

Calling for Ministries of Peace all around the World



**Conflict Prevention and Alternative Dispute Resolution through the
experience of the APG23 Nonviolent Peace Corps
(Operazione Colomba)**



Cover photo: A moment of sharing and encounter in one of the presences of Operazione Colomba, in a Syrian refugee camp in Tel Abbas, northern Lebanon, on the border with Syria. April 2019.

Source: http://www.operazionecolomba.it/galleries/siria-libano/2019/201904%20Varie/20190506114247_DSCF2710-02.jpg.php

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We invite the readers to consult the following links where you can download our document:

<http://www.ministerodellapace.org/worldwide/>

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EXECUTIVE SUMMARY

INTRODUCTION

- The founder of APG23, Father Oreste Benzi, used to say: “Mankind has always, throughout the centuries, organised wars, it is time to start organising peace”.
- If peace is important such as health, education, work etc., why not to have a Ministry of Peace in each State?
- In this regard, this booklet focuses and elaborates on two very important tasks of the proposed Ministry of Peace: violence/ conflict prevention and Alternative Dispute Resolution (ADR). It also describes some good practices carried out on the field by Operazione Colomba, the Nonviolent Peace Corps of APG23.

CHAPTER 1

1a. Infrastructures for Peace

There are five possible areas of intervention of the Ministry of Peace, taking up those previously identified in the booklet published last year "Calling for Ministries of Peace all around the World".

- Violence and Conflict Prevention → The Ministry of Peace should monitor and prevent violence and conflicts in order to pursue a peaceful society and realize the right to peace.
- Alternative Dispute Resolution and Reconciliation → The Ministry of Peace play an important role in solving peacefully domestic and international disputes with alternative approaches.
- Peace Culture and Education → The Ministry of Peace should engage in building defences through peace culture and education.
- Human Rights → The Ministry of Peace should provide a structure for fulfilling the duty to respect, protect and promote human rights and monitoring compliance with international standards.
- Promotion of Peace Policies → The Ministry of Peace should also work for the good management and coordination of all efforts to promote peace and implement the right to peace.

1b. The experience of APG23 through its nonviolent peace corps: Operazione Colomba

Operazione Colomba, the Nonviolent Peace Corps of the Associazione Comunità Papa Giovanni XXIII (APG23) founded in 1992, in the last two decades, has been promoter of a wide range of projects, implemented in different areas of the world through the use of a common methodology, based on the following pillars: direct sharing of life, nonviolence as an essential choice, popular participation and equal-proximity.

Currently, Operazione Colomba is present in **Albania, Colombia, Lebanon** and occupied **Palestinian** territories. Volunteers involved in the projects carry out different activities:

- **Protecting civilians:** volunteers actively protect people who are more exposed to the violence, through their international presence.
- **Promoting dialogue and reconciliation** by living on both sides of the conflict, according to the principle of equal-proximity between the parts.
- **Teaching non-violent values** through the sensitization of public opinion and the training of volunteers

- **Supporting local nonviolent realities**
- **Doing advocacy on a political and institutional level**

CHAPTER 2: Violence and Conflict Prevention

2a. What is prevention?

Violence and conflicts generate fear and insecurity, weakening the institutions and hindering a fair allocation of resources. For this reason, one of the main purposes of the infrastructures for peace is countering violence and conflict in order to pursue a peaceful society and realize the right to peace.

The concept of **conflict prevention** usually refers to a wide range of strategies, actions and initiatives aiming to avoid the violent escalation of a dispute. **Violence prevention**, on the contrary, is a broader notion including any effort which tends to prevent violence in all its configurations, i.e. physical, structural and cultural forms. It is important also to explain the concepts of conflict and violence.

Considering **violence** and **conflict** as inner elements of human nature, some scholars suggest that they cannot be resolved, but only transformed or transcended. According to the transformative approaches, conflict is a multidimensional and social variable which generates changes.

The conflict is expressed in the perception of the cycle's life and in its division in stages, necessary to understand how, when and where to apply appropriate strategies and measures to prevent, manage or resolve it. From a general perspective, **conflict prevention** and **conflict management** are broad terms defining a wide range of methods and instruments applicable in different phases of a conflict. **Despite the analytical division**, from a practical point of view, conflict prevention and conflict management have been argued to be **two sides of the same coin**.

Prevention is a cross-cutting issue, since its measures can be combined with different forms of third-party nonviolent intervention, encompassing all kind of civilian peacekeeping, peacemaking and peacebuilding actions and strategies, according to circumstances. The instruments used in order to both avoid violence and prevent a conflict to escalate, are:

- Observing and Monitoring;
- Accompaniment and Presence;
- Interposition;
- Buffer Zones or Peace Areas;
- Human Rights and Peace Education;
- Mediation and Track Two Diplomacy;
- Activism and Advocacy.

2b. The experience of Operazione Colomba

Since its first interventions abroad, Operazione Colomba has operated in countries affected by situations of acute conflict, adopting a non-violent approach and carrying out different actions in order to impede or reduce the use of violence, lower the levels of tension and create spaces for dialogue and pacific coexistence. Volunteers are unarmed civilians engaged in the mission of protecting the lives of other civilians.

The **interpositional function** of Operazione Colomba becomes extremely important, as well as its activity of international accompaniment and protection of vulnerable groups.

Nonviolent Peace Corps of APG23 actively supports the creation and permanence of “humanitarian” or “peace” areas, which are sanctuaries providing alternative spaces within the conflict, where weapons and violence are not allowed, members work to organize and develop civil and peaceful resistance, according to the values of solidarity and respect for life. **Volunteers** are not passive or neutral actors in the face of human rights violations committed by the parties but **are engaged in the activities of monitoring and denouncing any abuse**.

Operazione Colomba adopts a **multidimensional approach**, operating simultaneously on different sides of the conflict and on several levels. Therefore, it leads different kinds of initiatives of both direct and structural prevention (i.e. fostering nonviolent communication, enhancing negotiation and mediation, supporting human rights activism, organizing seminars on peace/nonviolence values, networking with local and international NGOs, and doing advocacy at national and international levels).

CHAPTER 3: Alternative Dispute Resolution (ADR) and Reconciliation

3a. Arbitration and negotiation as the main tools of the ADR ante and post-conflict

Alternative Dispute Resolution (ADR) generally indicates a rich spectrum of dispute resolution processes and techniques that operate as a tool to enable the disagreeing parties to reach a short-term agreement which takes the form of a collective deadline for dispute resolution, with the help of third parties.

It is generally classified into at least three types: **arbitration**, **negotiation** (with a series of subcategories that include, among many, the collaborative law and conciliation) and **mediation**.

- **Arbitration** is a process (voluntary/compulsory, binding /non-binding) in which a dispute is resolved by an impartial arbitrator whose decision, agreed by the parties to the dispute or decreed by law, will be final and binding.
- **Negotiation** is a process that has no fixed rules but follows a predictable pattern. It is the simplest means of resolving disputes because parties begin their speech without third-party interference. The objective of negotiation is the resolution of disputes through the exchange of views.

3b. Restorative Justice with mediation as the primary expression of post-conflict reconciliation

Restorative justice is a process in which all parties, involved in a particular anti-legal situation, try to understand how to deal with the consequences of the crime and its implications for the future. Restorative justice proposes a new concept of justice, showing an alternative access to the understanding of the law, with the task of strengthening social ties and reminding everyone of a greater "community" sense.

The main resource of this new approach is the linguistic communication, the dialogue, which allows to create a space of recognition and meeting. And it is precisely dialogue that is expressed in a tool like **mediation**, which gives victims the opportunity to be heard.

- **Mediation** is a process in which the victim and offender can meet and try to resolve their conflict. It is a space to receive chaos that can be created in the pre-trial, trial and execution phases of the sentence. Mediation is proposed as a way of managing conflicts of criminal relevance, aimed at

reactivating communication and overcoming the separation of the parts. It can be family, scholastic, cultural or criminal mediation. At the operational level it is advisable to proceed in four main phases in which the dialogue usually follows a fairly precise and schematic course: introductory phase (with the preparation of the mediation meeting); exploratory phase (separate meetings with victim and offender); negotiation phase (individual and joint meetings); conclusive phase (with various possibilities of outcome).

3c. "Does it work?" Practical applications through Operazione Colomba

In this framework we can find the work carried out by Operazione Colomba. A work of accompaniment and re-elaboration of the conflicts, where present. The Nonviolent Peace Corps of the Associazione Comunità Papa Giovanni XXIII, has always married the values of truth, justice, forgiveness and reconciliation. It is important to understand the meaning of forgiveness and reconciliation, for example, when in Albania two families live in open conflict or in the Palestinian Occupied Territories, where it is essential to engage in impartiality and equal-proximity between the parties involved. The volunteers of Operazione Colomba have had the opportunity to experience, since the first presences, that Restorative Justice, applied in many circumstances, is an effective and satisfactory method of community development and conflict resolution.

CHAPTER 4: Good Practices

4a. Albania

- Since 2010, Operazione Colomba project has the main purpose of fighting against the "phenomenon of blood feuds" for its overall overcoming through national reconciliation with pathways to overcome anger and pain for members of families affected by the phenomenon.

4b. Palestine/Israel

- Since 2004, Operazione Colomba project has the main purpose of containing violence, monitoring and reporting any violation of human rights, choosing to live alongside local people in At-Tuwani and other Palestinian villages.

4c. Lebanon

- Since 2013, Operazione Colomba project has the main purpose of reaching a peaceful solution to the Syrian conflict, lowering the levels of tension and creating spaces of peaceful coexistence, choosing to live in refugee's camps in Lebanon alongside Syrians and to help them in all their daily needs.

4d. Colombia

- Since 2009, Operazione Colomba project has the main purpose of contributing to the protection and safeguarding of the Community of Peace of San José de Apartadó and of the defenders of human rights involved in the construction of peace in Colombia with presence, direct sharing and confidence-building within the Community of Peace.

CONCLUSIONS

- Peace is a complex, dynamic and multifaceted concept which cannot be reduced to the mere absence of war. Building, enforcing and ensuring a stable and durable peace is a multidimensional, gradual and continuative process, involving resources, actors and dynamics of different nature.
- The aim of the present work is to deal with the concepts of violence/conflict prevention, alternative dispute resolution and reconciliation, stressing the importance of civilian intervention by non-governmental organizations for the adoption and implementation of appropriate measures in these fields.
- It is important to consider the institution of the White Helmets and, above all, the recent introduction of Civil Peace Corps, an experimental Italian project which can be considered the result of an interesting evolution, since it aims to create an effective peace corps capable of intervening in conflict areas.
- The Security Council in 2015 recognized “the important role [that] youth can play in the prevention and resolution of conflicts [...]” necessary to build a society able to overcome disruptive drivers, reacting to the violence deriving from social, economic, cultural and political conflicts as well as from the tensions in the marginalized peripheries.

PREFACE

The present document is the continuation of a previous booklet entitled “Calling for Ministries of Peace all around the World”, which has been produced by the international office at UNOG of Associazione Comunità Papa Giovanni XXIII (APG23) and distributed on 21 September 2018, in occasion of the International Day of Peace, at a parallel event held in conjunction with the 39th regular session of the Human Rights Council.

Associazione Comunità Papa Giovanni XXIII (APG23) is an International Association of Faithful of Pontifical Right with legal status, accredited with Special Consultative Status to the Economic and Social Council (ECOSOC) since 2006. It is present in 40 countries on five continents. Its members, of different ages and walks of life, share life directly with the poor and disadvantaged and are committed to removing the root causes of poverty and exclusion and to being the voice of the voiceless through nonviolent actions and means. The Association runs hundreds of welcoming realities for the poor and marginalised people all over the world, and through its Civil Peace Corps, the Operazione Colomba, it has a nonviolent presence in both fronts in war zones to guarantee the respect for human rights and assist populations displaced by war.

Since its inception, APG23 has been committed to promoting integral development, respect for human rights and a culture of peace and nonviolence. At the United Nations, through its international office based in Geneva, APG23 participated actively in the process for the recognition of the human right to peace that culminated in the adoption of the Declaration on Right to Peace by General Assembly on 19 December 2016 (A/RES/71/189).

