courts and special procedures of the Human Rights Council, and that all individuals, peoples and minorities subjected to aggression, genocide, racism, racial discrimination, xenophobia and other related intolerance, as well as the *apartheid*, colonialism, neocolonialism and other international crimes deserve special attention as victims of violations of the human right to peace.

¹² A/75/982 of 5 August 2021, paras. 88–89.

The right to disarmament is an essential part of the human right to peace, which more than justifies the additions introduced by the new version of the draft civil society declaration: one of them states that "individuals and peoples have the right to demand from their nation States that they commit themselves to an effective process of gradual international disarmament, verified by the United Nations", and the other contemplates that States will establish zones of peace and zones free of weapons of mass destruction, ratifying the Treaty on the Prohibition of Nuclear Weapons and other treaties related to this type of weapons.

On this issue, the Treaty has 93 signatory States and 70 States parties¹³ and from 21 to 23 June 2022, the 8th Meeting of the States Parties to the Treaty was held, at which the Vienna Declaration and a Plan of Action were adopted.

The Universal Declaration on the Human Right to Peace restates, as in previous versions, that the resources released by disarmament will be used for the promotion and realization of the obligations established by human rights treaties, as well as

13 It is unfortunate that Argentina and Brazil are not yet so. During the interactive dialogue held on 23 January 2023, in the framework of the Universal Periodic Review (UPR), 287 recommendations were made to Argentina. Regarding recommendation 134.2, Argentina took note of it, saying that it emphasizes the parties' responsibility to nuclear-weapon States and the fact that the participation of these countries is essential in any measure aimed at the goal of general, complete and verifiable disarmament. Therefore, the signing of the Treaty "must be evaluated in this context, recognizing the need for these central actors to express their concrete willingness to participate in said instrument" (A/HRC/53/5/Add.1, paras. 29–30).

for the implementation of the rights to development and the environment.

Now that the possibility of war on the European stage, after Russia's aggression against Ukraine, is no longer remote and it even seems that "winds of war" are running there, countries that had abolished compulsory military service are thinking of reintroducing it ¹⁴, and others have extended it to include young women, as is the case in Denmark.

In this context, the right of everyone to obtain the status of conscientious objection to military obligations, in accordance with article 18 of the International Covenant on Civil and Political Rights and in accordance with general comment 22 (1993) of the Human Rights Committee, included in the civil society project within the framework of the right to resist oppression, deserves particular relevance as well as the essay *Armed peace*, originally published in 1889 and recently re-issued (Fernández Prida, 2023), since compulsory military service is a manifestation of armed peace.

At this point, it should be noted that there is another civil society project, a legislative initiative from the academic world related to environmental rights. It is the International Covenant on Environmental Rights Draft, which complements and updates the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and derives, like its predecessors, from the

¹⁴ Germany abolished conscription in 2011, but its defense minister has announced that there are plans to reintroduce it for men and women from next year, subject to parliamentary approval.

Universal Declaration of Human Rights. The project is based on Human Rights Council resolution 48/13 of 2021 and General Assembly resolution 76/300 of 2022 that recognize the right to a clean, healthy and sustainable environment. It was prepared by the International Center for Comparative Law (CIDCE)¹⁵.

Within the framework of the right to development (art. 8), the project under analysis introduces the human right to sport and physical activity, which it affirms will be promoted as a facilitator of sustainable development and the culture of peace and which highlights that it especially empowers women and young people and that it favors the fight against racism and racial discrimination, as well as the social inclusion of migrants and refugees, among other people who belong to vulnerable groups. Unfortunately, expressions of racism or racial discrimination continue to exist in the context of sporting events, but this does not detract from the potential of sport in the sense explained in the text.

Finally, the draft postulates in Article 9 that all people have the right to live in a safe, clean, healthy and sustainable environment, and to international action to mitigate environmental destruction, especially climate change¹⁶. It also provides

15 Under the direction of Professor Michel Prieur and with the support of a working group composed of 28 people from 15 countries in Europe, Africa, the Middle East, North, Central and South America, including Nicolas Boeglin, member of the SSIHRL.

16 In addition, in the preamble, it recalls that the Human Rights Council has established the mandates of the Special Rapporteur on human rights and the environment (2018) and the Special Rapporteur on the promotion and protection of human rights in the context of climate change (2021).

that States shall develop legislation and public policies for the protection of the environment, in accordance with the 16 Framework Principles on Human Rights and the Environment¹⁷.

5. Final Re ections

The *Universal Declaration on the Human Right to Peace* offers the world a complete vision of what peace comprises in its human dimension, especially at this time when threatening language is rampant in international relations, despite the express prohibition of Article 2 (4) of the Charter of the United Nation. Many people are thinking of a new global military confrontation that is already on the horizon.

And it is necessary for States to take the challenge of bringing to the United Nations the initiative to resume the process of codification and progressive development of the human right to peace to make it possible to finally approve an international instrument that recognizes the right to peace as a human right. The draft International Covenant on Environmental Rights has the same need for States to lead a similar initiative, but in this case, there is a precedent that can pave the way: the recognition embodied in General Assembly resolution 76/300. Similarly, the Human Rights Council adopted in 2023 its draft International Covenant on the Right to Development¹⁸.

17 Proposed by the Special Rapporteur on the question of human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment (doc. A/HRC/37/59, Annex, of 24 January 2018).

18 Resolution 54/18 of 12 October 2023. <https://acortar.link/1n5Xrs>

Civil society must redouble its efforts to achieve both objectives, because the will to save future generations from the scourge of war, mentioned in the Preamble to the UN Charter, is more appropriate for peoples than for States, especially those that are determined to keep the path of armed conflict open as a response in certain circumstances.

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Documentary Annex

Universal Declaration on the Human Right to Peace

Luarca (Spain), 30 January 2023

The General Assembly,

Guided by the Purposes and Principles of the United Nations Charter and by the commitment of all Member States to promote peace, human rights and development,

Recognizing that the legal bases of the human right to peace are formulated in the Charter of the United Nations, Security Council, General Assembly, United Nations Economic and Social Council, and Human Rights Council resolutions, the Constitutions of specialized agencies (United Nations Educational, Scientific and Cultural Organization, International Labor Organization, Food and Agriculture Organization and World Health Organization), as well as the Universal Declaration of Human Rights and in the core international human rights treaties, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recognizing also that the right to peace is included in the African Charter on Human and Peoples' Rights (1981) and in its Protocol on the Rights of Women in Africa (2003); in the Ibero-American Convention on Young People's Rights (2005); and in the ASEAN Declaration on Human Rights (2012),

Acknowledging that the legal bases of the human right to peace are further strengthened by other universal documents and instruments, including the Vienna Declaration and Program of Action, the Declaration on the Right to Development, the UN Millennium Declaration (2000), the World

Summit Outcome Document (2005), the 2030 Sustainable Development Goals (2015) and the Declaration by the Nelson Mandela Peace Summit, of 24 September 2018,

Welcoming the advisory opinion OC-23/17 by the Inter-American Court of Human Rights, since it implicitly recognized the right to peace as an inherent right of the human being, in accordance with Article 29.c) of the American Convention on Human Rights,

Taking into account that the constitutive components of the human right to peace are already contained in the International Covenant on Human Rights and are justiciable under their Optional Protocols procedures, among others the rights to life, liberty, integrity and security of the person, the right to freedom of expression and peaceful assembly and association, the right to an adequate standard of life including food, drinking water, sanitation, clothing and housing and to the continuous improvement of living conditions, and rights to health, education, social security and culture,

Recalling that both the General Assembly (resolution 76/300 of 28 July 2022) and the Human Rights Council (resolution 48/13 of 8 October 2021), have recognized “the right to a clean, healthy and sustainable environment as a human right important for the enjoyment of human rights”, which requires in addition, the full implementation of the multilateral agreements related to the environment; and that the Human Rights Council has established the mandates of the special rapporteur on human rights and the environment (resolution 37/8 of 22 March 2018) and the special rapporteur on the promotion and protection of human rights in the context of the climate change (resolution 48/14 of 8 October 2021),

Reaffirming also that all human rights are universal, indivisible, and interdependent and are interrelated to each other,

Recalling the General Assembly Declaration on the Preparation of Societies for Life in Peace (1978); the Declaration on the Right of Peoples

to Peace (1984); the Declaration and Programme of Action on a Culture of Peace (1999); the Declaration on the Right to Peace (2016); the General Assembly resolutions 73/170, 75/177, and 77/216, 15 December 2022 on the promotion of peace as a vital requirement for the full enjoyment of all human rights by all, and the observance of 21 September of each year as the International Day of Peace,

