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THE POWER OF NONVIOLENCE

ENABLING THE RIGHT TO PEACE

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ABSTRACT

The United Nations has recently asserted its commitment to non-violence by proclaiming 2001-2010 a decade of peace and non-violence for the children of the world, and is in the course of elaborating an augmentation of its commitment to the right to peace. However, little comprehensive research into the theory of nonviolence has been undertaken over the past two decades.

The theory of nonviolence is a comprehensive and empowering theory comprising a metaphysical and methodological framework. It is based on a political theory of consent-based power and provides a methodology for the withdrawal of such consent through civil disobedience, civil resistance and non-collaboration. In aspiring to create a culture of nonviolence to replace the culture of violence, which continues to be the guiding paradigm of our contemporary world, it professes a radical revolution.

In Part I, this thesis provides an overview of the main characteristics and implications of this theory through an analysis of its leading authors.

In Part II the theory is applied to the concepts of democracy, human rights and international relations, by examining the key enablers in the first step towards a culture of nonviolence. Concrete contemporary examples are used. Finally, the United Nations' commitment to positive structural peace is tested on the basis of its compliance with the key enablers.

TABLE OF ACRONYMS

Advisory Committee	Human Rights Council Advisory Committee on the Right of Peoples to Peace
High Commissioner	United Nations High Commissioner for Human Rights
HRC	United Nations Human Rights Council
NGO	Non-Governmental Organisation
NRPTT	Nonviolent Radical Party Transnational and Transparty
UN	United Nations
UNGA	United Nations General Assembly
UPR	Universal Periodic Review
Working Group	Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace

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INTRODUCTION

1. General Introduction

In November 1984, the United Nations General Assembly (UNGA) adopted the Declaration on the Rights of People to Peace¹, thereby expressing its conviction that the “peoples of our planet have a sacred right to peace”² and that States’ policies must be “directed towards the elimination of the threat to war, particularly nuclear war, the renunciation of the use of force in international relations and the settlement of international disputes by peaceful means [...]”³.

The UNGA has shown an increasing commitment to peace after the 1984 Declaration. In 1998, following earlier resolutions on a culture of peace, it adopted a Resolution proclaiming an *International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001–2010)*⁴, and another one in 2006⁵, reiterating and expanding the principles of the previous one. These resolutions were both adopted with consensus, showing that at least in declaratory terms, the international community can agree on the importance of promoting peace.

However, notwithstanding the proclamation of such a Universal Decade of Peace and Nonviolence for the decade 2001-2010, the beginning of the second millennium has been marked by violent conflict.

The Arab Spring has brought provisional solace to some people who find themselves struggling with the affirmation of their democratic aspirations, while others are still engaged in violent conflict to liberate themselves from their oppressors; peoples all over the world continue to suffer under occupation and oppression; the “wars for democracy”

¹ UNGA, *Resolution 39/11 Declaration on the Right of People to Peace*, 1 November 1984.

² *Ivi*, para. 7.

³ *Ivi*, para. 9.

⁴ UNGA, *Resolution 53/25 International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001–2010)*, 10 November 1998.

⁵ UNGA, *Resolution 61/45 International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001–2010*, 4 December 2006.

in Afghanistan and Iraq have marked their tenth anniversaries; the economic crisis is causing severe regression from previously acquired social and economic rights and severe economic divergences continue to push people into poverty; established democracies are crumbling under the receding participation rates; and so on.

While progressive debate is being held at the United Nations Human Rights Council (HRC) on the elaboration of a universal human right to peace, public opinion is induced by realist assumptions into the belief that such a thing is but a very distant dream, not to be achieved within this lifetime. And yet, a theory professing exactly the empowering tools to achieve peace is available. Such a theory of nonviolence has been elaborated and practiced for centuries, yet remains unknown to the public at large. However, throughout the UNGA's Resolutions we can see a clear evolution of the concept of peace and the realities it encompasses. In this sense, we might understand the inclusion of "non-violence" in proclaiming the International Decade for a Culture of Peace and Non-violence as an expansion in the UNGA view, opening up to this alternative. Therefore, and given the current progressive negotiations on a right to peace, it is important to understand what the concept of non-violence entails, in how far it may respond to aspirations of peace, and how committed the United Nations (UN) are to its application.

In Part I of this thesis we will define the core concepts of peace and nonviolence, and examine the theory of nonviolence, which encompasses a philosophical and methodological framework, based on a particular theory of power. In Part II the theory is applied to the main concepts of democracy, human rights and international relations, to identify the key enablers in the first steps towards a culture of nonviolence. Concrete contemporary examples involving the use of nonviolence are used to exemplify the importance of such enablers. Finally, the UN's commitment expressed in the Draft Declaration on the right to peace is compared to the aspects of a culture of nonviolence and its key enablers. For the purpose of this thesis the main emphasis will be put on relations between governments and the governed, but the assertions made can be largely applied in other fields.

2. Methodology

This thesis is situated in the field of critical and constructive peace studies⁶, and is value-based in the assumption that peace is to be strived for. While the theory of nonviolence has remained relatively underdeveloped in terms of the number of scientists who have dedicated their study to it, some authors have provided a remarkable amount of research: Gene Sharp, M.K. Gandhi, Jean-Marie Muller, Aldo Capitini and Johan Galtung. This thesis will analyse the assertions made by these main authors, and put their theory in a contemporary context through examples. Beforehand, it must be noted that there is remarkable little dissent between these authors and that I have found the same sort of cohesion on the fundamentals of nonviolence in personal practice. However, issues of dissent will be examined closely.

In assessing the enablers towards a culture of nonviolence, contemporary examples are used. However, it is important to note that those examples will not be studied in depth. Only a specific part of their reality will be highlighted to exemplify the importance of the enablers in creating a culture of nonviolence. It must be noted in this regard that the issues under examination pertain to a broad scope of arguments, which can as such not be examined exhaustively within the limits of this thesis. Nonetheless, the same difficulty is met by the drafters of the right to peace, which encompasses a myriad of other rights and international relations issues. Therefore, it has been deemed important to identify more than one of those important issues.

⁶ Galtung, 1996, pp. 10-11.

PART I: A THEORY OF NONVIOLENCE

CHAPTER 1 – DEFINING NONVIOLENCE

1. “Peace”

Peace can easily be defined as: “*the absence/reduction of violence of all kinds*”⁷.

This definition is a negative definition as it finds its ground in the negation of another concept and is violence-oriented.⁸ It requires an understanding of “violence” before we can truly grasp the meaning of peace.

Where violence has historically been identified as or associated with – and continues to be so in popular Western mind-set – war, physical violence, arms and armies, such a concept seems limited from a human rights perspective. If instead we consider “violence” as *any such act that causes damage or harm to another person*, we could also include examples as parents prohibiting their female children to attend school, companies polluting a communities’ drinking water by dumping toxic waste, etc. Galtung defines this broader understanding of violence as an *actor-oriented approach*⁹ to violence. It is reflected in the expression “violation” of human rights, which encompasses indeed a much broader concept than “mere” physical violence.

It does not end here; when we look around, it is clear that not only actors – be it individuals, governments, corporations, etc. – can cause damage or harm. If for example we consider poverty as a phenomenon (potentially) caused by global economic models and long-term consequences of environmental pollution, or colonialism and autocracy; harm is not just caused by the work of single actors, but by entire structures. The violation is embedded within the framework, set by laws¹⁰, in which actors act. In such case, it becomes untenable to maintain that an individual actor is the sole responsible for

⁷ Galtung, 1996, p. 9.

⁸ Ibidem.

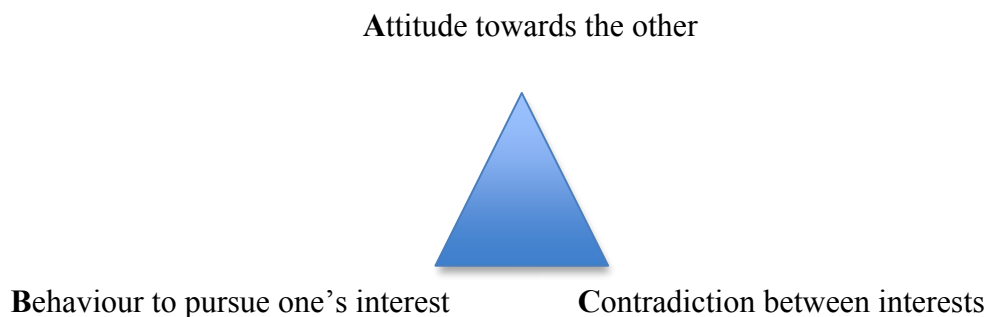
⁹ Galtung, 1994, pp. 26-40.

¹⁰ Gandhi, 1973, p. 175.

any violence done. This leads us to a *structure-oriented approach*¹¹ to violence at the hand of cultural, economic, political or military structures¹².

Reframing the initial definition, we thus obtain: *Negative structural peace is the absence of any harm or damage caused by actors and cultural, economic, political or military structures*. This negative definition has been the driving formula of pacifists, who through institutional and diplomatic means try to avert violence.¹³ However, as practice shows, this formula has not led to a more peaceful world. The reason is quite simple: in focussing on violence as such, and in directing all efforts to its elimination, it fails to acknowledge the structure underneath. This structure is conflict.

Social relations are defined by social conflict, conflicts of interest between individuals and groups, as a result of the struggle for (political) power and control over goods and services. These conflicts can be either symmetrical or asymmetrical¹⁴, and can be presented in the following triangular model¹⁵:



Conflict is unavoidable and happens on a daily basis, between two individuals, inside the family, between societal groups, governmental and non-governmental actors. However, conflict must not be regarded as a negative force. Rather, it is that force that allows us to assert ourselves, pursue our goals and enforce our rights. Therefore,

¹¹ Galtung, 1994, pp. 26-40.

¹² Galtung, 1994, p. 2.

¹³ Sharp, 1985, pp. 128-129.

¹⁴ Miall, Ramsbotham & Woodhouse, 2003, p.12.

¹⁵ Roter, Petra, E.Ma Lecture in Cluster Transition to Democracy, Venice, 6 November 2012.

conflict needs to be defined as a functional structure in which we act and interact with others while affirming our rights.¹⁶ As such, the aim should never be to eliminate conflict, since it would truly mean handing over complete control and power to the most potent force in society. The fallacy of utopian pacifism, as the (temporary) freezing of conflict to avoid actor-based physical violence¹⁷, thus allowing structural violence to endure, can be understood in this sense.¹⁸ It is nonetheless important to stress that tools from the pacifist repertoire, such as diplomatic negotiations and conciliation, are not to be diminished as a whole. In recognizing the other and entering into dialogue, the conflict might be solved nonetheless in a solution that suits both parties and does not require the use or threat of violence. This will be possible mostly in the case of symmetrical conflicts. More so, through the dialogue it might even become clear that there was no conflict to begin with, but a simple misunderstanding of the attitude of the other. However, in the majority of cases, conflicts do not get *resolved*, but rather *transformed* into temporary solutions, which in time will lead to new conflicts in need of transformation.¹⁹ Kant refers to war, or violence in general, as an illegitimate form of conflict transformation: contrary to the laws, morals, reason and fate of men.²⁰ The road to peace then, does not lead to the ever-lasting solution of all conflicts, but is reached through the transformation of conflicts in an acceptable and sustainable way.

From this understanding, we can move on to a positive definition of peace, which, as we shall see, is capable of fully embracing the negative one. The assumption is simple: conflict dynamics as presented in the triangular structure can be transformed, in a manner that satisfies one or both parties. This can happen either by violent or non-violent means.²¹

¹⁶ Muller, 2004, p. 32.

¹⁷ From here on, the word “violence” will be used in the sense of “physical violence” or “threats to physical violence”, while other concepts as defined will be named “structural violence” and “actor-based violence”.

¹⁸ Muller, 2004, pp. 32-33 & p. 37.

¹⁹ Galtung, 1996, p. 90.

²⁰ Kant, 2004, p. 10.

²¹ Miall, Ramsbotham & Woodhouse, 2003, p.15.

The Chinese character ‘crisis’ shows us both sides of this medal: it can be translated either as “danger” or as “opportunity”.²² Conflict, rather than just asking for the elimination of the other or his want, provides us with an opportunity to encounter that other, to find a creative solution to the conflict. While the violent approach basically annihilates the top of the triangle in failing to acknowledge the other as an equal rights-holder and immediately jumps to violent destructive behaviour against the opponent; the creative road pays visit to the other before jumping to behaviour and is capable of adapting his behaviour to a more peaceful, constructive and sustainable solution without foregoing his or her own initial interests. While on a daily basis, conflicts get transformed without the use of violence; throughout history the violent way of conflict resolution has gained a lot more attention²³, and has deeply rooted the idea that it is the most realistic and effective way of solving conflicts into the minds of people.

In both cases, action is unquestionably needed.²⁴ The question is: is the use of violence the only viable way, or are there other means at our disposal to transform conflict, without refuting our rights in favour of the most powerful party?

To obtain peace, we need a strong alternative to the use or threat of use of force²⁵: a tool, which enables and empowers actors in transforming actor-based as well as structural conflicts. Essential herein is the understanding that conflict action is not limited to the dual paradigm of violent action and non-action.²⁶

In embracing the negative definition of peace, structural peace can therefore be positively defined as the *non-violent and creative transformation of conflict*²⁷.

²² Galtung, 1996, p. 70.

²³ Gandhi, 1973, pp. 64-65.

²⁴ Muller, 2004, p. 103.

²⁵ Sharp, 1985, p. 46.

²⁶ Galtung, 1996, p. 91.

²⁷ Galtung, 1996, p. 9.

2. “Nonviolence”

While we have thus arrived at a positive definition of peace, we are still stuck with the rather un-defined “creative” and yet another negative, “non-violent”. Non-violence cannot mean the mere absence of violence, as a strong tool for the effective transformation of the conflict is needed if we are not to fall into the trap of non-action.²⁸ As non-violence is the subject of this thesis, and its theory will be examined closely in the following chapters, we will limit ourselves here to a short defining narrative of its origins and main characteristics.

The term *non-violence* is a literal translation from the Sanskrit word *ahimsa*.²⁹ Like non-violence, *ahimsa* has a negative root, but in implying the absence of any mental, vocal or active desire of violence, it is positively intended as liberation from such desires.³⁰ Gandhi likens the term to *love*: the will to do good and to help the other in doing so³¹, guided by the conviction that while injustice – or evil – must be fought, it is not the actor that should be the object of attack, but the structure upon which he acts. This implies action: a moral resistance to injustice.³²

Non-violent action is performed through creative techniques of protest, non-collaboration and interventions, without resorting to violence.³³ It has a strong philosophical basis³⁴; is based on a specific theory of power³⁵; and possesses various tools of methodology, tactics and techniques³⁶ that can be applied by individuals, groups³⁷, and nations³⁸. It is everything but passive. Gandhi refused to acknowledge the mere possibility of the existence of non-violence without its direct and active

²⁸ Sharp, 1985, p. 128.

²⁹ Muller, 2004, p. 70.

³⁰ Muller, 2004, . 71.

³¹ Gandhi, 1973, p. 169.

³² Gandhi, 1973, p. 7.

³³ Sharp, 1985, p. 127.

³⁴ See Chapter 2, Title 1.

³⁵ See Chapter 2, Title 3.1.

³⁶ See Chapter 2, Title 3.3.

³⁷ Gandhi, 1973, p. 10.

³⁸ Gandhi, 1973, p. 7.

expression³⁹: the transformation of conflict in addressing the actors of structural violence. It is a philosophical and methodological tool, embedded in the structural approach to violence, capable of transforming not just the conflict, but also the entirety of actors, behaviours and attitudes in the conflict triangle.⁴⁰

To comprehensively express the positive, active and methodological properties of the theory non-violence, Aldo Capitini adopted the term *nonviolence*⁴¹, an example that has been followed by theorists and practitioners. Consequently, the same will be used in the following chapters of this thesis when referring to this comprehensive theory. The old term non-violence will be used only in case of literal citation, or to mark the difference between one approach and the other.

³⁹ Gandhi, 1973, p. 11.

⁴⁰ Galtung, 1996, p. 116.

⁴¹ Altieri, 2003, p. 85.

CHAPTER 2 – TWO CONCEPTS OF NONVIOLENCE

1. Introduction

The theory of nonviolence can broadly be divided in two: a moral philosophy and a pragmatic framework. Both imply action towards structural change and would be futile without. While the first one works towards inward moral behaviour, the latter defines the methodology for outward political behaviour.

Any dissent within the nonviolent community is rooted in this dichotomy. Authors and practitioners as Gandhi and Capitini more or less refute the possibility of the latter without inclusion of the first. Others, like Sharp and Alinsky, have gone further in exploring the methodology, without refuting the philosophical framework, but detaching it somehow from common practice. Galtung represents a middle view, acknowledging the possibility and value of the mere nonviolent methodology, but stressing the importance of its philosophy to fend off possible dangers. These philosophical positions will be examined in the first part of this chapter. The second part is dedicated to the method of action, Satyagraha, and its underlying theory of power.

Given the strong linkage between the philosophical and methodological framework, a summary conclusion will be drawn to frame the theory of nonviolence that will guide the study into the enablement of a culture of nonviolence in Part II of this thesis.

2. Philosophical Framework

“Non-violence is the law of the human race and is infinitely greater than and superior to brute force. It does not avail to those who do not possess a living faith in the God of Love.”⁴²

With these words Gandhi starts his description of the essence of nonviolence. He continues: *“Non-violence is a power which can be wielded equally by all-children, young men and women or grown up people, provided they have a living faith in the God of Love and have therefore equal love for all mankind. When non-violence is accepted as the law of life it must pervade the whole being and not be applied to isolated acts.”⁴³*

Gandhi professes this requisite of faith multiple times throughout his work. Faith in God is essential; one cannot attain true nonviolence without it, even though it would be possible to practice its methods.⁴⁴ Capitini fully agrees with Gandhi in affirming that the religious dimension is essential to the theory of nonviolence and criticizes⁴⁵ Sharp for reducing its importance in the effort of making nonviolence more appealing to a Western audience.⁴⁶

However, Gandhi’s religious concept is not that divisive, and quite secular in nature.⁴⁷ Throughout his life, he reaches the conclusion that *Truth is God*, in this order of words⁴⁸, and nonviolence is the road leading to the Truth: *Satyagraha*.⁴⁹ To walk this road he provides the following moral precepts: faith, chastity, poverty, courage, discipline, humility, and honesty.⁵⁰ These precepts provide guidance in purifying

⁴² Gandhi, 1973, p.10. Own translation.

⁴³ *Ibid.* Own translation.

⁴⁴ Gandhi, 1973, p. 57. In fact, many members of the Indian Party Congress, among whom Nehru, while agreeing on the nonviolent method, did not subscribe to the philosophical or religious creed of nonviolence. With hindsight and in considering India’s current nuclear status, Gandhi might have been right.

⁴⁵ Altieri, 2003, p. 143.

⁴⁶ Soccio, 1985, p. 20.

⁴⁷ Altieri, 2003, p. 87.

⁴⁸ Gandhi, 1973, p. 32.

⁴⁹ Gandhi, 1973, p. 36.

⁵⁰ Gandhi, 1973, p. 155-167.

oneself from all that leads to violence, in the conviction that it is but through a personal revolution that one can open up to the other and effect change in society and politics.⁵¹

As indicated before, nonviolent action is never directed against persons, but against unjust acts and structures that can be transformed. A true nonviolent actor may never forget the difference between evil itself and he who commits evil. This distinction needs to be made not only in acting, but also in refraining from offensive language and thoughts towards the other.⁵²

Through nonviolence, one can aspire to truly love all living beings, his adversary in conflict included. In fact, within this concept of belief, also the adversary is part of the all-encompassing truth and able to attain it through dialogue.⁵³ However, as the Truth – and thus God – can never be fully reached by men, any individual truth or opinion is always of the relative kind.⁵⁴ Because of these differences in understanding, which are at the basis of conflict, it is the opponent supporting injustice that needs to be invited to change point of view. In his practice, Gandhi found that reason often does not suffice to effect such a change. He therefore retained it necessary to *touch the hearts* in order to obtain comprehension. This can only be achieved through the power of suffering, not inflicted on the other, but on oneself.⁵⁵ Anyone, individuals and nations alike, wishing to practice nonviolence must be willing to sacrifice everything, except their honour and dignity.⁵⁶ The aforementioned moral precepts are a tool in developing such spirit of sacrifice.

Sharp, while agreeing on method, refutes the idea that nonviolent actionist need to feel love for their adversary. He holds it is perfectly possible to hate the other, and yet

⁵¹ Altieri, 2003, p. 73.

⁵² Gandhi, 1973, p. 153. This perception of religion is remarkably similar to Mahmoud Taha's *Second Message of Islam*, which develops an original theological interpretation of Islam as a recipe for a future of democracy and human rights within Islam. Not incidentally, Taha himself practiced nonviolence throughout his life, and was executed by the Numeiry regime in Sudan in 1985 after nonviolent protest, on unspecified charges of apostasy.

⁵³ Altieri, 2003, p. 68.

⁵⁴ Altieri, 2003, p. 88.

⁵⁵ Gandhi, 1973, p. 43.

⁵⁶ Gandhi, 1973, p. 10.

behave in a nonviolent manner.⁵⁷ The moral value of nonviolence lies in its capacity to reduce political violence while actively promoting freedom, justice and human dignity.⁵⁸ No religious precept is needed, although the moral qualities Gandhi ascribes come back in his work as preparatory tools for actionists.

A middle way can be found in Muller's philosophical development of nonviolence. He defines nonviolence as a *categorical imperative*.⁵⁹ In employing this Kantian terminology he underlines that nonviolence is not yet another assumption in the panoply of philosophic possibilities: it is the only legitimate, humane, creative and reasonable principle for society.⁶⁰ Without it, philosophy itself becomes void of any meaning.⁶¹ Muller understands *evil* as the destruction of lives, human relationships, values, future and truth.⁶² Nonviolence is its opposite: a liberating, creative force of human encounter and dialogue, of truth.⁶³ Although Sharp does not develop on the philosophical grounds of nonviolent theory, it appears he would not dismiss such a proposition. In fact, no evidence has been found to sustain that any author of nonviolent theory would do so. Gandhi himself would most probably have agreed.⁶⁴

Nonviolent philosophy has a very realist perception of humanity. The essence of men is dual: he can be good or evil, violent or nonviolent.⁶⁵ It is a choice to be made on a daily basis. However, choices are made on the basis of knowledge, of environment, of upbringing. All authors agree on the moral implications a cultural environment has on behaviour and attitude. While the philosophical implications as described by Muller are straightforward and would hardly encounter any moral resistance, our world harbours a second, much more recognized moral. Max Weber and Machiavelli are the main authors of this second, so-called realist moral: while non-violence is to be aspired to, political

⁵⁷ Soccio, 1985, p. 21.

⁵⁸ Sharp, 1985, p. 43.

⁵⁹ Muller, 2004, p. 75.

⁶⁰ Mancini, 2004, p. 12.

⁶¹ Muller, 2004, p. 68.

⁶² Mancini, 2004, p. 15.

⁶³ Mancini, 2004, p. 17.

⁶⁴ Soccio, 1985, p. 22.

⁶⁵ Sharp, 1985, p. 133.

reality forces us to accept violence as the basis of peaceful human co-existence.⁶⁶ The end justifies the means. This idea, defined as *culture of violence*, is much more mainstream than the nonviolent discourse. It is a transcultural scheme, exceeding religious, continental and historical confines.⁶⁷ It is this scheme that makes the idea that nonviolence is without doubt morally superior, but simply not practicable in reality, common among intellectuals, politicians, diplomats and everyday society. The idea is fed to us by media reports every day, while any alternative is left out of the spectrum. We are so embedded in this culture it is hardly questioned.

However, upon closer examination, little is realistic about it. In returning to the negative definition of peace, this culture would make believe that violence is necessary in order to eliminate it. Proponents of a *culture of nonviolence* radically refute this double moral standard on the basis of a much more realistic premise: violence brings about more violence. Means and ends are undeniably interlinked and interchangeable. Gandhi gives a striking example thereof by comparing it to the destruction on one atomic bomb by another.⁶⁸ While in purely destructive terms, one could argue that ‘1+1=0’; in truly realist terms, 1+1 still amounts to 2.

To contrast this culture of violence, a radical shift in paradigm is needed. Gandhi exemplifies this statement by confronting the Red Cross with its contribution to the culture of violence by continuing to support its paradigm through its – highly respectable - relief operations.⁶⁹ In fact, war and violence do not end at the mere direct act, but are supported by entire structures of armies, war economies, etc. These structures in themselves, by controlling and leading society, inflict further structural violence.

As mentioned, nonviolent theorists are not naïve in their perception of mankind. Nonetheless, choice is available to humanity. It *is* possible to reconcile morals and

⁶⁶ Altieri, 2003, p.8.

⁶⁷ Mancini, 2004, p. 14.

⁶⁸ Gandhi, 1973, p. 354.

⁶⁹ Gandhi, 1973, p. 104.

politics. Gandhi constructed a comprehensive framework for such a culture of nonviolence, enhanced and adapted by others, which is as universal in nature⁷⁰ as the culture of violence.

In proclaiming the International Decade for a Culture of Peace and Nonviolence, the UNGA adopted the terminology. Whether it also concurs on the exact content of such a culture will be examined in Part II.

However, the philosophical assertions made on the feasibility of such a culture, as a political strategy in effectively resolving conflict situations, will have to be tested before a true shift in paradigm can be expected.⁷¹ This will be the object of the next heading.

3. Satyagraha

Since a culture of nonviolence signifies a radical break away from the main paradigm, during his campaigns in South Africa, Gandhi adopts the term *Satyagraha*. He does so to distinguish his method from *passive resistance*, at that time used in the United Kingdom by the suffragettes. According to him, the term passive resistance intrinsically implies a weakness: a condemnation to a passive, weaker form of struggle, in the absence of means of violence. However, he adds, such condemnation may not be permanent, and the passive resistance movement would likely take up arms if it were capable to.⁷² In that sense, the passive resistance movement remains embedded in the culture of violence.

Satyagraha is a direct response to this critique: it is a forceful method, equal if not superior in strength to violence, and its underlying cultural philosophy refutes the means of actor-based and structural violence as a whole. Moreover, it is exactly aimed at eliminating it.

⁷⁰ Altieri, 2003, p. 74.