APG23 remains seized on the implementation of the right to peace. The founder of APG23, Father Oreste Benzi, used to say: “Mankind has always, throughout the centuries, organised wars, it is time to start organising peace”. In order to act on this, APG23 proposes the establishment of a Ministry of Peace that should be tasked precisely with this mission.

While the first booklet “Calling for Ministries of Peace all around the Word” focused on the proposal of the Ministry of Peace describing it in all its components and functions, this second booklet, produced as well by the international office of APG23, focuses and further elaborates on two very important tasks of the proposed Ministry of Peace: violence/ conflict prevention and Alternative Dispute Resolution (ADR). It also describes some good practices carried out on the field by Operazione Colomba, the Nonviolent Peace Corps of APG23.

APG23 proposes the Ministry of Peace as one of the most concrete “appropriate and sustainable” measures, as required by the 2016 Declaration on the Right to Peace (art.3), to promote positive peace and implement the right to peace both nationally and internationally.

We firmly believe that in order to promote peaceful, just and inclusive societies, as reaffirmed in the 2030 Agenda for sustainable development, the joint commitment of all States and institutions, civil society organizations and citizens is necessary. We must stand all together to create a better world: conflicts and violations of human rights must not take place in the world as it happens now.

If peace is important such as health, education, work etc., why not to have a Ministry of Peace in each State? We invite States to seriously consider our proposal to create a Ministry of Peace because having institutions that promote peace policies will surely improve the quality of our lives, contribute positively to the progress of society and allow all its levels and every individual to enjoy peace.

We need to build peace day after day by being, first of all, ourselves peacemakers. We need to build peace resources, that is, to develop and strengthen the skills, tools and resources for transforming conflicts constructively and resisting violence. We need to realize that peace, development, respect of human rights are strictly linked and go together with the commitment to disarmament.

As the 1986 Declaration on the right to development proclaims in article 7 "All States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries.

We need infrastructures such as a Ministry of Peace that promote a peace strictly linked to development and respect for human rights. Only by ending the direct violence and tackling the root causes of the indirect one, such as the structural and cultural violence, we can generate a peaceful society that overcomes disruptive drivers, populisms and crisis. In this way, we will be able to react to the violence that springs out from social and economic conflicts as well as from the tensions in the marginalized peripheries.

Violence, in its extreme form, the war, has accompanied the history of mankind for thousands of years claiming an immense number of lives. The great voices of the conscience of humanity have always, with force, invoked the urgency of alternative ways. Humanity itself has become aware that the use of violence, even by individual states and the international community, needs to be controlled, contained and we have to find ultimately an alternative, as the risk of destruction upon large scale, caused by nuclear, chemical and bacteriological weapons is an eventuality that must be avoided.

There are numerous experiences in human history, mainly within the civil society, in which an intervention without the use of arms and violence has been effective. Through this non-armed path, wars have been stopped, vendettas avoided, reconciliation paths promoted.

Apart the well known experiences of Martin Luther King and Mahatma Gandhi, there have been other experiences in the last 50 years such as: the experience of non-violent struggles in Latin America in the 1970s and 1980s for the liberation of the poor crushed by dictatorships and injustices; the one in the Philippines in 1986 with two million people who took to the streets without weapons and forced the president - dictator Marcos, defeated in the elections, to hand over power; the experience of South Africa in the mid 90s when the Truth and Reconciliation Commission trial allowed 30.8 million blacks and more than 5 million whites to avoid a bloodbath at the end of the apartheid regime; the one in Madagascar in 1991-93 when the non-violent campaign animated by "Forces Vives" at the national level culminated with the expulsion of the dictator Didier Ratsiraka; the experience in Mozambique in 1992 where without using weapons and thanks to the commitment and mediation of the Community of Sant'Egidio, a peace agreement was reached to end the civil war; the one in Sierra Leone in 1997-2002 where, thanks to the commitment of the Inter-religious Council formed by Muslim and Christian religious leaders, a process of peace and reconciliation was initiated, which led to the end of a 10-year civil war.

Slowly, but constantly, humanity is making progress towards overcoming violence. It is time that the political world, international institutions and the world of research pay attention to the new ways that are emerging in dealing with conflicts.

This booklet offers the experience of Operazione Colomba, the Non-Violent Peace Corps of the Associazione Comunità Papa Giovanni XXIII; a reality with over twenty years of presence in conflict zones that concretely protects threatened minorities, lowers the level of violence, stands between the parties, allows the weaker part to dialogue with the stronger part and favours paths of reconciliation. This experience, even though it is numerically a very small reality, teaches as well that nonviolence is a viable and effective alternative.

With the Declaration on the Rights of Peoples for Peace in 1984, the United Nations General Assembly proclaimed "solemnly that the peoples of the Earth have a sacred right to peace", acknowledged that the absence of war constitutes "a primordial condition of well-being, of material prosperity and progress of the States as well as of the complete realization of human rights and fundamental freedoms ". The search for peace cannot, however, be limited to pursuing a situation of absence of violence and war, it is a matter of building conditions and relationships, in terms of behaviours, institutions and structures, to guide every society towards a peaceful coexistence. It is necessary to eradicate the idea that the conflicts present in our

world inevitably impose a violent degeneration. Nonviolent practices should be promoted and supported to reconstruct those conflicts that tear the social fabric and prevent us from looking at the identical humanity that unites us. We need a different model of security, defence and promotion of global peace: A Model of Defence and Promotion of Peace with Non-Violent Means.

Therefore, the Ministry of Peace will be an innovative response to the need of security and welfare. It will build up nonviolent alternatives to armed defence, promote a new form of security and prevent wars and conflicts through the realization of a positive and sustainable peace.

Maria Mercedes Rossi

Main representative of APG23 to UNOG

CHAPTER 1

1a. Infrastructures for Peace

It is important, before analysing in detail some practical aspects of the work carried out by Operazione Colomba in the field, to reorganize the ideas on possible areas of intervention of the Ministry of Peace, taking up those previously identified in the booklet published last year "Calling for Ministries of Peace all around the World".

These areas of intervention are five. Let's review them, dwelling on the main features:

a. Violence and Conflict Prevention

Violence and conflicts hinder a fair allocation of resources (thus negatively affecting justice and development), generate fear, undermine social relations, and weaken the institutions. The Ministry of Peace should counter violence and conflict in order to pursue a peaceful society and realize the right to peace. It is crucial that the Ministry deals with all types of violence (direct, structural and cultural violence) and all phases of the conflict cycle. Conflicts and violence tend to be a physiological element of human life and are difficult to eliminate. Some also suggest that conflicts cannot be resolved, but only transformed or transcended. Either ways, they are elements that governments should monitor, contain and resolve or transform.

Tackling violence and instability at an early stage and maintaining their level under a certain threshold contribute to avoid the escalation toward open forms of conflict. Since the root causes of violence and conflicts are many and diversified, actions for violence and conflict prevention should be based on a broad vision. They should deal with structural, social, cultural and direct violence and be tailored to the context and levels of violence in the society. A deeply-rooted and meaningful presence of State institutions – not only of police – is key for a successful prevention of violence and conflicts. For that reason, the Ministry should attend to the needs of the local communities enhancing active and meaningful participation, setting up territorial initiatives, cooperating closely with the civil society, local authorities and the private sector, enhancing the prevention capabilities of the population and stakeholders, and creating a sense of shared responsibility among stakeholders and communities. The Ministry should pay special attention to juvenile violence prevention in order to improve the quality of life of the young population and avoid that they are lured into violent behaviors.

Also in this case there are some functions to do at the domestic level, for example designing, promoting and implementing national policies and plans of action for the prevention of direct, structural and cultural violence based on human rights, dialogue, youth and gender perspective, and others at the international level, for example cooperating with UN and regional institutions dealing with violence and conflict, such as the UN Department of Peacekeeping Operations, UN Development Programme, and UN Department of Political Affairs.

b. Alternative Dispute Resolution and Reconciliation

Once any kind of dispute or conflict has emerged, it is important to handle and solve it through alternative methods to the use of force or coercion in order to restore a harmonious and peaceful situation, contain its negative effects and avoid its relapse. The Ministry of Peace should play an important role in solving in a peaceful manner domestic and international disputes of different nature (social, political, economic, private, judicial cases among others), thus increasing trust and harmony in the society. It should promote a comprehensive approach to dispute resolution that is based on human rights and a systemic vision that takes into account the complexity and interdependence of the actors, circumstances, relations, systems, needs, rights and duties involved in the disputes (UNICEF, 2010).

For example, looking at the domestic level and at the judicial system, the Ministry of Peace could work on the promotion of diversion,¹ alternatives to detention and restorative justice² grounded in a human rights-based approach. As outlined by UNICEF, “the overall purpose of the criminal justice system - to prevent crime and create peaceful, law-abiding societies - is best served through restorative rather than retributive/punitive justice approaches” (UNICEF, 2010). Moreover, diversion, alternatives and restorative justice have proved to be more cost-effective than detention and formal proceedings, to produce less recidivism and to respond to national security concerns as they counter exclusion, thus yielding benefits to the whole society (UNICEF, 2010).

On the international level, the Ministry of Peace should ensure that any kind of international dispute, both economic and political, is addressed by peaceful dispute resolution procedures and should encourage other States to do the same. By doing so, it would also meet the UN purposes “to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes” and “to develop friendly relations among nations” (United Nations, 1945).

c. Peace Culture and Education

The UNESCO Constitution states that “since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed”. The Ministry of Peace should engage in building such defences through peace culture and education as they can be crucial tools to address the root causes of long-standing disputes and conflicts. As recognized in the UNESCO Constitution, “a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world” (UNESCO 1945), a change of culture is needed. The Ministry should carry out actions in this field at different levels, from local to international, and through different channels, for example both in formal and informal education settings. The human right to peace includes the right to education for peace and all other human right, as well as the construction of democratic, egalitarian and multicultural societies.

For example, with regard to the domestic level, it is important to implement art. 26 comma 2 of the Universal Declaration of Human Rights and also to create plans of action and policies for education based on a human rights and peace perspective. While, on the other hand, at the international level, the aim is to promote, spread and share internationally peace education activities to create a shared vision of society.

d. Human Rights

Human rights should be a priority of the Ministry of Peace: by defending and protecting human rights, it will defend and promote peace due to the close tie that links peace and human rights. Therefore, it should undertake activities and plans that promote and ensure peace by guaranteeing the respect for human rights and pursuing justice. The aim of this field of action is to provide a structure for fulfilling the duty to respect, protect and promote human rights (especially women, children and vulnerable people’s rights), promoting a

¹ “Diversion is the channelling of certain cases away from the criminal justice system, usually on certain conditions. In common law systems, it may be achieved through the operation of prosecutorial discretion, but in civil law systems it may be the judicial officer who makes the decision to divert matters. In many systems, diversion decisions are made earlier on the criminal justice process by other professionals such as the police through the use of cautioning programmes, and increasingly legislation is providing a framework for a more rigorous consideration of diversion for children. Diversion is usually premised on an acknowledgement of responsibility for the offence, and an agreement to make amends for the crime, usually by performing community services or compensating the victim.” (UNICEF, 2010).

² “Restorative justice is an approach in which the victim/survivor and offender, and in some cases other persons affected by a crime, “participate actively together in the resolution of matters arising from the crime, generally with the help of a facilitator.” Restorative justice is a way of responding to criminal behaviour which emphasises repairing the harm caused by the crime and ‘restoring’ harmony as much as possible between offender, victim/survivor and society. It mainly involves some form of mediation and conflict resolution and often results in apologies, reparation, compensation and community service.” (UNICEF, 2010).

human rights-based culture and monitoring compliance with international human rights standards. For this purpose there are functions at the domestic level, for example enact and implement domestic legislation in compliance with international human rights law or evaluate a national plan of action on human rights with their implementation and related practices; and then functions at the international level, for example collaborate with regional and international human rights bodies or support the participation and hearings of victims of human rights violations and conflicts in regional and international human rights mechanisms.

e. Promotion of Peace Policies

As the function of the Ministry of Peace cover a wide range of fields and levels of action and involve many stakeholders, it should also work for the good management and coordination of all efforts to promote peace and implement the right to peace. In order to have an effective impact on the society and thus achieving its goals, the Ministry has to: manage and coordinate the development, execution and evaluation of relevant public policies and programs; work to strengthen the collective actions and increase the consolidation of a community of actors (public institutions, international organizations, academic, civil society and private sector) who takes part in the implementation of the right to peace.