Recalling that the General Assembly has adopted resolution 76/262 of 26 April 2022, which establishes a permanent mandate to hold a debate within 10 days when a veto is issued in the Security Council,

Recalling also the resolutions of the Human Rights Council 20/15 of 5 July 2012, 23/16 of 13 June 2013, 27/17 of 25 September 2014, 30/12 of 1 October 2015, 35/4 of 22 June 2017 and 41/4 of 11 July 2019, entitled “Promotion of the right to peace”; 47/17 of 13 July 2021, on the impact of the arms trafficking in human rights; 50/12 of 7 July 2022, on human rights and regulation of the acquisition, possession and use of firearms by civilians; 51/6 of 6 October 2022, on conscientious objection to military service; and 51/22 of 7 October 2022, on human rights implications of new and emerging technologies in the military domain,

Calling for the proactive implementation of General Assembly resolution 2625 (1970) which contains the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the United Nations Charter,

Emphasizing the obligation of all Member States to negotiate and resolve their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered (Charter of the United Nations, Article 2, paragraph 3) and refrain from the threat or use of force against the territorial integrity or political independence of any state (Article 2, paragraph 4),

Recognizing the usefulness of mediation in social relations, understood

as an alternative and voluntary dispute resolution mechanism, which helps to promote social peace and in which the parties concerned seek and reach a satisfactory solution through the assistance of an impartial third person, who facilitates dialogue between them, acting without decision-making power,

Recalling the commitment to nuclear disarmament contained in Article 6 of the *Treaty on the Non-Proliferation of Nuclear Weapons*; recalling also the *Arms Trade Treaty* (2013) and endorsing the work of the UN Conference on Disarmament in the spirit of promoting development through disarmament and reallocation of resources,

Welcoming the entry into force in 2021 of the *Treaty on the Prohibition of Nuclear Weapons*, which prohibits States from developing, testing, producing and possessing nuclear weapons, as well as the use or threat of use of such weapons; and the holding in 2022 of the first meeting of States Parties, which adopted a political declaration and plan of action,

Welcoming General Comment No. 36 (2018) on article 6 of the *International Covenant on Civil and Political Rights*, on the right to life, in which the Human Rights Committee stated *inter alia* that the threat or use of weapons of mass destruction, in particular nuclear weapons, which are indiscriminate in effect and are of a nature to cause destruction of human life on a catastrophic scale, is incompatible with respect for the right to life and may amount to an international crime,

Considering that every military or security institution must be fully subordinated to the rule of law,

Concerned by the impunity of mercenaries and private military and security companies, as well as the outsourcing to the private sector of inherently State security functions,

Conscious that mass exoduses and migratory flows respond to dangers, threats and breaches of peace, and that the international community should establish an international migration regime as a matter of urgency, in

accordance with the *Global Compact for Safe, Orderly and Regular Migration*, adopted in Marrakech on 11 December 2018, *Welcoming* the adoption by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families of its General Comment No. 5 (2021) on the rights of migrants to liberty, freedom from arbitrary detention and their connection to other human rights (Articles 16 and 17 of the Convention),

Condemning propaganda of war and incitement to hate and violence, as stipulated in article 20, paragraph 1 of the ICCPR,

Taking note with appreciation of the *Declaration on the Right to Peace*, adopted by the Human Rights Council Advisory Committee on 16 April 2012,

Paying tribute to peace movements and ideas that have marked over the history of humankind and have crystallized inter alia in the Hague Agenda for Peace and Justice for the Twenty-first Century (1999),

Welcoming the important contribution that civil society organizations have made to the development of the human right to peace, in particular the *Santiago Declaration on the Human Right to Peace* (2010),

Aware that peace is not only the absence of war, but also the absence of economic, social and cultural violence and requires a positive, dynamic, participatory process where root causes of conflicts are addressed in a timely fashion and conflict-preventive measures are developed and implemented uniformly and without discrimination,

Welcoming the holistic vision of peace proposed by the UN Secretary General in the new peace agenda, in the framework of the report *Our Common Agenda* (doc. A/75/1982 of 5 August 2021, paras. 88–89),

Recalling that the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family, women, men, children, persons with diverse sexual orientation, persons with physical or mental disabilities, and elderly persons, are the foundation of freedom, justice and peace in the world,

Acknowledging the contribution of women to peace process and the importance of their participation at all levels of decision-making, as recognized by the Security Council resolution 1325 (2000) on women and peace and security,

Afirming that the human right to peace cannot be achieved without the realization of the equality of rights and respect for gender-based differences; without respect for different cultural values and religious beliefs that are compatible with the universally recognized human rights; and without the elimination of racism, racial discrimination, xenophobia and other forms of related intolerance,

Recognizing also that peace requires social justice, as spelled out by ILO Constitution and relevant international labor conventions, which provide for the right to a decent work and to enjoy fair conditions of employment and freedom of association,

Reaffirming 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* and in the International Human Rights Covenants can be fully realized, and that the rule of law demands the uniform application of norms and rejects selectivity, privilege, impunity and discrimination,

Recalling further the commitment of the international community to eradicate poverty and to promote sustainable development and a clean and peaceful environment for all and the need to address the growing inequalities and exclusion among States and within them,

Affirming the right of all victims of human rights violations to truth, justice, reparation and to guarantees of non-recurrence, in accordance with General Assembly resolution 60/147 of 16 December 2005, without prejudice to courts of conscience and local traditions or customs of peaceful conflict resolution, which are assumed by the victims as acceptable means of redress.

Recognizing that the asymmetries of trade, new forms of economic colonialism and exploitation, sanctions regimes and other forms of structural violence impede the full enjoyment of the human right to peace and other human rights,

Recalling that a culture of peace and the education of humanity for peace, justice and liberty are indispensable to the dignity of human beings and constitute a duty that all nations must fulfil in international solidarity,

Recalling also that sport facilitates sustainable development and contributes to peace, as the Olympic Truce promotes tolerance and respect; furthermore, sport enhances the empowerment of women, youth, people with functional diversity or belonging to other vulnerable groups and communities, as well as health, education and social inclusion goals, in accordance with paragraph 37 of the 2030 Agenda for Sustainable Development,

Acknowledging that peace, development and human rights have a symbiotic relationship, since peace is a necessary condition for development and the full realization of human rights, and when human rights and development are fulfilled, the outcome is peace,

Recalling that the General Assembly has declared 2023 the International Year of Dialogue as a Guarantee of Peace (resolution 77/32 of 6 December 2022), as it is a value that promotes sustainable development, peace and security, and human rights,

Inviting international and regional human rights protection bodies to further develop the human right to peace within the scope of their respective competencies,

Inviting all stakeholders to embrace the philosophy of peace for development and the sacred commitment to preserve future generations from the scourge of war and continued oppression by endemic economic and structural violence,

Proclaims the following Universal Declaration of the Human Right to Peace

Article 1. Right-holders

1– Individuals, groups, peoples, minorities and humankind have the human right to peace. Peace is prerequisite to the enjoyment of all universally recognized human rights, including the rights to development and environment.

2– The human right to peace is inalienable, universal, indivisible, inter-dependent and inter-related.

3– The human right to peace shall be implemented without any distinction or discrimination.

Article 2. Elements

1– The constitutive elements of the human right to peace are already stipulated in the Charter of the United Nations and relevant provisions of the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights* and other international human rights treaties.

2– Individuals can assert the various elements of the human right to peace by submitting complaints to the UN human rights treaty bodies, the regional human rights courts and the Human Rights Council's relevant special procedures.

3– All individuals, peoples and minority groups subjected to aggression, genocide, racism, racial discrimination, xenophobia and other related forms of intolerance, as well as *apartheid*, colonialism, neo-colonialism and other international crimes, deserve special attention as victims of violations of the human right to peace.

Article 3. Duty-bearers

1– States are the principal duty-bearers of the human right to peace.

2– States shall address root causes of conflicts and develop preventive strategies to ensure that grievances are addressed in a timely fashion and do not lead to violence.

3– States have an obligation to negotiate in good faith and settle disputes by non-violent means.

4– States shall abide by the legal obligation to refrain from the use or the threat of use of force in international relations.

5– States shall refrain from the imposition of unilateral sanctions, and shall suppress propaganda for war.

6– States shall facilitate the contribution of women to the prevention, management and peaceful settlement of disputes, as well as to the maintenance of peace after conflicts.

7– States shall strengthen the effectiveness of the United Nations' three foundation pillars in the fields of international peace and security, human rights and development.

8– States shall respect the right of all peoples to self-determination.

9– The Security Council should be reformed in its composition and operation, in order to ensure compliance with its obligations under the Charter of the United Nations in the field of collective security.

Article 4. Right to disarmament

1– Individuals and peoples have the right to demand that their national States commit themselves to an effective process of gradual international disarmament, verified by the United Nations.

