

## Foreword

After thousands of years of wars, and especially in the aftermath of the two world wars of the 20th century, the Charter of the United Nations was designed to inaugurate the era of world peace, to be founded on the respect of the dignity of all members of the human family and of their equal and inalienable rights. The commandment of love and brotherhood, which numbers among the noblest human sentiments, is expressed both in the Charter, wherein it states that in order to be members of the United Nations, states must be «peace-loving», and in the Universal Declaration of Human Rights, which proclaims that «all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood». The universal ethic centred on the supreme value of human dignity was thus introduced to international *ius positum* in order to highlight the role which reason and conscience must play in human actions both inside and outside the institutions, from local communities to the great sanctuaries of international politics.

The right to peace, which is being discussed at the United Nations Human Rights Council in order to finalise a declaration recognising peace as a fundamental right of the person and of peoples, must be considered within the process of developing international law which is ever more markedly human-centred, stressing the central role of the human person and his or her inherent rights, starting from the right to life.

Common sense should be sufficient to understand that if the right to life is recognised – as it is – in general international human rights law, for these same reasons the right to peace must be so: war is a negation of individual and collective life; without life there is no subject to bear his or her rights, the right remains an abstract category and if war breaks out, the survival of both the right and the bearers of rights is in jeopardy.

This magazine was first published in 1986, under the name «Pace, diritti dell'uomo, diritti dei popoli» (Peace, human rights, peoples' rights). This is the «manifesto» of a comprehensive approach which can be summarised as follows: peace is grounded in human rights and these are ascribed both to the person and to peoples, with the given that both are rooted in human dignity. Our first issue opened with a lengthy essay by the late François Rigaux entitled *Diritti dell'uomo e diritti dei popoli* (Human rights and peoples' rights), as well as an essay by Antonio Papisca, *La pace come diritto umano fondamentale* (Peace as a fundamental human right) (paragraph 3 is headed «The true right to peace as an expression of panhuman law»). A noteworthy essay in the second number is that by Alberto Carazo (University for Peace), *Un sistema politico non militarizzato, il caso del Costa Rica* (A non-militarised political system, the case of Costa Rica). The third number in 1987 featured the substantial essay by Hector Gros Espiell on *Il diritto alla pace* (The right to peace).

As of 2004, a new publisher took over and the magazine began appearing in two languages. The name «Pace diritti umani/Peace human rights» was chosen to make the immanent link between peace and fundamental rights even more explicit.

Special attention has been devoted over the years to the process of standard setting for the recognition of the right to peace worked on inside the United Nations and UNESCO. The Human Rights Centre of the University of Padua participated in the UNESCO Committee of Experts' work to elucidate ideas and principles relative to the rights of peoples. Upon conclusion of the Committee's work, and based on a formal agreement between UNESCO and the Centre, a special edition of the magazine was published in 1989, containing all the material produced by the UNESCO conferences held in several continents between 1985 and 1989 on the specific issue of the rights of peoples, including the Final Report of the aforementioned Committee: see J.B. Kutukdjian, A. Papisca (eds.), *Rights of Peoples, Droits des Peuples*. In 1999, an agreement between the Chancellor of the University of Padua and the Director-General of UNESCO sanctioned the institution of the UNESCO Chair in Human Rights, Democracy and Peace, the operation of which broadens and strengthens the «peace human rights» philosophy which has distinguished the interdisciplinary and action-oriented approach of the Padua Human Rights Centre since its inauguration (1982).

In 2000 the Director of the Centre, acting also in his role as Director of the European Master's Degree in Human Rights and Democratisation, E.MA, established in 1997 in Venice, took part in the seminar organised in Geneva by the United Nations High Commissioner for Human Rights together with the Universidad para la Paz (University for Peace) to elucidate the link between peace and human rights.