All of these functions mean, at the domestic level, to ensure the effective development of its programs and plans, to mainstream peace in other ministries' policies and programs and to promote inter-institutional coordination to stimulate projects and collaborate with civil society.

As regards functions at international level, however, this implies a coordination and a cooperation with UN regional organizations, a reinforcement of international cooperation among States, a reduction of inequalities within and among nations by promoting sustainable development and the creation of partnerships among various actors to improve a global movement for peace.

After presenting a sort of identikit of Operazione Colomba, deepening its values, methods of intervention and communication strategies, we will be preparing to analyze specifically two of these five areas of intervention, i.e. Prevention and ADR.

1b. The Experience of Apg23 through its Nonviolent Peace Corps: Operazione Colomba

Operazione Colomba is the Nonviolent Peace Corps of the Associazione Comunità Papa Giovanni XXIII (APG23) and represents one of the most important and efficient models of civilian intervention in ethnic, religious, social and acute armed conflicts. It was founded in 1992, when a group of young volunteers and conscientious objectors of APG23, reacting to the atrocities committed during the Yugoslav war, decided to reach some refugee camps in Croatia. Wishing to experience a nonviolence approach, they successfully proved that foreign unarmed civilians could play an important role in conflict management.

The volunteers were engaged in the effort to reunite divided families, to protect ethnic minorities and to create spaces for interactions, dialogue and pacific coexistence.

Moreover, starting operating in the former Yugoslavia, they became fully aware of some realities. First of all, they saw that the victims were mostly civilians and vulnerable people, such as children, women, aged people and persons with disabilities, who were defenceless and incapable to escape armed conflicts. Furthermore, living the war from the inside, they were able to perceive its complex nature rather than limiting to conceive it in the simplistic terms of an irreconcilable opposition between white and black, good and evil. Accordingly, they realized the importance of a permanent international presence on both sides of the conflict.

As a result of the valuable experience in the field, in the last two decades, Operazione Colomba has been promoter of a wide range of projects, implemented in different areas of the world through the use of a common methodology, based on the following pillars:

- **Direct sharing:** According to this principle, volunteers choose to experience the conflict alongside the affected populations, living in close contact with them and establishing forms of cooperation. By adopting a sober style and providing a stable presence, volunteers help local people in their daily needs, assist them in the occurring emergency situations and, above all, share the same fears and risks.
- **Nonviolence as an essential choice:** Since the means always determine the end, nonviolent action is the only force capable to break the vicious spiral of violence, hatred and revenge inevitably generated by every conflict;
- **Popular participation:** Everybody can join the association, after attending a training course, independently on his/her religious belief or professional experience, provided that there is adherence to the nonviolent model and predisposition in working in groups.
- **Equal-proximity:** This expression refers to the principle of “impartiality” in the context of the conflict. The volunteers decide to share their life with the victims, regardless their ethnicity, religion or political affiliation. Interacting with all the actors involved in a conflict, requires credibility. Therefore, the effort aiming to reach an acceptable degree of dialogue between fighting parties is based on a *confidence building* process. Equal-proximity is the prerequisite for the creation of a trustful working environment in which it is possible to establish a mutual confidence between all the actors. Being impartial is necessary to create paths of reconciliation and to propose Operazione Colomba as a third credible actor capable of mediating between fighting parties. Nevertheless, volunteers are requested not to have a neutral behaviour in the face of human rights violations committed by the parties. They have to daily monitor and report, denouncing any crime and injustice they witness. Moreover, being

impartial towards conflicting parties does not exclude sympathy and empathy for the people with whom volunteers daily share life.

Firmly believing that nonviolence is the only way to get Peace, Operazione Colomba aims to introduce and implement effective and credible alternatives to military interventions. To this end, it constructively engages with several national actors (partly reunited in Tavolo Interventi Civili di Pace³ and IPRI – Rete CCP⁴) and with international partners, such as Peace Brigades International (PBI)⁵, International Fellowship of Reconciliation (IFOR)⁶, Christian Peacemaker Teams (CPT)⁷, etc...

In the last 27 years, more than 1.500 volunteers and conscientious objectors have been involved in the projects promoted by Operazione Colomba. Participants are divided into two categories: short-term volunteers, involved in the association for less than one year, and long-term volunteers, involved in projects for a longer period and acquiring a particular experience in the field. They are required to take part to a training course consisting in different stages. The training aims to provide skills in the field of non-violence and reconciliation, introducing the guiding principles of non-violent action, offering an overview of the main projects, creating simulations of conflict situations and teaching how to manage them as a group. Furthermore, volunteers learn the main aspects of the social and cultural context of the areas of intervention, acquiring specific skills related to the activities they will perform in the field.

Since 1995, Operazione Colomba has experienced nonviolent, disarmed interventions in many conflicts in the world: Croatia – Bosnia and Herzegovina – Yugoslavia (1992 – 1997), Albania (1997), Sierra Leone (1997), Kosovo – Albania – Macedonia (1998 – 2000), East Timor – Indonesia (1999), Chiapas – Mexico (1998 – 2002), Chechnya – Russia (2000 – 2001), Democratic Republic of the Congo (2001), Gaza Strip – Palestine (2002 – 2003), Darfur – Sudan (2008).

Currently, Operazione Colomba is present in **Albania, Colombia, Lebanon** and occupied territories of **Palestine**. According to the guideline principles already mentioned, volunteers involved in the projects carry out different activities:

- **Protecting civilians:** volunteers actively protect people who are more exposed to the violence, through their **international presence**. **Moreover, they adopt nonviolent direct actions**, such as physical interposition, complaint of human rights violations, accompaniment of refugees or

³ 'Tavolo Interventi Civili di Pace' also called 'Tavolo ICP' (Civil Peace Interventions Forum). This forum, including the main bodies involved in the implementation of Civil Peace Forces, was initially created with the purpose of submitting and discussing grassroots proposals and bottom-up initiatives. Nowadays, it has become a dynamic network offering a platform where different associations and individuals operating in the field of peace research and education, managing cooperation and assistance tasks in conflict areas, can meet and share their initiatives. This Forum aims to coordinate all the actions directed to promote Italian Civil Peace interventions, by consensual decision-making process

⁴ Civil Peace Corps Network (Rete CCP), is congregation of association born in 2003 to promote nonviolence thinking and Civil Peace Corps. In 2005 it became an operative section to the 'Associazione Rete IPRI-CCP', where IPRI stands for Italian Peace Research Institute, founded in 1978 and representing Italian nonviolent and peace researchers.

⁵ The longest running civilian peacekeeping organization, formed in 1982 in response to invitations of some groups living in Guatemala, El Salvador, Sri Lanka, Colombia, and Native Americans in the United States, to provide international accompaniment and to deter violence.

⁶ An interreligious and intercultural movement, born in the US and including associations coming from more than 40 countries

⁷ A religious organization born in 1986 with the purpose to provide a trained full-time corps intervening in crisis situations to reduce violence. It is currently involved in Colombia, Israel/Palestine and some areas in the US.

threatened people, actions of solidarity, mediation between the fighting parts, protection of the minorities, etc....

- **Promoting dialogue and reconciliation** by living on both sides of the conflict, according to the principle of equal-proximity between the parts.
- **Teaching non-violent values** through the sensitization of public opinion and the training of volunteers
- **Supporting local nonviolent realities**
- **Doing advocacy on a political and institutional level**

Operazione Colomba successfully networks with several non-governmental organizations, Human Rights centres, associations, local groups, religious institutions. Furthermore, it has established important forms of cooperation with international and national institutions and it actively advocates at both UN and EU levels, sharing its important experience in the field.

As other associations proposing different forms of intervention, Operazione Colomba is an emblematic example of the role played by civil society and non-governmental organizations in preventing conflicts and, by intervening in both inter-states and intra-states wars, in the action of peacekeeping and peacebuilding, as recognized by the United Nations through the statements of the former UN Secretary-General, Bhoutros B. Ghali,⁸ and established by many resolutions of the UN General Assembly.

In performing its duty/right to defend Human Rights in areas of conflict, the Nonviolent Peace Corps⁹ of APG23 stands out for the peculiar strategy adopted by its members and the interpretation of the principles of love, truth, justice and forgiveness, emerging from the actions aimed to demolish the mechanism of hatred and destruction.

As already mentioned, volunteers of Operazione Colomba, adopt an impartial attitude, refusing to take a side in the conflict in order to create a space for civil action. This is crucial to propose Operazione Colomba as a third credible actor capable of preventing further escalations and creating paths of reconciliation. Nevertheless, applying the value of equal-proximity does not mean accepting passively any action committed by the parties. Volunteers who directly experience the conflict are called to monitor the behaviour of the people they interact with, denouncing violations on the basis of the respect of the principle of humanitarian and human rights law. Living alongside with those who are victims of violence and injustice, the volunteers chose not to be neutral, firmly believing that remaining indifferent would mean being accomplices.

The peculiar interpretation of the principle of **equal-proximity**, as well as that of direct sharing, is a central aspect of the strategy adopted by Operazione Colomba, based on the promotion of active **nonviolence** to respond creatively to the conflict. Moreover, the Nonviolent Peace Corps of APG23 adopts a **multidimensional approach**, operating **simultaneously on different sides** of the conflict and on **several levels**. On the one hand, volunteers act locally, also in partnership with other (national and international) organizations, promoting meetings with local (religious and civil) institutions, encouraging dialogue and

⁸ UN Security Council, (17 June 1992), *An agenda for peace: preventive diplomacy, peacemaking and peace-keeping: Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992*, (S/24111- A/47/277), available at:

https://www.securitycouncilreport.org/un_documents_type/secretary-generals-reports/

⁹ <http://www.operazionecolomba.it/en/about/nonviolent-peace-corps.html>

reconciliation of divided communities, promoting peace education and creating space for a peaceful coexistence. On the other hand, they sensitize public opinion and advocate in important multilateral fora, denouncing crimes and demanding actions to protect people who are victims of the conflict.

Furthermore, one of the most significant and innovative aspects of this approach concerns the promotion of **bottom-up initiatives** and the support to local communities. Indeed, rather than providing aid to passive subjects, the ultimate aim of the action of Operazione Colomba consists in empowering locals and making them able to act autonomously. The core of this strategy is to help people to become more and more independent in preventing, transforming or resolving the conflicts they are involved in.

CHAPTER 2

Violence and Conflict Prevention

a. What is prevention?

As already mentioned in the introduction, the present section of the work aims to deal with the concepts of **violence and conflict prevention**, stressing the importance of civilian intervention by non-governmental organizations for the implementation of preventive and deterrent measures. To this end, this chapter is going to focus on the peculiar experience of Operazione Colomba, presenting its strategies and activities as one example of how non-governmental organizations can play a major role in this field.

In the last three decades, the issue of prevention has become more and more central in the political and theoretical debate. Violence and conflicts generate fear and insecurity, undermining social relations, weakening the institutions and hindering a fair allocation of resources. For this reason, one of the main purposes of the infrastructures for peace (especially of the proposed Ministry of Peace) is countering violence and conflict in order to pursue a peaceful society and realize the right to peace. As a consequence, rather than merely dealing with the dramatic consequences of the blind logics of violence and destruction, it is crucial to understand how appropriate preventive measures could make a difference, if timely applied.¹⁰

From a theoretical perspective, although there is no universally agreed-upon definition of what it means, the concept of **conflict prevention** usually refers to a wide range of strategies, actions and initiatives aiming to **avoid the violent escalation of a dispute**.¹¹ **Violence prevention**, on the contrary, is a broader notion including any effort which tends to **prevent violence in all its configurations**, i.e. physical, psychological, structural and cultural forms (hate speeches, racism, xenophobia, religious extremism, etc.). Moreover, since the root causes of violence and conflicts are many and diversified, actions for violence and conflict prevention should be based on a broad vision and different strategies. In any case, the initiation of preventive measures requires the perception of threat or the imminent occurrence of violent actions and conflict situations. For this reason, before explaining the meaning of prevention and its functioning, it is essential to address the concepts of conflict and violence.¹²

On the one hand, **violence is one of the means the conflict uses to express itself**. It can be exerted through the adoption of words, actions, attitudes, behaviours, structures, values or systems, inflicting physical, psychological, social or environmental damages and impeding individuals to achieve their own personal fulfilment.¹³ On the other hand, according to traditional definitions, conflict is considered “the result of opposing interests involving scarce resources, goal divergence and frustration”.¹⁴ Moreover, the

¹⁰ L. Schirch, *Civilian Peacekeeping - Preventing Violence and Making Space for Democracy*, Life & Peace Institute Uppsala, 2006, Östervåla, p. 7

¹¹ N.L.P. Swanström, M.S. Weissmann, *Conflict, Conflict Prevention and Conflict Management and Beyond: A Conceptual Exploration*, Central Asia-Caucasus Institute and Silk Road Studies Programme, 2005, Washington, DC and Nacka, Sweden, p. 6; the text of the essay is available on the website http://www.mikaelweissmann.com/?page_id=312

¹² Ibid.