2– All States have an obligation to gradually disarm under the control of the United Nations. States shall eliminate stockpiles of weapons of mass destruction or of indiscriminate effect, including nuclear, chemical and biological weapons.

3– The use of weapons that damage the environment, in particular radioactive weapons and weapons of mass destruction, is contrary to

international humanitarian law, the right to a healthy environment and the right to peace. States that have utilized them have the obligation to restore the environment by repairing all damage caused.

4– States shall establish peace zones and zones free of weapons of mass destruction, ratifying the *Treaty on the Prohibition of Nuclear Weapons* and other treaties relating to the prohibition of weapons of mass destruction.

5– The United Nations shall convene periodic peace conferences to prevent, reduce and eliminate existing armed conflicts, with the objective of achieving universal peace.

6– Resources released through disarmament shall be devoted to the promotion and fulfillment of human rights treaty obligations, as well as the realization of the rights to development and environment.

Article 5. Right to education on peace and human rights

1– All peoples and individuals have a right to a comprehensive peace and human rights education within the framework of the Declaration and the Program of Action on a Culture of Peace and Dialogue among Cultures.

2– Education and socialization for peace is a condition *sine qua non* for unlearning war and building identities disentangled from violence.

3– Everyone has the right to denounce any event that threatens or violates the right to peace, and to participate freely in peaceful activities for the defense of the right to peace.

4– States undertake to revise national laws and policies that are discriminatory against women, and adopt legislation to address domestic violence, trafficking of women and girls as well as gender-based violence or violence due to sexual orientation.

Article 6. Right to human security

1– Individuals have the right to human security, including freedom from fear and freedom from want.

2– All peoples and individuals have the right to life in a private and public environment that is safe and healthy.

3– Freedom from want implies the enjoyment of the right to sustainable development and of economic, social and cultural rights.

Article 7. Right to resist and oppose oppression

1– Individuals have the right to conscientious objection to military service, in accordance with article 18 of the *International Covenant on Civil and Political Rights* and General Comment 22 (1993) of the Human Rights Committee.

2– Members of any military or security institution have the right to disobey orders that are contrary to the Charter of the United Nations, the international human rights law and the international humanitarian law. The disobedience of such orders shall in no case constitute military offenses.

3– States shall refrain from subrogating inherently State military and security functions to private contractors.

4– Private military and security companies and their personnel should be held accountable for violations of international human rights law and international humanitarian law that are attributable to them.

5– All peoples and individuals have the right to resist and oppose colonialism, foreign occupation and domestic oppression; aggression, genocide, racism, *apartheid*, war crimes and crimes against humanity.

6– United Nations peacekeepers must be held accountable in cases of criminal conduct or violations of international law. States contributing national contingents must investigate complaints against members of such contingents.

7– Victims of human rights violations have the right to know the truth, to obtain redress, justice, reparation and to guarantees of non-recurrence.

8– All individuals have the right to seek and to enjoy refugee status without discrimination, in accordance with international law.

9– States have an obligation to respect, protect and fulfill the human rights of all individuals and vulnerable groups under their jurisdiction, regardless of their nationality or origin and regardless of their immigration status. -

Article 8. Right to development

1– All individuals and peoples have the right to participate in economic, social, cultural and political development, in which all human rights and fundamental freedoms may be fully exercised, as well as to contribute to, and enjoy that development. -

2– The resources released by effective disarmament measures shall be used for global development, particularly in developing countries.

3– The human right to sport and physical activity will be promoted as a facilitator of sustainable development and a culture of peace, empowering especially women and youth. It will also favor the fight against racism and racial discrimination, as well as the social inclusion of migrants and refugees, among other people belonging to vulnerable groups.

Article 9. Right to a sustainable environment

1– Everyone has the right to live in a safe, clean, healthy and sustainable environment, and to international action to mitigate environmental destruction, especially climate change. -

2– States shall transfer technology in the field of climate change, following the principle of common but differentiated responsibilities.

3– In accordance with the *United Nations Framework Convention on Climate Change*, developed States shall provide appropriate financing to States with inadequate resources for adaptation to climate change.

4– States shall develop legislation and public policies for the protection of the environment, in accordance with the 16 *Framework Principles on Human Rights and the Environment* proposed by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a

safe, clean, healthy and sustainable environment (doc. A/HRC/37/59, Annex, dated 24 January 2018).

Article 10. Implementation

1– States, the United Nations and its specialized agencies, funds and programs, shall take appropriate sustainable measures to implement this Declaration. International, regional, national and local organizations and civil society should actively participate in the implementation of this Declaration.

2– All States must implement in good faith the provisions of this Declaration by adopting relevant legislative, judicial, administrative, educational or other measures necessary to promote its effective realization. -

3– The Human Rights Council shall monitor progress in the implementation of this Declaration as a permanent item in its agenda and appointing a *Special Rapporteur on the Human Right to Peace*. -

4– The United Nations human rights treaty bodies, the special procedures of the Human Rights Council and relevant regional bodies shall incorporate the present Declaration in their protection activities. -

Declaración Universal sobre el Derecho Humano a la Paz

Luarca (España), 30 de enero de 2023

La Asamblea General,

Guiada por los propósitos y principios de la Carta de la Organización de las Naciones Unidas y por el compromiso de los Estados Miembros en promover la paz, los derechos humanos y el desarrollo,

Reconociendo que los fundamentos jurídicos del derecho humano a la paz están formulados en la Carta de las Naciones Unidas y en las resoluciones pertinentes del Consejo de Seguridad, la Asamblea General, el Consejo Económico y Social y el Consejo de Derechos Humanos; en las Constituciones de los organismos especializados (Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura, Organización Internacional del Trabajo, Organización de las Naciones Unidas para la Agricultura y la Alimentación y la Organización Mundial de la Salud), así como en la Declaración Universal de Derechos Humanos y en los tratados internacionales de derechos humanos principales, en particular el Pacto Internacional de Derechos Civiles y Políticos y el Pacto Internacional de Derechos Económicos, Sociales y Culturales,

Reconociendo también que el derecho a la paz se recoge en la Carta Africana de Derechos Humanos y de los Pueblos (1981) y en su Protocolo sobre los Derechos de las Mujeres en África (2003); en la Convención Iberoamericana de Derechos de los Jóvenes (2005); y en la Declaración de Derechos Humanos de la ASEAN (2012),

Reconociendo que los fundamentos jurídicos del derecho humano a la paz están reforzados por otros documentos e instrumentos universales, incluidas la Declaración y el Programa de Acción de Viena, la Declaración sobre el Derecho al Desarrollo, la Declaración del Milenio (2000), el Documento Final de la Cumbre Mundial (2005), los Objetivos de Desarrollo Sostenible para el 2030 (2015) y la Declaración de la Cumbre por la Paz Nelson Mandela, de 24 de septiembre de 2018,

Celebrando la opinión consultiva OC-23/17 de la Corte Interamericana de

Derechos Humanos, que reconoció implícitamente el derecho a la paz como un derecho inherente al ser humano, de conformidad con el artículo 29.c) de la Convención Americana sobre Derechos Humanos,

Teniendo en cuenta que los elementos constitutivos del derecho humano a la paz se encuentran ya contenidos en los Pactos Internacionales de Derechos Humanos y son justiciables bajo los procedimientos de sus respectivos protocolos facultativos, entre otros el derecho a la vida, la libertad, la integridad y la seguridad de las personas, el derecho a la libertad de expresión y de reunión y asociación pacífica, el derecho a un nivel de vida adecuado incluyendo alimentación, agua potable, saneamiento, vestido y vivienda y a la mejora continua de las condiciones de vida, así como los derechos a la salud, la educación, la seguridad social y la cultura,

Recordando que tanto la Asamblea General (resolución 76/300, de 28 de julio de 2022) como el Consejo de Derechos Humanos (resolución 48/13, de 8 de octubre de 2021), han reconocido “el derecho a un medio ambiente limpio, saludable y sostenible como un derecho humano importante para el disfrute de los derechos humanos”, que requiere además la plena aplicación de los acuerdos multilaterales relativos al medio ambiente; y que el Consejo de Derechos Humanos ha establecido los mandatos de relator especial sobre derechos humanos y medio ambiente (resolución 37/8, de 22 de marzo de 2018) y de relator especial sobre la promoción y la protección de los derechos humanos en el contexto del cambio climático (resolución 48/14, de 8 de octubre de 2021),

Reafirmando también que todos los derechos humanos son universales, indivisibles e interdependientes y están relacionados entre sí,