⁷¹ Soccio, 1985, p. 12.

⁷² Gandhi, 1973, p. 168.

The profound meaning of *Satyagraha* derives from *Satya*, meaning “Truth”; and *agraha*, meaning “firmness”, “generator of power”, of simply “power”. It is the power created by love for the Truth. It is *Nonviolence*.⁷³ In political terms, it can be translated as the opposition to injustice through *civil disobedience* or *civil resistance*.⁷⁴

While not all nonviolent actionists or theorists have adopted this terminology, in what follows, we will use the term *nonviolence* to refer to the theory as a whole, and the term *Satyagraha* to refer to the methodology.

The assumptions of this method are threefold: it is based on a particular theory of power, sets a number of objectives, and employs a body of techniques and tactics to achieve them.

3.1 Theory of Power

Implicitly, or explicitly, all nonviolent struggle is based on a common perception of the nature of power and the way one relates to it.⁷⁵ Hannah Arendt sustains that power, unlike reason, can simply not exist if it is not in relation to others. Even the most violent and cruel tyrant becomes completely impotent if his power is not based in the obedience of others.⁷⁶ Adolf Hitler himself recognized this when in May 1943, while ordering the most brutal use of violence in the Eastern occupied territories, he wrote: “*of course, it is impossible to govern by violent force alone. It may be decisive, but it is just as important to secure a psychological element of obedience*”.⁷⁷

However, many, among whom Hitler himself⁷⁸, have questioned the decisive element of violent force in the determination of power relations. Tolstoy exemplifies this by referring to the British domination in India: “*how does one explain the domination of*

⁷³ Altieri, 2003, p. 87.

⁷⁴ Gandhi, 1973, p. 15.

⁷⁵ Sharp, 1985, p. 48.

⁷⁶ Arendt, 1996, p. 262.

⁷⁷ Hitler, Adolf, quote in Sharp, 1985, p. 90. Own translation.

⁷⁸ Sharp, 1985, p. 76.

*three thousand people over a nation of two hundred million, to a free man?”*⁷⁹ It is clear that such power cannot be based solely on the use or threat of violence. It is based in submission. This statement strongly influenced Gandhi in his understanding of power relations. Arendt continues on the fallacy of the ‘violence = power’ paradigm by refuting the Weberian thesis that political power is a relation of dominion of one man over the other, based on means of violence. Governors only take recourse to this instrument because of a lack of power, Arendt argues, thereby forcing people into obedience. Nevertheless, it does not grant them power; rather, the recourse to violence constitutes the elimination of true power.⁸⁰

The example of British domination over India suggests that violent force is not the only acclaimed source of power. Governors’ rule is construed on one or a combination of the following: authority, human resources, capacity, knowledge, material resources, and sanctions.⁸¹

Out of concern with the rule of law and human rights, society has traditionally constructed legal and structural mechanisms to control and limit ruler’s power and the structures they are based on: auto-limitations, constitutional and institutional measures, elections, and even violent revolution or intervention.⁸² Supposedly, democracy, with its theory of division of power, represents the culmination of such institutional control. However, indirectly this has caused a tendency of framing the role of control within the State body, requiring a continuous growth of the centralised State apparatus. The number of State dependents, as well as parastatal agencies, has grown exponentially, providing an ever-growing number of citizens and groups who find personal (economic) interest in their support and obedience.⁸³ Already in 1548, Etienne de La Boétie noted: *“Those who draw benefits from tyranny are almost equal in number to those who would prefer freedom.”*⁸⁴ Furthermore, with the State as the responsible for ensuring the

⁷⁹ Tolstoy, Leo, quote in Sharp, 1985, p. 77. Own translation.

⁸⁰ Muller, 2004, p. 159.

⁸¹ Sharp, 1985, p. 54-55.

⁸² Sharp, 1985, pp. 80-81; p. 96.

⁸³ Sharp, 1985, p. 64-70.

⁸⁴ de La Boétie, Etienne, quote in Sharp, 1985, p. 71. Own translation.

respect of human rights, more and more it is accepted – and even warranted – that the State “*takes the citizen by the hand to guide him*” in the realization of his rights, thus further enlarging the number of its dependents.⁸⁵

Moreover, the concept of democracy itself remains based in a Weberian idea of dominium: the State draws its sovereignty from the people, but as Muller argues, the concept of *people* is yet another totalitarian concept, where little to no role is reserved for individuals and societal groups.⁸⁶ The individual becomes atomized and finds itself powerless in the face of such concentrated power.⁸⁷ Tocqueville warned for such a development: while the equality ensured to each individual in a democratic society is of the utmost importance, it also confines the individual to a sense of insignificance. Privy of an authentic opposition to the rulers – since the precept *power of the people* includes every individual member of society – the power held by a democratic State is stronger than in any other system.⁸⁸ While safeguards may be installed to prevent complete majority-over-minority rule, Karl Popper holds that the idea that democracy signifies *power of the people* is false, and even dangerous. “*In fact*”, he says, “*every member of the people is perfectly aware of not being in command and is thus left with the impression that democracy is a fraud*”⁸⁹. To remedy, he replaces *power by the people* with *control by the people*.⁹⁰

The nonviolent theory of power is based on this premise: *obedience*, understood as people’s *support* to or *consent* with their governors, functions as an instrument of permanent control. Political power can only exist as long as it is supported – consciously or unconsciously - by individuals and groups in society.⁹¹ As put by Jeremy Bentham: “*The efficiency of power is [...] proportional to the level of obedience.*”⁹²

⁸⁵ Sharp, 1985, p. 111.

⁸⁶ Muller, 2004, p. 142-143.

⁸⁷ Sharp, 1985, p. 98.

⁸⁸ Sharp, 1985, p. 101.

⁸⁹ Popper, Karl, quote in Muller, 2004, pp. 166-167. Own translation.

⁹⁰ Muller, 2004, pp. 166-167.

⁹¹ Gandhi, 1973, p. 28.

⁹² Bentham, 1931, p. 168.

The level of obedience may greatly be influenced by one or more of the above sources of power, and entire – sanctioning - structures are set up to ensure it.

However, once again, such sources will only serve to assert the ruler for as long as they continue to be accepted by the governed; and in essence the extent to which one obeys remains voluntary.⁹³ There is always room for choice: often consent is given to governors, not because their policies are being approved of or judged to be just, but because people are not willing to pay the price attached to the withdrawal of their consent. The sources of power thus exist only as long as they are being granted. Not only by the governed, but also by those who are required to execute them. Sanctions, while an important source for the obedience of laws, only function for as long as the human resources are willing to execute them.⁹⁴ When consent is withdrawn massively, governors are left powerless. Power can be resumed only to the degree in which they agree to reform or adapt to the changes requested. Such changes might include their resignation. The nonviolent tool for such action is civil disobedience or non-collaboration: Satyagraha.

To summarize: as Sharp argues, two fundamental concepts on the nature of power can be drawn from the above: one is a monolithic theory based in the culture of violence, the other is pluralistic and based in the culture of nonviolence. The first considers power a *stable, timeless, and quasi-indestructible structure* where the majority of the people are *subdued* to the will and decisions of the governors, an emanation of those *few at the top*. Whether that emanation is a result of democratic means or not, is insignificant.⁹⁵

In the latter case, one might consider power a *fluctuating, fragile structure* where *several components of society* need to receive their power on a *continuous*, daily basis from individuals and groups.⁹⁶ These can withdraw their consent at any given time through nonviolent means by refusing further obedience and/or collaboration. This is

⁹³ Soccio, 1985, p. 26.

⁹⁴ Sharp, 1985, p. 96.

⁹⁵ Altieri, 2003, p. 7.

⁹⁶ Sharp, 1985, p. 51.

the nonviolent theory of power, so much so it led Arendt to say: “*Nonviolence and power are tautologies.*”⁹⁷

Unlike utopian theories, nonviolent theorists recognize that power is inherent to social and political relations, and does not need to be refuted as such.⁹⁸ However, they differ largely from traditional political scientists in recognizing only one true source of power: consent. From there, the essential question becomes: how to effectively control those who hold power, and effect change when consent is no longer available. The role of control, and the extent to which it is granted, is not a minor addition to Montesquieu’s traditional concept of division of power and democracy; it completes it. Only the systematic application of nonviolence makes authentic democracy possible.⁹⁹ In the words of Marco Pannella: “*The essential feature of nonviolence is that it takes on board and completes the culture of the century of Enlightenment. Nonviolence has provided political, social and historical coherence to the foundational aims of the French revolution and of any other revolution.*”¹⁰⁰

3.2 Objectives

Nonviolent theory is set on a number of objectives, the first of which is to find a functional alternative to violence in combatting political violence in the form of tyranny, injustice and oppression. Such an alternative must necessarily be compliant with freedom, justice and human dignity¹⁰¹; and thus break away from the traditional violent revolutions, which have only produced further oppression and violence.

Furthermore, unlike violent revolutions that profess *tabula rasa*, a nonviolent revolution does not necessarily seek to destroy the constitutional and institutional framework, provided it responds to democratic standards. Nonetheless, revolution remains the code

⁹⁷ Arendt, Hannah, quote in Muller, 2004, p. 159. Own translation.

⁹⁸ Sharp, 1985, p. 51.

⁹⁹ Mancini, 2004, p. 18.

¹⁰⁰ Pannella, Marco, Quote, in Radaelli, Claudio, Director Centre for European Governance Exeter University, Lecture slides, *Security Studies From War to Peace in World Politics*, March 2013, p. 18.

¹⁰¹ Sharp, 1985, p. 43.

word.¹⁰² *Nonviolent revolution* is intended as the conscious empowerment of the masses, enabling it to exercise its autonomy.¹⁰³ Through the active practice of nonviolence, by using the controlling power of civil disobedience, it is possible to escape the abysses of voluntary servitude and radically transform the structures of violence into nonviolent ones.

Again, action is needed: such revolution does not come about by itself. As Muller notes, one is not born in freedom; freedom needs to be gained, time and time again.¹⁰⁴ And while human dignity may be inherent to every human being, it can be distorted or ignored. Rights and freedom cannot simply be granted; they continuously need to be assumed, confirmed, and reiterated.¹⁰⁵ Therefore, the revolution must be *permanent*, in the sense that this responsibility to act cannot be left to others¹⁰⁶, but must be taken continuously all throughout life. The political effects of such revolution are quite straightforward. While violent revolutions – and violence in general – tend to bring along a greater concentration of power, a nonviolent revolution by its very nature cannot but bring about a greater distribution of power in society.¹⁰⁷ If permanent, this revolution will thus enable the effective control of power in an ever-increasing manner, and open the doors to authentic freedom and democracy.

Gandhi affirms that even one single individual can affect such change.¹⁰⁸ He then returns to his religious precept, and adds that as such the objective of change should not be limited to transforming structural violence, but should be expanded to changing also men's soul. Therefore, emphasis needs to be put on education before anything else.¹⁰⁹ At first glance, Kant does not agree with such a premise, considering that the main problem lies in the question of how to commit people to a peaceful life-style, rather than

¹⁰² Altieri, 2003, p. 11.

¹⁰³ Soccio, 1985, p. 30.

¹⁰⁴ Muller, 2004, p. 24.

¹⁰⁵ Mancini, 2004, p. 17.

¹⁰⁶ Sharp, 1973, p. 787.

¹⁰⁷ Sharp, 1973, p. 777..

¹⁰⁸ Gandhi, 1973, p. 20.

¹⁰⁹ Altieri, 2003, p. 69.

their moral improvement.¹¹⁰ As can be derived from the narrative in the Philosophical Framework, also Sharp strongly disagrees on this objective, finding it stands in the way of a practical solution and does not appear to have borne a great number of fruits throughout history.¹¹¹

However, if we re-interpret – as we did before – Gandhi’s stance into a call for transformation of the culture of violence, most likely neither of the two previously mentioned authors would disagree. Indeed, Sharp notes that the exercise of nonviolent action has a number of psychological and pedagogic effects on its practitioners¹¹², which could but contribute to the coming about of such a culture. He so mentions the *increase of courage, self-reliance, and self-esteem; a growth of inner freedom and a pride in that freedom; fearlessness; reducing numbers of violence and crime in the area during the nonviolent campaigns and some time after; increased group unity and cooperation.*¹¹³ As predicted above, these qualities, brought about by one campaign, strongly empower individuals to control power. This emancipation highly increases the likelihood of starting a positive spiral towards authentic freedom, human dignity and democracy.

3.3 Methodology of Action

As asserted before, the main question regards how to effectively control government and push for change of unjust structures without resorting to violence, even in situations of dire repression. Under this heading, we will look into the methods used to this end in nonviolent struggle.

First of all, it is important to reiterate that within nonviolent theory, inaction in the face of structural violence is impermissible. While no violent means may be employed, running away from the conflict, and allowing injustice to endure is even more

¹¹⁰ Kant, 2004, p. 128.

¹¹¹ Sharp, 1985, p. 43.

¹¹² Sharp, 1985, p. 41.

¹¹³ Sharp, 1973, pp. 782-795.

despicable in Gandhi's opinion. Nonetheless, before resorting to struggle – and all the way throughout the struggle -, diplomatic ways of reasonable dialogue must be explored and followed through in an honest manner.¹¹⁴ Even though the strength of one's position may grow due to popular or international support, the objective should remain as it has been stated in the beginning.¹¹⁵ The same goes in case support is dropping; retreat from a previous objective is impossible, regardless the amount of time needed.¹¹⁶ However, structural conflicts are vertical in structure¹¹⁷, and thus asymmetrical by nature. This makes negotiations and diplomatic agreement highly difficult. When dialogue is or becomes impossible, the moment has arrived to resolve to struggle: Satyagraha. But, even Satyagraha is directed at creating the possibility of dialogue by establishing a new power relation with the opponent. Struggle serves to attain a more symmetrical power equilibrium when previous attempts to appeal to reason and conscience have failed.¹¹⁸

Such a symmetrical equilibrium is attained through what Richard Gregg calls *Political Jiu-Jitsu*.¹¹⁹ In this sport, the opponent's power is turned against him. In the same way, the nonviolent actionist uses the apparent disadvantage he has in means to his advantage. In confronting the opponent by nonviolent means, he puts him at unease. The opponent is prepared and equipped for a violent confrontation, but finds his paradigm challenged and does not know how to respond properly. In fact, the stronger his response in terms of violence, the stronger the position of the nonviolent actionist might become due to an accrued public and international opinion in his favour.¹²⁰ Moreover, he thus indirectly publicizes the actionists' cause, allowing them to inform public opinion of the injustice at hand. This might spark even more unrest, and significantly diminish the power of consent he holds. His choices are thus limited, and

¹¹⁴ Gandhi, 1973, p. 53.

¹¹⁵ Gandhi, 1973, p. 55.

¹¹⁶ Galtung, 1996, p. 115.

¹¹⁷ Galtung, 1996, p. 93.

¹¹⁸ Muller, 2004, p. 37.

¹¹⁹ Soccio, 1985, p. 32.

¹²⁰ Sharp, 1973, pp. 657-658.

he might prefer to avoid further confrontation by returning to the negotiating table, however knowing that the actionists have now gained a much stronger position.

A very pragmatic reason for not resorting to violence lies in the fact that this would immediately restore the original power balance by returning to the opponent's paradigm. In fact Sharp laments the high number of historic cases in which the introduction of violence by the previously nonviolent forces, have grounded their campaigns.¹²¹

The nonviolent techniques used to play this game of political jiu-jitsu are plentiful. In 1973, Sharp listed not less than 198 techniques, warranting they were but a few of an inexhaustible repertoire, accumulating tools with every campaign. However, generalisation is possible when we take a look at the broader operational methodology. Galtung lists four steps for overcoming structural violence when initial attempts at negotiations have failed: *confrontation, struggle, decoupling, and recoupling*.¹²² They are all an integral part of Satyagraha, although not all of them will be used in every single campaign. For reasons of clarity we will examine the main methodical mechanisms following these four steps, but it must be underlined that the boundaries between the different techniques and tactics of Satyagraha are not that clear-cut in reality. We will then take a closer look at some of the strategic ingredients and conclude with the response mechanisms of the opponent at the end of a successful nonviolent campaign.

Throughout all steps, it is fundamental to treat the adversary with the respect due to every other human being, and to never confound the injustice addressed in the campaign with the actor executing it.

Confrontation

¹²¹ Soccio, 1985, p. 35.

¹²² Galtung, 1996, p. 93.

The first step when initiating a campaign of Satyagraha consists in a thorough investigation of the issue at hand. This investigation, together with ample documentation and concrete demands are to be presented to a carefully selected ‘target’, and disseminated as widely as possible among the public.¹²³ Two things are essential: the ‘target’ selected must be an actor capable of wielding the amount of power necessary to effect the desired change. Secondly, the demands must be clear, concise and understandable, but moreover, the desired change must be within the limits of the opponents’ power. One cannot launch a campaign for such general objectives as ‘the end of poverty’ or ‘independence’.¹²⁴

Next, a campaign to mobilise public opinion is launched. Such a campaign may be headed by protests, spreading manifests, television or radio appearances, etc. A cause-conscious audience, sensible to the issue at hand, is the strongest weapon against an opponent unwilling to yield.¹²⁵ However, the audience might be generally disinterested in issues of injustice that do not touch them directly, or the repression organised by the regime might make it virtually impossible to reach out. In such cases, a possible technique to be used is the hunger strike. Not only is it able to reach the hearts of a disinterested public, but the suffering provoked in the actionist has the power to awake the opponent’s consciousness and spark his willingness to act with benevolence, or at least open up to dialogue.¹²⁶ Any technique provoking suffering in the actionist requires an extreme conviction in the righteousness of the cause. The actionist has to be willing to go until the very end, has to be willing even to die, although death in itself cannot be the goal¹²⁷. It is why Gandhi asserts the impossibility of practicing Satyagraha in favour of an unjust cause.¹²⁸

¹²³ Sharp, 1973, pp. 471-473.

¹²⁴ Gandhi, 1973, p. 184.

¹²⁵ Gandhi, 1973, p. 154.

¹²⁶ Gandhi, 1973, p. 187.

¹²⁷ Interview (in Italian) with Marco Pannella, leader of the Nonviolent Radical Party Transnational and Transparty, Rome, 12 June 2013. Pannella here refers to the case of Bobby Sands, member of the IRA, who died after a hunger strike in prison in 1981, and set his death as an express goal of the hunger strike, thereby a priori refuting any possibility of dialogue with the British Government, and thus not conforming to the “rules” of nonviolent struggle.

¹²⁸ Gandhi, 1973, p. 22.

At the end of this step, if no constructive dialogue has been established, an ultimatum, reiterating the issues and demands, may be presented to the opponent. Much as in a declaration of war, where the ultimatum would state that in case the demands are not granted within a set time, arms will be taken up; a nonviolent declaration would state that the power of the governor can only be recognised for as long as it is granted.¹²⁹ Unless requested changes are effected, consent will be retracted through civil disobedience or non-collaboration. This brings us to the phase of struggle.

Struggle

The goal of nonviolent struggle, Satyagraha, is firmly set in the objectives to overcome repression and/or exploitation.¹³⁰ It is based on the affirmation of the theory of power, in the sense that it withdraws consent through disobedience. Civil disobedience is the civic violation of laws deemed immoral and oppressive.¹³¹ The laws addressed in a specific campaign will be those for which demands of change have been formulated. The nonviolent actionist willingly and knowingly violates the law, without resorting to means of violence.

The – probably - most noted example of such an act of civil disobedience was Rosa Parks' refusal on 1 December 1955 to grant her seat on the bus home from work to a white man as prescribed by the racial laws.¹³² Her subsequent arrest marked the beginning of a 382 daylong boycott of the public busses in Montgomery under the leadership of Martin Luther King. Their success enabled the awakening of the Afro-American population who had till then remained subdued to the racial laws. It sparked their enthusiasm for nonviolence, from which they used a wide array of techniques and tactics¹³³, culminating in the success of the black civil rights movement.

¹²⁹ Gandhi, 1973, p. 48.

¹³⁰ Galtung, 1996, pp. 93-94.

¹³¹ Gandhi, 1973, p. 168.

¹³² Soccio, 1985, p. 15.

¹³³ Alinsky, 1971.

It is important to note that the act of civil disobedience does not put the nonviolent actionist outside the law, nor does he expect it to. While a law may be unjust and as such a form of structural violence, enforced by the further use of violence through sanctions, the nonviolent actionist remains firm in his commitment to nonviolence. As a part of the political jiu-jitsu, he expects and accepts the sanctions that are set by the law for violating it. It is a reconfirmation of the relativity of truth for individual actors as outlined in the philosophical framework. While the actionist deems the law unjust, this does not immediately imply that any other actor does, least of which the opponent unwilling to effect changes. The State thus retains the right – and has the obligation under the rule of law - to apply it in its entirety. Rebelling against the lawful sanction would inevitably lead to chaos, while the peaceful acceptance of the punishment keeps the nonviolent struggle within the limits of the Constitution.¹³⁴ The only exception is made to humiliating and degrading punishments or acts, which affect the dignity of the actionist and try to force him into a submissive role.¹³⁵

Decoupling

In some cases, confrontation and civil disobedience may not suffice. When the State is deemed to be corrupted - be it because its governors stopped respecting the Constitution or the law, because they were overthrown by a coup on the State, or because of occupation by a foreign power¹³⁶ -, collaboration in any manner must be refused. The nonviolent actionists literally ‘decouple’ themselves by cutting the structural tie to the repressor and/or exploiter.¹³⁷ Non-collaboration may start off with refusing official payments to and by the government, and gradually enlarge through strikes by specific professions, general strikes by all government employees and economic boycotts, up to the creation of a parallel government.

¹³⁴ Gandhi, 1973, pp. 175-176.

¹³⁵ Gandhi, 1973, p. 167.

¹³⁶ Sharp, 1973, p. 475.

¹³⁷ Galtung, 1996, p. 94.

Throughout his life, Gandhi put a great emphasis on a constructive plan, in which nonviolent actionists, apprentices and supporters were invited to engage in community work and the education of nonviolence. This plan had a dual purpose: the first one was to prepare the actionists for possible future campaigns. Secondly, and more importantly in the light of non-collaboration, its role was to prepare society as a whole for self-rule¹³⁸ and self-sustenance. Independence from the government and the responsibility to ensure the livelihood of the society through a spirit of solidarity are not mere corollaries to the theory of power he professed.¹³⁹ Moreover, it is absolutely essential to sustain long stretched campaigns of non-collaboration and its economic implications.

Non-collaboration is a very potent form of pressure, since it deprives the State of subsidiary sources of power such as material and human resources. If a sufficiently large number of people participate in such campaigns of non-collaboration, it may very well paralyse the State apparatus and retract any power left in the hands of the governors.¹⁴⁰

Recoupling

Once the objective of change has been reached, the reinsertion of the actionists into the framework begins, or, in case the government structure has collapsed and alternative rule has been established on the terms of the actionists and society, the fallen governors and their apparatus will be inserted. The decoupling is undone. The goal is never to maintain permanent double structures away from the State, or to withhold collaboration for good. The goal is *“a horizontal structure”* encompassing all members of society, *“with human rights instead of repression, equity instead of exploitation, autonomy instead of penetration, integration instead of segmentation, solidarity instead of fragmentation, participation instead of marginalization.”*¹⁴¹

¹³⁸ “Self-rule” is not to be understood as a form of anarchy, but as “Indian rule”, instead of the British colonial reign.

¹³⁹ Gandhi, 1973, pp. 49-52.

¹⁴⁰ Sharp, 1985, p. 126.

¹⁴¹ Galtung, 1996, p. 94.

As indicated, this methodological framework is subsequently expanded in techniques, strategies and tactics, for which a series of prerequisites are formulated. We will not examine them exhaustively. Some have already been briefly addressed under previous headings, but others merit a more thorough examination.

Strategic imperative

The first remark to be made is that nonviolent strategy bears remarkable resemblance to military strategy: nonviolence as a strategic imperative. Sharp pays great attention to the work of military theorists as Clausewitz and Hart. He even formulates a strategic imperative of nonviolence, thus complementing the categorical imperative formulated by Muller. To transform conflict, it does not suffice to act ‘morally’. It is imperative to gain insight into the strategies and tactics that can guide nonviolent action.¹⁴² Because of the lack of historic reference to nonviolent action, due not to its inexistence but to the violent paradigm guiding the annotators of history, a study of military strategy can guide the nonviolent theorist on his way.

Some principles can be easily transferred into nonviolent action: leadership; focus; choosing the right ‘arms’; preparation and planning; training; and moral and psychological factors of both the actionists and the opponent, such as courage, perseverance, firmness and spirit of sacrifice or suffering. Others, such as secrecy and surprise are less warranted to obtain the scope of nonviolent struggle.¹⁴³

Truth

Believers in the moral framework have held that with Truth being the ultimate goal of the nonviolent way, secrecy has no place in a nonviolent movement and its actions. Without concurring on this moral stance, Sharp agrees to a strategy of openness on the

¹⁴² Sharp, 1973, pp. 492-494.

¹⁴³ Soccio, 1985, pp. 22-23.

basis of mere pragmatic considerations and points to the success of open nonviolent campaigns in history.¹⁴⁴ Nonviolence thrives on openness to achieve maximal social, political and psychological strength.¹⁴⁵ The reason is threefold.

First, nonviolent struggle is empowered through popular support. It is fairly impossible to gather such if a campaign is not conducted in the open. Furthermore, non-actionist sympathisers may distrust an organisation moving underground.¹⁴⁶

Secondly, behaving secretly may induce the opponent, and public opinion, to believe that the nonviolence professed is but a façade for the movement's true, violent intentions. This may create an atmosphere of fear within the public¹⁴⁷, advantaging the opponent who will feel legitimised by popular opinion to resort to his usual violent repertoire for response, thus effectively ending the game of political jiu-jitsu.

Lastly, while the element of surprise in a military campaign will most likely favour its progress, and even reduce the number of casualties with respect to an open and anticipated attack, the opposite goes for a nonviolent action. In surprising the opponent, he is more likely to intuitively grasp his traditional arsenal in response. If instead, he has been given the opportunity to prepare for the action, and has been clearly informed on the scope and means of action, the repressive force by which he answers is likely to be smaller, especially when the struggle is protracted over a longer period of time.¹⁴⁸

Leadership

While there is no imperative warranting the presence of strong leadership, nonviolent movements without it have more often than not perished fairly quickly or resorted to violence. An explanation for this phenomenon may lay in the simple fact that

¹⁴⁴ Sharp, 1973, p. 481.