¹³ V. Berni, *Nonviolenza e peacekeeping civile in Sud Sudan e Colombia: un'analisi comparata*, Università degli Studi di Siena, 2012, p. 85; the whole text of the master's thesis is available on the website <https://www.operazionecolomba.it/chi/bibliografia.html>

¹⁴ N.L.P. Swanström, M.S. Weissmann, *Conflict, Conflict Prevention and Conflict Management and Beyond*, cit., p. 6

outburst of **conflicts implies the existence of an explicit incompatibility and contradiction between two or more elements**, i.e. feelings, perspectives, ideas, issues, attitudes, as well as people, groups, ethnic and religious communities or territorial entities.¹⁵ Different theoretical frameworks classify conflicts on the basis of criteria measuring their dimensions, complexity and intensity. War is only one of the alternative expressions of conflict, since it implies the use of force as instrument to resolve an occurring dispute at both inter-state and intra-state levels.¹⁶

Considering violence and conflict as inner elements of human nature, some scholars suggest that they cannot be resolved, but only transformed or transcended. According to the transformative approaches, conflict is a multidimensional and social variable which generates changes. It does not have a negative connotation, being a natural and inalienable phenomenon. This kind of theories are based on use of *conflict analysis*: a systematic study of the causes, the actors and the dynamics involved in a conflict. Basing their strategies on this analysis, mediators intervene and interact with the opponents, in order to avoid negative and violent effects of the conflict and transform the relations among conflicting parts.¹⁷ Either way, both conflict transformation and conflict resolution approaches have developed some instruments and strategies aiming to monitor, contain, resolve or transform conflicts.

Despite the different interpretations over its meaning, scholars agree that conflict is not a static phenomenon but a dynamic situation. **Many models of conflict pattern represent it as a cyclical process**, divided into some phases characterized by different levels of intensity. Usually, these models take the form of an upside-down U-curve, composed of different stages. Therefore, a conflict can be described as a dynamic process, which escalates from a relatively stable and peaceful phase (pre-conflict) into crisis and war and, thereafter, can deescalate into a new (relative) stable and peaceful stage. Some suggest that conflict is represented by recurring cycles, so that a conflict moves through the different stages over and over, in each cycle. It is important to point out that the conflict spiral is only an ideal and simplified model, used for analytical purposes. **In the empirical reality, conflicts do not follow a linear path, since each phase can be characterized by occurring sub-conflicts.** For this reason, at any point in time, different kind of measures can be applied. Moreover, a re-escalation of a conflict can occur at any point during the de-escalation process, not following the ideal curve.¹⁸

The perception of the cycle's life and its division in stages are necessary to understand how, when and where to apply appropriate strategies and measures to prevent, manage or resolve a conflict. From a general perspective, **conflict prevention** and **conflict management** are broad terms defining a wide range of methods and instruments applicable in different phases of a conflict. Indeed, both conflict prevention and conflict management are conceived as **mechanisms and strategies aiming to avoid, reduce or manage conflicts between different parties.**¹⁹

Traditionally, conflict prevention and conflict management are separate from both a theoretical and procedural point of view. Indeed, the former aims to prevent, contain and/or solve a dispute before it has turned into active/open conflict, while the latter focuses on the limitation, mitigation, and

¹⁵ G. Zurlini Panza, *Gestione Dei Conflitti: La Riconciliazione Nei Casi Kossovo E Israele-Palestina*, Università degli Studi di Modena e Reggio Emilia, 2011, p. 12; the whole text of the master's thesis is available on the website: <https://www.operazionecolomba.it/chi/bibliografia.html>

¹⁶ Ibid., pp. 24-34

¹⁷ V. Berni, *Nonviolenza e peacekeeping civile in Sud Sudan e Colombia: un'analisi comparata*, cit., pp. 78-80

¹⁸ N.L.P. Swanström, M.S. Weissmann, *Conflict, Conflict Prevention and Conflict Management and Beyond*, cit., pp. 8-17

¹⁹ Ibid., p. 4

containment of a conflict which has already become manifest. Accordingly, on operational level, prevention measures are often intended to act in the early phases, in a “situation where tension and suspicion among parties run high but violence is either absent or only sporadic”,²⁰ while conflict management should be applied once violent conflicts have already erupted. **Despite the analytical division, from a practical point of view, conflict prevention and conflict management have been argued to be two sides of the same coin.** Indeed, since preventive measures aim to resolve, contain and manage conflicts before their outburst into violent clashes, conflict management can be considered an important part of conflict prevention. Furthermore, once a conflict has become manifest, conflict management can be identified as an instrument to reduce tension, deter violence and prevent further escalations, applicable at all levels of the conflict cycle. In this regard, rather than being separated, the concepts of conflict prevention and management seem to be, in many ways, closely interrelated and even intertwined, requiring a more coherent definition and integrated approach.²¹

As far as conflict prevention is concerned, it is important to stress how both the concept and practice in this context have evolved, moving from the idea of “preventive diplomacy”²² formulated by the former UN Secretary General, Boutros Boutros-Ghali, to a more complex idea, which includes any measure applied to prevent violent conflicts and strengthen the capacity of concerned parties to reduce the possibility of conflict. In its broadest sense, prevention aims both to prevent violent conflicts and to achieve positive peace. It is often divided into two categories, direct prevention and structural prevention. **Direct prevention** focuses on short-term and prompt strategies aimed at preventing the imminent escalation of a potential conflict. **Structural prevention** refers to more long-term measures that address the underlying causes of a potential conflict.²³ Furthermore, moving away from a culture of reaction, the 2001 Report of the former UN Secretary General Kofi Annan on Prevention of Armed Conflict introduced a new culture of prevention, based on the implementation of proactive strategies aimed to achieve a positive peace.²⁴

According to the Report, “an effective preventive strategy” requires “a comprehensive approach that encompasses both short-term and long-term political, diplomatic, humanitarian, human rights, developmental, institutional, and other measures taken by the international community, in cooperation with national and regional actors”.²⁵ What is even more important for the purposes of this work is that the report recognized the contributions that civil society and NGOs can provide to the fulfilment of Human Rights and the achievement of peace and security. **Non-governmental action was said to be crucial to address the root causes of conflicts at early stages and to prevent violence.** For this reason, the report

²⁰ M. Lund, *Preventing Violent Conflicts*, United States Institute of Peace Press, Washington, D.C, 1996, p. 39

²¹ N.L.P. Swanström, M.S. Weissmann, *Conflict, Conflict Prevention and Conflict Management and Beyond*, cit. pp.25-27

²² UN Security Council, (17 June 1992), *An agenda for peace: preventive diplomacy, peacemaking and peace-keeping: Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992*, (S/24111- A/47/277), available at: https://www.securitycouncilreport.org/un_documents_type/secretary-generals-reports/

²³ A. Loddo, *Interventi Civili E Nonviolenti Per La Pace Contributi Per Un Approccio Teorico*, Università Di Pisa, 2013, p. 102; the whole text of the master’s thesis is available on the website <https://etd.adm.unipi.it/t/etd-09082014-203536/>

²⁴ UN Security Council, (7 June 2001), *Prevention of armed conflicts: Report of the Secretary-General*, (A/55/985-S/2001/574), available at: <https://www.un.org/securitycouncil/content/secretary-generals-reports-submitted-security-council-2001>

²⁵ Ibid.

encouraged NGOs to create networks and to cooperate with actors of different nature on the issues of prevention and resolution.²⁶

The Report on Prevention of Armed Conflict can be considered a starting point for **rethinking the idea of prevention, adopting a more comprehensive approach**. In the last years, there has been a considerable debate over a definition based on a holistic view on conflict prevention and human security, including both individuals and states. This broader definition incorporates all possible threats to stability and peace and overcomes the limits of traditional security approaches. It also stresses the importance of operating at different levels involving actors of diverse nature, such as national, international, transnational and non-governmental ones.²⁷

In this regard, different kind of local and international non-governmental organizations can be involved in the process of prevention, including either those whose work is not specifically focused on conflict, or others dealing with the fight against structural problems. In both cases, these actors can be capable of mobilizing segments of civil society, creating solidarity networks and promoting social and political reforms which are necessary to prevent violence and conflicts. In other cases, the action of some NGOs mainly aims to respond to specific conflict situations.²⁸ As already mentioned, this is the case for Operazione Colomba which experiences nonviolent interventions in the context of acute social, religious, ethnic or armed conflicts.

Concerning the non-governmental role in the field of violence prevention, it is important to underline how many organizations daily deal with the necessity of preventing different forms of violence in the countries where they operate. For example, fighting against structural violence, some promote initiatives aiming to enhance social and economic development, monitor fundamental human rights and support the widest participation to decision-making processes. Moreover, many NGOs are actively engaged in the effort of lowering the levels of social tensions and conflicts, combating xenophobia, racism and discrimination by the promotion of the values of tolerance and peace. Youth education and the enforcement of conflict-management capabilities of local communities are two of main objectives of their action. In some cases, non-governmental actors undertake political dialogues, as well as sensitization and lobbying activities. They also can organize mobilization campaigns, open room for discussion and carry out other creative actions aimed to the achievement of peaceful solution/transformation of the conflict.²⁹

As other international organizations do, Operazione Colomba promotes the adoption of nonviolent actions in order both to facilitate the transformation of local conflicts and re-establish a peaceful coexistence, by preventing or halting any violation of Human Rights. On a general level, civilian intervention is based on the idea of a third-party involvement to reduce the levels of violence and deter the negative effects of an escalation. It consists in different strategies aiming to keep, make and build peace and can be made by intergovernmental, governmental and non-governmental actors. Furthermore, measures adopted in civilian intervention can be either “dissociative” or “associative”. The former actions

²⁶ Ibid.