Recordando las Declaraciones de la Asamblea General sobre la preparación de las sociedades para vivir en paz (1978); sobre el derecho de los pueblos a la paz (1984); sobre una cultura de paz (1999); sobre el derecho a la paz (2016); las resoluciones de la Asamblea General 73/170, 75/177 y 77/216, de 15 de diciembre de 2022 sobre la promoción de la paz como requisito fundamental para el pleno disfrute de todos los derechos humanos por todas las personas; y la celebración del Día Internacional de la Paz el 21 de septiembre de cada año,

Recordando que la Asamblea General haya adoptado la resolución 76/262, de 26 de abril de 2022, que establece un mandato permanente para celebrar un debate en el plazo de 10 días cuando se emita un veto en el Consejo de Seguridad,

Recordando también las resoluciones del Consejo de Derechos Humanos 20/15, de 5 de julio de 2012, 23/16, de 13 de junio de 2013, 27/17, de 25 de septiembre de 2014, 30/12, de 1 de octubre de 2015, 35/4, de 22 de junio de 2017 y 41/4, de 11 de julio de 2019, tituladas “Promoción del derecho a la paz”; 47/17, de 13 de julio de 2021, sobre el impacto del tráfico de armas en los derechos humanos; 50/12, de 7 de julio de 2022, sobre derechos humanos y la regulación de la compra, posesión y uso de armas de fuego por personas civiles; 51/6, de 6 de octubre de 2022, sobre la objeción de conciencia al servicio militar; y 51/22, de 7 de octubre de 2022, sobre las implicaciones en los derechos humanos de las tecnologías nuevas y emergentes en el ámbito militar,

Haciendo un llamamiento a la implementación proactiva de la resolución 2625 de la Asamblea General (1970), que contiene la Declaración relativa a los principios de derecho internacional referentes a las relaciones de amistad y de cooperación entre los Estados de acuerdo con la Carta de las Naciones Unidas,

Destacando la obligación de todos los Estados Miembros de negociar y resolver sus controversias por medios pacíficos de manera que no se pongan en peligro ni la paz y seguridad internacionales ni la justicia (Carta de las Naciones Unidas, artículo 2.3) y de abstenerse de recurrir a la amenaza o al uso de la fuerza contra la integridad territorial o la independencia política de cualquier Estado (artículo 2.4),

Reconociendo la utilidad de la mediación en las relaciones sociales, entendida como un mecanismo alternativo y voluntario de solución de controversias, que ayuda a promover la paz social y en cuyo marco las partes interesadas buscan y alcanzan una solución satisfactoria mediante la asistencia de una tercera persona imparcial, que facilita el diálogo entre ellas actuando sin facultad decisoria propia,

Recordando el compromiso con el desarme nuclear conforme al Artículo 6 del *Tratado de no proliferación de armas nucleares* ; recordando también el *Tratado sobre el comercio de armas* (2013); y apoyando el trabajo de la Conferencia de

Desarme de las Naciones Unidas con el espíritu de promover el desarrollo a través del desarme y la redistribución de los recursos,

Celebrando la entrada en vigor en 2021 del *Tratado sobre la prohibición de armas nucleares*, que prohíbe a los Estados desarrollar, ensayar, producir y poseer armas nucleares, así como el uso o la amenaza de utilización de tales armas; y la celebración en 2022 de la primera reunión de Estados parte, que aprobó una declaración política y un plan de acción,

Celebrando la observación general 36 (2018) relativa al artículo 6 del Pacto Internacional de Derechos Civiles y Políticos sobre el derecho a la vida, en la que el Comité de Derechos Humanos precisó *inter alia* que la amenaza o el uso de armas de destrucción masiva, en particular las armas nucleares, que son de efecto indiscriminado y causan destrucción de la vida humana a escala catastrófica, es incompatible con el respeto al derecho a la vida y puede constituir un crimen internacional,

Considerando que toda institución militar o de seguridad debe estar plenamente subordinada al estado de derecho,

Preocupada por la impunidad de los mercenarios y empresas privadas militares y de seguridad, así como por la subrogación al sector privado de funciones de seguridad que son propias del Estado,

Consciente de que los éxodos en masa y los flujos migratorios obedecen a peligros, amenazas y quebrantamientos de la paz, y que la comunidad internacional debe definir con urgencia un régimen internacional de las migraciones, como propone el Pacto Mundial para la Migración Segura, Ordenada y Regular, aprobado en Marrakech el 11 de diciembre de 2018,

Celebrando que el Comité de protección de los derechos de todos los trabajadores migratorios y de sus familiares haya adoptado su observación general 5 (2021) sobre los derechos de los migrantes a la libertad, a no ser arbitrariamente detenidos y su conexión con otros derechos humanos (artículos 16 y 17 de la Convención),

Condenando la propaganda a favor de la guerra y de la incitación al odio y a la violencia, de conformidad con el artículo 20.1 del PIDCP,

Tomando nota con reconocimiento de la Declaración sobre el Derecho a la Paz, adoptada por el Comité Asesor del Consejo de Derechos Humanos el 16 de abril de 2012,

Rindiendo homenaje a los movimientos e ideas por la paz que han marcado la historia de la humanidad y que han cristalizado, entre otros, en la Agenda de la Haya para la Paz y la Justicia en el Siglo XXI (1999),

Reconociendo la valiosa contribución realizada por las organizaciones de la sociedad civil en el desarrollo del derecho humano a la paz, en particular la *Declaración de Santiago sobre el Derecho Humano a la Paz* (2010),

Consciente de que la paz no es simplemente la ausencia de guerra, pues significa también ausencia de violencia económica, social y cultural, y requiere un proceso positivo, dinámico y participativo en el que se aborden las causas profundas de los conflictos oportunamente, y se desarrollen y apliquen medidas preventivas uniformemente y sin discriminación,

Celebrando la visión holística de la paz que propuso el secretario general de las Naciones Unidas en la nueva agenda de paz, en el marco del informe *Nuestra Agenda Común* (doc. A/75/982, de 5 de agosto de 2021, párrs. 88-89),

Recordando que el reconocimiento de la dignidad inherente y los derechos iguales e inalienables de todos y cada uno de los miembros de la familia humana, mujeres, hombres, niños, personas con diversidad de orientación sexual, personas con diversidad funcional física o mental y personas mayores, son la base de la libertad, la justicia y la paz en el mundo,

Reconociendo las aportaciones de las mujeres a los procesos de paz y subrayando la importancia de su participación en todos los niveles de adopción de decisiones, como ha sido reconocido por la resolución del Consejo de Seguridad 1325 (2000) sobre las mujeres y la paz y la seguridad,

A rmando que el derecho humano a la paz no será efectivo sin la realización de la igualdad de derechos y el respeto a las diferencias de género; sin el respeto a los diferentes valores culturales y creencias religiosas que sean compatibles con los derechos

humanos universalmente reconocidos; y sin la eliminación del racismo, la discriminación racial, la xenofobia y otras formas conexas de intolerancia;

Reconociendo también que la paz requiere justicia social, como se precisa en la Constitución de la OIT y en los convenios internacionales del trabajo relevantes que establecen el derecho a un trabajo digno, a disfrutar de condiciones de empleo equitativas, y la libertad sindical,

Reafirmando que todas las personas tienen derecho a que se establezca un orden social e internacional en el que se hagan plenamente efectivos los derechos y libertades proclamados en la Declaración Universal de Derechos Humanos y en los Pactos Internacionales de Derechos Humanos, y en el que el estado de derecho exija la aplicación uniforme de las normas y rechace la selectividad, el privilegio, la impunidad y la discriminación,

Recordando el compromiso de la comunidad internacional de eliminar la pobreza y promover el desarrollo sostenible y un medio ambiente limpio y pacífico para todos, así como la necesidad de abordar las desigualdades del crecimiento y la exclusión entre los Estados y dentro de ellos,

Afirmado el derecho de todas las víctimas de violaciones de derechos humanos a la verdad, la justicia, la reparación y a garantías de no repetición, de acuerdo con la resolución de la Asamblea General 60/147 de 16 de diciembre de 2005, sin perjuicio de los tribunales de conciencia y tradiciones o costumbres locales de resolución pacífica de conflictos, que sean admitidos por las víctimas como medios aceptables de reparación.