¹⁴⁵ Sharp, 1973, p. 482.

¹⁴⁶ Sharp, 1973, pp. 486-487.

¹⁴⁷ Sharp, 1973, pp. 486-487.

¹⁴⁸ Sharp, 1973, p. 492.

nonviolent theory and practice is not widely known throughout society.¹⁴⁹ One of the main roles of the leadership in a nonviolent movement is indeed to educate his movement in the use of this instrument, so they can continue the struggle when the leadership is no longer able to do so, due to (untimely) death or imprisonment. Furthermore, as a movement may grow, a central planning of the campaign is important to ensure coordination and effectiveness. Lastly, the leadership will safeguard the principles of nonviolence at times when more rash actionists may feel the urge to resort to violent means. Given the length of time most campaigns run over, patience and consistence may indeed fail to endure in many actionists, especially if they are merely employing nonviolent means without attaching belief to its moral framework.¹⁵⁰

However, while nonviolent theory is not afraid of power relations, it must be stressed that the means available to the leadership in enforcing its decisions are strictly limited to nonviolent sanctions. Gandhi for example would resort to hunger strike in opposition to the use of violence by members of his movement. In this sense, even the most authoritarian leadership would quickly see its power diminished if it were to attempt to usurp it or try to force members into unwanted actions.¹⁵¹ Marco Pannella notes in this respect: *“Convincing my fellow radicals into a campaign, is half of the campaign, as they represent a proportionate sample of society and I have no coercive means at my disposal to convince them.”*¹⁵²

Quantity v. Quality

A disputed area concerns the issue of quantity versus quality in the construction of a nonviolent ‘army’. While for certain campaigns to be effective, such as actions of non-collaboration, a larger participating mass seems essential, other actions such as civil disobedience may be better served by a smaller, but thoroughly educated group of

¹⁴⁹ Sharp, 1973, p. 466.

¹⁵⁰ Sharp, 1973, p. 465.

¹⁵¹ Sharp, 1973, p. 466.

¹⁵² Pannella, Marco, ‘Weekly conversation with Massimo Bordin and Marco Pannella’, *Radio Radicale*, 16 June 2013, available at: <http://www.radioradicale.it/scheda/383411/conversazione-settimanale-di-massimo-bordin-con-marco-pannella> (last accessed on 17 June 2013). Own translation.

actionists, who are able to resist the repression inflicted without resorting to violence. In this regard, we repeat Gandhi's maxim that one individual suffices to effect revolutionary change.¹⁵³

Response mechanisms

To conclude a successful campaign of dialogue, method, tactics and strategies, the opponent needs to grant the requests made. A successful campaign may convince the opponent of the necessity to effect the requested changes through three different mechanisms: conversion, accommodation and nonviolent coercion.¹⁵⁴

Conversion takes place when the opponent changes point of view and is prepared to make the requested changes. In this process, not only the oppressed group, but also the opponent himself is liberated from the confines of his own system and brought closer to the truth.¹⁵⁵

Accommodation is the process by which the opponent decides to give in, not on the basis of a change in opinion, but because the mechanism of political jiu-jitsu has made it more opportune for him to do so.¹⁵⁶ Further postponement to give in might affect his power to the extent of nonviolent coercion.

Nonviolent coercion is provoked by the amount of damage inflicted on the power of the opponent by the methods of nonviolent action. The opponent is no longer able to resist the nonviolent movement because it has become too big to allow effective repression; because the social, economic and political structures no longer function; or because political jiu-jitsu has deprived him of the human resources needed to respond violently.¹⁵⁷

¹⁵³ Gandhi, 1973, p. 20.

¹⁵⁴ Soccio, 1985, p. 33.

¹⁵⁵ Soccio, 1985, p. 33.

¹⁵⁶ Soccio, 1985, p. 34.

¹⁵⁷ Soccio, 1985, pp. 34-35.

4. Conclusion

The theory of nonviolence is a comprehensive goal-oriented political theory comprising a metaphysical and methodological framework. It is framed in a culture of nonviolence, based on values of human dignity, freedom and truth.

In response to the limited distribution of power, nonviolence professes a particular theory of power, in which power is held by all individuals and groups in society, who can actively grant or withdraw their consent to the governor through varying levels of obedience. This theory of power is reflected in their objective of a permanent revolution in which freedom and rights are continuously acquired and affirmed. To effect such change and to battle injustice, a methodology of action, Satyagraha, is constructed in which the theory of consent and obedience is put into practice.

While the philosophy and objectives of nonviolence are hardly refutable in the quest for peace, the acquisition of its methodology lifts the theory to the level required for a true confrontation with the theory of violence. It thus provides political science with a valid and practical ethics, which can effectively be employed in the exercise of power and management of conflict.¹⁵⁸ On the basis of the nonviolent theory of power, the same methodology becomes available to the wide public, granting them an extremely empowering tool to wield.

However, not all nonviolent campaigns end in victory. The employment of its method is no guarantee for success, nor is it a safe means of struggle.¹⁵⁹

Nonetheless, many 'realist' authors, among whom Machiavelli, recognized the power of withdrawing obedience, collaboration and submission, acknowledging that, if continued over a certain amount of time, it could cause serious distress to the governors, if not

¹⁵⁸ Altieri, 2003, p. 85.

¹⁵⁹ Sharp, 1973, p. 454.

cause the end of their reign.¹⁶⁰ Hobbes feared this potential of nonviolence to the extent he started preaching blind submission to the governors.¹⁶¹

In fact, the culture of nonviolence stands in stark contrast to the world's current 'realist' paradigm of violence, where the ends justify the means, where power is held in the hands of few and violence is an acceptable response to crisis. The nonviolent culture confronts this paradigm by resolutely undermining the realist connotation of the culture of violence by stating that means and ends are mutually interchangeable, and that violence cannot but bring about more violence. As long as a culture of violence is maintained, peace remains a distant aspiration, continuously contrasted by the cultural and social mechanisms inducing us into the belief that while ideal, it is unattainable. Moreover, the role of the individual in contributing to *negative structural peace* is deemed minimal, if not inexistent.¹⁶²

Galtung is therefore correct in his assertion that peace studies require not just interdisciplinary dialogue between the traditional fields of international relations and security studies, but a radical start-over.¹⁶³ The proposal of a culture of nonviolence puts into question all generally accepted notions of power relations and its impact on human society,¹⁶⁴ empowering each and every individual to contribute to on a daily basis to *positive structural peace*, where *repression is replaced by freedom, exploitation by equity, penetration by dialogue, fragmentation by solidarity, and marginalization by participation.*¹⁶⁵

¹⁶⁰ Sharp, 1985, p. 82.

¹⁶¹ Sharp, 1985, p. 91.

¹⁶² Pace, 1988, p. 53.

¹⁶³ Galtung, 1996, p. vii.

¹⁶⁴ Pace, 1988, p. 52.

¹⁶⁵ Galtung, 1996, p. 32.

PART II: TOWARDS A CULTURE OF NONVIOLENCE

CHAPTER 1 – RIGHT TO PEACE

As stated in the introduction, in November 1984, the UNGA adopted the Declaration on the Rights of People to Peace¹⁶⁶, thereby expressing its conviction that the “*peoples of our planet have a sacred right to peace*”¹⁶⁷ and that States’ policies must be “*directed towards the elimination of the threat to war, particularly nuclear war, the renunciation of the use of force in international relations and the settlement of international disputes by peaceful means [...]*”¹⁶⁸.

On the basis of this Declaration, the HRC, in 2008, during its eight session, requested¹⁶⁹ the United Nations High Commissioner for Human Rights (High Commissioner) to convene a workshop on the right of peoples to peace. The report of the Office of the High Commissioner on the outcome of the expert workshop¹⁷⁰ was presented to the 14th session of the HRC, which requested¹⁷¹ the Advisory Committee in consultation with Member States, civil society, academia and all relevant stakeholders, to prepare a Draft Declaration on the right of peoples to peace. A drafting group, established by the Advisory Committee presented such Draft Declaration¹⁷² at the twentieth session of the HRC, which in turn established a Working Group with a mandate to progressively negotiate - in close cooperation with States, civil society and all relevant stakeholders - a draft UN declaration on the right to peace¹⁷³. This Working Group submitted a first progress report prior to the twenty-third session of the HRC, which took place from 27 May to 14 June 2013.¹⁷⁴

¹⁶⁶ UNGA, *Resolution 39/11 Declaration on the Right of People to Peace*, 1 November 1984.

¹⁶⁷ *Ivi*, para. 7.

¹⁶⁸ *Ivi*, para. 9.

¹⁶⁹ HRC, *Resolution 8/9 Promotion on the Right of Peoples to Peace*, 18 June 2008.

¹⁷⁰ Office of the High Commissioner, *Report of the Office of the High Commissioner on the outcome of the expert workshop on the right of peoples to peace*, 17 March 2010.

¹⁷¹ HRC, *Resolution 14/3 Promotion of the Right of Peoples to Peace*, 23 June 2010.

¹⁷² HRC, *Report of the Human Rights Council Advisory Committee on the Right of Peoples to Peace*, 16 April 2012.

¹⁷³ HRC, *Resolution 20/15 Promotion of the Right to Peace*, 17 July 2012.

¹⁷⁴ HRC, *Report of the Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace*, 26 April 2013.

The Draft Declaration presented by the Advisory Committee grants the Right to Peace to peoples as well as individuals, and is very broad in covering peace issues related to war: the prohibition of the threat or use of force; active engagement by States in the control of arms and the suppression of illegal arms trade; conscientious objection to military service; the right to demonstrate for peace; accountability of the military; and peacekeeping. But it goes beyond strictly war-related issues: the right to development; the right to a safe, clean and peaceful environment; the rights of victims; the right to resist and oppose oppressive colonial, foreign occupation or dictatorial domination; the right to comprehensive peace and human rights education.¹⁷⁵

From the brief overview of the main concepts presented in the Draft Declaration of the HRC Advisory Committee on the Right to Peace, we can witness the growth of awareness on defining peace within the international community as documented in the Chapter 1 of this thesis. Where it started out in 1984 with a mere negative physical violence approach to affirm the right to peace, passing to a culture of peace encompassing a much broader definition of violence including economic and ecological factors, it has (seemingly) completed the circle by proclaiming a decade of peace and its tool, non-violence.¹⁷⁶ In the terms of the definitions provided in Chapter 1: from mere negative peace to negative structural peace, culminating in a definition of positive structural peace. The aforementioned Advisory Committee continues on this path, in affirming “*Everyone has the right to demand and obtain the competences needed to participate in the creative and non-violent resolution of conflicts throughout their life*”¹⁷⁷.

Yet, such progress is far from acquired. Two important remarks must be made in this regard.

¹⁷⁵ Office of the High Commissioner, *The right to peace*, 4 April 2013, available at:

<http://www.ohchr.org/EN/NewsEvents/Pages/RightToPeace.aspx> (last accessed on 3 June 2013).

¹⁷⁶ UNGA, *Resolution 53/25 International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001–2010)*, 10 November 1998.

¹⁷⁷ HRC, *Report of the Human Rights Council Advisory Committee on the Right of Peoples to Peace*, 16 April 2012, Article 4 para. 2.

First of all, it is important to note that the current development of a comprehensive human right to peace is confronted with a deep divide within the international community. A clear indication of such disagreement is demonstrated by the last vote in this respect on HRC Resolution 20/15, where 34 countries voted in favour, the United States of America (USA) voted against, and the rest of the Western block abstained.¹⁷⁸ While the development of the right to peace is heavily supported by developing countries, it clearly lacks the support of the Western block. The High Commissioner noted in this respect: “*This diversity of views and positions is the distinctive sign that [the committee] has before it a hard road, a challenging yet enriching journey: the power of negotiating positive outcomes – that you [the committee] have shown many times in the past...*”¹⁷⁹.

This divergence in views becomes even more apparent through the reading of the Report of the Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace (Working Group Report), where a number of delegations directly oppose the negotiation of a stand-alone right to peace, and where others find it too broad in scope and content.¹⁸⁰ This opposition is directed in the first place against the definition of *peace* rather than with the acknowledgement of its importance. While we will examine the opposing arguments further down in considering particular themes, this first remark is paramount to understanding how the international community acts and reacts to crisis and conflict. Where certain countries, together with non-governmental organisations (NGO) and the Office of the High Commissioner have taken to a positive structural definition of peace¹⁸¹, intended as the *non-violent and creative transformation of structural conflicts*; others remain deeply embedded in a negative monolithic definition of peace¹⁸², where peace is the mere *absence or*

¹⁷⁸ HRC, *Resolution 20/15 Promotion of the Right to Peace*, 17 July 2012.

¹⁷⁹ High Commissioner, *Quote on The right to peace*, 4 April 2013, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/RightToPeace.aspx> (last accessed on 3 June 2013).

¹⁸⁰ HRC, *Report of the Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace*, 26 April 2013, paras. 21-25.

¹⁸¹ *Ivi.*, paras. 28, 34.

¹⁸² *Ivi.*, paras. 24, 37, 44.

reduction of violence of all kinds. The continued use of the term ‘non-violence’ can be understood as an indication thereof.

This lack of consensus brings us to the second remark. Where the previously mentioned Resolution for an *International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001–2010)* expressly underlined the existing link between positive peace and non-violent conflict resolution, little reference¹⁸³ can be found to such a creative and non-violent tool in the Draft Declaration on the Right to Peace. Moreover, where such tools are mentioned in the Working Group Report, they encounter great resistance from the same countries pertaining to a negative definition of peace.

The combination of a negative definition of peace, aimed at reducing or eradicating conflict all-together, and the firm belief that such can be obtained only through the use or threat of force as evidenced by the statements of those same countries¹⁸⁴, leads to a world order where a culture of violence prevails and peace efforts are merely directed towards the regulation of such use or threat of force. René Girard refers to such a paradigm as the *sacralisation of violence*: the idea that violence cannot be eradicated but merely regulated through the creation of ever-growing structures aimed at controlling it.¹⁸⁵ Such structures are currently represented by the monopoly of legitimate force in the hands of Nation-States and the United Nations Security Council.

However, as reality shows us, they are not capable of creating the desired outcome. Moreover, their paradigm reinforces certain violent civil, political and socio-economic structures through excessive military spending, concepts of military secrecy and the legitimization of war as a whole. While reducing the importance of conflict as a whole in society, the culture of violence professes violent means as the only tools capable of generating the power needed to disembody them.

¹⁸³ Specific references will be examined through the study of key enablers further down.

¹⁸⁴ HRC, *Report of the Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace*, 26 April 2013, paras. 37, 40, 44.

¹⁸⁵ Vattimo and Girard, 2010.

As we have seen in Part I, in recognising the importance of conflict, the theory of nonviolence radically breaks away from this paradigm on the basis of the interchangeability of ends and means, thereby proclaiming a much more truly realist paradigm in which it is recognised that violence can but create more violence, albeit not always the direct type of violence as regarded by those pertaining to a negative and non-structural definition of violence. Instead, a positive transformation tool is needed. The methodology of nonviolence provides such a tool.

At the opening session of the Working Group, on 18 February 2013, the Deputy High recalled that “*the work of the United Nations had the ultimate objective of creating a peaceful environment in which all people could fully enjoy their human rights and freedoms*”¹⁸⁶, thereby implicitly recognising that the existence and promotion of important concepts as human rights and democracy are an integral part of a peaceful environment, yet they do not by themselves create such an environment. Given the wish expressed by the Working Group’s Chairperson-Rapporteur, Christian Guillermet-Fernandez, to conduct its work “*within the encompassing principle of realism*”¹⁸⁷, it thus appears but natural to consider the possibilities of creating a culture of nonviolence to contribute to positive structural peace.

In defining the theory of nonviolence a number of issues impacting the concepts of democracy and human rights have been mentioned. Furthermore, the positive impact of nonviolent theory on both concepts appears to be evident and presupposed. It is most likely the reason for the relative underdevelopment of comprehensive study into their bonds, although such an effort has been undertaken under the auspices of the European Parliament in 2009¹⁸⁸. An aspect that has gained little attention so far concerns the realm of international relations. Nonetheless, not only does nonviolent theory contain the germs for a radical change in this field, but also due to the considerable role of

¹⁸⁶ HRC, *Report of the Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace*, 26 April 2013, para. 3.

¹⁸⁷ *Ivi.*, para. 14.

¹⁸⁸ European Parliament, *Nonviolent civic action in support of human rights and democracy*, May 2009.

international relations in defining paradigms and policies, it is an area that needs to be examined more profoundly.

While recognising the diplomatic limitations to effect a radical revolution from a culture of violence towards a culture of nonviolence, under each heading of Part II the practical implications of nonviolent theory will be further examined to identify *key enablers* for the application of nonviolence within the practice of the realms of democracy, human rights and international relations. As NGO representatives to the Working Group noted, “*peace is a cultural process that could progress even when a context of violence persisted*”¹⁸⁹. These key enablers represent such *small steps* towards a culture of nonviolence and positive structural peace, and will be exemplified through the contemporary examples of the Arab Spring; the 2003 War in Iraq; the recognition of same-sex marriage in France; the Occupy Wall Street movement; and the case of Israel.

It must be stressed that the link between the three realms, as well as the impact of nonviolent theory on them, is very strong. Therefore, enabling one will inevitably lead to the empowerment of the other, in a positive spiral of mutually inducing reinforcement.

At the end of each heading, the findings will be compared to the commitments expressed by the Working Group and the Advisory Committee to the HRC in their draft report and declaration on the right to peace so as to assess their contribution to a culture of nonviolence and positive structural peace.

¹⁸⁹ HRC, *Report of the Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace*, 26 April 2013, para. 28.

CHAPTER 2 - DEMOCRACY

The theory of nonviolence, while revolutionary in nature, does not profess a radical eradication of the power relations between governors and governed, which find their expression in the concept of modern Nation States. It approves of democracy as the most reliable form of government and recognizes the importance of traditional mechanisms of control as provided by the Constitution and the State institutions.¹⁹⁰

As highlighted, the practice of nonviolence completes the concept of democracy in adding a fourth, all encompassing, power to the traditional framework of checks and balances. This power of control is entrusted in the hands of every member of society and can, if wielded effectively, exercise enough pressure to ensure the respect for the rule of law by the governors, eradicate injustice and guarantee the freedoms and greatly contribute to the increased social and economic well being of every member of society.

By granting or withdrawing their consent through varying levels of obedience, the people can indicate their level of agreement with government policies and even with the government structure as a whole. This means that nonviolence has a strong intrinsic ability of awakening and empowering the citizens in returning power into their hands and by encouraging their active participation in everyday rule.

In addressing the issue of the weakest members of society, Gandhi asserts that the culture of violence confirms them in that position of weakness from which escape is only possible through the paternalistic action of the State.¹⁹¹ No true democracy can exist until such an equal distribution of possibilities in power relations is established. Only the instrument of nonviolence can effect such equitable distribution.

While the moral framework of the nonviolent theory excludes the employment of this tool for unjust purposes, a question of caution may be formulated. Would a malevolent

¹⁹⁰ Sharp, 1985, p. 96.

¹⁹¹ Gandhi, 1973, p. 140.

majority or minority be able to use the instruments of nonviolence for violent ends such as the establishment of autocratic rule?

The answer appears to be negative. First of all from a philosophical point of view: even without adhering to the ethics of nonviolence, using its tool to set up a structure of violence, would inherently make the instrument employed violent in itself on the basis of the mutual inter-changeability of means and ends. Secondly, from a mere practical point of view, the theory of nonviolence presupposes an opposition to power in the form of control through obedience. A malevolent majority would hardly need to exert opposition to install authoritarian rule, while it is highly unlikely that such a minority would be able to rally the popular support needed to successfully conclude such a campaign.

In fact, it has been argued in this regard that democracies amass the greatest concentration of power since the ‘sovereignty of the people’ implies a bundling of the governmental power-holders and opposition within one governing structure, while it undermines the relative weight of every individual member of ‘the people’.¹⁹² The presence of this phenomenon is especially strong in democracies with a proportional voting system.

This is why it does not suffice to return to the ballot box at the end of every legislature to exercise the power of nonviolent control. Henry David Thoreau, the 19th century author of ‘Civil Disobedience’ states: *One cannot further a just cause simply by expressing a just vote. A just minority conforming to the unjust laws of the majority is powerless.*¹⁹³ Rather, in the name of the ‘sovereign will of the people’ and ‘general interest’ such a minority grants the unjust majority exactly what it needs: consent through obedience.¹⁹⁴

¹⁹² Sharp, 1985, p. 98.

¹⁹³ Thoreau, 2010, p. 34.

¹⁹⁴ Muller, 2004, p. 143.

The traditional democratic mechanisms have historically not been able to ensure the governors' obedience to the rule of law and the increased concentration of power in democracies on the basis of the 'sovereignty of the people' harbour the potential of undermining the effectiveness of the traditional mechanisms of control as will be exemplified through the example of the British participation in the 2003 Iraq War. Furthermore, many democratic States are currently facing a severe crisis of diminishing interest and participation rates, thus creating a dangerous spiral of ever-increasing concentration of power in the hands of the elite.

We have thus briefly introduced some dangers inherent to democracy and how nonviolent control by the people may remedy this. Two quintessential enablers for effective nonviolent empowerment of the citizens can be identified: the presence of State-independent loci of power throughout society, and the free availability of information.

1. Loci of Power

From the very start of the transformation of the Italian fascist State into a democracy, Capitini strongly warranted against the impoverishment of popular participation in favour of ideals of governability and efficiency.¹⁹⁵

To allow effective contrast with concentrated power, a significant number of independent loci of power should be present and able to exercise control on the State's governing structure.¹⁹⁶ If the power amassed in society is diffused all throughout, the likelihood of efficient organisation and mobilisation of authentic opposition will increase, thus imposing limits to the power of the governor.¹⁹⁷ Decentralisation of power is essential to ensure the existence of such structures.¹⁹⁸

¹⁹⁵ Altieri, 2003, p. 10.

¹⁹⁶ Sharp, 1985, p. 96.

¹⁹⁷ Sharp, 1985, p. 101.

¹⁹⁸ Gandhi, 1973, p. 145.

The premise that the governors' power is entirely held by the individuals and groups present in a State society implies that by the withdrawal of their support the entire government structure can be overturned. Such actions are not just effective in democracies, but can and have been amply used under authoritarian regimes.¹⁹⁹ It is no coincidence that authoritarian rulers put extensive limits to the right of free association (and assembly). They are very much aware of the threat effective organisations may pose to their power position when moved by smouldering sentiments of discontent and injustice. This assertion has been clearly demonstrated by the revolutions in Egypt and Tunisia.

On December 17th, 2010, a young man by the name of Mohamed Bouazizi set himself on fire in Sidi Bouzid, a small town in Tunisia.²⁰⁰ His motive: to earn a living for his family and the arbitrary confiscation of his street cart by a Tunisian official. This seemingly isolated action by someone completely foreign to any sort of political activism²⁰¹ sparked the imagination of a whole generation of Tunisians, who subsequently toppled their dictator through 30 days of nonviolent protest. Their enthusiasm soon spread through the Arab world, in what we know today as the 'Arab Spring'. After the people in Tunisia, also the people of Egypt managed to rid themselves of their dictator without resorting to violence; and in countries such as Morocco, Jordan and Yemen changes²⁰² in the political spectrum were pushed through on the basis of popular pressure.²⁰³

¹⁹⁹ Sharp, 1985, p. 133.

²⁰⁰ De Soto, Hernando, *The real Mohamed Bouazizi*, 16 December 2011, available at http://www.foreignpolicy.com/articles/2011/12/16/the_real_mohamed_bouazizi, (last accessed on 1 December 2012).

²⁰¹ De Soto, Hernando, *The real Mohamed Bouazizi*, 16 December 2011, available at http://www.foreignpolicy.com/articles/2011/12/16/the_real_mohamed_bouazizi, (last accessed on 1 December 2012).

²⁰² However, impact and effects of such changes vary greatly and can certainly not to a full extent be regarded as full democratisation processes. In this sense: Ghali, Amine, Tunisian civil society activist, at E.Ma Roundtable on Transitional Justice, Venice, 14 November 2012.

²⁰³ United Kingdom Foreign and Commonwealth Office, *Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report*, April 2012, p. 12, available at <http://fcohrdreport.readandcomment.com/wp-content/uploads/2011/02/Cm-8339.pdf>, (last accessed on 1 December 2012).

Protesters all rallied over economic frustration, injustice and indignity, and later started to voice anger at the impunity of the security authorities and endemic corruption in ruling families and elites.²⁰⁴ The majority of the protesters were young people claiming their right to democracy, social and economic rights.

They thus strongly contrasted the long held assumption emanated in Samuel Huntington's historic 'Clash of Civilizations' that democracy would be reserved for the West.

*"While I was imprisoned [in Egypt, red.], a famous American political scientist by the name of Samuel Huntington wrote his essay 'The Clash of Civilizations', somehow concluding that the West would be the only civilization that is entitled, that deserves, that lives, and that will live in democracy. It saddened all democracy fighters like myself, 20 years ago, [...] When I see the recent developments, I feel we have vindicated Samuel Huntington!"*²⁰⁵, Professor Saad Eddin Ibrahim stated in February 2011 in reaction to the uprisings in the Arab world.

The practice of nonviolence not only enables the transformation of the structural conflict called authoritarianism into democracy, but also strongly contrasts the thesis that control by the people is a paradigm reserved to the West. It is universal in scope.²⁰⁶

However, immediately after the regimes had fallen, citizens encountered grave difficulties in asserting the power they amassed. In Egypt for example, the Egyptian Supreme Council of the Armed Forces only very reluctantly ceded power to the elected institutions. Furthermore, during the General Council of the Nonviolent Radical Party Transnational and Transparty (NRPTT) in Tunisia in July 2011, many of the protest leaders and opposition forces to the previous Ben Ali regime expressed their difficulties

²⁰⁴ *Ibid.*

²⁰⁵ Quote by Saad Eddin Ibrahim, professor of sociology at the American University in Cairo, at the 39th congress of the Nonviolent Radical Party Transnational and Transparty, Chianciano Terme, 18 February 2011.