²⁷ N.L.P. Swanström, M.S. Weissmann, *Conflict, Conflict Prevention and Conflict Management and Beyond*, cit., pp. 20-21

²⁸ A. Loddo, *Interventi Civili E Nonviolenti Per La Pace Contributi Per Un Approccio Teorico*, cit., pp. 102-108

²⁹ Ibid., cit., p. 133

aim to separate the opposing parts, in order to avoid further escalations, while the latter tend to rebuild social relations between them.³⁰

As far as NGOs are concerned, they are traditionally employed in peacekeeping interventions. Peacekeeping can be defined as “the prevention, containment, moderation, and termination of hostilities, through the medium of a peaceful third-party intervention”.³¹ In the last years the concept of peacekeeping has been evolving, developing a multifaceted and comprehensive approach, also due to the increasing importance of its civilian components.³²

Unarmed and nonviolent civilian peacekeeping is originally based on a dissociative approach: by placing themselves in conflict situations, creating a “human wall”, civilians try to separate the fighting groups from each other in order to stop the cycle of violence. This is not a new phenomenon, as historical examples of local civilians serving nonviolent peacekeeping functions in conflicts within their own countries prove.³³ Therefore, in the last two decades the interventions of international civilian groups in other countries have become more and more common. Since this kind of peacekeeping encompasses different kind of associative measures (such as support to local communities, protection of human rights, humanitarian aids, defence of refugees and internal displaced peoples, development projects and other actions aiming to transform the conflict), it does not respect the rigid classification of peacekeeping, peacemaking³⁴ and peacebuilding,³⁵ provided by the UN.³⁶ Indeed, although these concepts need to be

³⁰ V. Berni, *Nonviolenza e peacekeeping civile in Sud Sudan e Colombia: un'analisi comparata*, cit., p. 93

³¹ L. Schirch, *Civilian Peacekeeping*, cit., p. 15

³² Since the creation of the United Nations, peacekeeping intervention in an inter-state war has been traditionally conceived as the interposition of a neutral and buffer force between two armies. For this reason, military peacekeeping missions conducted by the blue helmet initially aimed to monitor the ceasefire and to report violations, without transforming/resolving the conflict itself. After the end of the Cold War, UN peacekeeping began to change, broadening and diversifying its range of operations. Indeed, in the last 30 years, the different nature of emerging conflicts has required a more comprehensive approach, incorporating humanitarian assistance and the protection of human rights. For this purpose, increasing number of civilians have been deployed alongside military peacekeepers. Since the early 1990s, UN civilian peacekeeping has been consolidating, while the number of non-governmental civilian interventions has been increasing. Indeed, both UN agencies and (local or international) civil society organizations have been using civilian peacekeeping as an instrument to reduce violence. To learn more see: L. Schirch, *Civilian Peacekeeping*, cit., pp. 11-17; G. Zurlini Panza, *Gestione Dei Conflitti: La Riconciliazione Nei Casi Kossovo E Israele-Palestina*, cit., pp. 63-65; V. Berni, *Nonviolenza e peacekeeping civile in Sud Sudan e Colombia: un'analisi comparata*, cit., pp. 95-101.

³³ L. Schirch, *Civilian Peacekeeping*, cit., pp. 17-18;

³⁴ This term usually identifies a process of (formal or informal) negotiations leading to the necessary political changes to achieve conflict resolution/transformation. Third party intervention is made by different actors, such international organizations, national governments, NGOs, religious institutions, which act as mediators. G. Zurlini Panza, *Gestione Dei Conflitti: La Riconciliazione Nei Casi Kossovo E Israele-Palestina*, cit., pp. 65-67

³⁵ It is a complex and dynamic process, based on long-term perspectives and potentially involving the social structure as a whole. It aims to prevent and anticipate future problems, coordinating different actors and activities in all stages of conflict and all levels of society, through a multidimensional process. Its objectives are: waging a conflict non-violently, in order to favour conditions of dialogue and negotiations; transforming relationships and finding long-term and sustainable solutions; enhancing institutional and democratic capacity building, in order to guarantee fundamental human rights and prevent violence; contributing to the social, economic and political reconstruction; establishing reconciliation paths and restorative justice mechanisms. Peacebuilding efforts contribute to the achievement of a peace consolidation phase, enhancing cooperation and inclusiveness of all the involved parties. To learn more see: V. Berni, *Nonviolenza e peacekeeping civile in Sud Sudan e Colombia: un'analisi comparata*, cit., pp. 93-95; L. Schirch, *Civilian Peacekeeping*, cit., pp. 11-14; G. Zurlini Panza, *Gestione Dei Conflitti: La Riconciliazione Nei Casi Kossovo E Israele-Palestina*, cit., pp. 67-69

³⁶ In this regard, see UN Security Council, (17 June 1992), *An agenda for peace: preventive diplomacy, peacemaking and peace-keeping: Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the*

differentiated, civilian peacekeeping action tend to overlap some aspects of both peacebuilding and peacemaking interventions, deriving from the same idea of nonviolent conflict resolution/transformation. Either way, **unarmed civilian peacekeeping** aims to prevent and deter explicit direct violence and/or any further escalation.³⁷ It can be applied at different levels of intensity and stages of conflict, both before the evolution in acute crisis (conflict prevention) and after its conclusion (post-conflict), in order to mitigate violence, increase the security and ensuring a durable peace.³⁸ For this reason, a flexible interpretation of civilian peacekeeping is necessary to successfully manage international conflicts adopting a long-term perspective.

Prevention is a cross-cutting issue, since its measures can be combined with different forms of third-party nonviolent intervention, encompassing all kind of civilian peacekeeping, peacemaking and peacebuilding actions and strategies, according to circumstances. The instruments used in order to both avoid violence and prevent a conflict to escalate, are:³⁹

- **Observing and Monitoring:** These activities consist in the analysis of the operational context and in the use of mechanisms to guarantee the respect of human rights, detecting signs of impending violence, monitoring and reporting any violation, in order to foster national/international alert and to mobilize international pressure upon the perpetrators.
- **Accompaniment and Presence:** International accompaniment and deterrent presence are two tactics used by peacekeepers to reduce random forms of violence. Members of international NGOs seek to deter violence by accompanying individuals or groups in danger and by being a presence in a threatened community.
- **Interposition:** This traditional tactic is aimed to prevent direct violence. *Interpositioners* impede the contact of the groups engaged in a conflict, assuming an impartial stance toward all parties.
- **Buffer Zones or Peace Areas:** Buffer Zones are neutral, demilitarized areas which can provide sanctuary to people escaping armed conflict and reduce tensions through separation of fighting groups.
- **Human Rights and Peace Education:** Some organizations promote programs of Peace Education and Non-violence, organizing training workshops on these issues in addition to their accompaniment and presence work. Peace Education and non-violent workshops are important peacebuilding tools which increase the long-term capacity of communities to practice democracy and ensure human rights.
- **Mediation and Track Two Diplomacy:** Some NGOs actively promote dialogue and conduct negotiation or mediation between the fighting groups, facilitating nonviolent communication. They can also support bottom-up initiatives and lead actions of *track two diplomacy* operating at different levels, i.e. in the cultural, artistic, environmental, religious and political field.

Security Council on 31 January 1992, (S/24111- A/47/277), available at:

https://www.securitycouncilreport.org/un_documents_type/secretary-generals-reports/

³⁷ L. Schirch, *Civilian Peacekeeping*, cit., pp. 15-16

³⁸ N.L.P. Swanström, M.S. Weissmann, *Conflict, Conflict Prevention and Conflict Management and Beyond*, cit., p. 13

³⁹ In this regard see: L. Schirch, *Civilian Peacekeeping*, cit., pp. 31-44; A. Loddo, *Interventi Civili E Nonviolenti Per La Pace Contributi Per Un Approccio Teorico*, cit., pp. 127-137

- **Activism and Advocacy:** International NGOs create the space for nonviolent activism and local and international advocacy, aimed to balance power, raise awareness and prevent or deter the conflict, enhancing dialogue and structural change.

In the following section, the specific function of these tools in the context of prevention, will be addressed through the practical example of the action and experience of Operazione Colomba.

b. The experience of Operazione Colomba

Since its first interventions abroad, Operazione Colomba has operated in countries affected by situations of acute conflict, adopting a non-violent approach and carrying out different actions in order to impede or reduce the use of violence, lower the levels of tension and create spaces for dialogue and pacific coexistence. Volunteers are unarmed civilians engaged in the **mission of protecting the lives of other civilians**. Their western/*outsider* identity and passport often place them in a privileged position, because their lives are generally perceived to be more “valuable” by local armed groups concerned about the power of Western countries.⁴⁰ The advantages of being European can be used in order to guarantee protection to local groups and to become impartial eye-witnesses of violence and abuses.

The denounces and the mobilization of pressure upon human rights violators, are essential to gain support from the international community and to conduct more informed actions in order to reduce violence and prevent future aggressions. Moreover, by living and working alongside the affected populations and showing their willingness to share the same fears, sufferance and risks, **volunteers indirectly reminds all the involved parties of the importance of universal human rights values**, since their example is based on the moral principle of protecting unarmed civilians, common to all religions and cultures.⁴¹ In some cases, such as the presence in Palestine, Colombia and Lebanon, Operazione Colomba was **invited by local communities themselves**, in order to guarantee the protection of oppressed minority and unarmed civilians, by exercising preventive capacity to deter violence. For instance, in 2014 members of Operazione Colomba were asked to go to Lebanon by Syrian refugees who had been menaced by an attempt to burn the camp where they lived. Since then, volunteers have been living and working in this camp, sharing the same conditions of refugees. Paradoxically, the international constant and deterrent presence of Operazione Colomba has become also a source of security for Christian Lebanese.

The interpositionary function of Operazione Colomba becomes extremely important, as well as its activity of **international accompaniment**. By living and working among endangered communities, **volunteers provide physical protection to a variety of different people and vulnerable groups, acting as “as unarmed bodyguards”**.⁴² This is the case for Palestine, where the Nonviolent Peace Corps of APG23 is present in At-Tuwani, a village of the South Hebron Hills, located in the West Bank. Despite the Israeli military occupation and the attempts of Israeli settlements and outposts to violently expand into the Palestinian lands, local inhabitants have chosen to remain and resist in a nonviolent way. Operazione Colomba supports such a choice. For this reason, especially in the areas more exposed to potential attacks by Israeli settlers, volunteers accompany every day Palestinian farmers and shepherds to their own land, in order to protect them from the threat of army harassment and let them work in safe conditions. This

⁴⁰ Despite that, in some contexts, Western/European identity could endanger and impede the effective functions of volunteers, since they could be seen with suspicion and become target of specific aggressions.

⁴¹ L. Schirch, *Civilian Peacekeeping*, cit., pp. 44-55

⁴² Ibid., p. 35

way, volunteers guarantee local community's economic and substantial activities, preventing or reducing any aggression which instils fear and reduce Palestinian people's sense of security and freedom of movement. Furthermore, every morning Operazione Colomba's members monitor the Israeli military escort that should protect Palestinian school-children on their way to school and back home, on a path where settlers have attacked many times. When the military escort is not present, they denounce this absence and offer a civil escort. In some, extreme cases, they also interposed themselves between children and settlers who were threatening them, preventing imminent aggressions. The same happens in Colombia, when the volunteers of Operazione Colomba, in response to a direct call of the Peace Community of San José de Apartadó, located in Antioquia-Cordoba departments, have been contributing to reduce violence and forced displacement. Indeed, volunteers both accompany displaced people in their way back to their homelands and protect leaders and members of the Peace Community by living with them. They also allow locals to carry out their daily activities and to meet leaders or Human Rights Defenders operating in other humanitarian areas.

Concerning the experience in Colombia, another important aspect to underline concerns the fact that the Peace Community is one of the most concrete and effective humanitarian areas of the country which openly challenges an economic model based on human and environmental exploitation and violence, by showing that a lifestyle that respects human beings and the environment is possible. Offering its daily presence of protection, accompaniment and monitoring, Operazione Colomba ensures the respect for human rights and reduces the impact of violence in a context where the civilian population still lives under the constant threat of the neo-paramilitary groups and the ELN guerrillas⁴³. Therefore, **the Nonviolent Peace Corps of APG23 actively supports the creation and permanence of these "humanitarian" or "peace" areas**, which are sanctuaries providing alternative spaces within the conflict, where arms and violence are not allowed, members work to organize and develop civil and peaceful resistance, according to the values of solidarity and respect for life.

As already mentioned in the previous chapter, despite adopting an equal-proximity approach, **members of Operazione Colomba are not passive or neutral actors in the face of human rights violations committed by the parties** but are engaged in the activities of monitoring and denouncing any abuse. **Observing and reporting human rights violations** are crucial for implementing prevention strategy and discouraging the deployment of violence against civilians. For this reason, these activities are carried out in all the countries where the organization is currently operating. One of the main objectives of these activities is to raise public opinion and media awareness, through the diffusion of reports and news on the local conditions aiming to denounce misconducts and to spread the nonviolent experiences. Moreover, **Operazione Colomba actively monitors conflict situations in other countries**, all over the world, focusing on the experiences of nonviolent resistance and on the problems related to migration flows. In this regard, it also promotes initiatives to provide aid and shelter to these people, preventing violence against them.

