

The Contribution of the Inter-American Court of Human Rights: Constructing Peace as part of the Jus Commune

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The President of the Inter-American Court of Human Rights, Judge Eduardo Ferrer MacGregor, announced on the 40th anniversary of the Court that they would double their efforts in pursuit of peace, justice, and human rights. This book seeks to explain the role of the Inter-American Court of Human Rights in developing (*de lege ferenda*) a customary law of peace through its jurisprudence, adding to the *jus commune* of democracy, rule of law, and human rights.

The book will include a historical reflection on the evolution of peace as regional value, commencing with the peace negotiation that ended the Chaco War in 1935 between Bolivia and Paraguay. President Roosevelt called for an Inter-American conference to promote recognition of the foundation of constitutional representative government, social justice, and peace as common values of Latin America. To form part of the *jus commune*, it is not necessary to harmonize the national concepts of peace, but rather harmonize the national variants with the international understanding of peace. As there is no universal definition of peace at the international level, there is flexibility regarding acceptance of national variances, however it is arguable that the national variants should be in keeping with the American Convention on Human Rights, OAS Charter, and related human rights instruments as a minimum normative framework for the scope of the regional normative understanding of peace in pursuit of the *pro homine* principle. The book traces two trends within the Court's jurisprudence, one expanding the direct justiciability of second and third generation rights, and the other advocating a cautious indirect approach. The book examines the heterogeneous normative nature of peace within Latin American constitutions, alternating between serving as an aim or principle of the legal order, an obligation of the state vis-à-vis the society or other states, a right to be claimed by an individual or groups, a marker of the state's controlling function, or as an aspect of culture in which society seeks expression of free activity in coexistence with other members of society. Hence, the study will explore how peace may be constructed as part of the *jus commune*, providing the added value of strengthening considerations of mutual respect and reconciliation within a region undergoing constitutional regression, elected authoritarianism, decrease in support for democracy, conservative backlash against liberal rights, and economic downturn.