²⁰⁶ Mancini, 2004, p. 18.

in organising their political movements in the short period of time allotted before the general elections. In fact, the registration of political parties for the upcoming elections were in full course, and in a matter of time not less than one hundred were registered, resulting in a hugely divided opposition to the dominant position of the Muslim Brotherhood.

This partly explains the electoral victories of the Muslim Brotherhood in both Tunisia and Egypt. While Islamic authorities and political parties refrained from joining the protesters until the end of the regimes were in clear sight²⁰⁷, after the regime change their influence on the course of the transition process soon augmented. Indeed, in both elections held in Egypt and Tunisia the Muslim Brotherhood secured a victory.

There are many reasons explaining the victory of Islamist parties in the recent elections, mainly linked to the failure of the former ‘secular’²⁰⁸ regimes, which failed to meet the people’s aspirations for socioeconomic change²⁰⁹ and progress and were very often responsible for violating human rights and negating the people’s political rights, while heavily sustained by Western powers²¹⁰. The Muslim Brotherhood, having been excluded and oppressed by the previous regimes²¹¹, thus formed a credible force of opposition for the population that suffered under those regimes.

Nonetheless, an important third factor must be added: the social and economic role the Muslim Brotherhood played during the previous regimes, supporting and filling the gaps of the insufficient government policies.²¹² The boards of all main professional syndicates in Egypt, for example, have since long been populated mainly by Muslim

²⁰⁷ Mekhennet, Souad & Kulish, Nicholas, With Muslim Brotherhood set to join Egypt protests, religion’s role may grow, in *The New York Times Global Edition*, 27 January 2011, available at http://www.nytimes.com/2011/01/28/world/middleeast/28alexandria.html?_r=0, (last accessed on 1 December 2012).

²⁰⁸ Sayf, 1998, p. 76.

²⁰⁹ Abootalebi, 2000, p. 124.

²¹⁰ Sayf, 1998, p. 70.

²¹¹ Ibrahim, 2002, p. 4 and p. 14.

²¹² Barah, Mikail, *Religion and Politics in Arab Transition*, FRIDE Policy Brief N° 116, February 2012, p. 2, available at http://www.iris-france.org/docs/kfm_docs/docs/observatoire-religieux/2012-03-religion-and-politics-in-arab-transitions.pdf (last accessed on 24 November 2012).

Brothers.²¹³ These loci of power held by the Muslim Brothers provide strong social positions to gain momentum and support among the population. A position and organisation other political forces have not been able to attain under the regime.

With the Muslim Brotherhood in majority, the lack of other loci of power strongly diminishes the opposition that can be generated effectively. While the resistance against the previous regimes had been growing strong over a long period of time and managed to unite a great majority of the population, the subsequent institutional transition has partly broken this unity and exposed its lack of underlying organisation, making a coherent control of power difficult to achieve. Without going into detail on the Muslim Brotherhood's policies and their tentative concentration of power, these recent developments indicate the importance of a widely diffused power over the whole of society. The mere removal of an authoritarian regime and the installation of democratic institutions do not amount to political freedom. Mechanisms must be available to ensure that freedom can be obtained and maintained.²¹⁴ Sharp asserts that when a locus of power is weakened or destroyed, the power it held always returns to the hands of the governor unless immediate re-equilibration is provided through the creation of another locus.²¹⁵

However, as we have seen before, not only prohibitions of association may weaken the presence of such loci. When too many parts of society become in some way or another intrinsically linked to the governing structure, incentives to oppose that structure when acting outside the rule of law become small. Possibly counter-intuitively, this is the case especially in highly industrialised and democratic States where the high living standards and material advantages of welfare and subsidising mechanisms strongly discourage the withdrawal of consent.²¹⁶ A blatant example in Western European States of such a strong bond between political institutions and traditional 'civil society' organisations is the one conceived between political parties and trade unions.

²¹³ Ibrahim, 2002, p. 255.

²¹⁴ Sharp, 1985, p. 114.

²¹⁵ Sharp, 1985, pp. 101-102.

²¹⁶ Sharp, 1985, pp. 64-70.

2. Right to Truth

More often than not, citizens are not aware of their power in enforcing respect for the rule of law and justice by the government. The reason is dual: one involves a certain level of ignorance and naivety reinforced by the official education system embedded in the theory of violence; but more importantly it is in the governors' interest to keep it as such or even induce it.²¹⁷ While authoritarian rulers may clearly benefit from the disinformation of their public opinion, in the name of governability, efficiency, and most importantly State secrecy, democracies draw even more benefit. While the authoritarian rule has strong repressive mechanisms at its disposal, the democratic State cannot as easily employ such means. Therefore, secrecy, disinformation and the atmosphere of fear they generate are key ingredients of common State practice. The instalment of fear has far-reaching consequences on the attitude and behaviour of the citizens, who will more readily accept and even request a greater concentration of power in the hands of the governor in return for a sense of security.²¹⁸

While considerable attention has been paid over the last decade to the role of secrecy and disinformation in authoritarian States and the role these instruments have played in the grave violations of human rights and disappearances in such regimes, culminating in the recent adoption of a Resolution on the Right to Truth by the HRC; little to no attention has been given to the role of these instruments in democracies. However, the level of disinformation to which the public opinion was subdued during the months leading up to the 2003 invasion of Iraq by the 'Coalition of the Willing', demonstrates how this tool has considerable effects on the control exercised by public opinion and the institutions of Constitutional control.

An expansive study by the NRPTT demonstrates how Italy participated in the Iraq War contrary to a resolution adopted by its own Parliament, instructing the government to pursue a nonviolent end to the conflict by allowing Saddam Hussein to retreat in exile; a

²¹⁷ Sharp, 1985, p. 91.

²¹⁸ Sharp, 1973, p. 784.

proposal conditionally accepted by Hussein, but not pursued due to the successful intervention of Colonel Gaddafi on insistence by then Prime Minister Silvio Berlusconi, after solicitation by Tony Blair and George W. Bush.²¹⁹ Up until today, the general public remains unaware of such proposal and the Italian Parliament itself, while constitutionally held to control the actions of its government, has not pursued any form of recourse.

Then British Prime Minister Tony Blair and part of his Ministerial Cabinet radically ignored the strong protests and negative public opinion within the United Kingdom to wage war. To do so, Blair overruled the Cabinets' operating rules and retreated instead with a handful of trustees to decide on the fate of an entire nation. When the time came to seek the approval of the House of Commons in accordance with Constitutional procedures, then Foreign Secretary Jack Straw presented the report by UNMOVIC Head Inspector Hans Blix, who had stated that Iraq had assumed a cooperative attitude and requested more time. A conservative Member of the House, Peter Lilley has on his own accord reported on this episode to the Chilcot Inquiry Committee, set up to investigate the decision of the United Kingdom's participation to the war. Among other things he observed that *during his presentation, Foreign Secretary Straw explicitly stated that traces of anthrax had been uncovered during the UNMOVIC mission. The House was then granted a limited amount of time to decide on a Declaration of War. In the House Library only a limited number of copies of the unpublished 173 page long document was available, condemning Members to rely entirely on the faulty assertions of the Government and the Joint Intelligence Committee.*²²⁰ If the privileged Members of the Constitutional institutions were condemned to rely entirely on the government's assertions, the general public was even more so.

²¹⁹ NRPTT, *How and when President Bush chose war to prevent Saddam from going into exile*, available at: http://bushblairagainstsurrepeacewagedwariniraqpreventingexiletosaddam.org/sites/default/files/long_history_ENG.pdf (last accessed on 6 June 2013).

²²⁰ NRPTT, *Evidence by Peter Lilley MP to the Iraq Inquiry*, available at: <http://bushblairagainstsurrepeacewagedwariniraqpreventingexiletosaddam.org/content/evidence-peter-lilley-mp-iraq-inquiry> (last accessed on 6 June 2013).

While the world at large is now aware of the lies spread surrounding the presence of weapons of mass destruction, many parts of the lead-up to the war remain hidden. In fact, the Chilcot Inquiry has up until to day not been able to present its report due to restrictions on the publication of certain information imposed by the government. This directly affects the accountability tools available to the people. In the name of security and military secrecy, a paradigm strongly reinforced by the ‘War on Terrorism’, power is concentrated ever more, and effective control or opposition becomes practically impossible.

3. Lessons learned

When considering State institutions in the current paradigm, some lessons can be drawn from these examples and their background. In aiming at ‘installing’ democracy, particular attention needs to be paid to the issues discussed. While their presence is a strong enabler for popular control of power, their absence undermines the very existence of democracy notwithstanding its formal institutions.

A formal Constitution and democratic institutions aside, to avert the road leading to tyranny, the effective control of and opposition to political power presupposes a strong distribution of power over society.²²¹ This presents a specific challenge to countries in transition to democracy, but is not to be taken for granted in established democracies where the preservation of the constitutional system is continuously at stake.²²² The panel discussion on common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective, and lessons learned and best practices in the engagement of the State with the international community to support such processes, held at the 23rd session of the HRC, noted that securing democracy is indeed a continuous exercise, both in settled and transitional democracies. The panel highlights the importance of including empowerment opportunities for all,

²²¹ Sharp, 1985, p. 117.

²²² Sharp, 1973, p. 800.

participation and a rich public debate as key to the protection of the rule of law and human rights.²²³

Nonviolent theory and practice inherently possess the needed capacity of power distribution, increasing the potential for popular control and thus for more freedom and democracy.

The Draft Declaration of the Advisory Committee to the HRC on the right to peace recognises the right of “*all peoples and individuals to resist and oppose oppressive colonial, foreign or dictatorial domination (domestic oppression)*”²²⁴, but does not mention any specification as to the tool to be used to resist and oppose such oppression. This article has met great resistance within the Working Group, where the majority of delegations straightforwardly opposed the inclusion of such a right, while a minority proposed to rephrase the article in a more positive manner, including the use of non-violent means.²²⁵ No reference to loci of power is made.

The example of the Iraq War painstakingly demonstrates how (deliberate) disinformation can have devastating effects on the effective control of power, also in democracies. As Lord Owen, Member of the House of Lords, recently stated: “*If lies are allowed to become the currency of political debate on the floor of the House of Commons then our democracy is gravely endangered.*”²²⁶

²²³ HRC, *Concept Note: Panel discussion on common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective, and lessons learned and best practices in the engagement of the State with the international community to support such processes*, 11 June 2013, p. 2.

²²⁴ HRC, *Report of the Human Rights Council Advisory Committee on the Right of Peoples to Peace*, 16 April 2012, p. 6, para.1.

²²⁵ HRC, *Report of the Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace*, 26 April 2013, paras. 60-61.

²²⁶ Owen, David, *Are Blair and Cameron subverting the Chilcot Inquiry into Iraq?*, 1 June 2013, available at: <http://www.opendemocracy.net/ourkingdom/david-owen/are-blair-and-cameron-subverting-chilcot-inquiry-into-iraq> (last accessed on 6 June 2013).

The theory of nonviolence clearly refutes the idea that violence can be eradicated by violence, and does thus not reserve a role for secrecy in the name of such an erred paradigm. The importance of truth and openness in the nonviolent philosophy and methodology has been highlighted previously. Its use in action may furthermore have long-term consequences in creating an atmosphere of open expression and policies instead of the violent atmosphere of secrecy, distrust and fear.²²⁷

Within the Draft Declaration of the Advisory Committee to the HRC on the right to peace, no specific references are made to democracy, except in relation to military budget oversight, which will be seen under the chapter of international relations. Aside from the reference to resistance to oppression, a second important reference regarding the issues under this heading regards the right to *“have access to and receive information from diverse sources without censorship, in accordance with international human rights law, in order to be protected from manipulation in favour of warlike or aggressive objectives. War propaganda should be prohibited.”*²²⁸ Such a right, if effectively implemented and not necessarily purely linked to warlike or aggressive objectives, might contribute significantly to the ability of control by the individual citizen.

However, within the Working Group reviewing the Draft Declaration, voices were raised to maintain that the right to access information without censorship cannot be an absolute right, and that limitations are legitimate in certain cases.²²⁹ As demonstrated, such limitations do not only protect military secrecy, but also have the power to undermine the effective control by democratic institutions and the citizens as a whole. Again, in the name of (human) security, the culture of violence deems the use and threat of force a legitimate means to obtain peace, even when such a structure presupposes the violation of basic democratic principles. It is exactly this kind of contradiction the

²²⁷ Sharp, 1985, p. 492.

²²⁸ HRC, *Report of the Human Rights Council Advisory Committee on the Right of Peoples to Peace*, 16 April 2012, p. 5, para. 3.

²²⁹ HRC, *Report of the Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace*, 26 April 2013, para. 52.

theory of nonviolence contrasts with. It clearly refutes the idea that violence can be eradicated by violence, and does thus not reserve a role for secrecy in the name of such an erred paradigm. The importance of truth and openness in the nonviolent philosophy and methodology has been highlighted previously. Its use in action may furthermore have long-term consequences in creating an atmosphere of open expression and policies instead of the violent atmosphere of secrecy, distrust and fear²³⁰, thereby greatly contributing to authentic democracy.

²³⁰ Sharp, 1985, p. 492.

CHAPTER 3 - HUMAN RIGHTS

As has been highlighted in the conclusion to Part I, a culture of nonviolence aims to bring about a radical paradigm shift in which all political, social and economic structures of violence become a thing of the past. To do so, it appeals to all individuals to engage in a continuous effort of acquisition, confirmation and reiteration of freedom and human rights. Such affirmation of human rights is not limited to political rights and authentic popular democracy. Those have but a role to play in the bigger scheme of acquiring and affirming civil, social, economic and cultural rights.

In responsabilising the individual for the affirmation of their rights, such become no longer mere rights to be expected in hand-outs by the governors as such would run counter to the objective of minimising power concentration and diminish the possibility of successful intervention when that concentrated power refuses to grant them. Moreover, as Gandhi puts it: *“When everybody merely revendicates their rights, who is in the position to grant them?”*²³¹ This assertion is intrinsically linked to the need for power decentralisation to allow for effective control and enjoyment of rights, and as such implies a shift away from the State as the prime duty holder for the enjoyment of rights.

Personal rights thus come with personal duties, not only to respect the rights of others, but moreover to acquire and maintain one’s own rights through nonviolent means in the face of the continuous conflicts faced in human society. It is in this regard that Gandhi’s emphasis²³² on the importance of nonviolent education must be understood, so as to effectively empower each and every rights-holder to assure those rights.

However, while an abuse of the praxis of nonviolence counter to its objectives appeared highly unlikely under the heading Democracy, such a probability becomes much higher in the overall field of human rights. Although most documented nonviolent campaigns

²³¹ Gandhi, 1973, p. 45.

²³² Gandhi, 1973, pp. 193-197.

have regarded their progressive development, historic counter-examples are available²³³ and have been confirmed by the recent resistance in many countries to the acquisition of ‘new rights’ with strong ethical dimensions, such as same-sex marriage, euthanasia and abortion.

While from a philosophical point of view, one may hold that in the use of nonviolent instruments for the promotion of oppressive or violent goals such as the negation of another’s rights, the instrument itself becomes violent due to the inter-changeability of means and ends. However, when professing a popular tool directed at creating positive structural peace, we cannot merely content ourselves with philosophic logic.

Nonviolence is no synonym to human rights, as it is not to peace. It is a philosophy and tool leading to their fulfilment. While the philosophy of nonviolence is respectful of human rights and the logic described above thus holds, we have seen that several authors do not feel the need for adhering to its philosophy. However, when promoting or professing a culture of nonviolence, it is adamant to recognize the importance of human rights within its framework, rather than merely promoting its methodology as a useful stand-alone practice.

In the following two examples we will briefly examine the consequences of these two remarks through two recent popular protest movements, one in the field of civil rights, the other in the field of social and economic rights, thus identifying human rights and education as key enablers.

²³³ Sharp, 1985, p. 137.

1. Human Rights

On 18 May 2013 France officially became the fourteenth country in the world to allow same-sex marriage²³⁴, through a modification of article 143 of the Civil Code into “*Le mariage est contracté entre deux personnes de sexe différent ou de même sexe*”²³⁵. Ten days later, as the law entered into force, the first same-sex marriage was celebrated in Montpellier.²³⁶

This successful reform was part of the campaign promises by President Hollande who, in accordance with our theory, affirmed, “*Freedom is not permanent, it is not granted once and for all. There are new right to be conquered. It is part of the debate, and sometimes struggle, in the Republic. Just how far can we go in the accomplishment of freedom?*”²³⁷ The truthfulness of his quote was proved correct by the long and thorough opposition against the reform within the legislative institutions, and the large protests it encountered outside Parliament.

Popular protests initiated in August 2012 after a Cardinal André Vingt-Trois called upon the faith communities to pray for the right of children to benefit from a loving family with parents of both sexes. On 23 October 2012, happenings against the possibility of gay adoption – an unconfirmed corollary of the original reform proposal - were organised in over 75 French cities.

The first “*Manifestation for all*” against marriage for all was held on November 17, and followed by four more over the course of the months preceding the official promulgation of the law. Similarly, two mass counter-manifestations, favouring the

²³⁴ Le Monde, *La loi sur le mariage homosexuel officiellement promulguée*, 18 May 2013, available at: http://abonnes.lemonde.fr/politique/article/2013/05/17/le-mariage-homosexuel-valide-par-le-conseil-constitutionnel_3295614_823448.html (last accessed on 7 June 2013).

²³⁵ Journal Officiel de la République Française, *Loi no 2013-404 du 17 mai 2013 ouvrant le mariage aux couples de personnes de même sexe (1)*, 18 May 2013.

²³⁶ Le Monde, *Un premier mariage homosexuel s'annonce à Montpellier le 29 mai*, 18 May 2013, available at: http://abonnes.lemonde.fr/societe/article/2013/05/18/un-premier-mariage-gay-s-annonce-a-montpellier-le-29-mai_3316784_3224.html (last accessed on 7 June 2013).

²³⁷ Revault d'Allonnes, David, ‘M. Hollande, la Résistance et le sens des mots’, *Le Monde*, 29 May 2013.

reform were held. Overall, minor isolated incidents aside, both sides respected the rules regarding peaceful protest. In January 2013, 115 Members of Parliament requested to put the issue on referendum, a request not followed through after deemed unconstitutional.²³⁸

However, the official promulgation of the law has not ended the resistance. While Cardinal Bagnasco, President of the Italian Episcopal Conference, sent a letter to the French government in which he strongly condemns the adoption of the law²³⁹, another popular manifestation against the law was held on 26 May 2013.²⁴⁰

Moreover, notwithstanding severe sanctions foreseen by the law²⁴¹, several mayors have confirmed their announcement made in November 2012²⁴², to proclaim themselves conscious objectors, thus refusing the fulfilment of the right to same-sex couples in their communities.

Furthermore, opinion polls demonstrate how the general acceptance rate regarding same-sex couples has diminished significantly since the adoption of the law, while opposition to the reform has grown proportionally²⁴³, most likely due to the strong evocation of public opinion during the legislative deliberations.

²³⁸ Le Monde, *Le "mariage pour tous", de la promesse à la loi*, 17 May 2013, available at: http://abonnes.lemonde.fr/societe/visuel/2013/04/23/mariage-pour-tous-chronologie-du-debat-depuis-la-promesse-du-candidat-hollande_3164832_3224.html (last accessed on 7 June 2013).

²³⁹ Ridet, Philippe, 'Pacs à l'italienne', *Le Monde*, 4 June 2013.

²⁴⁰ Parienté, Jonathan, "'Manif pour tous' : l'écart toujours plus grand entre les comptages de la police et des organisateurs', *Le Monde*, 27 May 2013, available at: http://abonnes.lemonde.fr/societe/article/2013/05/27/manif-pour-tous-l-ecart-toujours-plus-grand-entre-les-comptages-de-la-police-et-des-organisateur_3418098_3224.html?xtmc=mariage&xtcr=124 (last accessed on 7 June 2013).

²⁴¹ Nunès, Eric, 'Des maires opposés mariage gay ne se mettront pas dans l'illégalité', *Le Monde*, 27 May 2013, available at: http://abonnes.lemonde.fr/politique/article/2013/05/27/des-maires-continuent-de-s-opposer-mais-ne-se-mettront-pas-dans-l-illegalite_3417964_823448.html?xtmc=mariage&xtcr=129 (last accessed on 7 June 2013).

²⁴² Le Monde, *Le "mariage pour tous", de la promesse à la loi*, 17 May 2013, available at: http://abonnes.lemonde.fr/societe/visuel/2013/04/23/mariage-pour-tous-chronologie-du-debat-depuis-la-promesse-du-candidat-hollande_3164832_3224.html (last accessed on 7 June 2013).

²⁴³ Parienté, Jonathan & Pouchard, Alexandre, 'L'homosexualité est aujourd'hui moins acceptée qu'en 2007 en France', *Le Monde*, 6 June 2013, available at: http://abonnes.lemonde.fr/societe/article/2013/06/06/l-homosexualite-est-aujourd-hui-moins-acceptee-qu-en-2007-en-france_3424577_3224.html?xtmc=mariage&xtcr=11 (last accessed on 7 June 2013).

Throughout this brief chronology, we can see how several forms of nonviolent action have been used: peaceful protest, mobilising public opinion and conscious objection. It must be stressed in this respect that the use of nonviolent means cannot and should of course never be limited to the promotion of ‘acceptable’ goals, as such would run counter to the very core of the theory. On this note, we might also question the sanctions possibly to be imposed on conscious objectors. However, it has become clear that nonviolent methods can be used just as well for the negation of rights and human dignity as it can be for their promotion.

Although this particular reform in favour of the advancement of human rights has successfully passed, such may not be the case every time. Furthermore, continuation of popular protest after a change in government make the regression of previously acquired rights a permanent threat, while massive acts of civil disobedience – as demonstrated in the intentions of some mayors – may make the effective exercise of human rights near to impossible. This confirms the thesis put forward by the nonviolent theory that human rights need to be reaffirmed time and time again.

2. Education

While usually under-stressed, nonviolent practice can be as effective in the affirmation of social and economic rights as it is in the field of civil and political rights²⁴⁴, and it is of particular importance in addressing structural violence by non-governmental economic actors. Unions have since long discovered this. As we have seen, the accumulation in power concentration due to the increasing linkage between the economy and (global) State power makes the economy a very strong structure affecting us all, and very much capable of afflicting violence.

Secondly, many States prove reluctant in granting to much importance to social and economic rights, especially those appertaining to the Western block. In fact, the concept of structural violence, including economic structural violence, was a strong motivation

²⁴⁴ Sharp, 1973, pp. 781-782.

for those countries to abstain en masse from supporting the HRC Resolution on the Right to Peace as it calls into question their economic hegemony.

While traditionally the economy was kept relatively outside of State power, over the past century the two have been practically unified. This has important consequences on social structures, and the economy as a concept. From a tool in the hands of the people, to serve the people, it has become a tool to confirm a State's status as a world power.²⁴⁵ The narrative behind this theory, embedded in the culture of violence, makes believe that the affirmation of a State's power on the world scene will allow it to remain free in acting in the best interest of its citizens. It seems obvious that such a narrative is inherently flawed, in the sense that a 'State' as such does not have interests and wants²⁴⁶, its people do. Inflicting violence on the people by refraining them from effective control on the economy is thus not serving any interest.²⁴⁷

Most likely due to this un-transparent concentration of power, the public has been less effective in using nonviolence in this area than it has in the area of civil and political rights. A clear example is the relatively small power the Occupy Wall Street movement managed to generate notwithstanding its extreme rapid expansion and inspired following all over the world.

Protests initiated rather spontaneously in October 2011, when a number of protesters set up their tents in Zuccotti Park, next to Wall Street New York, to demonstrate their frustration over economic policies and the concentration of economic power in the hand of few, the '1%-ers'. While this terminology may now be part of common speech, it

²⁴⁵ S.M., *The austerity debate: Now and later*, The Economist, 15 May 2013, available at: <http://www.economist.com/blogs/democracyinamerica/2013/05/austerity-debate> (last accessed on 7 June 2013).

²⁴⁶ Galtung, 1996, p. 71.

²⁴⁷ Theory of nonviolence proposes a third middle-way, in which the economy is based on a spirit of voluntary solidarity in full respect of the environment. Gandhi's constructive programmes were designed to induce such a spirit, which combines aspects of both capitalism and communism.

took the movement a considerable amount of time to come up with it and communicate it efficiently to the outside world.²⁴⁸

Initially public opinion in the country was sympathetic to the movement, but such support watered down fast.²⁴⁹ This is all the more remarkable when we consider that the core of their frustration crosscut the large divide between the traditional left and right wings of the public political spectrum, uniting the message of the Occupy Movement to that of the Movement for Liberty, led by two-time Presidential Candidate Ron Paul.²⁵⁰ However, due to its inability to formulate precise demands and proposals, such an advantage was quickly lost.²⁵¹

As we have seen, one of the pragmatic precepts to effect mobilisation and change consists of the precise formulation of grieves and demands addressed to a pivot point capable of changing policy in the direction requested.²⁵² While the “99% versus 1%” may be a catchy slogan and be picked up with fair ease, it does not indicate *how* change can be commenced. The ambiguity of their message thus left the door wide open for the political and economic opposition to their movement to accuse them of wanting to destroy capitalism and install a socialist regime.²⁵³ An image the American opinion is, as a remnant of the Cold War, still particularly susceptible to.²⁵⁴

²⁴⁸ The Economist online, *Occupy Wall Street: A day in the park*, 22 October 2011, available at: <http://www.economist.com/blogs/democracyinamerica/2011/10/occupy-wall-street-4> (last accessed on 7 June 2013).

²⁴⁹ W.W., ‘Occupy Wall Street: The bloom is fading’, *The Economist*, 7 November 2011, available at: <http://www.economist.com/blogs/democracyinamerica/2011/11/occupy-wall-street> (last accessed on 7 June 2013).

²⁵⁰ The Economist, *The transience of power: The powerful do not stay that way for long*, 16 March 2013, available at: <http://www.economist.com/news/business/21573522-powerful-do-not-stay-way-long-transience-power> (last accessed on 7 June 2013).

²⁵¹ M.S., ‘Occupy Wall Street: Stepping out, not sure where you're going yet’, *The Economist*, 4 October 2011, available at: <http://www.economist.com/blogs/democracyinamerica/2011/10/occupy-wall-street> (last accessed on 7 June 2013).

²⁵² Gandhi, 1973, p. 119.