Another important aspect of Operazione Colomba's activities is linked to their initiatives aimed to foster **nonviolent communication** between fighting parties, enhancing negotiation and mediation in order to prevent any escalation. This is the case of Lebanon, where volunteers, in the village of Tel Abbas and in the near refugee's camp, are engaged in the efforts to reduce tension and promote dialogue between Syrian and Christian Lebanese, for a peaceful coexistence. For this purpose, they share daily life with both communities, trying to build friendly relations and acting as credible cultural, social and political

⁴³ National Liberation Army (Spanish: Ejército de Liberación Nacional, ELN) is a revolutionary leftist armed group involved in the continuing Colombian conflict since its creation, in 1964.

mediators. Furthermore, interacting with people belonging to different ethnicities, cultures and religions, Operazione Colomba also fosters constructive approaches and nonviolent initiatives aimed to achieve a peaceful resolution of the Syrian conflict and encourage bottom-up initiatives. *Preventive-track two diplomacy* is also applied in other contexts, such as the Palestinian one, where mediators push for the promotion of dialogue and reconciliation between the parties. For this purpose, they favour any occasion of meeting between the parts, seeking dialogue with Israeli soldiers and, in some cases, even with Israeli settlers, in order to overcome prejudices and stereotypes.

At the same time, Operazione Colomba seeks to **empower locals**, making them able to act autonomously and to become more and more independent in preventing, transforming or resolving the conflicts they are involved in. Accordingly, the organization encourages any local reality, such as the Peace Community of San Josè de Apartadó and the village of **At-Tuwani**, whose members have chosen to resist in a nonviolent way. Moreover, in all the concerned countries, **volunteers endorse the mobilization of local civil society and support human rights activism**, adopting a wide range of tactics (such as protests, demonstrations, sit-ins, etc...) aiming to raise public awareness. The large variety of instruments deployed responds to the need of adopting “creative” nonviolent strategies, aiming to achieve a positive transformation of the conflict.⁴⁴

Local civil society represents a powerful force, capable of mobilizing society as a whole, pushing a conflict either towards an escalation or a de-escalation. For this reason, any long-term preventive strategy must be based on the creation of a widespread Peace culture.⁴⁵ From this point of view, **Operazione Colomba actively contributes in this fields, organizing or joining training, workshops and seminars on Nonviolence, dialogue and Peace values**. Human Rights Education, Peace Education and Nonviolent Communication are three closely interrelated elements which are taught and combined in different social and cultural activities carried out by Operazione Colomba. Some of them are specifically targeted for the involvement of the youngest generations. For instance, volunteers have organized or joined numerous initiatives aiming to make Israeli and Palestinian children meet and play together. In this case, adopting a comprehensive approach, education is meant to transmit fundamental values, such as the importance of dialogue, nonviolent behaviour or the respect for the others.

As already seen in the previous chapter, Operazione Colomba has always successfully **networked and actively cooperated with local and international non-governmental organizations** present in the field, as well as Human Rights centres or religious institutions, despite diversities of strategies and objectives. On the one hand, working with local NGOs is important in order to favour the inclusiveness of local people in the decision-making process. On the other hand, joining actions with international partners (such as Christian Peacemaker Teams, International Peace Brigades, International Fellowship of Reconciliation) improves the effectiveness of civilian interventions in some areas and increases the international pressure and alert.

Another matter of interest concerns the activities of **cooperation and advocacy carried out at national political level, as well as at both UN and EU**. Indeed, since its creation, Operazione Colomba has been pushing for the formal recognition of nonviolent civilian intervention in third countries, recently supporting the creation of Peace Corps. Since the Yugoslav war, it has cooperated with UN Agencies (OCHA, UNHCR), as well as European Institutions, also taking part to some projects financed by the European Union, such as “Partnership for Peace” or “So Far so close”. Furthermore, Operazione Colomba

⁴⁴ L. Schirch, *Civilian Peacekeeping*, cit., p. 48

⁴⁵ A. Loddo, *Interventi Civili E Nonviolenti Per La Pace Contributi Per Un Approccio Teorico*, cit., p. 107

has always been advocating and reporting its own experience in important international and Human Rights fora (Human Right Commission and Human Right Council). The list of activities and initiatives carried out by Operazione Colomba, despite not exhaustive, is useful to understand how the organization works to raise international awareness and pressure in order to prevent/deter the conflicts where it intervenes.

Finally, as already said, the Nonviolent Peace Corps of APG23 adopts a **multidimensional approach**, operating **simultaneously on different sides** of the conflict and on **several levels**. Therefore, it leads different kind of initiatives of **both direct and structural prevention**. For example, by providing civilian escort to Palestinian children, volunteers both guarantee them their right to Education and teach young generations the importance of nonviolent forms of reaction/resistance against the use of the force. This way, they carry out an important function of structural prevention. Similarly, in all the countries where Operazione Colomba is present, when volunteers support local development, encourage women to be more independent or enhance any form of social change, they adopt a long-term perspective aiming to prevent any form of violence and conflict in the future. This is essential for the achievement of a true, sustainable and positive peace.

CHAPTER 3: Alternative Dispute Resolution (ADR) and Reconciliation

a. Arbitration and negotiation as the main tools of the ADR ante and post-conflict

Among the tasks of infrastructures of peace, we have chosen to develop, in addition to the prevention of violence and conflict with its tools and techniques, also the Alternative Disputes Resolution (ADR) and the reconciliation.

The first-one, also called “External Dispute Resolution” (EDR), generally indicates a rich spectrum of dispute resolution processes and techniques that operate as a tool to enable the disagreeing parties to reach a short-term agreement which takes the form of a collective deadline for dispute resolution, with the help of third parties. Another key role of ADR, which is increasingly being adopted, is to act as a tool to help resolving disputes alongside the judicial system itself⁴⁶.

Despite the difficulty of accepting ADR by many popular parties and their supporters, in recent years ADR has been widely recognised by both the general public and legal practitioners. Indeed, some courts have begun to require certain parties to resort to some form of ADR in several disputes. The growing popularity of ADR can be explained by the increasing number of cases in traditional courts, the perception that ADR imposes lower costs than traditional litigation, the preference for confidentiality and the desire of some parties to have more control over the choice of individuals as to the outcome of their dispute⁴⁷.

“Confidence, trust and faith are the essential ingredients of conciliation. This effective means of ADR is often used for domestic as well as international disputes. Some significant differences are there while using it for domestic or international disputes”⁴⁸

ADR traditions retain a core of common elements but vary slightly depending on the country and cultural context.

ADR is divided into two historical strands. First, methods of dispute resolution outside the official judicial mechanisms. Second, informal methods attached or pending to official judicial mechanisms. In addition to these, there are autonomous and/or independent methods, such as mediation programmes and ombudsman offices within organisations.

Going into the main characteristics of ADR, it should be said that it is generally classified into at least three types: **arbitration**, **negotiation** (with a series of subcategories that include, among many, the collaborative law and conciliation) and **mediation** (this topic is going to be dealt with in chapter 2b). ADR has been and is historically used in conjunction with existing legal systems, such as the Sharia courts in common law jurisdictions or the United Kingdom, but to date, as mentioned above, it has begun to be accepted in many other contexts.

⁴⁶ A. J. Pirie, *Alternative dispute resolution: skills, science, and the law*, Irwin Law, Toronto, Ontario, 2000, p. 5

⁴⁷ G. Totaro, "Avoid court at all costs", *The Australian Financial Review*, Nov. 14 2008 (April 19, 2010)

⁴⁸ Ujwala Shinde, "Conciliation as an Effective Mode of Alternative Dispute Resolving System", *IOSR Journal Of Humanities And Social Science (JHSS)*. Vol. 4, N° 3, 2012, pp. 01-07

Arbitration is one of the ways to resolve disputes outside the courts. The dispute, using this mechanism, is resolved by one or more persons (the "arbitrators" or "arbitral tribunal"), who propose the "arbitration award". The arbitration award is legally binding on both parties and can be enforced in court⁴⁹.

Arbitration is a process in which a dispute is resolved by an impartial arbitrator whose decision, agreed by the parties to the dispute or decreed by law, will be final and binding. There are limited rights to be reviewed and appeal arbitration awards are provided.

Arbitration may be voluntary or compulsory, binding or non-binding. Non-binding arbitration is similar to mediation, which will be discussed later, because a decision cannot be imposed on the parties. However, the main distinction is that while the mediator will seek to help the parties to find a compromise, the (non-binding) arbitrator remains completely excluded from the conciliation process and will only provide a determination of liability and, where applicable, an indication of the amount of payable damages. In general, arbitration proceedings have a tendency, by their very nature, not to be appealed against in the ordinary sense of the term. However, in most countries, the court retains a control role to set aside awards in extreme cases, such as fraud or in the case of serious legal irregularities by the court. Only national arbitration awards are subject to an annulment procedure. According to definition, therefore, arbitration is always binding and, if non-binding, it cannot technically be considered an arbitration as such.

Parties often seek to resolve disputes through this ADR instrument because of a number of potential advantages over traditional court proceedings.

- For example, unlike litigation, where you cannot "choose the court"⁵⁰, arbitration allows the parties to choose their own court. This is particularly useful when the subject matter of the dispute is highly technical: arbitrators with an appropriate degree of jurisdiction can be chosen;
- Arbitration is often faster than litigation in court⁵¹.
- Arbitration proceedings and an arbitration award are generally not public and can be made confidential⁵².
- While in court proceedings the official language of the country of the competent court is automatically applied, making the entire proceedings difficult to understand for those who do not speak it fluently, in arbitration proceedings the most functional language may be chosen.
- In most legal systems there are very limited possibilities to challenge an arbitral award, which is sometimes an advantage, as it limits the duration of the dispute and any associated liability.

On the other hand, there are also a number of disadvantages, such as:

- Arbitration contracts are sometimes contained in ancillary contracts, or in small print in other contracts, and consumers and/or employees often do not know in advance that they have accepted binding mandatory arbitration before the dispute by buying a product or accepting a job.
- If arbitration is mandatory and binding, the parties definitively renounce their right to access the courts and have the case decided by a judge or jury.
- The possibilities for appeal are very limited, which means that a wrong decision cannot easily be overturned.
- In some legal systems, arbitration awards have less chance of enforcement than judgments.
- Unlike court rulings, arbitration awards themselves are not directly enforceable. A party seeking to enforce an arbitral award must resort to judicial remedies, called an action to "confirm" an award.

⁴⁹ A. O'Sullivan; S. M. Sheffrin, *Economics: Principles in Action*, Pearson Prentice Hall, Upper Saddle River, New Jersey, 2003, p. 324

⁵⁰ "The Supreme Court's retired, but hardly retiring, Ian Binnie", *The Globe and Mail*, Toronto, 15 June 2012

⁵¹ *Ibid.*

⁵² Compass Resolution - Mediation & Coaching, Arbitration and Adjudication, available at <https://www.compass-resolution.com/mediation-for-business/arbitration-and-adjudication/>

Another important tool of the ADR is **negotiation**, a self-advice between the parties to resolve their dispute. The word "*negotiation*" comes from the Latin expression, "*negotiatu*", past participle to negotiate which means "continue doing business". "Negotiation" literally means "*no free time*". Negotiation is a process that has no fixed rules but follows a predictable pattern. Negotiation is the simplest means of resolving disputes. In this way the parties begin their speech without third-party interference. The objective of negotiation is the resolution of disputes through the exchange of views between the parties. If there is understanding and patience between the parties, this way of resolving the dispute is the simplest and cheapest. Negotiation is a dialogue aimed at resolving disputes, producing an agreement on lines of action, negotiating for individual or collective benefit, or creating results to meet various interests.⁵³

It looks almost like a sports competition, but unlike this, however, a negotiation should not end with a winner and a loser. In the end, there may not even be a score to count. Well-conducted negotiation can allow both sides to win by expanding the total pot, making the sum for both sides greater than they could have on their own. In the language of academics this is called "synergy". Basically, the lawyer, each time he or she participates by listening patiently and negotiating with the client and the opposing parties, reflects an impression in the client's or counterparty's mind. A "successful" negotiation is when the negotiator succeeds in obtaining all or most of the results his/her side desires, without however inducing the other side to definitively interrupt the negotiations.

During a negotiation, it is recommended not to put anything personal in the field, so that you can catch the opportunities in a more objective way. The most difficult thing in any negotiation is to make sure that the emotion is removed from the equation and that the facts are dealt with concretely. Negotiations can be invoked at any time, even if the matter is pending in court. Likewise, it can be closed at any time.