Reconociendo que las asimetrías del comercio, las nuevas formas de colonialismo económico y de explotación, los regímenes de sanciones y otras formas de violencia estructural, impiden el pleno disfrute del derecho humano a la paz y otros derechos humanos,

Recordando que la cultura de paz y la educación de la humanidad para la paz, la justicia y la libertad, son indispensables para la dignidad de los seres humanos y constituyen un deber que todas las naciones deben cumplir en solidaridad internacional,

Recordando también que el deporte facilita el desarrollo sostenible y

contribuye a la paz, ya que la tregua olímpica promueve la tolerancia y el respeto; además, el deporte potencia el empoderamiento de las mujeres, los jóvenes, las personas con diversidad funcional o pertenecientes a otros colectivos vulnerables y las comunidades, así como los objetivos en materia de salud, educación e inclusión social, de conformidad con el párrafo 37 de la Agenda 2030 para el desarrollo sostenible,

Reconociendo que la paz, el desarrollo y los derechos humanos tienen una relación simbiótica, pues la paz es condición necesaria para el desarrollo y la plena realización de los derechos humanos, y cuando se disfrutan los derechos humanos y el desarrollo la consecuencia es la paz,

Recordando que la Asamblea General ha declarado 2023 Año Internacional del Diálogo como Garantía de Paz (resolución 77/32, de 6 de diciembre de 2022), pues se trata de un valor que fomenta el desarrollo sostenible, la paz y la seguridad, y los derechos humanos,

Invitando a los organismos internacionales y regionales de protección de los derechos humanos a seguir desarrollando el derecho humano a la paz en el ámbito de sus respectivas competencias,

Invitando a los actores interesados a adoptar la filosofía de la paz para el desarrollo y el compromiso sagrado de preservar a las futuras generaciones del flagelo de la guerra y de la opresión continuada de la violencia económica y estructural endémicas,

Proclama la siguiente

Declaración Universal del Derecho Humano a la Paz

Artículo 1. Titulares

1- Las personas, los grupos, los pueblos, las minorías y toda la humanidad tienen el derecho a la paz. La paz es la condición para el disfrute de todos los derechos humanos universalmente reconocidos, incluidos los derechos al desarrollo y al medio ambiente.

2- El derecho humano a la paz es inalienable, universal, indivisible, interdependiente e interrelacionado.

3- El derecho humano a la paz deberá ser implementado sin distinción alguna y sin discriminación.

Artículo 2. Elementos

1- Los elementos constitutivos del derecho humano a la paz están establecidos en la Carta de las Naciones Unidas y en las disposiciones pertinentes del Pacto Internacional de Derechos Civiles y Políticos, del Pacto Internacional de Derechos Económicos, Sociales y Culturales y de otros tratados internacionales de derechos humanos.

2- Las personas pueden hacer valer los distintos elementos del derecho humano a la paz presentando quejas ante los órganos establecidos en tratados de derechos humanos de las Naciones Unidas, los tribunales regionales de derechos humanos y los procedimientos especiales relevantes del Consejo de Derechos Humanos.

3- Todas las personas, pueblos y minorías sometidos a agresión, genocidio, racismo, discriminación racial, xenofobia y otras formas conexas de intolerancia, así como al *apartheid*, colonialismo, neocolonialismo y otros crímenes internacionales, merecen una atención especial como víctimas de violaciones del derecho humano a la paz.

Artículo 3. Deudores

1- Los Estados son los principales deudores del derecho humano a la paz.

2- Los Estados deben abordar las causas de los conflictos y desarrollar estrategias preventivas para asegurar que los agravios sean tratados de manera oportuna y que no conduzcan a la violencia.

3- Los Estados tienen la obligación de negociar de buena fe y de solucionar las controversias por medios pacíficos.

4- Los Estados obedecerán la obligación legal de abstenerse de recurrir a la amenaza o al uso de la fuerza en las relaciones internacionales.

5- Los Estados se abstendrán de imponer sanciones unilaterales y suprimirán la propaganda a favor de la guerra.

6- Los Estados facilitarán la contribución de las mujeres a la prevención, gestión y resolución pacífica de controversias, así como al mantenimiento de la paz después de los conflictos.

7- Los Estados fortalecerán la eficacia de los tres pilares fundacionales de las Naciones Unidas en las áreas de paz y seguridad internacionales, derechos humanos y desarrollo.

8- Los Estados respetarán el derecho de todos los pueblos a la libre determinación.

9- El Consejo de Seguridad debe ser reformado en su composición y funcionamiento, a fin de garantizar el cumplimiento de sus obligaciones derivadas de la Carta de las Naciones Unidas en el ámbito de la seguridad colectiva.

Artículo 4. Derecho al desarme

1- Los individuos y los pueblos tienen el derecho a reclamar de sus Estados nacionales que se comprometan a un proceso efectivo de desarme internacional gradual, verificado por las Naciones Unidas.

2- Todos los Estados tienen la obligación de desarmarse gradualmente bajo el control de las Naciones Unidas. Los Estados deberán eliminar sus armas de destrucción masiva o de efecto indiscriminado, incluidas las armas nucleares, químicas y biológicas.

3- El uso de armas que destruyen el medio ambiente, en particular las armas radioactivas y las armas de destrucción masiva, son contrarias al derecho internacional humanitario, al derecho a un medio ambiente saludable y al derecho a la paz. Los Estados que las hayan utilizado, tienen la obligación de restaurar el medio ambiente y reparar el daño causado.

4- Los Estados establecerán zonas de paz y zonas libres de armas de destrucción masiva, ratificando el *Tratado sobre la prohibición de armas nucleares* y otros tratados relativos a la prohibición de armas de destrucción masiva.

5- Las Naciones Unidas convocarán conferencias de paz periódicas para prevenir, reducir y eliminar los conflictos armados existentes, con el objetivo de alcanzar la paz universal.

6- Los recursos liberados por el desarme serán destinados a la promoción y la realización de las obligaciones establecidas en los tratados de derechos humanos, así como a la implementación de los derechos al desarrollo y al medio ambiente.

Artículo 5. Derecho a la educación en la paz y los derechos humanos.

1- Todas las personas y los pueblos tienen el derecho a una educación integral

en la paz y los derechos humanos, en el marco de la Declaración y programa de acción sobre una cultura de paz y el diálogo entre culturas.

2- La educación y la socialización en la paz es una condición *sine qua non* para desaprender la guerra y construir identidades desligadas de la violencia.

3- Toda persona tiene el derecho de denunciar cualquier situación que amenace o viole el derecho a la paz, y a participar de forma libre en actividades pacíficas para la defensa del derecho a la paz.

4- Los Estados revisarán las leyes y políticas nacionales que sean discriminatorias contra las mujeres, y adoptarán legislación para perseguir la violencia doméstica, el tráfico de mujeres y niñas, así como la violencia de género o debida a la orientación sexual.

Artículo 6. Derecho a la seguridad humana

1- Las personas tienen el derecho a la seguridad humana, lo que incluye la libertad frente al miedo y frente a la necesidad.

2- Los pueblos y los seres humanos tienen derecho a vivir en un entorno privado y público que sea seguro y sano.

3- La libertad frente a la necesidad implica el disfrute del derecho al desarrollo sostenible y de los derechos económicos, sociales y culturales.

Artículo 7. Derecho a resistir contra la opresión

1- Todas las personas tienen el derecho a obtener el estatuto de objeción de conciencia frente a las obligaciones militares, de conformidad con el artículo 18 del Pacto Internacional de Derechos Civiles y Políticos y la observación general 22 (1993) del Comité de Derechos Humanos.

2- Los miembros de toda institución militar o de seguridad tienen derecho a desobedecer órdenes manifiestamente contrarias a la Carta de las Naciones Unidas, al derecho internacional de los derechos humanos y al derecho internacional humanitario. Tal desobediencia no constituirá en ningún caso delito militar.

3- Los Estados se abstendrán de subrogar a empresas privadas funciones militares y de seguridad que son propias del Estado.

4- Las empresas privadas militares y de seguridad, así como su personal, deben

rendir cuentas por las violaciones del derecho internacional de los derechos humanos y del derecho internacional humanitario que les sean atribuibles.

5- Los pueblos y los seres humanos tienen el derecho a resistir y a oponerse al colonialismo, a la ocupación extranjera y a la opresión interna; a los crímenes de agresión, genocidio, racismo, *apartheid*, crímenes de guerra y crímenes de lesa humanidad.

6- El personal de mantenimiento de la paz de las Naciones Unidas debe rendir cuentas en los casos de conducta delictiva o de violación del derecho internacional. Los Estados que aporten contingentes nacionales deben investigar las quejas presentadas contra miembros de tales contingentes.

7- Las víctimas de violaciones de derechos humanos tienen el derecho a la verdad, a una compensación, a la justicia, a la reparación y a garantías de no repetición.

8- Todas las personas tienen el derecho a solicitar refugio y a disfrutar de él sin discriminación, de acuerdo con el derecho internacional.

9- Los Estados tienen la obligación de respetar, proteger y hacer efectivos los derechos humanos de todas las personas y grupos vulnerables bajo su jurisdicción, con independencia de su nacionalidad, origen o estatuto migratorio.