²⁵³ The Economist, *Letter by Brendan Burke, Head of de-escalation security Occupy Wall Street*, 5 November 2011, available at: <http://www.economist.com/node/21536537> (last accessed on 7 June 2013).

²⁵⁴ The Economist, *Letter by Jorge Mendez*, 29 October 2011, available at: <http://www.economist.com/node/21534742> (last accessed on 7 June 2013).

Due to the lack of leadership and consensus within the movement, it was not able to remedy this.²⁵⁵ Furthermore, this limited the grasp of the original protesters, which had professed non-violence, on the quickly erupting side-movements sprouting up everywhere, resulting in – be it limited - episodes of violence.²⁵⁶ However limited, such episodes further reinforced the negative image opposition to the movement looked to portray in the media.

In the end, Occupy Wall Street has not been able to bring about any reform²⁵⁷, and initial proposals aiming at decoupling, such as cooperative banks, have not been followed through.

Such failure is not just unfortunate to their cause but may also severely damage the cause of nonviolence in the sense that it discourages the general public from seeing it as a truly empowering and change-efficient tool.²⁵⁸ At a time when the financial crisis is causing severe regression from social and economic rights in many States, this is all the more a missed opportunity as it reinforces the sentiment of powerlessness the already strongly discouraged public is being subjected to. It is in this sense that Gandhi's emphasis on the need for comprehensive education into the theory and practice of nonviolence is quintessential.

²⁵⁵ The Economist, *Occupy Wall Street and the media: Talking about a revolution*, 7 April 2012, available at: <http://www.economist.com/node/21552179> (last accessed on 7 June 2013).

²⁵⁶ W.W., 'Occupy Wall Street: The bloom is fading', *The Economist*, 7 November 2011, available at: <http://www.economist.com/blogs/democracyinamerica/2011/11/occupy-wall-street> (last accessed on 7 June 2013).

²⁵⁷ The Economist, *Occupy Wall Street: Afterthoughts - One year on, what has been achieved?*, 22 September 2012, available at: <http://www.economist.com/node/21563341> (last accessed on 7 June 2013).

²⁵⁸ Sharp, 1973, pp. 798-799.

3. Lessons learned

As evidenced, the mere practical employment of nonviolent techniques does not automatically imply the advancement of human rights through popular movements.²⁵⁹ While it is yet to be preferred over the use of violence to achieve the same goal, this puts into perspective the thesis of theorists who hold that a belief in its values is not fundamental to its praxis. While such may be true in assessing its purely power generating characteristics, it no longer holds when aspiring to the creation of structural positive peace. It seems inevitable that a comprehensive theory of nonviolence must embed the creed of human rights in its culture.²⁶⁰

This gives a clear indication as to what role the UN human rights system could play. Although Capitini warranted the emergence of ‘mondialism’ in the field of human rights – an understandable point of view in relation to the dangers of concentrated power -, the role assumed by the UN may prove of extreme importance. The UN itself may due to its current structure not be able to make great advancing steps in the affirmation of ‘new rights’, but it may play a safeguarding role against possibilities of regression from established rights under popular nonviolent pressure.

It must be noted in this respect that when doing so, nonviolent theory does not allow for a hierarchical structure of human rights, and puts all violent structures on the same level, be it with regard to civil and political rights and social, economic and cultural rights, be it with regard to individual and group rights, thereby answering positively to the recurring complaints made by ‘the South’ on the emphasis put by ‘the West’ on certain rights and human rights frameworks. The Draft Declaration on the Right to Peace contains two ample articles regarding the Right to Development and Environment²⁶¹, two cultures largely overlooked within the existing practice of the international paradigm, notwithstanding their progressive codification at the UN level.

²⁵⁹ Sharp, 1985, p. 133.

²⁶⁰ Kant, 2004, pp. 140-141.

²⁶¹ HRC, 16 April 2012, *Report of the Human Rights Council Advisory Committee on the Right of Peoples to Peace*, p. 7.

Not surprisingly then, these articles are met with the same divide mentioned at the introduction to the Draft Declaration, and while recognised by some as intrinsically linked with the concept of peace, others find its inclusion redundant within the present framework.²⁶²

As we have witnessed from the failure of the Occupy Wall Street movement to harness its potential, education into the praxis of nonviolence is key to empowering the people in establishing effective control over all societal structures. Events around the world, from the Occupy Wall Street movement, to the currently on-going protests in Brazil and Turkey demonstrate that awareness concerning human rights is growing and people are increasingly engaged in their revendication. UN programs in this respect appear to bear the awakening fruits they have sown. However, protesters often lack the effective tools to positively transform the conflict for human rights they are engaged in. And, while UNESCO – guided by the commitment expresses in its Charter²⁶³ and as bearer of the responsibility to educate the Children of the World on nonviolence, as reaffirmed by the UNGA Resolution on the decade of peace and nonviolence²⁶⁴ - has set up programs for the education of a culture of peace and non-violence, concrete results in this respect have to be awaited.

The Advisory Committee to the HRC on the right to peace strongly commits itself to the promotion of a positive right to peace with regard to peace education²⁶⁵ and stresses that all peoples and individuals have a right to comprehensive peace and human rights education.²⁶⁶ Unfortunately, paragraph two to the same article does not grant the same comprehensive right to education in nonviolent conflict resolution. Rather, it states: *“Everyone has the right to demand and obtain the competences needed to participate in*

²⁶² HRC, *Report of the Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace*, 26 April 2013, pp. 12-13.

²⁶³ “*Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed.*”

²⁶⁴ UNGA, *Resolution 61/45 International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010*, 4 December 2006.

²⁶⁵ HRC, 16 April 2012, *Report of the Human Rights Council Advisory Committee on the Right of Peoples to Peace*, p. 2, para.7.

²⁶⁶ *Ivi.*, article 4, para. 1.

*the creative and non-violent resolution of conflict throughout their life. These competences should be available through formal and informal education.”*²⁶⁷

This raises some issues; while it stresses within the same paragraph that “*education and socialization for peace is a condition sine qua non for unlearning war and building identities disentangled from violence*”, - a premise we can agree to – and thus appears to acknowledge the importance of education in nonviolence, it leaves it open to ‘everyone’ to ‘demand and obtain’. As we have seen, the theory and practice of nonviolence is largely unknown to the public, which makes such demands highly unlikely. It is exactly the education of its principles and history, which could ‘disentangle’ people from the culture they are embedded in. The undertaking asked from States to “*increase educational efforts in removing hate messages, distortion, prejudice and negative bias from textbooks and other educational media, to prohibit the glorification of violence and its justifications, and to ensure the basic knowledge and understanding of the world’s main cultures, civilisations and religion and to prevent xenophobia*”²⁶⁸ misses an important opportunity to include another reference to the culture and theory of nonviolence.

The Draft Declaration goes on to grant the right to participate freely in peaceful political, social and cultural initiatives²⁶⁹ and, while the States are the prime duty-holders of the Draft Declaration, encourages the active engagement of all individuals and civil society actors in the promotion and respect of the right to peace.²⁷⁰ An engagement reiterated in the Working Group Report.²⁷¹ This is again in strong contrast with the discussed article on education of non-violence, where the initial responsibility is laid entirely in the hands of the individual. And while nonviolence is a theory of personal responsibility and duty, enabling empowerment cannot always come from the

²⁶⁷ HRC, 16 April 2012, *Report of the Human Rights Council Advisory Committee on the Right of Peoples to Peace*, article 4, para. 2.

²⁶⁸ *Ivi.*, article 4, para. 5(a).

²⁶⁹ *Ivi.*, article 4, para. 4.

²⁷⁰ *Ivi.*, article 13.

²⁷¹ HRC, *Report of the Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace*, 26 April 2013, para. 80.

individual itself. Although the Advisory Committee has caught the importance of a change in culture, within the body of this Draft Declaration, it missed an important opportunity to recognize the importance of nonviolence. Unfortunately, the Working Group does not improve on this and some delegations even go as far as stating that *peace is no prerequisite to human rights*²⁷², thus further disentangling the link between both and clearly dismissing the aspiration to a change in culture.

²⁷² HRC, *Report of the Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace*, 26 April 2013, para. 85.

CHAPTER 4 – INTERNATIONAL RELATIONS

As has been noted repeatedly, moving towards a culture of nonviolence implies a radical shift away from the current paradigm, a paradigm that is particularly strong in the field of international relations. Because of the ever-increasing role of international relations in the globalist era, it would be naïve to suppose that true change for peace can be effected without changing this leading governing force. As Galtung insists, the theories underlying the current paradigm of international relations are very much embedded in a culture of violence, implicitly supporting political as well as social and economic structural violence.²⁷³

Concepts as the North-South divide, national interests and balance of power are key to the endurance of such theories²⁷⁴ and have a detrimental effect on the accomplishment of positive structural peace. In the name of such concepts, military power is deemed the only ‘realist’ power able to protect the interest of the Nation and its citizens. This leads to a cultural regime where, notwithstanding international declarations and commitments, direct (threat of) violence among Nations is continuously legitimised, inducing the legitimisation of structural and direct violence in other areas: if a strong weapon arsenal is key to protecting national interests, so is the economic protectionist walls Nations pull up around them; if our economies are under threat by foreign Nations, so is my job threatened by the immigrant.

The culture of violence that has thus been constructed is legitimised by the realist notion that no alternatives are available. Indeed, on the basis of this dogmatic premise, little concerted effort has been put in the research and development of alternatives²⁷⁵, and wherever that effort has been made, they have encountered strong resistance.²⁷⁶ Yet, alternatives are available within the theory of nonviolence. Within this heading we will look at two strongly linked enablers for the creation of a culture of nonviolence, which

²⁷³ Galtung, 1996, pp. 35-36.

²⁷⁴ Galtung, 1996, p. 24.

²⁷⁵ Sharp, 1985, p. 46.

²⁷⁶ Mancini, 2004, p. 11.

in itself is particularly inductive to the possibility of their enablement: disarmament and federalism.

1. Disarmament

Kant asserted that, with time, all stable armies need to disappear as a whole if we are to establish peace on the face of the earth.²⁷⁷ Now, disarmament is probably one of the most, if not the most, difficult issue in current international relations. In the notion as described before, that military power equals national security and the protection of citizens' interest on the global scene, letting go of such power is deemed to be of suicidal nature. Peace can only be achieved through war, or the permanent threat of war.²⁷⁸

The United States of America State Department position is unequivocal on this: *“national security is the condition provided by a) a military or defense advantage over any foreign nation or group of nations, or b) a favourable foreign relations policy, or c) a defense posture capable of successfully resisting hostile or destructive action within or without, overt or covert”*.²⁷⁹

Yet, reality shows that as long as international relations are being reduced to the simple move of military supremacy from one superpower to another²⁸⁰, and the continuous struggle to remain in pole position resulting from it²⁸¹, structural peace will remain a distant dream. Furthermore, the question is whose interest is truly being served by such power. The notion of stable armies subdues the individual soldier to the role of a mere machine in the hands of a superior power, the State, and is thus inherently incompatible with notions of humanity²⁸² and nonviolent power relations, as the individual is once

²⁷⁷ Kant, 2004, p. 108.

²⁷⁸ Galtung, 1994, p. 140.

²⁷⁹ Papisca, 1988, p. 67.

²⁸⁰ Altieri, 2003, p. 119.

²⁸¹ Galtung, 1994, p. 140.

²⁸² Kant, 2004, p. 108.

more placed in a role of blind obedience.²⁸³ Moreover, similar to the economic discourse, protecting State power relations does not necessarily imply protecting citizens' interests as the devastating effects of war and direct violence are directly borne by them, as well as the economic costs of financing such machinery. One can hardly argue that either of the American or Iraqi people has benefited from the 2003 invasion. Furthermore, how are current wars being fought in the name of 'spreading democracy' and 'war on terror' in any way inductive to the effective protection and implementation of human rights when it runs counter to their objectives?²⁸⁴ While one might argue that it serves to ensure the rights of future generations, it is clear that in the spirit of human rights for all, such must be dismissed. Again, the means are interchangeably linked with the ends.

True change is only possible by accepting the notion that peace can only be achieved by peace. As we have seen, positive structural peace requires creative conflict resolution. The 'realist' international relations paradigm is already being challenged by the voluntary creation of Nuclear Free Zones²⁸⁵, where Nations seek to define their relations on other than merely military nuclear supremacy. The fact that such proves possible may be a strong incentive in the quest for alternatives. It must be stressed that such alternatives must not necessarily be utopian or naïve, and do not imply mere passive resistance.

Nonviolence has proven a strong alternative tool of resistance against foreign invasions, where through the instrument of non-collaboration, occupying forces found themselves with a territory they were unable to wield.²⁸⁶ The occupation of a territory is directed at reaping the economic fruits of that land; if such is made impossible by the indigenous population, little profit will come from military campaigns against other Nations. Such a defence force would be fully able to satisfy the United States of America State

²⁸³ Muller, 2004, p. 62.

²⁸⁴ Galtung, 1994, p. 141.

²⁸⁵ Sharp, 1985, p. 52.

²⁸⁶ Sharp, 1985, p. 107.

Department's requirement under paragraph c: "*a defense posture capable of successfully resisting hostile or destructive action within or without, overt or covert*".

Furthermore, using nonviolence in response to violent invasion is very likely to solicit wide international public indignation. As an Israeli general was quoted by Ali Abu Awwad from the Bereaved Families Forum which brings bereaved families from both sides of the conflict together: "*An Israeli general said that nonviolence is the most dangerous weapon Palestinians possess, because it undermines all the excuses for the occupation and the legitimacy they claim to have when destroying a house or assassinating someone.*"²⁸⁷ In this sense, states themselves often use nonviolent diplomatic means in international relations to express disapproval or employ pressure to force another State to comply.²⁸⁸

This concept of civilian-based defence²⁸⁹ has even been deployed as a third-party intervener in the 2006 conflict in Sri Lanka as the idea of *Shanti Sena*²⁹⁰ was effectively put in place by the Nonviolent Peace Force, a voluntary civilian nonviolent peace force founded in 2002.²⁹¹ Similar is the organisation of International Peace Brigades, founded in 1981.²⁹² As Gandhi said: *if a Nation would wish to use its power in the protection of citizens subject to cruel rule in another country, it would surely not need arms to do so.*²⁹³ One might imagine such forces effectively employed within the framework of the Responsibility to Protect.²⁹⁴

However, this brings us back to the point made on education as a key enabler. The employment of such techniques, while successfully used in the past without any

²⁸⁷ Abu Awwad, Ali, Quote, in Radaelli, Claudio, Director Centre for European Governance Exeter University, Lecture slides, *Security Studies From War to Peace in World Politics*, March 2013, p. 22.

²⁸⁸ Sharp, 1973, pp. 340-346.

²⁸⁹ Soccio, 2012, pp. 7-20.

²⁹⁰ "Peace Army".

²⁹¹ Tullio, Graziano, 'Dieci anni di Nonviolent Peaceforce: tra risultati, nuove sfide e qualche sogno', *Azione Nonviolenta*, December 2012, pp. 22-23.

²⁹² Banzato, Cristina, 'Peace Brigades International', *Azione Nonviolenta*, December 2012, p. 17.

²⁹³ Gandhi, 1973, p. 7.

²⁹⁴ Interview (in Italian) with Marco Cappato, former Member of the European Parliament 2004-2009, Rome, 10 June 2013.

preparation, will become much more likely and effective when citizens are educated and trained on the concepts of power and their essential role in its affirmation. Secondly, if we truly want to contrast the current paradigm, education will be key to prove that nonviolent action is a – at least - worthy alternative to war and violence. In this sense, Muller proposes an active phase of *transarmament* during which the groundwork for civilian based defence is laid, so as to form the necessary assurance and trust on the international scene to accommodate an increased effort of disarmament.²⁹⁵

2. Federalism

One underdeveloped aspect of the United States of America State Department's notion of national security is its paragraph b: "*b) a favourable foreign relations policy*".

Where the contemporary realist theory, based on deterrence, provides a solution of dissociative peace to the international community by keeping countries apart through effective threats, the nonviolent theory professes a system of associative peace, bringing countries together through communication and cooperation. While the first is at best capable of providing negative direct peace, the second may bring not only positive direct peace, but also positive structural peace.²⁹⁶

In his second final article for perpetual peace, Kant holds: "*The people's rights must be founded on a federation of free States*".²⁹⁷ In fact, one of the direct corollaries of a theory professing true power from below based on dialogue and nonviolent conflict resolution, is the possibility of opening up towards a true federation of friendly nations. Not a global body of concentrated²⁹⁸ power reigned by the State holding supremacy at a given time, but a nonviolent global federation of citizens working towards the eradication of structural violence. The practice of nonviolence in the past has enabled the association of States. The United States of America itself are at least in part an

²⁹⁵ Muller, 2004, pp. 205-206.

²⁹⁶ Galtung, 1996, pp. 61-68.

²⁹⁷ Kant, 2004, p. 117.

²⁹⁸ Altieri, 2003, p. 102.

indirect result of the cohesion arisen between its ever-belligerent States during the successful defiance of the British colonial rule.²⁹⁹ In the same manner, the free association of States may very much induce a culture of peace and human rights and aid effectively in the resolution of conflict.

In this respect, a remarkable example of an out-of-the-box nonviolent proposal for conflict resolution, combining the aim for disarmament and federalism can be discerned in the long-standing proposal by the NRPTT to include the State of Israel within the European Union.³⁰⁰ While counter-intuitive at first hand, such a proposal is not induced by any form of Zionism or misappraisal for the Arab World, with whom the NRPTT holds strong and productive ties of friendship as evidenced through the expansive work by one of its most prominent leaders, current Italian Minister of Foreign Affairs Emma Bonino. Furthermore, the NRPTT is one of the strongest supporters for a concrete political Euro-Mediterranean Union.

The proposal, which amasses the continued support of not less than eighty-one per cent of the Israeli population as demonstrated by an opinion poll conducted by the Ben Gurion University in the Negev³⁰¹, and has managed to gain the support of many Members of the European Parliament, former Israeli President Moshe Katzav, former Israeli Foreign Minister Silvan Shalom, Israeli Prime Minister Benjamin Netanyahu, Israeli President Shimon Peres and former President of the European Commission Romano Prodi³⁰², has a triple goal.

First of all, it is aimed at spreading the existing democracy in Israel throughout the Arab World, not by allowing occupation to endure, but by supporting a concrete example. Secondly, it is aimed at reinforcing the democracy in Israel itself, which suffers under the paradigm of violence due to the enduring war; thereby limiting ever more the

²⁹⁹ Sharp, 1973, p. 794.

³⁰⁰ Capezzone, 2003, p. 133.

³⁰¹ Notizie Radicali, *Israele: sondaggio, oltre l'80 per cento sogna di entrare in Europa*, 18 July 2011, available at: <http://notizie.radicali.it/articolo/2011-07-18/editoriale/israele-sondaggio-oltre-l80-cento-sogna-di-entrare-europa> (last accessed on 23 June 2013).

³⁰² Capezzone, 2003, p. 141.

parameters for a true democracy and civil and political liberties, as evidenced by the disproportionate military spending, the imprisonment of civil disobedience activists and the growing role of State secrecy.³⁰³ Israel itself met with an Occupy Movement during fall 2011, due to the lack of resources for social and economic rights.³⁰⁴ In combining these two goals, the accession to the European Union naturally comes with certain requirements aimed at reinforcing the democratic framework within the State, and granting the necessary parameters of protection to allow for a peaceful retreat from the Occupied Territories. In this last regard, NRPTT leader Marco Pannella stated recently: *“It seems obvious that the Palestinian Territories must be included as well within the European Union”*.³⁰⁵ In this respect, the proposal mimics the (belated) European Union negotiations underway with Serbia and Kosovo, and has gained the support (for both Israeli and Palestinian accession to the EU) of young Fatah representatives, as demonstrated by a November 2012 interview with Husam Zomlot, member of the Executive Committee of the Fatah Foreign Affairs Committee; Raed Debiyi, International Secretary of the Fatah Youth Movement; Rami Abu Khalil, Member of the Fatah Secretariat for International Affairs.³⁰⁶

Thirdly, the proposal might make effective way for progressive negotiations of disarmament, such as the creation of a Nuclear Free Zone in the Middle East, an unthinkable feature at the present time. By including Israel and the Palestinian Territories in the European Union, a phase of trans-armament can be envisaged where NATO is granting protection to those territories while they engage in disarmament, accompanied by similar efforts at the Arab League level.³⁰⁷

³⁰³ Motion to the European Parliament , 30 January 2001, in Capezzone, 2003, pp. 138-140.

³⁰⁴ Remarks following several personal meetings with political and civil society in Israel and Palestine, September-October 2011.

³⁰⁵ Interview (in Italian) with Marco Pannella, leader of the Nonviolent Radical Party Transnational and Transparty, Rome, 12 June 2013.

³⁰⁶ Sala, Daniela, *Israele e Palestina nell'Unione Europea: la parola ai giovani di Fatah*, 30 November 2012, available at: <http://www.fainotizia.it/inchiesta/30-11-2012/israele-e-palestina-unione-europea-fatah> (last accessed on 23 June 2013).

³⁰⁷ Pascolini, Alessandro, E.Ma Lecture in Armament and Arms Control, Padova, 27 March 2013.

Admittedly, at first glance such a proposal appears naïve and untenable. However, the currently ruling paradigm of violence has not been able to resolve the conflict, nor improve standards of human rights and democracy. This has been painstakingly demonstrated by the unwillingness of Israel to participate in the first round of Universal Periodic Review (UPR) at the HRC, thereby not only undermining standards within its own (occupied) territory, but undermining the entire UN system of review and progressive impact on human rights within sovereign States.

Israel's so-called boycott of the Human Rights Council started in March 2012, when it failed to report on the Universal Periodic Review, and subsequently requested a postponement on reporting.

Israel defends its position on the basis of supposed partiality of the Human Rights Council, evidenced by its continuous inquest into the consequences of Jewish colonization in the Palestinian Territories, and Israel's exclusion from any regional block, which weakens its position.³⁰⁸ Retaining these grounds of crucial importance for its further cooperation, Israel has so far not shown any commitment or intention to participate in the near future, while it should be due to report this October.

UPR is very young: the first review cycle only started in 2008 and was concluded in October 2011. In this regard, Israel's boycott is not to be underestimated. It literally undermines the whole UPR concept right from its very inception. Since no consequences are attached to non-compliance or non-participation, other countries might quickly conclude there is no reason for their further cooperation. Needless to say that such decisions are most likely to be taken by countries, which are frontrunners in the violation of human rights. Israel's precedent may thus create a very much undesired snowball effect, back setting the international efforts and visibility of human rights by several decades, just when they have been elevated to an unprecedented level. Given that Israel denounces its isolation at the international level, as predicted in the newspapers *The Jerusalem Post* and *Maariv* by Marco Pannella already on 18 October

³⁰⁸ Lema, Luis, 'Berne veut "aider" Israël à revenir au CHD', *Le Temps*, 22 May 2013, p. 4.

1988³⁰⁹, the proposal made by the NRPTT appears to contain the germs for a radical, creative and nonviolent transformation of a conflict, which the culture of violence has not only been unable to resolve, but has even enriched. It is a radical choice between association or dissociation.

While a truly global democratic citizen's federation is not on our doorstep, globalisation has shown us that the old paradigm of dissociative peace is no longer tenable. Modern communication techniques and the – notwithstanding the barriers put up - expanding interlinks between State economies, dig away the ground underlying this assumption. This realisation has also come to the UN, which is slowly reforming its institutions after solicitation by former Secretary General Kofi Annan with his September 2005 report '*In larger freedom*'³¹⁰, leading among other things to the upgrading of the Human Rights Council as an immediate subsidiary body to the General Assembly. This reform effort is being furthered under the banner '*Strengthening the UN*'³¹¹ by current Secretary General Ban Ki Moon.

Through these reforms a number of indicators pointing at democratisation³¹² and civilian empowerment can be discerned. The growing attention and recognition of the value of democracy, the strengthening of the international human rights framework, increased transparency and openness, and most importantly in this regard the growing importance attached to non-governmental organisations through active participation at sessions and consultations. While the UN remains in the hands of States, direct input from 'below' is now possible much more than before. That citizens harbour such requests is exemplified by the popular Israeli support for the radical proposal and current developments within the European Union, where now more than ever, a growing group of citizens are joining behind the federalist banner Altieri Spinelli and

³⁰⁹ Capezzone, 2003, p. 142.

³¹⁰ UN, *Report of the Secretary General In larger freedom: towards development, security and human rights for all*, 21 March 2005.

³¹¹ UN, *Strengthening the UN*, available at: <http://www.un.org/en/strengtheningtheun/> (last accessed on 8 June 2013).

³¹² Intended as the participatory involvement of citizens.

others rose during the fascist era over sixty years ago in demand of a more political yet power de-concentrated union where citizens can effectively exert control.

Although a full-fledged union must not be the (primary) objective; further involvement of citizens can only contribute to the development of friendly relations between States. The road to this involvement is triple.³¹³ On the one hand, on the basis of what has been described before, citizens themselves hold the power to effect changes in their Nation's foreign policy, something they often appear to forget. Secondly, creative associative solutions to conflict must be examined. And lastly, the UN itself through its reforms and peace processes can increasingly promote such tendencies.

3. Lessons learned

The culture of violence dominates and penetrates the field of international relations more than any other. Without a shift in paradigm, official commitments to peace by Nation States hold little value, thus severely impacting other structures. Under this heading we have explored the two areas that would be revolutionised the most within a culture of nonviolence, with an emphasis on federalisation. At the same time we found indicators that a gradual move towards such a culture is possible through the contribution of all key enablers identified before.

Where the Advisory Committee to the HRC in their draft report on the right to peace expressly commits itself to positive peace in the field of human rights, it does not do so in the field of international relations and security, where it states: "*The draft declaration focuses on standards relating to international peace and security as core standards (elements of negative peace, absence of violence)*".³¹⁴ The Draft Declaration therefore primarily focuses on the enactment and compliance with the prohibition of the use of force as expressed in the United Nations Charter.³¹⁵

³¹³ Galtung, 1994, p. 22.

³¹⁴ HRC, 16 April 2012, *Report of the Human Rights Council Advisory Committee on the Right of Peoples to Peace*, p. 2, para. 7.

³¹⁵ *Ivi.*, article 1, paras. 4-5.