A successful negotiator doesn't get intimidated by issues. Voting on a request cannot guarantee success, but failure to submit a request guarantees that it will not be implemented. The golden rule to keep in mind, the mantra to meditate on silently while entering negotiations, is "*Ask and you shall receive*". The media describe negotiations as complex and dramatic issues involving powerful politicians, powerful entrepreneurs or top-level lawyers. But often negotiations involve ordinary people who, if they felt less intimidated by the process, would find themselves considerably more responsible in their lives.

William Hernández Requejo, President of Requejo Consulting, Inc and Professor at UC Irvine Chapman University, and John L. Graham, Consultant and Professor of International Business at The Paul Merage School of Business, UC Irvine, propose the ten new rules for global negotiations to better understand the features of this tool:

1. *Accept only creative outcomes.*
2. *Understand cultures, especially your own.*
3. *Don't just adjust to cultural differences, exploit them as well.*
4. *Gather intelligence and reconnoitre the terrain.*
5. *Design the information flow and process of meetings.*
6. *Invest in personal relationships.*
7. *Persuade with questions.*
8. *Make no concessions until the end.*
9. *Use techniques of creativity.*
10. *Continue creativity after negotiations.*⁵⁴

⁵³ V.G.Ranganath, *Legal service India*, available at www.legalservicesindia.com/article/245/Negotiation-Mode-Of-Alternative-Dispute-Resolution.html

⁵⁴ W. H. Requejo, J. L. Graham, *Global Negotiation: The New Rules*, St Martin's Press, New York, 2008

It is important to underline that **arbitration** and **negotiation** of ADR are closely related to the topic that will be dealt with in chapter 2b, i.e. Restorative Justice applied through the instrument of mediation.

b. Restorative Justice with mediation as the primary expression of post-conflict reconciliation

Restorative justice has ancient origins: from African to Aboriginal communities Maori New Zealanders.⁵⁵ The idea of a restorative form of justice has historically been manifested, at least initially, by the payment of a sum of money⁵⁶ or the provision of a service to the victim. Concepts that have so far been developed and, to a certain extent, outdated, in order to arrive at more modern and innovative reparative dynamics.

"Restorative justice is a process whereby all the parties with a stake in a particular offense come together to resolve collectively how to deal with the aftermath of the offense and its implications for the future."⁵⁷

This is the generally accepted definition of Marshall.

Another relevant and widely shared doctrinal definition is that of Howard Zehr, considered the father of restorative justice, who expresses himself in this way:

"Restorative justice is a process to involve, to the extent possible, those who have a stake in an offense and to collectively identify and address harms, needs and obligations, in order to heal and put things right as possible."⁵⁸

The approach to restorative justice arises from the crisis of criminal justice and therefore of the remuneration model. A crisis that has manifested itself with an excessive formalization of procedures, lack of attention to victims in the process and ineffectiveness of sanctions. In order to fill these gaps in the remuneration model, it is therefore necessary to involve the victim, the offender and the civil community more in the management of conflicts of criminal relevance.

Restorative justice proposes a new concept of justice in function of the path completed or to be completed; it does not abandon the horizon of legality but more simply shows an alternative access to the understanding of the law. It is a pre-modern form of problem solving, destined to become a new way of thinking about justice in post-modernity⁵⁹. It is the right (if not the only one) answer to emotional, verbal and physical violence.

Restorative justice, considered as a complex model of intervention on social conflicts originating from a crime or expressed through a crime, is characterized by the use of instruments that promote the reparation of the negative effects of the conflictual relationship. It is a process of social production capable of reconstructing

⁵⁵ On the subject see U. Gatti, M. I. Marugo, *La vittima e la giustizia riparativa*, in Aa.Vv., *Tutela della vittima e mediazione penale* by G. Ponti, Giuffrè, Milano, 1995. It is also important to take into consideration the Hammurabi Code of 1700 B.C., which provided for the restitution of certain crimes against property, the Roman Law of the Twelve Tables (449 B.C.) which established for thieves condemned a sanction of doubled value of stolen goods, the Lex Salica of 496 A.D. which provided for certain types of crime sanction mechanisms and England of the '600 in which were developed appropriate compensation systems with detailed tables for damage assessment

⁵⁶ Mannozi, G. *La giustizia senza spada, Uno studio comparato su giustizia riparativa e mediazione penale*, Giuffrè, Milano, 2003, pp. 62-64

⁵⁷ T. Marshall, *Restorative Justice: An Overview*, Home Office. Research Development and Statistics Directorate, London, 1999

⁵⁸ H. Zehr, *The Little Book of Restorative Justice*, Intercourse, PA, Good Books 2002, pag. 37

⁵⁹ G. Mannozi, *La giustizia riparativa: percorsi evolutivi culturali, giuridici e sociali*, a cura di F. C. Palazzo, Roberto Bartoli, Firenze, 2011, pp. 27-54

links between people and multiplying the possibilities of sharing and dealing with problematic situations, thus regenerating the connective tissue between the parties and their living environment.

The processes of restorative management, being part of the communication flow typical of the conflict, are presented as a complex intervention fed by the available resources of the living environment in which the opposition relationship is born. The lifeblood of this community concept is a dynamic of collective participation.⁶⁰ The aim of this interaction is, in fact, that the repair is able to find increasingly effective functional solutions to the management and therefore to the conflict resolution.

Looking at the matter from another perspective, one could say that the remedy aims at a redefinition of the relationship between State and Society, leading to the construction of a new dynamic balance. It is not a simple alternative to retributive justice, but a social regulation modality that supports and goes beyond principles and interpretative categories as required by canonical models. If canon law aims at the colonization of everyday life, the restorative model aspires to *revitalization*.

This "revitalization" focuses on the victims of the crime, the community and the content, as well as the modalities, of reparation. The victim, by participating in the process, has the opportunity to regain control over his or her life, sense of security and emotions. It must also overcome the lack of confidence in the authority that should have been protected it, finding answers to some specific needs, like major ones information about the trial and recognition of the wrongdoing. The victim, by object impersonal, is fully configured as a person with his baggage of suffering, insecurity and humiliation.

The criminal action is not only an illegal conduct, but a more complex reality, to be analyzed using the victim as the keystone to recompose the "fracture" resulting from this conduct. As far as the community is concerned, we tend to consider it an abstraction, a theoretical entity, without dwelling on the dual role it plays: on the one hand, it is the recipient of reparation policies, and on the other, it is a social actor in the process in question.

The task of restorative justice is, in fact, to strengthen social ties and to remind everyone of a greater "community" sense. When we speak of "content", instead, we must focus our attention on the communicative-relational aspect of conflict.⁶¹ The commission of the offence is reflected in the more or less profound corrosion of social communication between the perpetrator and the victim; communication that restorative justice is committed to restoring.

Despite the new "victim-centric" view of justice, the offender is not excluded from the legal circuit. On the contrary, the offender continues to be a co-star in the management of the conflict, considering that reparation provides as an obligatory step a positive activity of the offender himself. The consent of the offender is necessary to start restorative activities, initiating a path aimed at self-responsibility and at assuming the consequences of the crime.

The main resource of this new approach is the linguistic communication, the dialogue, which allows to create a space of recognition and meeting. A space that makes it possible to repair the damage through the reconciliation of the parties and the strengthening of the sense of collective security. The restorative model proposes questions towards the victim and of the offender, aimed at reconstructing what happened rather than investigating the dynamics of guilt to seek the right penalty.

So, for example, "*What happened?*" "*What were you thinking at the time?*" "*What was the hardest thing for you to put up with?*", will be more effective questions than "*Who was it?*" "*Why did it?*", typically related to the retribution model. This *modus operandi* enhances the triangle formed by victim, offender and community showing us how the new concept of justice gradually moves away from a set of abstract values to be

⁶⁰ T. Pitch, *Un diritto per due*, il Saggiatore, Milano, 1998, pp. 127-139

⁶¹ W. Cragg, *The Practice of Punishment*, Routledge, London-New York, 1992

respected, to arrive at the reality of suffering that always lurks in crimes, as violations of the individual rights of victims.⁶² Restorative justice is not a better punishment because it is more human, more tolerant and faster; it has nothing and must not have anything in common with the idea of punishing.

And as a justice that *"takes care"* of⁶³ instead of *"punishing"*, it is oriented towards satisfying the needs of the victims, the offender and the community in which the experience of victimization was lived. Restorative justice also constitutes a true ethics of communication, capable of outlining an alternative to the combination of crime and punishment, replacing it with the combination of conflict and reparation.

The offence is therefore considered not only as a violation of a rule, but above all as an injury inflicted on an individual or a community. The victims mainly express a desire for reparation with regard to the damage and tears they have suffered. And considering that the prison sentence rarely re-educates, almost never repairs, there is a need for an innovative approach that restores a central position to the victim: this is what restorative justice proposes.⁶⁴

To complete the overview, it is essential to focus on the legal framework, citing Directive 2012/29/EU, which establishes minimum standards "on the rights, support and protection of victims of crime". The Directive, in Article 2, paragraph 1, defines restorative justice as:

*"any procedure which allows the victim and the offender to take an active part, if they give their free consent, in resolving the issues arising from the offence with the help of an impartial third party."*⁶⁵

The European Union, in fact, taking note of the evolution over time of mediation in criminal matters, refers to the "restorative justice services", including, in fact, mediation, dialogue extended to parental groups and commisurative councils.

This regulation provides for minimum standards regarding the right of the victim "to guarantees in the context of restorative justice services", establishing, pursuant to Article 12, the essential conditions of access.

It is also important to remember the definition contained in the 2002 Resolution⁶⁶, entitled *"Basic principles on the use of restorative justice programmes in criminal matters"*, emitted by ECOSOC (Economic and Social Council of the United Nations) at its 37th plenary session, which focuses on the use of the expression *Restorative process*.

*"Restorative process means any process in which the victim and the offender and, where appropriate, any other individual or member of the community harmed by the crime, actively participate together in the resolution of the problem on the basis of the crime, usually with the help of a mediator. Restorative process can include mediation, conciliation, conferencing and sentencing circles."*⁶⁷

Thanks to these legislative sources, restorative justice has obtained a legal basis that has allowed it to be included among the methods of conflict resolution. Legislative acts that have opened the door to the use of an innovative approach that was initially a small-scale, but destined to become increasingly important.

⁶² E. Iula, "Giustizia Riparativa", *Aggiornamenti Sociali*, Vol. 62, N° 3, 2011, available at: <http://www.aggiornamentisociali.it/>

⁶³ D. W. Van Ness, K. Heetderks Strong, *Restoring Justice*, Anderson, Cincinnati (USA), 1997, pp. 32 ss.

⁶⁴ G. Mannozi G.A. Lodigiani, *Giustizia riparativa: ricostruire legami, ricostruire persone*, Il Mulino, Bologna, 2015

⁶⁵ EU, Official Journal of the European Union, (L 315/57), *Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA*, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012L0029&from=EN>

⁶⁶ UN Economic and Social Council, (24 July 2002), Resolution n. 2002/12 *on the basic principles for the use of restorative justice programmes in this criminal area*, available at: <https://www.un.org/en/ecosoc/docs/2002/resolution%202002-12.pdf>

⁶⁷ Ibid.

In particular, the so-called Resolution of 2002, entitled *"Basic principles on the use of restorative justice programmes in criminal matters"* consists of a preamble followed by five titles: *I Use of terms, II Use of restorative justice programmes, III Operation of restorative justice programmes, IV Continuing development of restorative justice programmes and V Saving clause.*

The preamble is particularly interesting and full of meaning:

"Recalling that there has been, worldwide, a significant growth of restorative justice initiatives,
Recognizing that those initiatives often draw upon traditional and indigenous forms of justice which view crime as fundamentally harmful to people,
Emphasizing that restorative justice is an evolving response to crime that respects the dignity and equality of each person, builds understanding, and promotes social harmony through the healing of victims, offenders and communities,
Stressing that this approach enables those affected by crime to share openly their feelings and experiences, and aims at addressing their needs,
Aware that this approach provides an opportunity for victims to obtain reparation, feel safer and seek closure; allows offenders to gain insight into the causes and effects of their behaviour and to take responsibility in a meaningful way; and enables communities to understand the underlying causes of crime, to promote community wellbeing and to prevent crime,
Noting that restorative justice gives rise to a range of measures that are flexible in their adaptation to established criminal justice systems and that complement those systems, taking into account legal, social and cultural circumstances,
*Recognizing that the use of restorative justice does not prejudice the right of States to prosecute alleged offenders, [...]"*⁶⁸

In the perspective of this important normative goal, it is possible to affirm that the restorative method, born in the penal system, can be exported to manage conflicts that also occur in other fields: work, school, etc. This method makes people happier, more cooperative and productive, and more likely to produce positive changes by working **with** authorities and other bodies and not **for** the authorities (and other bodies).