Artículo 8. Derecho al desarrollo

1- Los pueblos y los seres humanos tienen el derecho a participar en el desarrollo económico, social, cultural y político en el que puedan realizarse plenamente todos los derechos humanos y libertades fundamentales, así como a contribuir a ese desarrollo y a disfrutar de él.

2- Los recursos liberados con medidas efectivas de desarme se utilizarán para el desarrollo global, en particular de los países en desarrollo.

3- El derecho humano al deporte y a la actividad física será promovido como facilitador del desarrollo sostenible y de la cultura de paz, empoderando especialmente a las mujeres y los jóvenes. También favorecerá el combate contra el racismo y la discriminación racial, así como la inclusión social de las personas migrantes y refugiadas, entre otras personas pertenecientes a grupos vulnerables.

Artículo 9. Derecho a un medio ambiente sostenible

1- Todos tienen el derecho a vivir en un medio ambiente sin riesgos, limpio, saludable y sostenible, y a la acción internacional para mitigar la destrucción del medio ambiente, especialmente el cambio climático.

2- Los Estados transferirán la tecnología en el ámbito del cambio climático, de acuerdo con el principio de responsabilidades comunes pero diferenciadas.

3- Conforme a la Convención Marco de las Naciones Unidas sobre el Cambio Climático, los Estados desarrollados proporcionaran el financiamiento adecuado a los Estados que no tengan recursos suficientes para adaptarse al cambio climático.

4- Los Estados desarrollarán legislación y políticas públicas para la protección del medio ambiente, de conformidad con los 16 *Principios marco sobre los derechos humanos y el medio ambiente* propuestos por el Relator especial sobre la cuestión de las obligaciones de derechos humanos relacionadas con el disfrute de un medio ambiente sin riesgos, limpio, saludable y sostenible (doc. A/HRC/37/59, anexo, de 24 de enero de 2018).

Artículo 10. Implementación

1- Los Estados, las Naciones Unidas y sus organismos especializados, fondos y programas, adoptarán las medidas sostenibles pertinentes para implementar la presente Declaración. Las organizaciones internacionales, regionales, nacionales y locales, así como la sociedad civil, deben participar activamente en la implementación de la Declaración.

2- Todos los Estados deberán implementar de buena fe las disposiciones de esta Declaración mediante la adopción de medidas legislativas, judiciales, administrativas y educativas, entre otras, que sean necesarias para promover su cumplimiento efectivo.

3- El Consejo de Derechos Humanos controlará el progreso en la implementación de la presente Declaración como tema permanente de su programa y designando un *relator especial sobre el derecho humano a la paz*.

4- Los órganos de tratados de derechos humanos de las Naciones Unidas, los procedimientos especiales del Consejo de Derechos Humanos y los organismos regionales competentes, deberán incorporar la presente Declaración en sus actividades de protección.

Declaração Universal sobre o Direito Humano à Paz

Luarca (Espanha), 30 de janeiro de 2023

A Assembleia Geral,

Guiada pelos propósitos e princípios da Carta da Organização das Nações Unidas e pelo compromisso dos Estados Membros em promover a paz, os direitos humanos e o desenvolvimento,

Reconhecendo que os fundamentos jurídicos do direito humano à paz estão formulados na Carta das Nações Unidas e nas resoluções pertinentes do Conselho de Segurança, da Assembleia Geral, do Conselho Econômico e Social e do Conselho de Direitos Humanos; nas Constituições dos organismos especializados (Organização das Nações Unidas para a Educação, a Ciência e a Cultura, Organização Internacional do Trabalho, Organização das Nações Unidas para a Agricultura e a Alimentação e Organização Mundial da Saúde), assim como na Declaração Universal dos Direitos Humanos e nos principais tratados internacionais de direitos humanos, em particular o Pacto Internacional de Direitos Civis e Políticos e o Pacto Internacional de Direitos Econômicos, Sociais e Culturais,

Reconhecendo também que o direito à paz está contido na Carta Africana de Direitos Humanos e dos Povos (1981) e em seu Protocolo sobre os Direitos das Mulheres na África (2003); na Convenção Ibero-Americana de Direitos dos Jovens (2005); e na Declaração de Direitos Humanos da ASEAN (2012),

Reconhecendo que os fundamentos jurídicos do direito humano à paz são reforçados por outros documentos e instrumentos universais, incluindo a Declaração e o Programa de Ação de Viena, a Declaração sobre o Direito ao Desenvolvimento, a Declaração do Milênio (2000), o Documento Final da Cúpula Mundial (2005), os Objetivos de Desenvolvimento Sustentável

para 2030 (2015) e a Declaração da Cúpula pela Paz Nelson Mandela, de 24 de setembro de 2018,

Celebrando a opinião consultiva OC-23/17 da Corte Interamericana de Direitos Humanos, que reconheceu implicitamente o direito à paz como um direito inerente ao ser humano, de acordo com o artigo 29.c) da Convenção Americana sobre Direitos Humanos,

Levando em conta que os elementos constitutivos do direito humano à paz já estão contidos nos Pactos Internacionais de Direitos Humanos e são justiciáveis sob os procedimentos de seus respectivos protocolos facultativos, entre outros o direito à vida, à liberdade, à integridade e à segurança das pessoas, o direito à liberdade de expressão e de reunião e associação pacífica, o direito a um nível de vida adequado, incluindo alimentação, água potável, saneamento, vestuário e moradia, e à melhoria contínua das condições de vida, assim como os direitos à saúde, à educação, à segurança social e à cultura,

Lembrando que tanto a Assembleia Geral (resolução 76/300, de 28 de julho de 2022) quanto o Conselho de Direitos Humanos (resolução 48/13, de 8 de outubro de 2021) reconheceram “o direito a um meio ambiente limpo, saudável e sustentável como um direito humano importante para o gozo dos direitos humanos”, que requer, além disso, a plena aplicação dos acordos multilaterais relativos ao meio ambiente; e que o Conselho de Direitos Humanos estabeleceu os mandatos de relator especial sobre direitos humanos e meio ambiente (resolução 37/8, de 22 de março de 2018) e de relator especial sobre a promoção e proteção dos direitos humanos no contexto das mudanças climáticas (resolução 48/14, de 8 de outubro de 2021),

Reafirmando também que todos os direitos humanos são universais, indivisíveis e interdependentes e estão relacionados entre si,

Lembrando as Declarações da Assembleia Geral sobre a preparação das sociedades para viver em paz (1978); sobre o direito dos povos à paz

(1984); sobre uma cultura de paz (1999); sobre o direito à paz (2016); as resoluções da Assembleia Geral 73/170, 75/177 e 77/216, de 15 de dezembro de 2022, sobre a promoção da paz como requisito fundamental para o pleno gozo de todos os direitos humanos por todas as pessoas; e a celebração do Dia Internacional da Paz em 21 de setembro de cada ano,

Lembrando que a Assembleia Geral adotou a resolução 76/262, de 26 de abril de 2022, que estabelece um mandato permanente para realizar um debate no prazo de 10 dias quando um veto for emitido no Conselho de Segurança,

Lembrando também as resoluções do Conselho de Direitos Humanos 20/15, de 5 de julho de 2012, 23/16, de 13 de junho de 2013, 27/17, de 25 de setembro de 2014, 30/12, de 1 de outubro de 2015, 35/4, de 22 de junho de 2017 e 41/4, de 11 de julho de 2019, intitulado “Promoção do direito à paz”; 47/17, de 13 de julho de 2021, sobre o impacto do tráfico de armas nos direitos humanos; 50/12, de 7 de julho de 2022, sobre direitos humanos e a regulação da compra, posse e uso de armas de fogo por civis; 51/6, de 6 de outubro de 2022, sobre a objeção de consciência ao serviço militar; e 51/22, de 7 de outubro de 2022, sobre as implicações nos direitos humanos das tecnologias novas e emergentes no âmbito militar,

Fazendo um apelo à implementação proativa da resolução 2625 da Assembleia Geral (1970), que contém a Declaração relativa aos princípios de direito internacional referentes às relações de amizade e de cooperação entre os Estados de acordo com a Carta das Nações Unidas,

Destacando a obrigação de todos os Estados Membros de negociar e resolver suas controvérsias por meios pacíficos de maneira que não comprometam nem a paz e a segurança internacionais, nem a justiça (Carta das Nações Unidas, artigo 2.3) e de se abster de recorrer à ameaça ou ao uso da força contra a integridade territorial ou a independência política de qualquer Estado (artigo 2.4),

Reconhecendo a utilidade da mediação nas relações sociais, entendida como um mecanismo alternativo e voluntário de solução de controvérsias, que ajuda a promover a paz social e no qual as partes interessadas buscam e alcançam uma solução satisfatória com a assistência de uma terceira pessoa imparcial, que facilita o diálogo entre elas, atuando sem poder decisório próprio,