However, the Draft Declaration also contains a number of articles pointing strongly in the direction of aspiring to the creation a weapon-free world, calling upon States to “*proceed in a joint and coordinated manner and within a reasonable period of time to further disarmament [...]*”³¹⁶ and inviting them to “*consider the creation and promotion of peace zones and of nuclear weapon-free zones*”³¹⁷.

Furthermore, it enshrines the right to military conscientious objection³¹⁸, thereby positively acclaiming Gandhi who expressed the strong desire to see such right recognised as he held it impossible to renounce to it without renouncing to oneself.³¹⁹

A last important development, enabling a stronger role for citizens in the foreign military policies of their States concerns the request it makes to States to “*ensure democratic government of military and related budgets, an open debate about national and human security needs and policies, defence and security budgeting, as well as accountability of decision makers to democratic oversight institutions*” and “*they should pursue people-oriented concepts of security, such as citizens’ security*”.³²⁰

While the Draft Declaration thus remains embedded in a culture of violence in considering the main principles of peace and security, it is aware of its limitations and strongly encourages States to make an enabling step towards positive peace also in the field of international relations. However, no specific reference to nonviolence as an alternative power is made in this regard, and while the role of individuals and civil society is stressed with regard to the other headings, the main role for international peace and security remains reserved to the States.

³¹⁶ HRC, 16 April 2012, *Report of the Human Rights Council Advisory Committee on the Right of Peoples to Peace*, article 3, para. 2.

³¹⁷ *Ivi.*, article 3, para. 4.

³¹⁸ HRC, 16 April 2012, *Report of the Human Rights Council Advisory Committee on the Right of Peoples to Peace*, article 5.

³¹⁹ Gandhi, 1973, p. 185.

³²⁰ HRC, 16 April 2012, *Report of the Human Rights Council Advisory Committee on the Right of Peoples to Peace*, article 2, para. 8.

Furthermore, the positive aspects of the Draft Declaration as mentioned, meet again with strong resistance within the body of the Working Group, where on numerous occasions the principles of State sovereignty and non-interference are hailed as untouchable premises.³²¹ Except for the resistance by the NGO front, who even aimed at including a reference to the right to civil disobedience, States agreed on deleting the right to conscientious objection to military service, leaving it entirely within the jurisdiction of the States.³²² Several express references made by States to the importance of the legitimization of the use of force by the UN Charter³²³ clearly show the lack of political will to abandon the current paradigm in the search for better and more consistent means.

Marco Cappato, Rapporteur of the 2008 European Parliament Report on the Human Rights in the World 2007 and the European Union's policy on the matter³²⁴, evidences this lack of political will when he explains the difficulties he met in integrating the concept of nonviolence as *“the most appropriate means of ensuring that fundamental human rights are enjoyed, upheld, promoted and respected to the full; believes that its promotion should constitute a priority objective in EU human rights and democracy policy [...]”*³²⁵. He states that, while a lack of knowledge on the philosophy and methods of nonviolence may partly explain the apprehensiveness with which the concept is met, more frequently, it is the firm belief that or a theory of appeasement – as in the historic cases of Sudetenland and Kosovo – is adopted, or the use of force is to be employed. The entire international paradigm – corresponding to Girard’s concept of the sacralisation of violence – is built to sustain these theories and legally legitimate political leaders in pursuing them.³²⁶ As we have seen from the above, the international

³²¹ HRC, *Report of the Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace*, 26 April 2013, paras. 37, 44, 48.

³²² HRC, *Report of the Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace*, 26 April 2013, paras. 54-56.

³²³ *Ivi.*, paras. 40, 44.

³²⁴ European Parliament, *Resolution on the Annual Report on Human Rights in the World 2007 and the European Union's policy on the matter*, Doc. 2007/2274(INI), 8 May 2008.

³²⁵ *Ivi.*, para. 9.

³²⁶ Interview (in Italian) with Marco Cappato, former Member of the European Parliament 2004-2009, Rome, 10 June 2013.

order does not appear ready to move away from such a paradigm in consistently considering the option of nonviolence and remains deeply rooted within a definition of negative peace with limited and much contested elements of negative structural peace. The fact that no further reference to the concept of nonviolence has been made in any of the more recent annual European Parliament Reports on Human Rights in the World and the European Union's policy on the matter is a clear demonstration of this assertion.

CONCLUSION

Current progressive negotiations for a comprehensive right to peace have met considerable resistance from a vast block of States. Nevertheless, efforts continue to define such a right. At the beginning of this thesis we have identified positive structural peace as the *non-violent and creative transformation of structural conflicts*, conflicts that may be of a political, social or economic nature.

Not representing the mere absence of violence, the theory of nonviolence examined in this thesis provides a very real and pragmatic alternative to the global governing realist theory embedded in a culture of violence. Through a body of philosophy, objectives and methodology it professes a radical shift in paradigm to achieve the full fulfilment of positive structural peace through the full enjoyment of civil and political as well as social and economic rights.

Central to the theory is the need, the obligation, to act: in relation with the governor, with society, with the other. It is based on an assumption of power fully entrusted to the individual, who must exercise an effective role of control over his governors and their policies. This control is practised through the employment of varying levels of obedience, adding a fourth supreme power to the traditional democratic paradigm of institutional control and completing the democratic framework into an authentic democracy rather than a 'real-democracy'.

In providing a creative and nonviolent opportunity for conflict resolution, it encourages the emancipation of the individual from a role of submissiveness and empowers him in the concrete and daily affirmation of his rights; rights which come with the duty of exercising freedom in line with the principles of nonviolence and in service of the furthering of human rights.

Essential in this sense is the need to open up to others, to enter into a permanent dialogue. To solve a conflict nonviolently, the other must be encountered and

recognised as equal. The other is never the enemy, the structure permitting that other to behave violently is. The methodology of Satyagraha provides a wide array of actions enabling the nonviolent actionist to abolish those structures by appealing to the mind and heart of that other. Furthermore, the praxis of nonviolence thus triggers a sequence of psychological and social effects inductive to a peaceful society governed by a spirit of voluntary solidarity, an important effect with regard to the abolishment of economic structures of violence.

The use of nonviolence by activists around the world, confirms the idea that it is universal in scope and can easily transcend the boundaries and main cultural and religious divides between citizens worldwide.³²⁷ Although much of its theory was written down during the struggles for auto-determination and anti-colonial rule, its theory proves just as valid today when we look at contemporary examples and can be applied to the widest variety of contexts involving the affirmation of human dignity, human rights and (international) democracy. With varying degrees of success, it is being used by protesters in Europe, the United States of America, Brazil and Turkey; nonviolent opposition leaders live in exile or are imprisoned all around the world; the detainees in Guantanamo have taken to the method of hunger strike to strengthen their demand for fair detention and trial, thereby joining mass hunger strikes by detainees in Italy and Turkey; against the unfortunate popular notion of jihad, Muslims in the Middle East as well as the African continent have laid the groundwork for a “*civilian jihad*”³²⁸, which has not only resulted in their massive imprisonment³²⁹, but also played an enabling role in the Arab Spring; the oppressed and exiled Uyghur and Tibetan leaders are publicly joining in a federalist movement for the affirmation of human rights in China for all Chinese; and so on.

While a spirit of awakening and emancipation has thus recently been kindled as a direct result from the aspiration for democracy and all human rights, efforts need to be

³²⁷ European Parliament, *Nonviolent civic action in support of human rights and democracy*, May 2009, p. 5.

³²⁸ Stephan, 2009, p. 301.

³²⁹ See for example Saad Edin Ibrahim (Egypt) and Mahmoud Taha (Sudan); both mentioned supra.

reinforced if we are not to induce people into the belief that peaceful change can be attained only by exemplary figures such as Nelson Mandela and Aung San Suu Kyi. The enablers we have identified are key to empowering the people in their true power of control. Through concerted efforts of decentralisation of power; education; the promotion of human rights; and the right to truth and free information, we can induce the personal empowerment in effectively assuming this role of control.

Such enablers also have important consequences in the field of international relations. Seemingly impossible goals as disarmament and democratic federalisation become enabled through the praxis of nonviolence. The spirit of voluntary solidarity can expand to overcome borders and economic barriers. The positive influence of both international efforts in the promotion of key enablers and the empowered individual's effort in effectively controlling and exercising their rights can thus lead to the creation of an upward spiral in which structural violence is eradicated.

Although the UN's concept of peace as professed in the UNHRC Advisory Committee's Draft Declaration has moved from a definition of negative peace into a definition of negative structural peace, a move continuously contested by the Western block at the HRC, the real step towards the assumption of positive structural peace is yet to be taken. While some positive incentives have been discerned with regard to the identified enablers, much needs to be done. First of all, educational efforts in nonviolent conflict resolution need to be reinforced and cannot be left merely to the demand of the people. Secondly, in the field of international relations *nonviolence* is still prevalently regarded as *non-violence* or negative peace: the mere absence of direct violence. Thereby indicating that the acceptance of the concept of nonviolence as a complete alternative paradigm does not seem to have been fully comprehended, or, more likely, lacks political will and commitment. Only one explicit reference is made to non-violence throughout the entire Draft Declaration and while efforts are present to work towards some of the enablers and objectives of nonviolence, it remains grounded in the culture of violence. Furthermore, notwithstanding NGO's efforts to draw attention to this apparent gap in the work of the HRC Advisory Committee, a vast group of States

present in the Working Group have clearly demonstrated to be unwilling to let go of the current governing paradigm and direct their efforts at the deletion of those articles pertaining to the identified enablers for a culture of nonviolence. Moreover, they seek new legitimising grounds for the use of violence within the body of the human right to peace.

As it has been shown, means and ends are mutually interchangeable, which implies that no culture of violence can ever truly lead to positive structural peace. Destructive means cannot lead to constructive ends. As long as the use of violence can be legitimised, be it for very worthy causes as the protection of human rights, peace remains a distant dream. Nonviolent theorists and practitioners are not fundamentalist or utopian in their beliefs. Only a small minority would hold that even in the case of ‘legitimate self-defence’ no violence may be employed. Even Gandhi did not go that far. However, no nonviolent theorist or practitioner would hold that such an act has effectively resolved the conflict. Rather, the conflict has been frozen, left open and sent out a message that such violent action is permissible. On the long term, such messages contain the germ of deep-rooted societal violent conflict. Therefore, a revolution is required: the global conceptions of peace and security, and the citizens’ current concepts of power relations must be radically thrown overboard to make way for a culture of nonviolence, without which any conceptual right to peace would remain distant from the much-aspired to positive structural peace. *Nonviolence is no synonym to peace. It is the most comprehensive way leading there.* As stated before: nonviolence is not yet another assumption in the panoply of philosophic possibilities: it is the only legitimate, humane, creative and reasonable principle for society. A culture of violence only leads to the destruction of lives, human relationships, values, future and truth. The culture of nonviolence is its opposite: a liberating, creative force of human encounter and dialogue, of truth. The key enablers identified within this thesis provide an indication as to where to begin the transformation towards such a culture. The Working Group on the Right to Peace will convene again before the twenty-fifth session of the HRC. While unlikely to succeed, it is hoped that efforts by ‘willing States’ and participating NGO’s will be doubled to ensure that such a message is passed on.

BIBLIOGRAPHY

ACADEMIC DOCUMENTATION AND SCHOLARLY DOCTRINE

Abootalebi, Ali Reza, *Islam and Democracy – State-Society Relations in Developing Countries 1980-1994*, Garland Publishing Inc. New York, 2000.

Alinsky, Saul D., *Rules for Radicals: a pragmatic primer for realistic radicals*, New York: Vintage Books Edition, 1989.

Altieri, Rocco, *La Rivoluzione Nonviolenta – Biografia Intellettuale di Aldo Capitini*, Pisa: Biblioteca Franco Serantini soc. coop. a r.l., 2003.

Angioli, Matteo, *Thesis - Un parti atypique: le cas du Parti Radical*, Brussels: Université Libre de Bruxelles, a.y. 2010-2011.

Arendt, Hannah, *Sulla Rivoluzione*, Milano: Edizioni di Comunità, 1996.

Banzato, Cristina, 'Peace Brigades International', *Azione Nonviolenta*, December 2012, p. 17.

Bentham, J., *A fragment on government*, London: Oxford University Press [I ed. 1891], 1931.

Bonino, Emma, *I doveri della libertà*, Bari: Gius. Laterza & Figli, 2011.

Capezzone, Daniele, *A Radical Shock for the 21st Century*, 2003.

Capitini, Aldo, *Le ragioni della nonviolenza – Antologia degli scritti a cura di Mario Martini*, Pisa: Edizioni ETS, 2004.

European Parliament, Directorate-General for External Policies of the Union, *Nonviolent civic action in support of human rights and democracy*, Doc. EXPO/B/DROI/2008/69, May 2009.

Galtung, Johan, *Human Rights in another key*, Cambridge: Polity Press, 1994.

Galtung, Johan, *Peace by Peaceful Means*, Oslo: International Peace Research Institute, 1996.

Ghandi, M.K., 1973, *Teoria e pratica della non-violenza*, Torino: Giulio Einaudi Editore, 1973.

Human Rights Council, *Resolution 8/9 Promotion on the Right of Peoples to Peace*, Doc. A/HRC/RES/8/9, 18 June 2008.

Human Rights Council, *Resolution 14/3 Promotion of the Right of Peoples to Peace*, Doc. A/HRC/RES/14/3, 23 June 2010.

Human Rights Council, *Resolution 21/7 Right to Truth*, Doc. A/HRC/21/L.16, 27 September 2012.

Human Rights Council, *Report of the Human Rights Council Advisory Committee on the Right of Peoples to Peace*, Doc. Doc. A/HRC/20/31, 16 April 2012.

Human Rights Council, *Resolution 20/15 Promotion of the Right to Peace*, Doc. A/HRC/RES/20/15, 17 July 2012.

Human Rights Council, *Report of the Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace*, Doc. A/HRC/WG.13/1/2, 26 April 2013.

Human Rights Council, *Concept Note: Panel discussion on common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective, and lessons learned and best practices in the engagement of the State with the international community to support such processes*, 11 June 2013

Ibrahim, Saad Eddin, *Egypt, Islam and Democracy: Critical essays*, The American University Press in Cairo, 2002.

Journal Officiel de la République Française, *Loi no 2013-404 du 17 mai 2013 ouvrant le mariage aux couples de personnes de même sexe (1)*, 18 May 2013.

Kant, Immanuel, *Guerra e Pace: politica, religiosa, filosofica (scritti editi e inediti 1775-1798)*, Reggio Emilia Italia: Edizioni Diabasis, 2004.

Lema, Luis, 'Berne veut "aider" Israël à revenir au CHD', *Le Temps*, 22 May 2013, pp. 1-4.

Mancini, Roberto, 'Prefazione: La nonviolenza, respiro e risveglio della vita umana', in Muller, Jean-Marie, *Il principio nonviolenza: Una filosofia della pace*, [1995, Paris], Pisa: Edizioni Plus – Pisa University Press, 2004, pp. 11-20.

Miall, Hugh, Ramsbotham, Oliver & Woodhouse, Tom, *Contemporary Conflict Resolution*, Cornwall: Polity Press, 2003.

Muller, Jean-Marie, 2004, *Il principio nonviolenza: Una filosofia della pace*, [1995, Paris], Pisa: Edizioni Plus – Pisa University Press, 2004.

Office of the High Commissioner for Human Rights, *Report of the Office of the High Commissioner on the outcome of the expert workshop on the right of peoples to peace*, Doc. A/HRC/14/38, 17 March 2010.

Pace, Enzo, 'Difesa popolare nonviolenta e costruzione di una cultura della pace', in Università di Padova Centro di Studi e di Formazione sui Diritti dell'Uomo e dei Popoli, *Verso una difesa popolare nonviolenta per l'Italia?*, Padova: Cedam – Casa Editrice Dott. Antonio Milani, 1988, pp. 52-58.

Papisca, Antonio, 'Sicurezza internazionale e democrazia internazionale', in Università di Padova Centro di Studi e di Formazione sui Diritti dell'Uomo e dei Popoli, *Verso una difesa popolare nonviolenta per l'Italia?*, Padova: Cedam – Casa Editrice Dott. Antonio Milani, 1988, pp. 59-77.

Pontara, Giuliano, 'Introduzione', in Ghandi, M.K., 1973, *Teoria e pratica della non-violenza*, Torino: Giulio Einaudi Editore, 1973, pp. VII-CXXIII.

Revault d'Allonnes, David, 'M. Hollande, la Résistance et le sens des mots', *Le Monde*, 29 May 2013.

Ridet, Philippe, 'Pacs à l'italienne', *Le Monde*, 4 June 2013.

Sayf, Walid, Diritti dell'uomo e ritorno alle origini dell'Islam, in Andrea Pacini (ed.), 1998, *L'Islam e il dibattito sui diritti dell'uomo*, Edizioni Fondazione Giovanni Agnelli Torino, 1998, pp. 63-76.

Sharp, Gene, *The Politics of Nonviolent Action*, Boston: Porter Sargent Publisher, 1973.

Sharp, Gene, *Politica dell'azione nonviolenta – Parte I. Potere e Lotta*, Torino: Edizione Gruppo Abele, 1985.

Sharp, Gene, *Politica dell'azione nonviolenta – Parte II. Le tecniche*, Torino: Edizione Gruppo Abele, 1986.

Soccio, Matteo, 'Introduzione', in Sharp, Gene, *Politica dell'azione nonviolenta – Parte I. Potere e Lotta*, Torino: Edizione Gruppo Abele, 1985, pp. 5-42.

Soccio, Matteo, *La Prevenzione dei Conflitti Armati e la Formazione dei Corpi Civili di Pace*, Vicenza: Casa per la Pace, 2012.

Spanish Society For The Advancement Of Human Rights Law, *Luarca Declaration on the Human Right to Peace*, Asturias: 30 October 2006.

Stephan, Maria, J. (ed.), *Civilian Jihad – Nonviolent Struggle, Democratization and Governance in the Middle East*, New York: Palgrave Macmillan, 2009.

Taha, Mahmoud Mohamed, *The Second Message of Islam*, Syracuse University Press Syracuse, New York, 1987.

Thoreau, Henry David, *La Disobbedienza Civile*, Milano: RCS Quotidiani S.p.A., 2010.

Tullio, Graziano, 'Dieci anni di Nonviolent Peaceforce: tra risultati, nuove sfide e qualche sogno', *Azione Nonviolenta*, December 2012, pp. 22-23.

UNGA, *Resolution 39/11 Declaration on the Right of People to Peace*, Doc. A/RES/39/11, 1 November 1984.

UNGA, *Resolution 53/25 International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001–2010)*, Doc. A/RES/53/25, 10 November 1998.

UNGA, *Resolution 61/45 International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001–2010*, Doc. A/RES/61/45, 4 December 2006.

United Nations, *Report of the Secretary General In larger freedom: towards development, security and human rights for all*, 21 March 2005.

Vattimo, Gianni and Girard, René, *Christianity, Truth, and Weakening Faith: A Dialogue*, New York: Columbia University Press, 2010.

ONLINE CONSULTED DOCUMENTATION

Archivio Partito Radicale, *Articoli di Marco pannella e spigolature radicali su Israele, Libano, Medio Oriente e Europa*, 11 August 2006, available at <http://old.radicali.it/israele/israele.htm> (last accessed on 23 June 2013).

Barah, Mikail, *Religion and Politics in Arab Transition*, FRIDE Policy Brief N° 116, February 2012, p. 2, available at http://www.iris-france.org/docs/kfm_docs/docs/observatoire-religieux/2012-03-religion-and-politics-in-arab-transitions.pdf (last accessed on 5 June 2013).

De Soto, Hernando, *The real Mohamed Bouazizi*, 16 December 2011, available at http://www.foreignpolicy.com/articles/2011/12/16/the_real_mohamed_bouazizi, (last accessed on 5 June 2013).

Le Monde, *Le "mariage pour tous", de la promesse à la loi*, 17 May 2013, available at: http://abonnes.lemonde.fr/societe/visuel/2013/04/23/mariage-pour-tous-chronologie-du-debat-depuis-la-promesse-du-candidat-hollande_3164832_3224.html (last accessed on 5 June 2013).

Le Monde, *La loi sur le mariage homosexuel officiellement promulguée*, 18 May 2013, available at: http://abonnes.lemonde.fr/politique/article/2013/05/17/le-mariage-homosexuel-valide-par-le-conseil-constitutionnel_3295614_823448.html (last accessed on 7 June 2013).

Le Monde, *Un premier mariage homosexuel s'annonce à Montpellier le 29 mai*, 18 May 2013, available at: http://abonnes.lemonde.fr/societe/article/2013/05/18/un-premier-mariage-gay-s-annonce-a-montpellier-le-29-mai_3316784_3224.html (last accessed on 7 June 2013).

Mekhennet, Souad & Kulish, Nicholas, With Muslim Brotherhood set to join Egypt protests, religion's role may grow, in *The New York Times Global Edition*, 27 January 2011, available at http://www.nytimes.com/2011/01/28/world/middleeast/28alexandria.html?_r=0, (last accessed on 5 June 2013).

M.S., 'Occupy Wall Street: Stepping out, not sure where you're going yet', *The Economist*, 4 October 2011, available at: <http://www.economist.com/blogs/democracyinamerica/2011/10/occupy-wall-street> (last accessed on 7 June 2013).

Notizie Radicali, *Israele: sondaggio, oltre l'80 per cento sogna di entrare in Europa*, 18 July 2011, available at: <http://notizie.radicali.it/articolo/2011-07-18/editoriale/israele-sondaggio-oltre-180-cento-sogna-di-entrare-europa> (last accessed on 23 June 2013).

NRPTT, *How and when President Bush chose war to prevent Saddam from going into exile*, available at: http://bushblairagainstsurrepeacewagedwariniraqpreventingexiletosaddam.org/sites/default/files/long_history_ENG.pdf (last accessed on 6 June 2013).

NRPTT, *Evidence by Peter Lilley MP to the Iraq Inquiry*, available at: <http://bushblairagainstsurrepeacewagedwariniraqpreventingexiletosaddam.org/content/evidence-peter-lilley-mp-iraq-inquiry> (last accessed on 6 June 2013).

Nunès, Eric, 'Des maires opposés mariage gay ne se mettront pas dans l'illégalité', *Le Monde*, 27 May 2013, available at: <http://abonnes.lemonde.fr/politique/article/2013/05/27/des-maires-continuent-de-s-opposer-mais-ne-se-mettront-pas-dans-l->

[illegalite_3417964_823448.html?xtmc=marriage&xtcr=129](http://www.ohchr.org/EN/NewsEvents/Pages/RightToPeace.aspx) (last accessed on 7 June 2013).

Office of the High Commissioner for Human Rights, *The right to peace*, 4 April 2013, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/RightToPeace.aspx> (last accessed on 3 June 2013).

Owen, David, *Are Blair and Cameron subverting the Chilcot Inquiry into Iraq?*, 1 June 2013, available at: <http://www.opendemocracy.net/ourkingdom/david-owen/are-blair-and-ferguson-subverting-chilcot-inquiry-into-iraq> (last accessed on 6 June 2013).

Pannella, Marco, 'Weekly conversation with Massimo Bordin and Marco Pannella', *Radio Radicale*, 16 June 2013, available at: <http://www.radioradicale.it/scheda/383411/conversazione-settimanale-di-massimo-bordin-con-marco-pannella> (last accessed on 17 June 2013).

Parienté, Jonathan, "'Manif pour tous' : l'écart toujours plus grand entre les comptages de la police et des organisateurs', *Le Monde*, 27 May 2013, available at: http://abonnes.lemonde.fr/societe/article/2013/05/27/manif-pour-tous-l-ecart-toujours-plus-grand-entre-les-comptages-de-la-police-et-des-organisateur_3418098_3224.html?xtmc=marriage&xtcr=124 (last accessed on 7 June 2013).

Parienté, Jonathan & Pouchard, Alexandre, 'L'homosexualité est aujourd'hui moins acceptée qu'en 2007 en France', *Le Monde*, 6 June 2013, available at: http://abonnes.lemonde.fr/societe/article/2013/06/06/l-homosexualite-est-aujourd-hui-moins-acceptee-qu-en-2007-en-france_3424577_3224.html?xtmc=marriage&xtcr=11 (last accessed on 7 June 2013).

Radio Radicale, *Israele: Intervista ad Avi Pazner, portavoce del Governo Sharon*, 18 May 2003, available at: <http://www.radioradicale.it/scheda/186649> (last accessed on 23 June 2013).

Sala, Daniela, *Israele e Palestina nell'Unione Europea: la parola ai giovani di Fatah*, 30 November 2012, available at: <http://www.fainotizia.it/inchiesta/30-11-2012/israele-e-palestina-unione-europea-fatah> (last accessed on 23 June 2013).

S.M., *The austerity debate: Now and later*, The Economist, 15 May 2013, available at: <http://www.economist.com/blogs/democracyinamerica/2013/05/austerity-debate> (last accessed on 7 June 2013).

The Economist, *Letter by Jorge Mendez*, 29 October 2011, available at: <http://www.economist.com/node/21534742> (last accessed on 7 June 2013).

The Economist, *Letter by Brendan Burke, Head of de-escalation security Occupy Wall Street*, 5 November 2011, available at: <http://www.economist.com/node/21536537> (last accessed on 7 June 2013).

The Economist, *Occupy Wall Street and the media: Talking about a revolution*, 7 April 2012, available at: <http://www.economist.com/node/21552179> (last accessed on 7 June 2013).

The Economist, *Occupy Wall Street: Afterthoughts - One year on, what has been achieved?*, 22 September 2012, available at: <http://www.economist.com/node/21563341> (last accessed on 7 June 2013).

The Economist, *The transience of power: The powerful do not stay that way for long*, 16 March 2013, available at: <http://www.economist.com/news/business/21573522-powerful-do-not-stay-way-long-transience-power> (last accessed on 7 June 2013).

The Economist online, *Occupy Wall Street: A day in the park*, 22 October 2011, available at: <http://www.economist.com/blogs/democracyinamerica/2011/10/occupy-wall-street-4> (last accessed on 7 June 2013).

United Kingdom Foreign and Commonwealth Office, *Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report*, April 2012, p. 12, available at <http://fcohrdreport.readandcomment.com/wp-content/uploads/2011/02/Cm-8339.pdf>, (last accessed on 5 June 2013).

United Nations, *Strengthening the UN*, available at: <http://www.un.org/en/strengtheningtheun/> (last accessed on 8 June 2013).