In Italy, from 1988 onwards, the «peace human rights» approach has been adopted by hundreds of local governments and several regional governments which, as proposed by the Padua Human Rights Centre, have incorporated the so-called «peace human rights norm» into their statutes and into specific regional laws: «The Municipality x (the Province x), in conformity with the Italian Constitution principles that repudiate war as a means of resolving international disputes, and with the principles of international human rights law, recognizes peace as a fundamental right of the person and of peoples. To this purpose it is committed to taking initiatives and co-operating with civil society organizations, schools and universities to promote and develop a culture of peace and human rights». Article 1.2 of the Statute of the University of Padua, amended in 1992, is also consistent with this norm: «The University of Padua, in accordance with the principles of the Constitution of the Italian Republic and its own tradition, dating back to 1222 and summed up in its motto “Universa Universis Patavina Libertas”, asserts its pluralistic nature and its freedom from any ideological, religious, political or economic influence or discrimination. It fosters the development of a culture based on universal values such as human rights, peace, the protection of the environment and international solidarity».

As this special issue of the magazine is going to press, many Town Councils in several different Italian Regions are adopting a petitionary motion supporting the ongoing work of the Human Rights Council for the recognition of the right to peace as a right of the person and of peoples. The text of the motion was drawn up by the Human Rights Centre and the UNESCO Chair and has been distributed over a large portion of Italy by the National Coordination Group of Local Authorities for Peace and Human Rights. It is a bottom-up mobilisation, perfectly consistent with the principle of subsidiarity. The aim is to collect all these motions and submit them to the UN Human Rights Council.

This special issue hosts numerous essays and a substantial collection of documents. The first essay, which offers much food for reflection as to how to move from a culture of conflict to a culture of peace, human rights and development through the consensus-building method, was co-authored by Christian Guillermet Fernandez, Chairperson-Rapporteur of the Working Group on the Right to Peace, and David Fernández Puyana, Legal Assistant to the Chairperson-Rapporteur. The second essay is by Douglas Roche, former Senator of Canada and Ambassador for Disarmament at the United Nations, and analyses how the right to peace is currently taking shape. The author offers a reflection on the current debate within the UN Human Rights Council and on the real chances of reaching a generalised consensus. The third essay highlights the collective and individual dimensions of the human right to peace and was written by Wolfgang S. Heinz, former Chairperson of the Human Rights Council Advisory Committee and former Rapporteur of its Drafting Group on the Rights of Peoples to Peace.

Later articles are by professors and PhD students working at the Padua Human Rights Centre. Andrea Cofelice's essay is on the process of standard setting in relation to the right to peace, describing its evolution from approaches of a prevalently «political» nature to more specifically «juridical» approaches. Claudia Pividori develops a series of considerations on the inherent potential for positive development offered by juridical tools which are formally soft law. Pietro de Perini draws the connection between the content of the right to peace and the potential for positive peace inherent in the processes of intercultural dialogue to which the draft declaration refers. Marco Mascia's article is on the Italian singular case of how the «peace human rights norm» has been incorporated into the statutes of hundreds of local governments. Antonio Papisca emphasises the strategic reach a declaration on the human right to peace would have, arguing that its purpose is to recapitulate the goals achieved thus far in the human rights field, in a comprehensive world view.

The present issue also contains the significant essay, mentioned above, by the late Hector Gros Espiell in the original Spanish, which was translated into Italian for this magazine in 1987. This essay is particularly remarkable because of its theoretical rigour and the extremely topical nature of his stance. Publishing this

article again is also intended as a well-earned tribute to a person who was a great jurist and a passionate human rights defender. In addition to serving as President of the Inter-American Court for Human Rights, he was for many years a member of the Scientific Board of the Human Rights Centre of the University of Padua.

This special issue of the magazine, with its special contents, could not have been produced without the substantial friendly collaboration provided by Ambassador Christian Guillermet Fernández and by David Fernández Puyana. The editorial board of the magazine extends its warmest thanks to them and to the other authors, not least for the speed with which they responded to the invitation to contribute to this special edition that is complemented by a selected collection of documents and bibliography.