Recordando o compromisso com o desarmamento nuclear conforme o Artigo 6 do Tratado de Não Proliferação de Armas Nucleares; lembrando também o Tratado sobre o Comércio de Armas (2013); e apoiando o trabalho da Conferência de Desarmamento das Nações Unidas com o espírito de promover o desenvolvimento por meio do desarmamento e da redistribuição de recursos,

Comemorando a entrada em vigor, em 2021, do Tratado sobre a Proibição de Armas Nucleares, que proíbe os Estados de desenvolverem, testarem, produzirem e possuírem armas nucleares, bem como o uso ou a ameaça de uso dessas armas; e a celebração, em 2022, da primeira reunião dos Estados Partes, que aprovou uma declaração política e um plano de ação,

Comemorando a Observação Geral 36 (2018) relativa ao artigo 6 do Pacto Internacional de Direitos Civis e Políticos sobre o direito à vida, na qual o Comitê de Direitos Humanos precisou, entre outras coisas, que a ameaça ou o uso de armas de destruição em massa, em particular as armas nucleares, que têm efeito indiscriminado e causam destruição da vida humana em escala catastrófica, é incompatível com o respeito ao direito à vida e pode constituir um crime internacional,

Considerando que toda instituição militar ou de segurança deve estar plenamente subordinada ao Estado de Direito,

Preocupada com a impunidade de mercenários e empresas privadas de segurança, assim como com a sub-rogação ao setor privado de funções de segurança que são próprias do Estado,

Consciente de que os êxodos em massa e os fluxos migratórios obedecem a perigos, ameaças e quebras da paz, e que a comunidade internacional deve definir com urgência um regime internacional de migrações, como propõe o Pacto Global para a Migração Segura, Ordenada e Regular, aprovado em Marrakech em 11 de dezembro de 2018,

Comemorando que o Comitê de Proteção dos Direitos de Todos os Trabalhadores Migratórios e de suas Famílias tenha adotado sua Observação Geral 5 (2021) sobre os direitos dos migrantes à liberdade, a não serem arbitrariamente detidos e sua conexão com outros direitos humanos (artigos 16 e 17 da Convenção)

Condenando a propaganda a favor da guerra e a incitação ao ódio e à violência, de acordo com o artigo 20.1 do PIDCP,

Tomando nota com reconhecimento da Declaração sobre o Direito à Paz, adotada pelo Comitê Consultivo do Conselho de Direitos Humanos em 16 de abril de 2012,

Prestando homenagem aos movimentos e ideias pela paz que marcaram a história da humanidade e que se cristalizaram, entre outros, na Agenda de Haia para a Paz e Justiça no Século XXI (1999),

Reconhecendo a valiosa contribuição realizada pelas organizações da sociedade civil no desenvolvimento do direito humano à paz, em particular a Declaração de Santiago sobre o Direito Humano à Paz (2010),

Consciente de que a paz não é simplesmente a ausência de guerra, pois signi ca também a ausência de violência econômica, social e cultural, e requer um processo positivo, dinâmico e participativo no qual se abordem as causas profundas dos conflitos de maneira oportuna, e se desenvolvam e apliquem medidas preventivas uniformemente e sem discriminação,

Comemorando a visão holística da paz proposta pelo secretário-geral das Nações Unidas na nova agenda de paz, no âmbito do relatório Nossa Agenda Comum (doc. A/75/982, de 5 de agosto de 2021, parágrafos 88–89),

Lembrando que o reconhecimento da dignidade inerente e dos direitos iguais e inalienáveis de todos e cada um dos membros da família humana —mulheres, homens, crianças, pessoas com diversidade de orientação sexual, pessoas com diversidade funcional física ou mental e pessoas idosas— é a base da liberdade, da justiça e da paz no mundo,

Reconhecendo as contribuições das mulheres nos processos de paz e sublinhando a importância de sua participação em todos os níveis de tomada de decisões, como reconhecido pela resolução do Conselho de Segurança 1325 (2000) sobre mulheres, paz e segurança,

A rmando que o direito humano à paz não será efetivo sem a realização da igualdade de direitos e o respeito às diferenças de gênero; sem o respeito aos diferentes valores culturais e crenças religiosas que sejam compatíveis com os direitos humanos universalmente reconhecidos; e sem a eliminação do racismo, da discriminação racial, da xenofobia e outras formas conexas de intolerância;

Reconhecendo também que a paz requer justiça social, conforme se especifica na Constituição da OIT e nos convenções internacionais do trabalho relevantes que estabelecem o direito a um trabalho digno, a desfrutar de condições de emprego equitativas, e a liberdade sindical,

Rea rmando que todas as pessoas têm o direito a que se estabeleça uma ordem social e internacional na qual sejam plenamente efetivados os direitos e liberdades proclamados na Declaração Universal dos Direitos Humanos e nos Pactos Internacionais de Direitos Humanos, e na qual o estado de direito exija a aplicação uniforme das normas e rejeite a seletividade, o privilégio, a impunidade e a discriminação,

Lembrando o compromisso da comunidade internacional de eliminar a pobreza e promover o desenvolvimento sustentável e um meio ambiente limpo e pacífico para todos, assim como a necessidade de abordar as desigualdades do crescimento e a exclusão entre os Estados e dentro deles,

Afirmando o direito de todas as vítimas de violações de direitos humanos à verdade, à justiça, à reparação e a garantias de não repetição, de acordo com a resolução da Assembleia Geral 60/147 de 16 de dezembro de 2005, sem prejuízo dos tribunais de consciência e tradições ou costumes locais de resolução pacífica de conflitos, que sejam aceitos pelas vítimas como meios aceitáveis de reparação.

Reconhecendo que as assimetrias do comércio, as novas formas de colonialismo econômico e de exploração, os regimes de sanções e outras formas de violência estrutural, impedem o pleno desfrute do direito humano à paz e de outros direitos humanos,

Lembrando que a cultura de paz e a educação da humanidade para a paz, a justiça e a liberdade, são indispensáveis para a dignidade dos seres humanos e constituem um dever que todas as nações devem cumprir em solidariedade internacional,

Lembrando também que o esporte facilita o desenvolvimento sustentável e contribui para a paz, já que a trégua olímpica promove a tolerância e o respeito; além disso, o esporte potencia o empoderamento das mulheres, dos jovens, das pessoas com deficiência ou pertencentes a outros coletivos vulneráveis e as comunidades, assim como os objetivos em matéria de saúde, educação e inclusão social, de acordo com o parágrafo 37 da Agenda 2030 para o desenvolvimento sustentável,

Reconhecendo que a paz, o desenvolvimento e os direitos humanos têm uma relação simbiótica, pois a paz é condição necessária para o desenvolvimento e a plena realização dos direitos humanos, e quando os direitos humanos e o desenvolvimento são desfrutados, a consequência é a paz,

Recordando que a Assembleia Geral declarou 2023 Ano Internacional do Diálogo como Garantia de Paz (resolução 77/32, de 6 de dezembro de 2022), pois se trata de um valor que fomenta o desenvolvimento sustentável, a paz e a segurança, e os direitos humanos,

Convidando os organismos internacionais e regionais de proteção dos direitos humanos a continuarem desenvolvendo o direito humano à paz no âmbito de suas respectivas competências,

Convidando os atores interessados a adotar a *loso* a da paz para o desenvolvimento e o compromisso sagrado de preservar as futuras gerações do *agelo* da guerra e da opressão contínua da violência econômica e estrutural endêmica,

Proclama a seguinte

Declaração Universal do Direito Humano à Paz.

Artigo 1. Titulares

1– As pessoas, os grupos, os povos, as minorias e toda a humanidade têm o direito à paz. A paz é a condição para o desfrute de todos os direitos humanos universalmente reconhecidos, incluindo os direitos ao desenvolvimento e ao meio ambiente.

2– O direito humano à paz é inalienável, universal, indivisível, interdependente e inter-relacionado.

3– O direito humano à paz deve ser implementado sem qualquer distinção ou discriminação.

Artigo 2. Elementos

1– Os elementos constitutivos do direito humano à paz estão estabelecidos na Carta das Nações Unidas e nas disposições pertinentes do Pacto Internacional de Direitos Civis e Políticos, do Pacto Internacional de Direitos Econômicos, Sociais e Culturais e de outros tratados internacionais de direitos humanos.

2– As pessoas podem fazer valer os distintos elementos do direito humano à paz apresentando queixas perante os órgãos estabelecidos em tratados de direitos humanos das Nações Unidas, os tribunais regionais de

direitos humanos e os procedimentos especiais relevantes do Conselho de Direitos Humanos.