W.W., 'Occupy Wall Street: The bloom is fading', *The Economist*, 7 November 2011, available at: <http://www.economist.com/blogs/democracyinamerica/2011/11/occupy-wall-street> (last accessed on 7 June 2013).

OTHER

Ghali, Amine, Tunisian civil society activist, E.Ma Roundtable on Transitional Justice, Venice, 14 November 2012.

Ibrahim, Saad Edin, professor of sociology at the American University in Cairo, at the 39th congress of the Nonviolent Radical Party Transnational and Transparty, Chianciano Terme, 18 February 2011.

Interview (in Italian) with Marco Cappato, former Member of the European Parliament 2004-2009, Rome, 10 June 2013.

Interview (in Italian) with Marco Pannella, leader of the Nonviolent Radical Party Transnational and Transparty, Rome, 12 June 2013.

Pascolini, Alessandro, E.Ma Lecture in Armament and Arms Control, Padova, 27 March 2013.

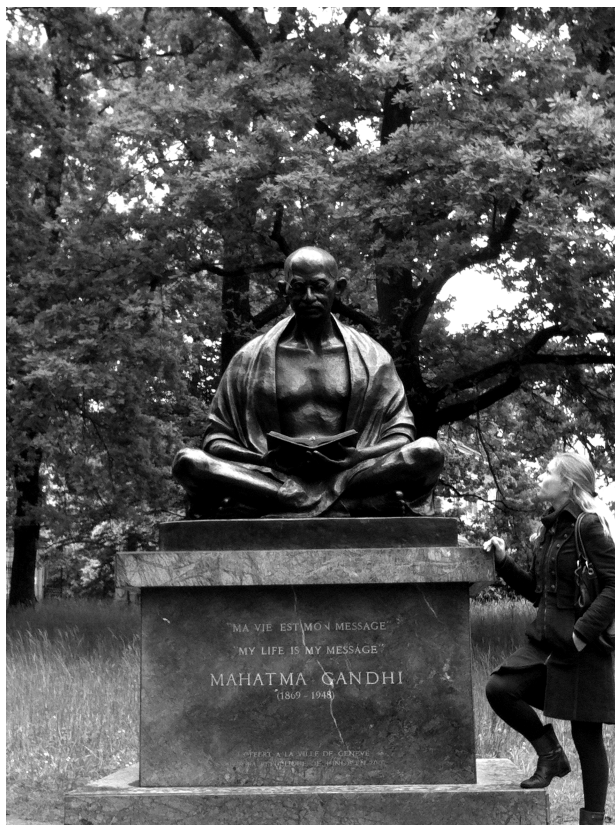
Radaelli, Claudio, Director Centre for European Governance Exeter University, Lecture slides, *Security Studies From War to Peace in World Politics*, March 2013.

Roter, Petra, E.Ma Lecture in Cluster Transition to Democracy, Venice, 6 November 2012.

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Laura Harth
Padova, June 2013



**ANNEX I - REPORT OF THE HUMAN RIGHTS COUNCIL ADVISORY COMMITTEE ON THE
RIGHT OF PEOPLES TO PEACE**

United Nations

A/HRC/20/31



General Assembly

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Human Rights Council
Twentieth session
Agenda item 5
Human rights bodies and mechanisms

**Report of the Human Rights Council Advisory
Committee on the right of peoples to peace**

GE.12-13076

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.

1. In its resolution 14/3, the Human Rights Council requested the Advisory Committee, in consultation with Member States, civil society, academia and all relevant stakeholders, to prepare a draft declaration on the right of peoples to peace and to report thereon to the Council at its seventeenth session.
2. In its recommendation 5/2, the Advisory Committee designated Chinsung Chung, Miguel d'Escoto Brockmann, Wolfgang Stefan Heinz (Rapporteur) and Mona Zulficar (Chairperson) as members of the drafting group, which was later expanded to include Shigeki Sakamoto and Latif Hüseyinov.
3. The Advisory Committee presented a progress report (A/HRC/17/39) to the Human Rights Council and prepared a questionnaire to consult with Member States and other stakeholders. In the responses to the questionnaire prepared by the Committee, considerable support was expressed for the basic approach and standards proposed by the Committee, as were certain criticisms and suggestions to change the proposed standards and to add others. Responses to the questionnaire received have been posted on the Extranet page of the Advisory Committee.
4. In its resolution 17/16, the Human Rights Council requested the Advisory Committee to continue its work and to present a draft declaration to the Council at its twentieth session, in June 2012.
5. The drafting group submitted a first draft declaration on the right of peoples to peace (A/HRC/AC/7/3) to the Advisory Committee at its seventh session, in August 2007, where it was discussed comprehensively. A revised draft, presented to the Committee at its eighth session, in February 2012, was thoroughly discussed.
6. In the original mandate of the Human Rights Council, reference is made to “the right of peoples to peace” and to, in this regard, General Assembly resolution 39/11, which was adopted more than 25 years ago, in 1984. The Advisory Committee proposes the term “right to peace”, which was found to be more appropriate, and includes both the individual and collective dimensions.
7. The Advisory Committee worked towards a comprehensive, yet concise draft declaration, given that, the topic of peace may address many different issues (problem of determining boundaries instead of following an “include all issues” approach). The draft declaration focuses on standards relating to international peace and security as core standards (elements of negative peace, absence of violence), and includes standards in the areas of peace education, development, the environment, and victims and vulnerable groups as elements of a positive peace.

Annex

Draft declaration on the right to peace

Preamble

The Human Rights Council,

Reaffirming the common will of all people to live in peace with each other,

Reaffirming also that the principal aim of the United Nations is the maintenance of international peace and security,

Bearing in mind the fundamental principles of international law set forth in the Charter of the United Nations,

Recalling General Assembly resolution 39/11 of 12 November 1984, in which the Assembly proclaimed that the peoples of our planet have a sacred right to peace,

Recalling also the African Charter on Human and Peoples' Rights, which states that all peoples have the right to national and international peace and security,

Recalling further that 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,

Convinced that the prohibition of the use of force is the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the human rights and fundamental freedoms proclaimed by the United Nations,

Expressing the will of all peoples that the use of force must be eradicated from the world, including through full nuclear disarmament, without delay,

Adopts the following:

Article 1. Right to peace: principles

1. Individuals and peoples have a right to peace. This right shall be implemented without any distinction or discrimination for reasons of race, descent, national, ethnic or social origin, colour, gender, sexual orientation, age, language, religion or belief, political or other opinion, economic situation or heritage, diverse physical or mental functionality, civil status, birth or any other condition.

2. States, severally and jointly, or as part of multilateral organizations, are the principal duty-holders of the right to peace.

3. The right to peace is universal, indivisible, interdependent and interrelated.

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

5. All States, in accordance with the principles of the Charter of the United Nations, shall use peaceful means to settle any dispute to which they are parties.

6. All States shall promote the establishment, maintenance and strengthening of international peace in an international system based on respect for the principles enshrined in the Charter and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination.

Article 2. Human security

1. Everyone has the right to human security, which includes freedom from fear and from want, all constituting elements of positive peace, and also includes freedom of thought, conscience, opinion, expression, belief and religion, in conformity with international human rights law. Freedom from want implies the enjoyment of the right to sustainable development and of economic, social and cultural rights. The right to peace is related to all human rights, including civil, political, economical, social and cultural rights.

2. All individuals have the right to live in peace so that they can develop fully all their capacities, physical, intellectual, moral and spiritual, without being the target of any kind of violence.

3. Everyone has the right to be protected from genocide, war crimes, the use of force in violation of international law, and crimes against humanity. If States are unable to prevent these crimes from occurring within their jurisdiction, they should call on Member States and the United Nations to fulfil that responsibility, in keeping with the Charter of the United Nations and international law.

4. States and the United Nations shall include in mandates of peacekeeping operations the comprehensive and effective protection of civilians as a priority objective.

5. States, international organizations, in particular the United Nations, and civil society shall encourage an active and sustained role for women in the prevention, management and peaceful settlement of disputes, and promote their contribution to building, consolidating and maintaining peace after conflicts. The increased representation of women shall be promoted at all levels of decision-making in national, regional and international institutions and mechanisms in these areas. A gender perspective should be incorporated into peacekeeping operations.

6. Everyone has the right to demand from his or her Government the effective observance of the norms of international law, including international human rights law and international humanitarian law.

7. Mechanisms should be developed and strengthened to eliminate inequality, exclusion and poverty, as they generate structural violence, which is incompatible with peace. Both State and civil society actors should play an active role in the mediation of conflicts, especially in conflicts relating to religion and/or ethnicity.

8. States should ensure democratic governance of military and related budgets, an open debate about national and human security needs and policies, defence and security budgeting, as well as accountability of decision makers to democratic oversight institutions. They should pursue people-oriented concepts of security, such as citizens' security.

9. To strengthen international rule of law, all States shall strive to support international justice applicable to all States equally and to prosecute the crime of genocide, crimes against humanity, war crimes and the crime of aggression.

Article 3. Disarmament

1. States shall engage actively in the strict and transparent control of arms trade and the suppression of illegal arms trade.

2. States should proceed in a joint and coordinated manner and within a reasonable period of time to further disarmament, under comprehensive and effective international supervision. States should consider reducing military spending to the minimum level necessary to guarantee human security.

3. All peoples and individuals have a right to live in a world free of weapons of mass destruction. States shall urgently eliminate all weapons of mass destruction or of indiscriminate effect, including nuclear, chemical and biological weapons. 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. Such weapons are prohibited and must be urgently eliminated, and States that have utilized them have the obligation to restore the environment by repairing all damage caused.

4. States are invited to consider the creation and promotion of peace zones and of nuclear weapon-free zones.

5. All peoples and individuals have the right to have the resources freed by disarmament allocated to the economic, social and cultural development of peoples and to the fair redistribution of natural wealth, responding especially to the needs of the poorest countries and of groups in situations of vulnerability.

Article 4. Peace education and training

1. All peoples and individuals have a right to a comprehensive peace and human rights education. Such education should be the basis of every educational system, generate social processes based on trust, solidarity and mutual respect, incorporate a gender perspective, facilitate the peaceful settlement of conflicts and lead to a new way of approaching human relationships within the framework of the Declaration and the Programme of Action on a Culture of Peace and dialogue among cultures.

2. Everyone has the right to demand and obtain the competences needed to participate in the creative and non-violent resolution of conflicts throughout their life. These competencies should be accessible through formal and informal education. Human rights and peace education is essential for the full development of the child, both as an individual and an active member of society. 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 have access to and receive information from diverse sources without censorship, in accordance with international human rights law, in order to be protected from manipulation in favour of warlike or aggressive objectives. War propaganda should be prohibited.

4. Everyone has the right to denounce any event that threatens or violates the right to peace, and to participate freely in peaceful political, social and cultural activities or initiatives for the defence and promotion of the right to peace, without interference by Governments or the private sector.

5. States undertake:

(a) To increase educational efforts to remove hate messages, distortions, prejudice and negative bias from textbooks and other educational media, to prohibit the glorification of violence and its justification, and to ensure the basic knowledge and understanding of the world's main cultures, civilizations and religions and to prevent xenophobia;

(b) To update and revise educational and cultural policies to reflect a human rights-based approach, cultural diversity, intercultural dialogue and sustainable development;

(c) To revise national laws and policies that are discriminatory against women, and to adopt legislation that addresses domestic violence, the trafficking of women and girls and gender-based violence.

Article 5. Right to conscientious objection to military service

1. Individuals have the right to conscientious objection and to be protected in the effective exercise of this right.

2. States have the obligation to prevent members of any military or other security institution from taking part in wars of aggression or other armed operations, whether international or internal, which violate the Charter of the United Nations, the principles and norms of international human rights law or international humanitarian law. Members of any military or other security institutions have the right to disobey orders that are manifestly contrary to the above-mentioned principles and norms. The duty to obey military superior orders does not exempt from the observance of these obligations, and disobedience of such orders shall in no case constitute a military offence.

Article 6. Private military and security companies

1. States shall refrain from outsourcing inherently State military and security functions to private contractors. For those activities that may be outsourced, States shall establish a national and an international regime with clear rules regarding the functions, oversight and monitoring of existing private military and security companies. The use of mercenaries violates international law.

2. States shall ensure that private military and security companies, their personnel and any structures related to their activities perform their respective functions under officially enacted laws consistent with international humanitarian law and international human rights law. They shall take such legislative, administrative and other measures as may be necessary to ensure that such companies and their personnel are held accountable for violations of applicable national or international law. Any responsibility attributable to a private military or security company is independent and does not eliminate the responsibility that a State or States may incur.

3. The United Nations shall establish, together with other international and regional organizations, clear standards and procedures for monitoring the activities of private military and security companies employed by these organizations. States and the United Nations shall strengthen and clarify the relationship and accountability of States and international organizations for human rights violations perpetrated by private military and security companies employed by States, intergovernmental and international non-governmental organizations. This shall include the establishment of adequate mechanisms to ensure redress for individuals injured by the action of private military and security companies.

Article 7. Resistance and opposition to oppression

1. All peoples and individuals have the right to resist and oppose oppressive colonial, foreign occupation or dictatorial domination (domestic oppression).

2. Everyone has the right to oppose aggression, genocide, war crimes and crimes against humanity, violations of other universally recognized human rights, and any propaganda in favour of war or incitement to violence and violations of the right to peace..

Article 8. Peacekeeping

1. Peacekeeping missions and peacekeepers shall comply fully with United Nations rules and procedures regarding professional conduct, including the lifting of immunity in cases of criminal misconduct or the violation of international law, to allow the victims recourse to legal proceedings and redress.

2. Troop-contributing States shall take appropriate measures to investigate effectively and comprehensively complaints against members of their national contingents. Complainants should be informed about the outcome of such investigations.

Article 9. Right to development

1. Every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

2. Everyone shall enjoy the right to development and economic, social and cultural rights and, in particular:

(a) The right to adequate food, drinking water, sanitation, housing, health care, clothing, education, social security and culture;

(b) The right to decent work and to enjoy fair conditions of employment and trade union association; the right to equal remuneration among persons who perform the same occupation or function; the right to have access to social services on equal terms; and the right to leisure;

(c) All States have an obligation to cooperate with each other to protect and promote the right to development and other human rights.

3. All peoples and individuals have the right to the elimination of obstacles to the realization of the right to development, such as the servicing of unjust or unsustainable foreign debt burdens and their conditionalities or the maintenance of an unfair international economic order that generates poverty and social exclusion. States and the United Nations system shall cooperate fully in order to remove such obstacles, both internationally and domestically.

4. States should pursue peace and security and development as interlinked and mutually reinforcing, and as serving as a basis for one another. The obligation to promote comprehensive and sustainable economic, social, cultural and political development implies the obligation to eliminate threats of war and, to that end, to strive to disarmament and the free and meaningful participation of the entire population in this process.

Article 10. Environment

1. Everyone has the right to a safe, clean and peaceful environment, including an atmosphere that is free from dangerous man-made interference, to sustainable development and to international action to mitigate and adapt to environmental destruction, especially climate change. Everyone has the right to free and meaningful participation in the development and implementation of mitigation and adaptation policies. States have the responsibility to take action to guarantee these rights, including technology transfer in the field of climate change, in accordance with the principle of common but differentiated responsibility.

2. States have the responsibility of mitigating climate change based on the best available scientific evidence and their historical contribution to climate change in order to ensure that all people have the ability to adapt to the adverse effects of climate change, particularly those interfering with human rights, and in accordance with the principle of

common but differentiated responsibility. States, in accordance with United Nations Framework Convention on Climate Change, with the resources to do so, have the responsibility for providing adequate financing to States with inadequate resources for adaptation to climate change.

3. States, international organizations, corporations and other actors in society are responsible for the environmental impact of the use of force, including environmental modifications, whether deliberate or unintentional, that result in any long-lasting or severe effects or cause lasting destruction, damage or injury to another State.

4. States shall take all the necessary measures to ensure development and protection of the environment, including disaster preparedness strategies, as their absence poses a threat to peace.

Article 11. Rights of victims and vulnerable groups

1. Every victim of a human rights violation has the right, in accordance with international human rights law and not subject to statutory limitations, to know the truth, and to the restoration of the violated rights; to obtain the investigation of facts, as well as identification and punishment of those responsible; to obtain effective and full redress, including the right to rehabilitation and compensation; to measures of symbolic redress or reparation; and to guarantees that the violation will not be repeated.

2. Everyone subjected to aggression, genocide, foreign occupation, racism, racial discrimination, xenophobia and other related forms of intolerance or apartheid, colonialism and neo-colonialism deserve special attention as victims of violations of the right to peace.

3. States shall ensure that the specific effects of the different forms of violence on the enjoyment of the rights of persons belonging to groups in situations of vulnerability, such as indigenous peoples, women suffering from violence and individuals deprived of their liberty, are taken fully into account. They have the obligation to ensure that remedial measures are taken, including the recognition of the right of persons belonging to groups in situations of vulnerability to participate in the adoption of such measures.

Article 12. Refugees and migrants

1. All individuals have the right to seek and to enjoy refugee status without discrimination, if there is a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of one's nationality and is unable or, owing to such fear, unwilling to avail oneself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, unwilling to return to it.

2. Refugee status should include, inter alia, the right to voluntary return to one's country or place of origin or residence in dignity and with all due guarantees, once the causes of persecution have been removed and, in case of armed conflict, it has ended. Special consideration should be given to challenges, such as the situation of war refugees and of refugees fleeing hunger.

3. States should place migrants at the centre of migration policies and management, and pay particular attention to the situation of marginalized and disadvantaged groups of migrants. Such an approach will also ensure that migrants are included in relevant national plans of action and strategies, such as plans on the provision of public housing or national strategies to combat racism and xenophobia. Although countries have a sovereign right to determine conditions of entry and stay in their territories, they also have an obligation to respect, protect and fulfil the human rights of all

individuals under their jurisdiction, regardless of their nationality or origin and regardless of their immigration status.

Article 13. Obligations and implementation

1. The preservation, promotion and implementation of the right to peace constitute a fundamental obligation of all States and of the United Nations as the most universal body harmonizing the concerted efforts of the nations to realize the purposes and principles proclaimed in the Charter of the United Nations.

2. States should cooperate in all necessary fields in order to achieve the realization of the right to peace, in particular by implementing their existing commitments to promote and provide increased resources to international cooperation for development.

3. The effective and practical realization of the right to peace demands activities and engagement beyond States and international organizations, requiring comprehensive, active contributions from civil society, in particular academia, the media and corporations, and the entire international community in general.

4. Every individual and every organ of society, keeping the present Declaration constantly in mind, shall strive to promote respect for the right to peace by progressive measures, national and international, to secure its universal and effective recognition and observance everywhere.

5. States should strengthen the effectiveness of the United Nations in its dual functions of preventing violations and protecting human rights and human dignity, including the right to peace. In particular, it is for the General Assembly, the Security Council, the Human Rights Council and other competent bodies to take effective measures to protect human rights from violations that may constitute a danger or threat to international peace and security.

6. The Human Rights Council is invited to set up a special procedure to monitor respect for and the implementation of the right to peace and to report to relevant United Nations bodies.

Article 14. Final provisions

1. No provision of the present Declaration may be interpreted as conferring on any State, group or individual any right to undertake or develop any activity or carry out any act contrary to the purposes and principles of the United Nations, or likely to negate or violate any of the provisions of the Declaration or of those in international human rights law, international labour law, international humanitarian law, international criminal law and international refugee law.

2. The provisions of the present Declaration shall apply without prejudice to any other provision more propitious to the effective realization of the human right to peace formulated in accordance with the domestic legislation of States or stemming from applicable international law.

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

**ANNEX II - REPORT OF THE OPEN-ENDED INTER-GOVERNMENTAL WORKING GROUP
ON THE DRAFT UNITED NATIONS DECLARATION ON THE RIGHT TO PEACE**

United Nations

A/HRC/WG.13/1/2



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**Open-ended Intergovernmental Working Group on
the Draft United Nations Declaration on the Right to Peace**

First session

18–21 February 2013

Agenda item 5

Adoption of the report

**Report of the Open-ended Inter-Governmental
Working Group on the Draft United Nations
Declaration on the Right to Peace**

Chairperson-Rapporteur: Christian Guillermet-Fernández

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I. Introduction

1. The Human Rights Council decided, in its voted resolution 20/15 of 5 July 2012, to establish an open-ended intergovernmental working group with the mandate of progressively negotiating a draft United Nations declaration on the right to peace, on the basis of the draft submitted by the Advisory Committee (A/HRC/20/31), and without prejudging relevant past, present and future views. It decided that the Working Group would meet for four working days prior to the twenty-second session of the Human Rights Council.
2. Pursuant to this resolution, it was decided that the Working Group would meet from 18 to 21 February 2013.
3. The session was opened by the Deputy High Commissioner for Human Rights on behalf of the United Nations High Commissioner for Human Rights on 18 February 2013. The Deputy High Commissioner recalled that the work of the United Nations had the ultimate objective of creating a peaceful environment in which all people could fully enjoy their human rights and freedoms. She commended the comprehensive work of the Drafting Group of the Advisory Committee that had prepared the draft declaration on the right to peace and acknowledged the diversity of views and positions with regards to the right to peace. She also expressed the readiness of the Office of the High Commissioner for Human Rights to assist the Working Group in all its endeavours.
4. The President of the Human Rights Council also participated in the opening of the session. He recalled that international peace and cooperation were central to the founding principles of the United Nations. Furthermore, he noted the work of the Advisory Committee as a result of broad consultations among Member States and other stakeholders and wished delegations a productive session.

II. Organization of the session

A. Election of the Chairperson-Rapporteur

5. At its first meeting, on 18 February 2013, the Working Group elected Christian Guillermet-Fernández (Costa Rica) as its Chairperson-Rapporteur, by acclamation. He was nominated by the delegation of Ecuador on behalf of the Group of Latin American and Caribbean Countries. The representative of Ecuador, on behalf of its regional group, indicated that the nomination was based on broad consultations with all regional groups and on agreement reached and contained in the note verbale of 29 November 2012, addressed to the President of the Human Rights Council. Furthermore, the representative of Ecuador stated that Christian Guillermet-Fernández possessed all the necessary credentials to successfully carry out and accomplish his mandate.

B. Attendance

6. Representatives of the following States Members of the United Nations attended the Working Group's meetings: Algeria, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Benin, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, the Czech Republic, the Democratic People's Republic of Korea, Ecuador, Egypt, Estonia, Ethiopia, France, Gabon, Germany, Guatemala, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Kuwait, the Lao People's Democratic Republic, Latvia, Libya, Luxembourg,

Madagascar, Mali, Malaysia, Mauritania, Mexico, Monaco, Morocco, Nepal, the Netherlands, Nicaragua, Pakistan, Paraguay, Peru, the Philippines, Poland, Portugal, Qatar, the Republic of Korea, Romania, the Russian Federation, Saudi Arabia, Senegal, Singapore, South Africa, South Sudan, Spain, Sri Lanka, Sudan, the Syrian Arab Republic, Thailand, Tunisia, Turkey, Turkmenistan, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam and Yemen.

7. The following non-Member States were represented by observers: Holy See and the State of Palestine.

8. The following intergovernmental organizations were represented at the meetings of the Working Group: the African Union, the European Union, the International Organization of la Francophonie, and the Organization of the Islamic Cooperation.

9. A representative of the United Nations Population Fund participated in the session as well.

10. The following non-governmental organizations in consultative status with the Economic and Social Council were represented: African Commission of Health and Human Rights Promoters; American Association of Jurists; Associazione Comunità Papa Giovanni XXIII; Association of World Citizens; Bangwe et Dialogue; Association Points-Coeur; Centre Europe - Tiers Monde; Congregation of Our Lady of Charity of the Good Shepherd; Franciscans International; Initiatives of Change International; Institute for Planetary Synthesis; Institute of Global Education; International Association of Democratic Lawyers; International Association of Peace Messenger Cities (on behalf of 1,619 civil society organizations and cities); International Fellowship of Reconciliation; International Volunteerism Organization for Women, Education, Development; International Youth and Student Movement for the United Nations; Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco; Japan Federation of Bar Associations; Japanese Workers' Committee for Human Rights; Make Mothers Matter International; Nonviolent Peaceforce; North-South XXI; Rencontre africaine pour la défense des droits de l'homme; Soka Gakkai International; United Network of Young Peacebuilders; UN Watch; United Religions Initiative; U.S. Federation for Middle East Peace; VIVAT international; Women's World Summit Foundation; World Alliance for Citizen Participation (CIVICUS); Worldwide Organization for Women; and Zonta International.

11. Pursuant to paragraph 4 of Human Rights Council resolution 20/15, the Chairperson of the Advisory Committee drafting group on the draft declaration on the right to peace, Mona Zulficar, participated in the first session of the Working Group, delivered a general statement and made comments during the session.

12. The Independent Expert on the promotion of a democratic and equitable international order, Alfred de Zayas, also participated in the first session and delivered a general statement.

C. Documentation

13. The Working Group had before it the following documents:

A/HRC/WG.13/1/1	Note by the Secretariat and provisional agenda
A/HRC/20/31	Report of the Human Rights Council Advisory Committee on the right of peoples to peace

D. Adoption of the agenda and organization of work

14. In his opening statement, the Chairperson-Rapporteur briefly referred to the relevant provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, and human rights treaties that related to the right to peace. In referring to the draft declaration before the Working Group, he indicated that it was the result of extensive consultations carried out by the Advisory Committee and acknowledged that the efforts, especially those led by civil society, had continued in preparation for the Working Group's session. The Chairperson-Rapporteur underlined the basic principles for conducting the session of the Working Group, i.e. transparency, inclusiveness, consensus and objectivity within the encompassing principle of realism.

15. The Chairperson recalled that he convened informal consultations in preparation of the first meeting of the Open-ended Intergovernmental Working Group on the Draft United Nations Declaration on the Right to Peace as Chairperson-designate, where he presented the road map that would guide the session and promote a confidence-building atmosphere. He indicated that he had convened three informal consultations. A first meeting was held with coordinators of regional and political groups and members of the Bureau of the Human Rights Council on 21 January 2013; a second meeting took place with Member States on 6 February 2013; and a third consultation with civil society was held on 7 February 2013. He expressed that these consultations had been useful and had contributed to setting a positive environment.

16. At its first meeting, on 18 February 2013, the Working Group adopted its agenda as it appeared in document A/HRC/WG.13/1/1 and the programme of work without comments.

17. Upon the proposal of the Chairperson, the Working Group agreed to hold a general debate to be followed by a preliminary reading, article by article, of the draft United Nations declaration on the right to peace prepared by the Advisory Committee.

III. General comments

18. At the first meeting, on 18 February 2013, following the adoption of the agenda, the floor was open for general comments. The general segment continued into the first part of the second meeting on the same day.

19. In introducing this part of the session, the Chairperson-Rapporteur reiterated his intention for the Working Group to proceed in a transparent, inclusive, consensual and objective manner. Numerous delegations congratulated the Chairperson-Rapporteur on his election, and commended him for his leadership on this issue and for his cooperative, transparent and objective approach. Delegations also stated their appreciation for the efforts of the Advisory Committee to prepare an initial draft declaration on the right to peace.

20. There was wide consensus among delegations that human rights, peace and development were interdependent and mutually reinforcing, and that the draft declaration should be guided by the Charter of the United Nations, in addition to a vast jurisprudence inspired by international law. The concept of the right to peace was not new, but recognized in soft law instruments including in General Assembly resolution 39/11 of 12

November 1984, whereby the international community had adopted the Declaration on the Right of Peoples to Peace, and most recently in the Human Rights Declaration adopted by the Association of Southeast Asian Nations (ASEAN) on 18 November 2012.

21. Several other delegations stated that a stand-alone “right to peace” did not exist under international law. In their view, peace was not a human right in and of itself: it was rather a goal that could be best realized through the enforcement of existing identifiable and distinguishable human rights. They reiterated that there was no international consensus to negotiate a declaration on a right to peace as was evident from the result of the vote on Human Rights Council resolution 20/15 on 5 July 2012, and that initiatives like the draft declaration on the right to peace diverted the focus of the Council’s activities.

22. The draft declaration prepared by the Advisory Committee was described by a number of delegations as too broad in mandate and ambiguous in scope and content. It excluded important issues such as terrorism, the countering and the absence of which were considered as fundamental to the enjoyment of the right to peace. The draft appeared to be a departure from the original General Assembly resolution 39/11 of 1984 and the subsequent resolutions of the Human Rights Council.

23. Delegations debated as to whether the right to peace was an individual or collective right. Some believed that there was no legal basis for the right to peace either as an individual or a collective right. It was noted that the draft declaration did not try to define the right to peace, but tried to contextualize it in a compendium of rights, more than define it as a right on its own.

24. Several delegations called for the drafting of a brief, concise and balanced declaration that would be guided by international law as well as by the Charter of the United Nations, compliant with its Article 51. The declaration should avoid referring to controversial issues and unidentified and vague topics that did not presently enjoy international support and consensus such as the responsibility to protect, human security, peacekeeping, conscientious objection to military service, refugees, and private military and security companies. Other concepts included in the draft declaration such as “the right to live in a world free of weapons of mass destruction”, the “right to a comprehensive peace and human rights education” and “the right to safe, clean and peaceful environment” lacked conceptual clarity and, in the view of several delegations, it would be counterproductive to discuss them in the context of a draft declaration on the right to peace.

25. Other delegations pointed out that many of the categories of rights reflected in the draft declaration were already being addressed by existing mechanisms and legal processes at the international level. They warned against referencing principles and rights already covered by existing human rights treaties and addressed in other international forums, for example disarmament (the United Nations Conference on Disarmament and the Arms Trade Treaty negotiations), peacekeeping (the Security Council), development (the Human Rights Council’s Working Group on the Right to Development), peace education (the United Nations Educational, Scientific and Cultural Organization (UNESCO)), refugees (the United Nations High Commissioner for Refugees) and climate change (the United Nations Framework Convention on Climate Change and its accompanying institutions).

26. Several delegations supported the process of codification of the right to peace and expressed full support to further elaborating on the draft declaration in accordance with the Working Group’s mandate. Other delegations stated that, while they recognized the intrinsic value of peace, they could not support a standard-setting process on the right to peace and would not take part in a negotiating process on the draft text. Commenting on the draft declaration did not imply agreement to negotiate its text. It was also indicated that non-participation in the Working Group should not be construed as acceptance of any of the specific provisions contained in the draft declaration.

27. It was mentioned that efforts by States in pursuance of peace should be meaningfully complemented by cooperative initiatives and arrangements at the regional level, as demonstrated through conflict prevention initiatives already undertaken in, for example, South America and Africa, though the focus of the declaration should remain on peace at the international level.

28. Representatives of non-governmental organizations drew the attention of the Working Group to the concepts of positive and negative peace, the need for a culture of peace, and peace education. Peace was a cultural process that could progress even when a context of violence persisted. It was also noted that women were key actors in non-formal peace education and that since discrimination and inequality were at the root of violence against women, gender equality was an important element of peace.

29. The Chairperson-Rapporteur stated that the draft declaration should be a consensual document containing a short and balanced text. Therefore, the current text required improvements at the legal level. He also noted that human rights education and training were part and parcel of the promotion and protection of human rights.

IV. Preliminary reading of the a draft declaration on the right to peace prepared by the Advisory Committee

30. Before starting the discussion of the draft declaration, some delegations requested that the Chairperson-Rapporteur indicate the way in which he intended to proceed with the preliminary reading, while others explained how the lack of comments from their side should be interpreted. The Chairperson-Rapporteur responded that his intention was to proceed with a first reading of the text with the purpose of gathering the broadest possible information on different positions, examining the various objections and listening to initial preliminary thoughts and considerations on the articles. The preamble could be tackled on Wednesday afternoon. A delegation's silence regarding a particular point did not necessarily indicate its acceptance of that provision. Likewise, if no delegation addressed a specific provision, it did not necessarily mean that there was consensus. The Chairperson-Rapporteur reiterated that as part of a confidence-building exercise, nothing would be agreed upon until everything was agreed upon. He also added that his report would be a faithful and transparent reflection of what was discussed in the room.

31. A number of delegations, noting the length of the draft declaration in which all articles contained more than one paragraph, supported the view of having a succinct and balanced text with an increased legal approach founded on international human rights law. It was reiterated that, although all rights should be taken into account, some issues like disarmament and refugees were already broadly dealt with in other forums.

32. It was recalled that resolution 20/15 of the Human Rights Council establishing the Working Group gave it a clear mandate to progressively negotiate a text based on the draft declaration of the Advisory Committee without excluding new contributions. It was also noted that, at this early stage, the Working Group should discuss views and ideas without entering in a drafting exercise.

A. Preamble

33. Several delegations commented on the preamble as drafted by the Advisory Committee, proposing to strengthen the text, make it more comprehensive as regards references to peoples' right to peace and reaffirm the determination of all people to live in peace.

34. Specific suggestions for elements that should be referenced in this section were made, including reaffirming the purposes and principles of the United Nations, relevant references to the Charter of the United Nations, the Universal Declaration of Human Rights and the General Assembly Declaration on a Culture of Peace (General Assembly resolution 53/243 of 13 September 1999) as well as resolutions of the General Assembly and the Human Rights Council on the subject. It was suggested that positive language should be used instead of a negative definition of peace as the absence of war.

35. There was a suggestion to refer to the freedom from terrorism and to include agreed language concerning measures to eliminate terrorism, while maintaining the universal nature of the preambular paragraph. Another suggestion was to mention the peaceful settlement of disputes and to include instruments adopted at regional levels.

B. Article 1. Right to peace: principles

36. The Working Group then moved to consideration of article 1 of the draft declaration. Some delegations felt that paragraph 1 contained very detailed language related to discrimination and that it would be better to replace it with a more general wording, still entrenched in international human rights law, as the right to peace should be implemented without distinctions of any kind. Delegations felt that the headings of the articles were not necessary and that, in some cases, they could mislead the reader as to the actual contents of the paragraph. It was observed that in connection with the wording of paragraphs 3 and 4 of article 1, the Advisory Committee text should be founded on instruments such as the Charter of the United Nations, General Assembly resolution 39/11 and Human Rights Council resolution 8/9 of 18 June 2008, and cleaned of groundless concepts.

37. Some delegations felt that the declaration should clearly uphold principles of national sovereignty, territorial integrity and non-intervention in States' affairs falling under their domestic authority, especially with reference to paragraph 6 of article 1, which should focus on terms that were already enshrined in international law so as not to move away from legally established rights. It was also stated that the right to peace should be defined in terms of undertakings of States rather than by reference to other rights.

38. Delegations discussed the extension of the right to peace to individuals. In General Assembly resolution 39/11, peoples were entrusted with the right to peace while the Advisory Committee extended this right to individuals, a principle on which there was no consensus in international law. Other options were possible: could States and international organisations be seen as rights holders as well? Moreover, some delegations seemed to perceive the right to peace as a fully-fledged right while others appeared to conceive this right as a mere concept able to benefit from other rights. The necessity of a clear definition of the right to peace should be explored. It was also noted that paragraph 2 of article 1 should reflect the fact that the Security Council and the General Assembly had responsibilities for security and peacekeeping.

39. Other delegations noted that the beneficiaries of the right to peace should be both individuals and peoples, as this concept had already been developed during negotiations and had reached a sort of consensus. The right to peace would be a prerequisite to enjoy all other recognized human rights, particularly the right to life. Likewise, the separation between individual and collective rights appeared to be artificial, as humankind was made up of human beings, and the right to peace, as well as human beings, would have both an individual and a collective dimension. It was therefore proposed to state that all human beings, individually and collectively, had a right to peace, which was related to all human rights in an indivisible and interdependent manner.

40. Recalling statements made in the morning, it was noted that there was no legal basis for the right to peace in international law as such, and that there was no added value in recognizing the right to peace as a new right. A stand-alone right to peace would undermine the Charter of the United Nations that set out the legitimate reasons for the use of force. It was mentioned that, duly reinforced, article 1 could be the focus of the whole declaration, but the inclusion of the right to peace as an individual right would undermine the scope of the declaration.

41. Non-governmental organizations noted that the Preamble of the Charter of the United Nations encompassed the collective dimension of the right to peace and that, in accordance with the Vienna Declaration and Programme of Action, peace was a right and a prerequisite and as such it facilitated the enjoyment of economic, cultural, social, civil and political rights. Many of the constitutive elements of the right to peace were already justiciable, including the right to life, to health, to education, to conscientious objection to military service, to freedom of expression and peaceful assembly, the prohibition of the recruitment of child soldiers and the prohibition of propaganda for war. Moreover, the prohibition of the use and the threat of force was a *jus cogens* obligation clearly set by the Charter of the United Nations and represented a fundamental element for the respect of national sovereignty and the self-determination of peoples.

C. Article 2. Human security

42. Opening the discussion on article 2, several delegations and non-governmental organizations pointed out that there was no universal definition of the concept of human security. The idea was currently being discussed in the General Assembly. These delegations also asked for the deletion of ambiguous language and topics that did not enjoy international consensus. Other delegations noted that paragraphs 4, 5 and 8 were irrelevant to the declaration, while 1, 2 and 7 could be rephrased to make them applicable.

43. The work currently being done by the Special Adviser on Human Security, among others, was highlighted. It was recommended that the Working Group avoid replicating the work being done by other United Nations forums or experts. It was also felt that many of the paragraphs contained ambiguous and ambitious language not based on any internationally agreed definition.

44. Several delegations highlighted the link between security and the right to peace. They acknowledged that this nexus could not be considered without recognizing the issue of terrorism in general and its effects on the right to peace and human security in particular. Other delegations suggested that a reworded text could include language related to both the right to self-defence and combating terrorism. In this connection, it was suggested to include a reference to the fight against terrorism and the legal and legitimate exceptions related to the use of force as outlined in Article 51 of Chapter VII of the Charter of the United Nations. Other delegations highlighted the importance of respecting the principles of sovereignty and territorial integrity as established by the Charter of the United Nations. Non-governmental organizations emphasized the civil nature of peacekeeping operations and stressed that resistance to oppression should be carried out in a non-violent manner.

45. It was stressed that both peoples and individuals had a right to peace, and that article 2 as currently drafted focused excessively on an individual dimension.

46. It was noted that the order of priorities and the criteria for the choice of themes were not clear and that the text required better structuring in order to bring added value. The Chairperson-Rapporteur stated that the foundation and structure of the text had to be further examined in order to have a sound declaration that captured the aspirations of States.

D. Article 3. Disarmament

47. With regard to article 3 of the draft declaration, a number of delegations drew the link between disarmament and the right to peace, without the intention of discussing disarmament as such but to highlight the above-mentioned link, and the will of States to undertake negotiations with such an aim. Others felt that the Human Rights Council was not the appropriate venue for discussing the question of disarmament. It was suggested that the issues of disarmament, peacekeeping and the proliferation of weapons of mass destruction should be addressed by other specialized bodies including the Conference on Disarmament, the United Nations Department of Peacekeeping Operations and the United Nations Security Council. It was noted that these organizations and bodies should continue to lead international efforts, given their expertise in the field.

48. Some delegations felt the need to take a general approach when discussing the issue of disarmament in view of both its sensitive nature and extensive scope. Other delegations focused on the need for greater transparency vis-à-vis military spending and the need to free up resources and redistribute them to the poorest sections of the society. It was proposed to subdivide paragraph 1 of article 3 into two paragraphs, the first one to address the aim to achieve, within a reasonable period of time, general disarmament, and the second about actively engaging in strict and transparent regulation and control of arms trade. The underlying idea was to encourage States to engage in negotiations aimed at reducing military spending without impinging on the area of national sovereignty.

E. Article 4. Peace education and training

49. Moving to the consideration of article 4, there was broad consensus in the Working Group to support the inclusion of a provision concerning peace education and training, which were described as a central component of the present draft. A number of delegations highlighted the vital importance of peace education and training for bringing about a culture of peace. Peace education and training should not only focus on development, but should also contribute to changing the conduct of everyone. Several non-governmental organizations stressed the enabling and empowering nature of education.

50. Some delegations felt nevertheless that article 4 needed redrafting in the interest of succinctness and greater clarity. It was felt by some that paragraph 5 was too prescriptive for States and that the reference to the revision of national laws and policies was not relevant here. Non-governmental organizations encouraged the inclusion of peace education in every educational system, and the need to train teachers on peace education was also highlighted.

51. Some delegations felt that it was important to refer to another existing relevant and complementary instrument, the United Nations Declaration on Human Rights Education and Training, adopted by the General Assembly in its resolution 66/137 of 19 December 2011, and to specific elements contained in that Declaration, including awareness-raising campaigns, mass media, the private sector and others. On the other hand, while it was recognized that human rights education and training was a subject of another United Nations declaration, it would be difficult to find any added value in duplicating work already carried out in the context of UNESCO.

52. The pertinence of the prohibition of war propaganda was also highlighted. The issue of censorship as referred to in paragraph 3 was also debated, and certain delegations acknowledged that the right to access information without censorship was not an absolute right, and that limitations were legitimate in certain cases. Non-governmental organizations highlighted that the right to disseminate information freely was missing.

53. A number of delegations suggested using, in paragraph 5 (a), the previously agreed language “racism, racial discrimination, xenophobia and related intolerance” instead of just “xenophobia”.

F. Article 5. Right to conscientious objection to military service

54. With regard to article 5, many delegations asked for the deletion of any reference to the right to conscientious objection to military service due to the lack of international consensus on this issue, which, in their opinion, fell purely within the realm of the domestic legislation of each State. The subject was not considered relevant for the work of the Working Group and should not be examined further.

55. A few delegations failed to see the value in duplicating discussions on an issue that had been addressed elsewhere, for example, by the Working Group on Arbitrary Detention and the Special Rapporteur on freedom of religion or belief. It was recognized that conscientious objection to military service was subject to a sovereign decision of each State.

56. Several non-governmental organizations favoured maintaining the notion of conscientious objection to military service, linking it also to the right to freedom of thought, conscience and religion. Among the modifications suggested to the article was an additional reference to the right to civil disobedience.

G. Article 6. Private military and security companies

57. A debate was held on article 6 of the draft declaration concerning private military and security companies. Many delegations agreed that private military and security companies needed to be regulated at both the national and international levels and that their activities had to conform to the norms set out in international humanitarian law and human rights law. This view was also shared by non-governmental organizations. Other delegations, however, noted that national-level regulation was the most effective and appropriate way to promote respect for human rights by these companies, and encouraged the sharing of national practices in this area.

58. Many delegations suggested that a brief and general reference to private military and security companies would be appropriate in this declaration and should not be entirely omitted. A reference to terrorism and terrorist organizations should also be added.

59. Some delegations opposed the inclusion of an article on private military and security companies for reasons of redundancy and inconsistency with other efforts in this field, namely in the context of the Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, and the Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies. They considered it unhelpful to engage in parallel negotiations on the subject.

H. Article 7. Resistance and opposition to oppression

60. Concerning article 7, several delegations declared that they were not in favour of including a provision on resistance and opposition to oppression as worded by the Advisory Committee, objecting to controversial or ambiguous terms such as “dictatorial domination” or “domestic oppression”. It was suggested to delete the article entirely. Other delegations

opined that there was nevertheless some merit in mentioning, somewhere in the declaration, decolonization, the right of people to resist foreign occupation, and opposition by non-violent means, perhaps by rephrasing the article in a more positive way.

61. It was also stated that many of these issues were addressed elsewhere, especially by the Special Committee on decolonization and in the context of the General Assembly's annual resolution on universal realization of the right of peoples to self-determination.

I. Article 8. Peacekeeping

62. With regard to article 8 on peacekeeping, it was affirmed that peacekeeping missions were a necessary and valuable tool to support the right to peace. It was stressed that the Charter of the United Nations should act as the foundation for any discussions related to peacekeeping, which should not be considered exclusively within the context of United Nations peace missions.

63. Others rejected the idea of incorporating the article since its language reflected negatively on peacekeepers and its inclusion would not provide added value. It was stated that human rights advisers had been included in peacekeeping operations and that those human rights components of peace missions were adequately guided and supported. Moreover, it was suggested that operational matters fell outside the mandate of the Human Rights Council.

64. Non-governmental organizations noted that United Nations and other humanitarian organizations, including various non-governmental organizations, played a long-established and critical role in seeking to enhance the protection of civilians in armed conflicts, including in places that did not have a peacekeeping presence. As a result, United Nations peacekeeping missions should include unarmed civilian forces for the adequate protection of the population.

J. Article 9. Right to development

65. Moving to consideration of article 9, several delegations emphasized the importance of the presence of the right to development in the draft declaration because of its direct link with the right to peace. Development, a key issue at the core of United Nations principles and activities, and peace were inextricably connected. A reference to the Declaration on the Right to Development should be included in the text of the draft declaration on the right to peace, which could eventually be reinforced in order to be more precise and robust on this important matter.

66. It was noted that it would be more correct to discuss and use the word "development" rather than "sustainable development" because peoples were entitled to the realization of the right to full development and not only to sustainable development.

67. Some delegations wished to include in paragraph 3 of article 9 additional elements, like coercive measures and sanctions, which prevented development and consequently affected the achievement of peace.

68. Other delegations pointed out that article 9 contained redundant concepts which were largely dealt with in other forums, including ad hoc United Nations bodies, Human Rights Council mechanisms and international human rights standards. For instance, within the Human Rights Council, a specific special procedure mandate on extreme poverty and human rights existed and, in September 2012, the Council adopted the Guiding Principles on Extreme Poverty and Human Rights. Moreover, poverty was one of the targets included in the Millennium Development Goals (Goal 1 – Eradicate extreme poverty and hunger). In

the same vein of other articles of the draft declaration, the issue of the right to development was a duplication of other initiatives within the Human Rights Council and other United Nations bodies.

69. Non-governmental organizations expressed consensus on the inclusion of the right to development in the draft declaration. Several documents were mentioned to support the link between development and peace: for instance, in its paragraph 32 the Millennium Declaration reaffirmed the connection between peace, cooperation and development, and the Declaration on the Right to Development affirmed the double nature of the right to development as a collective and individual right. The implementation of the right to development was seen as a condition sine qua non for the realization of peace.

K. Article 10. Environment

70. Concerning article 10, some delegations expressed their concern about the lack of connection between the environment and the right to peace as the article was currently drafted. Furthermore, it was noted that the language used was confusing and inconsistent with agreed United Nations language.

71. Many delegations indicated that the theme of the environment in the context of human rights was already being dealt by the Human Rights Council through its special procedures mechanisms, and expressed concern that such a provision would interfere and create duplication with regard to the work of the Council.

72. Other delegations and non-governmental organizations favoured the current text and indicated that it should be kept in the declaration. It was emphasized that it was not possible to exercise economic, social and cultural rights in an unclean environment.

L. Article 11. Rights of victims and vulnerable groups

73. With regard to article 11 on the rights of victims and vulnerable groups, there was an overall understanding to adopt a general approach when discussing the principles contained in the article. There was a recommendation to delete any reference to individual groups as outlined in the third paragraph. Others stressed the importance of incorporating concepts that enjoyed international consensus.

74. Several delegations preferred to incorporate the language found in the Vienna Declaration and Programme of Action, particularly when referencing, *inter alia*, racism, racial discrimination and xenophobia.

75. It was indicated that the United Nations framework and regional human rights treaties provided remedies for victims of human rights violations. Reference was made to the current work undertaken by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. Ratification of the Rome Statute of the International Criminal Court was encouraged.

76. Non-governmental organizations recommended including paragraphs on enforced or involuntary disappearances which, in certain circumstances, constituted a crime against humanity.

M. Article 12. Refugees and migrants

77. Moving to the consideration of article 12, many delegations recognized that there was a human rights dimension in relation to refugees and migrants, regardless of their

migration status. States should undertake to ensure that causes underlying displacements of refugees and migrants were eliminated. However, numerous delegations expressed that there were more appropriate forums to address the elements of the article in an exhaustive and specific manner.

78. It was felt that it would be preferable to include more general language when addressing this theme. Several delegations nevertheless indicated that it was unclear why the issue of migrants and refugees had to be included, while other categories of vulnerable groups, such as internally displaced persons, were excluded. Ultimately, the need to include an article on this subject in the draft declaration was questioned.

79. Some delegations and non-governmental organizations supported the inclusion of this article, and additional language was suggested to strengthen its contents

N. Article 13. Obligations and implementation

80. With regard to article 13, many delegations felt that, generally speaking, its wording was slightly vague and ambitious. Regional and South–South cooperation could be the vehicles for the correct implementation of the right to peace. It was also stated that the preservation, promotion and implementation of the right to peace constituted a fundamental obligation of all States, individually and collectively. Collective State action was encouraged in coordination with the United Nations. All human beings, individually and collectively, had a right and a duty to contribute to the enjoyment of the right to peace.

81. The Working Group then returned to discussing the definition of the right to peace. Some delegations reiterated that it would be difficult to impose obligations regarding an undefined legal concept and that its implementation would not be feasible. It was also noted that the contents of paragraphs 4 and 5 would be difficult to apply because of the lack of clarity of the terminology used. A debate on paragraph 6 was considered by many delegations as premature.

O. Article 14. Final provisions

82. It was suggested to modify paragraph 1 of article 14 on the final provisions in order to ensure that nothing within this declaration went against the principles of the United Nations or the principles of human rights. The purpose of this declaration was to encourage the enjoyment of human rights and not to be an obstacle to them. It was also recommended to slightly modify paragraph 3 so as to indicate that all States must implement in good faith the provisions of the declaration by adopting measures that they believed were most appropriate in their contexts. As the declaration was not legally binding, States should be allowed to judge how best to implement those measures. These proposals were also favoured by non-governmental organizations.

V. Concluding remarks

83. At its seventh meeting, on 21 February 2013, following the distribution of the draft report, the floor was open for concluding remarks.

84. In introducing this part of the session, the Chairperson-Rapporteur informed the delegations that the report would be adopted ad referendum and delegations would have the possibility of sending their comments to the secretariat of the Working Group in the following two weeks. Many delegations thanked the Chairperson for his leadership during this first session and for his transparent, inclusive, consensual and objective approach.

85. Some delegations stressed the absence of a consensus on the existence of a “right to peace” under international law and reiterated that it was inappropriate to discuss themes, including disarmament, refugees and migrants, traditionally and broadly treated by other mechanisms, within and outside the Council’s mandates, and by other United Nations organizations. They fully recognized the relationship between peace and human rights, but disagreed with the idea of peace as a prerequisite to human rights.

86. A number of delegations expressed their confidence in the elaboration of a declaration on the right to peace using as a basis the text prepared by the Advisory Committee, and that the nature and the essence of the right to peace lay, *inter alia*, in article 28 of the Universal Declaration of Human Rights. With regard to the recommendations for future action, it was felt that it would have been preferable to have recommendations directly emanating from the Working Group instead of the Chairperson-Rapporteur. The possibility that the Chairperson-Rapporteur would present a new text based on the debate held during the first session of the Working Group was also discussed.

VI. Conclusions and recommendations

A. Conclusions

87. **At the final meeting of its first session, on 21 February 2013, the Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace adopted the following conclusions, in accordance with its mandate established by Human Rights Council resolution 20/15:**

- i. **The Working Group welcomed the participation of the Deputy High Commissioner, the President of the Human Rights Council and the Chairperson of the Advisory Committee drafting group on the draft declaration on the right to peace; and takes note of the input received from Governments, regional and political groups, civil society and relevant stakeholders.**

B. Recommendations of the Chairperson-Rapporteur

88. **Following the discussions held during the Working Group and acknowledging that differences of views on the way forward remain, the Chairperson-Rapporteur recommends to the Human Rights Council the following:**

- ii. **That a second session of the Open-ended Intergovernmental Working Group be held before its twenty-fifth session;**
- iii. **That permission be given to him for the holding of informal consultations with Governments, regional groups and relevant stakeholders in the intersessional period;**
- iv. **That he be entrusted with the preparation of the new text on the basis of the discussions held during the first session of the Working Group and on the basis of the intersessional informal consultations to be held, and to present the text before the second session of the Working Group for consideration and further discussion thereat.**

VII. Adoption of the report

89. At its eighth meeting, on 21 February 2013, the Working Group adopted the draft report on its first session ad referendum and decided to entrust the Chairperson-Rapporteur with its finalization.

Annex

Agenda

1. Opening of the meeting.
 2. Election of officers.
 3. Adoption of the agenda and organization of work.
 4. Programme of work.
 5. Adoption of the report.
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