3– Todas as pessoas, povos e minorias submetidos a agressões, genocídio, racismo, discriminação racial, xenofobia e outras formas conexas de intolerância, assim como ao apartheid, colonialismo, neocolonialismo e outros crimes internacionais, merecem atenção especial como vítimas de violações do direito humano à paz.

Artigo 3. Devedores

1– Os Estados são os principais devedores do direito humano à paz.

2– Os Estados devem abordar as causas dos conflitos e desenvolver estratégias preventivas para assegurar que os agravios sejam tratados de maneira oportuna e que não conduzam à violência.

3– Os Estados têm a obrigação de negociar de boa-fé e de solucionar as controvérsias por meios pacíficos.

4– Os Estados obedecerão à obrigação legal de se absterem de recorrer à ameaça ou ao uso da força nas relações internacionais.

5– Os Estados se irão abster de impor sanções unilaterais e suprimirão a propaganda a favor da guerra.

6– Os Estados facilitarão a contribuição das mulheres na prevenção, gestão e resolução pacífica de controvérsias, assim como na manutenção da paz após os conflitos.

7– Os Estados fortalecerão a eficácia dos três pilares constituintes das Nações Unidas nas áreas de paz e segurança internacionais, direitos humanos e desenvolvimento.

8– Os Estados respeitarão o direito de todos os povos à autodeterminação.

9– O Conselho de Segurança deve ser reformado em sua composição e funcionamento, a fim de garantir o cumprimento de suas obrigações derivadas da Carta das Nações Unidas no âmbito da segurança coletiva.

Artigo 4. Direito ao desarmamento

1– Os indivíduos e os povos têm o direito de exigir de seus Estados nacionais que se comprometam a um processo efetivo de desarmamento internacional gradual, verificado pelas Nações Unidas.

2– Todos os Estados têm a obrigação de desarmar-se gradualmente sob o controle das Nações Unidas. Os Estados devem eliminar suas armas de destruição em massa ou de efeito indiscriminado, incluindo armas nucleares, químicas e biológicas.

3– O uso de armas que destroem o meio ambiente, em particular as armas radioativas e as armas de destruição em massa, é contrário ao direito internacional humanitário, ao direito a um meio ambiente saudável e ao direito à paz. Os Estados que as utilizarem têm a obrigação de restaurar o meio ambiente e reparar os danos causados.

4– Os Estados estabelecerão zonas de paz e zonas livres de armas de destruição em massa, ratificando o Tratado sobre a proibição de armas nucleares e outros tratados relativos à proibição de armas de destruição em massa.

5– As Nações Unidas convocarão conferências de paz periódicas para prevenir, reduzir e eliminar os conflitos armados existentes, com o objetivo de alcançar a paz universal.

6– Os recursos liberados pelo desarmamento serão destinados à promoção e à realização das obrigações estabelecidas nos tratados de direitos humanos, assim como à implementação dos direitos ao desenvolvimento e ao meio ambiente.

Artigo 5. Direito à educação em paz e direitos humanos

1– Todas as pessoas e os povos têm o direito a uma educação integral em paz e direitos humanos, no âmbito da Declaração e programa de ação sobre uma cultura de paz e o diálogo entre culturas.

2– A educação e a socialização pela paz são condições essenciais para

desaprender a guerra e construir identidades desvinculadas da violência.

3– Toda pessoa tem o direito de denunciar qualquer situação que ameace ou viole o direito à paz e de participar livremente em atividades pacíficas para a defesa desse direito.

4– Os Estados revisarão as leis e políticas nacionais que sejam discriminatórias contra as mulheres e adotarão legislação para perseguir a violência doméstica, o tráfico de mulheres e meninas, assim como a violência de gênero ou motivada pela orientação sexual.

Artigo 6. Direito à segurança humana

1– As pessoas têm o direito à segurança humana, o que inclui a liberdade em relação ao medo e à necessidade.

2– Os povos e os seres humanos têm o direito de viver em um ambiente privado e público que seja seguro e saudável.

3– A liberdade em relação à necessidade implica o gozo do direito ao desenvolvimento sustentável e dos direitos econômicos, sociais e culturais.

Artigo 7. Direito de resistir contra a opressão

1– Todas as pessoas têm o direito de obter o status de objeção de consciência em relação às obrigações militares, de acordo com o artigo 18 do Pacto Internacional de Direitos Civis e Políticos e a observação geral 22 (1993) do Comitê de Direitos Humanos.

2– Os membros de qualquer instituição militar ou de segurança têm o direito de desobedecer ordens manifestamente contrárias à Carta das Nações Unidas, ao direito internacional dos direitos humanos e ao direito internacional humanitário. Tal desobediência não constituirá, em hipótese alguma, delito militar.

3– Os Estados se abstendo de sub-rogar a empresas privadas funções militares e de segurança que são próprias do Estado.

4– As empresas privadas militares e de segurança, assim como seu pessoal, devem prestar contas por violações do direito internacional dos

direitos humanos e do direito internacional humanitário que lhes sejam atribuíveis.

5– Os povos e os seres humanos têm o direito de resistir e se opor ao colonialismo, à ocupação estrangeira e à opressão interna; aos crimes de agressão, genocídio, racismo, apartheid, crimes de guerra e crimes contra a humanidade.

6– O pessoal de manutenção da paz das Nações Unidas deve prestar contas em casos de conduta criminosa ou de violação do direito internacional. Os Estados que contribuírem com contingentes nacionais devem investigar as queixas apresentadas contra membros de tais contingentes.

7– As vítimas de violações de direitos humanos têm o direito à verdade, à compensação, à justiça, à reparação e a garantias de não repetição.

8– Todas as pessoas têm o direito de solicitar refúgio e de desfrutá-lo sem discriminação, de acordo com o direito internacional.

9– Os Estados têm a obrigação de respeitar, proteger e efetivar os direitos humanos de todas as pessoas e grupos vulneráveis sob sua jurisdição, independentemente de sua nacionalidade, origem ou status migratório.

Artigo 8. Direito ao desenvolvimento

1– Os povos e os seres humanos têm o direito de participar do desenvolvimento econômico, social, cultural e político, com o direito a exercer plenamente todos os direitos humanos e liberdades fundamentais, assim como de contribuir para esse desenvolvimento e de desfrutá-lo.

2– Os recursos liberados com medidas efetivas de desarmamento serão utilizados para o desenvolvimento global, especialmente dos países em desenvolvimento.

3– O direito humano ao esporte e à atividade física será promovido como facilitador do desenvolvimento sustentável e da cultura de paz, em poderando especialmente as mulheres e os jovens. Também favorecerá o combate ao racismo e à discriminação racial, assim como a inclusão social

de pessoas migrantes e refugiadas, entre outras pertencentes a grupos vulneráveis.

Artigo 9. Direito a um meio ambiente sustentável

1– Todos têm o direito de viver em um meio ambiente seguro, limpo, saudável e sustentável, e de exigiração internacional para mitigar a destruição do meio ambiente, especialmente em relação às mudanças climáticas.

2– Os Estados irão transferir tecnologia no âmbito das mudanças climáticas, de acordo com o princípio das responsabilidades comuns, mas diferenciadas.

3– Conforme a Convenção–Quadro das Nações Unidas sobre Mudança do Clima, os Estados desenvolvidos fornecerão financiamento adequado aos Estados que não tenham recursos suficientes para se adaptar às mudanças climáticas.

4– Os Estados irão desenvolver legislação e políticas públicas para a proteção do meio ambiente, em conformidade com os 16 Princípios de referência sobre direitos humanos e meio ambiente propostos pelo Relator Especial sobre a questão das obrigações de direitos humanos relacionadas ao gozo de um meio ambiente seguro, limpo, saudável e sustentável (doc. A/HRC/37/59, anexo, de 24 de janeiro de 2018).

Artigo 10. Implementação

1– Os Estados, as Nações Unidas e seus órgãos especializados, fundos e programas adotarão as medidas sustentáveis pertinentes para implementar a presente Declaração. As organizações internacionais, regionais, nacionais e locais, assim como a sociedade civil, devem participar ativamente na implementação da Declaração.

2– Todos os Estados deverão implementar de boa-fé as disposições desta Declaração por meio da adoção de medidas legislativas, judiciais, administrativas e educativas, entre outras, que sejam necessárias para promover seu cumprimento efetivo.

3– O Conselho de Direitos Humanos controlará o progresso na implementação da presente Declaração como tema permanente de seu programa e designará um relator especial sobre o direito humano à paz. -

4– Os órgãos de tratados de direitos humanos das Nações Unidas, os procedimentos especiais do Conselho de Direitos Humanos e os organismos regionais competentes deverão incorporar a presente Declaração em suas atividades de proteção.



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