⁶⁸ Ibid.

An important indication for the implementation of restorative justice comes from the theory of Tuckman organizations that illustrates the birth and the path of socialization of groups, studying the different stages of development that each new group or community goes through before forming definitively.⁶⁹

Initially, this theory provides for a period of "honeymoon", called *forming*, in which there are no conflicts and peace of mind reigns supreme. Then, inevitably, comes the breaking point, where tensions and conflicts emerge, called *storming* (note the choice of words). The third phase is *norming*, when people try to establish rules of conduct, followed by *performing* in which, of course, these rules are put into practice. And finally, with the *adjourning*, the various groups begin to relate to each other with the others, sharing values and experiences, to arrive gradually at an embryonic idea of community.⁷⁰

The use of these techniques is strongly recommended as they allow for a significant improvement in relations, fostering dialogue and cooperation and a significant reduction of phenomena such as bullying, violence and some illegal criminal behaviour, promoting a climate suitable for learning and recovery. All persons in any position of authority (parents, teachers, police, government, etc.) can benefit from the use of these tools.⁷¹

Restorative justice tools are much more effective when the damage of illicit behaviour is tangible, which helps participants to shift their attention from a dynamic of code violation and punishment to a dynamic of damage repair and reconstruction of trust.

*"Restorative practices is an attitude, a stance and a posture"*⁷²

which implies a willingness to build new relationships using the tools of restorative justice.

In this kind of system, the victim is no longer an abstract entity, but an individual with human and social needs. That is why entrusting conflict management exclusively to criminal law appears anti-modern, especially when is available a tool like **mediation**, which gives victims the opportunity to be heard. Umbreit defines mediation as

*"an informal but structured process that gives victims the opportunity to meet the offender. The objectives are to encourage active responsibility in the offender and to provide assistance and reparation to the victim."*⁷³

Mediation is a space to receive chaos that can be created in the pre-trial, trial and execution phases of the sentence. Thanks to this tool, people involved in the conflict can transform the limit into a resource for themselves and others, recognizing and overcoming the fear of the complexity of conflict and pain.

The knowledge on the practice of mediation has been greatly enriched over the years, but at the same time, creating the conditions for the emergence of new ideas for discussion. One of the many questions concerns the definition of mediation itself: this is of a restorative measure, or of a predominantly conciliative form? Some people⁷⁴ prefer to consider it a very effective restorative justice tool, others⁷⁵ instead say that confusing the figures of mediation and reparation could be "dangerous", because they are not two overlapping

⁶⁹ B. W. Tuckman, "Developmental sequence in small groups", *Psychological Bulletin*, New York, Vol. 63, N° 6, 1965, pp. 384-399

⁷⁰ J. Wachtel T. Wachtel, *Building Campus Community, Restorative Practices in Residential Life*, IIRP, Bethlem, Pennsylvania (USA), 2012, sub. Cap. 5 "Responsive Restorative Practices"

⁷¹ J. Wachtel. Wachtel, *Building Campus Community*, cit., sub. Cap. 2 "What is Restorative Practices?"

⁷² J. Wachtel T. Wachtel, *Building Campus Community*, cit., sub. Cap. 4 "Proactive Community Circles"

⁷³ M. Umbreit, *The Handbook of Victim Offender Mediation: an essential guide to practice and research*, Jossey-Bass Inc Pub, San Francisco (USA), 2001

⁷⁴ C. Scivoletto, *C'è tempo per punire. Percorsi di probation minorile, Politiche e servizi sociali*, Franco Angeli, Milano, 1999

⁷⁵ A. Ceretti, *Progetto per un Ufficio di mediazione penale presso il Tribunale dei minorenni di Milano*, in AA.VV. *La sfida della mediazione*, by Pisapia G.V.; Antonucci D. Cedam, Padova, 1997, pp. 96-98

perspectives. In fact, the different schools of thought are the result of a combination of personal and real factors, which leads us to consider them both correct and makes the project in question unique.

This practical declination of restorative justice is based on five key words, identified by Prof. Giovanni Angelo Lodigiani in the course of restorative justice and criminal mediation held every year at the University of Insubria in Como, Italy: trust, listening, shame, encounter and empathy.

Trust is a form of inner certainty that has the value of positive reassurance with respect to events and contingent experiences. It is a concept strongly linked to the idea of community, as it represents one of the foundations of social exchange.

About listening, instead, Marianella Sclavi gives us some indications with the seven rules of the art of listening, one of which is

*A good listener is an explorer of possible worlds.*⁷⁶

In order to be *active*, listening must take advantage of a silence that creates a space to welcome the word of the other, of a continuous eye contact and of some open questions that show interest.

Proceeding sequentially, we are faced with shame. It is important to distinguish between *the reintegrative shame*⁷⁷, which leads to the repair of the damage by promoting the restoration of self-respect, and the *stigmatising shame*, which leads to a negative perception of oneself and is therefore ineffective for this instrument. Shame is a social feeling with a positive connotation because, by reporting the violation of an internal code of ethics, it allows an individual to read himself in the other. "Man is the only animal that blushes. Or needs to." says Mark Twain.

The meeting is the more or less harmonious dialogue between the parties involved in the conflict, fundamental to be able to grasp the deepest and hidden aspects of our being. It promotes the overcoming of the logic of separation and the recognition of the individual as a relational being.⁷⁸ It is a fundamental stage of mediation, inextricably linked to the concept of empathy.

And here is the fifth word: from the Greek "εμπραθεία" means "to feel inside", "to identify". It is an experience of a conscience different from ours that in a certain sense imitates inwardly the action of others recalling their own corresponding experience.

*"When empathizing we encounter areas of values that we are precluded from, we become aware of a lack of our own or of our own worth."*⁷⁹

Mediation is proposed as a way of managing conflicts of criminal relevance, relying mainly on the humanistic model (re-victim mediation) of Jacqueline Morineau⁸⁰, aimed at reactivating communication and overcoming the separation of the parts. A type of mediation in which the restorative agreement is not the primary objective of the mediation, but one of its possible (not necessary) outcomes. The offences covered by this type of approach are those related to the person, in particular insults and injuries, to the detriment of property offences. And from this it is easy to deduce how mediation is best suited to situations in which the crime invades the sphere of relationships in which the person is involved. Cases of sexual violence or violence, absurdly, provide the most fertile ground for the practicability of mediation.

⁷⁶ M. Sclavi, *Arte di ascoltare e mondi possibili, come si esce dalle cornici di cui siamo parte*, Bruno Mondadori, Milano, 2003

⁷⁷ J. Braithwaite, *Crime, Shame, Reintegration*, Cambridge University Press, Cambridge, 1989

⁷⁸ G. Mannozi, *La reintegrazione sociale del condannato tra rieducazione, riparazione ed empatia*, in Dir. pen. proc., 2012, pp. 838-851

⁷⁹ E. Stein, *Zum Problem der Einfühlung*, Halle 1917; *italian translation, L'empatia*, (ed.) M. Nicoletti, Franco Angeli, Milano 1985, p. 201

⁸⁰ J. Morineau, *Lo spirito della mediazione*, Franco Angeli, Milano, 2004

It is not to be considered as a surrogate for the legal process even if it could represent a reversal of course with respect to the classical thought modules. It can be family, scholastic, cultural or criminal. And it follows two organizational models: offices of mediation services managed at the central administration level (e.g. in France, Sweden, Norway and Finland where the mediation services are widespread throughout the territory and work in synergy with the judicial offices) and mediation services on a voluntary and local basis (e.g. in Italy, Belgium and Greece where state-of-the-art legislation exists but the mediation offices do not have a homogeneous distribution in the territory).

The starting point, common to all models, is the formal apology that the offender addresses to the victim, who in turn must express a formal declaration of acceptance of the above. This initial mechanism is called the *Making Amends Model*, i.e. a type of dialogue aimed at bringing the victim and the offender together, capable of identifying the error in a specific conduct and then find a way to correct it.⁸¹ At this point, depending on the type of conflict, the techniques and styles of conduction of the most appropriate mediation.

At the operational level, in order to carry out effective mediation, it is advisable to proceed in four main phases in which the dialogue usually follows a fairly precise and schematic course.⁸²

The first, *introductory* phase, consists in the preparation of the mediation meeting. It is clearly up to the mediator to decide which cases may be suitable for handling. with restorative justice methods and which they don't. For example, if the guilty party does not admit his guilt or not manifest to want to take part in this process, so if the victim suffers from mental disorders or is particularly vulnerable, using tools that can help him/her repairment may not be the best solution.

The second, *exploratory* phase, consists of two preliminary meetings: one with the offender and one with the victim. In these pre-conferences the mediator is required to introduce himself, explaining his role in the dispute. Then, he describes the mediation process, presenting its advantages such as the opportunity to explain the story from his own perspective and the support that comes from this type of approach. The mediator, then, with an unprejudiced silence, listens to the story trying to understand the feelings and sensations of the protagonists. At this point, he can deal with the concepts of repair of damage and reconstruction of trust. Finally, he is required to ask the offender and the victim what goals they would like to achieve through this process.

The third phase, *negotiation*, consists of holding both individual and joint meetings in order to reach an agreement that can satisfy both parties. At this stage, the offender and the victim present their views on the reasons for the conflict. The mediator's task is to create a space to accommodate the separation, without judging or imposing a solution, but simply letting the parties speak and facilitating the exchange. A good mediator is one who is able to "mirror" himself/herself by feeling and accepting the emotions and thoughts of the protagonists, and then reflect them and make them more understandable. The mediator is a third party external to the conflict, a catalyst, an agent of transformation, who undertakes to re-establish harmony between the parties without ever feeling above them.

Finally, in the *conclusive* phase, various possibilities of outcome can be presented (reaching of the agreement, failure to agree and proposal formulated by the mediator).

Regardless of the technical phases mentioned above, in order to use the mediation tool correctly, it is important to internalize the restorative culture, which

⁸¹ M. Schiff, *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms?* (Studies in Penal Theory and Penal Ethics), AA.VV. A. Von Hirsch J. Roberts, Hart Publishing, Oxford, 2004, pp. 32

⁸² D. R. Karp, *The little book of Restorative Justice for Colleges and Universities: Repairing Harm and Rebuilding Trust in response to student misconduct*, Good Books, New York, 2013, sub. Cap. 12 Conference Facilitator Apprentice Script

*[...] means developing sensitivity and openness to a path of civilisation in relational dynamics from which one cannot turn back, developing the capacity to accept and use the restorative approach also in the working process and, finally, acquiring the correct awareness of the potential and limits of restorative justice as an extra-judicial means of settling disputes of civil or criminal relevance.*⁸³

Relational dynamics necessarily pass through the language that, in order to be trained in the restorative method, must prefer more *neutral* terms, or even better, *empathic* ones, to the detriment of *legalistic* ones, thus learning to avoid (pre-)judgement on the person. Infact the person is

*"bearer of properties deriving from her own being, from her uniqueness, from the behavioural dynamics adopted."*⁸⁴

Giving value to the person therefore means paying attention to these *properties* deriving from psychological factors and ability to choose, which inevitably affect the organization and cooperation, necessary for the achievement of a common goal.

*"But we forgot about knowing how to be. We take refuge behind concepts. We have forgotten that, in order to assume our human condition, we need a look at what is essential."*⁸⁵

The essential thing is precisely the ability to stay in touch with one's own emotions and those of those around us, so as not to be satisfied with what we can or what we know and to be able to obtain what we want and desire.⁸⁶

c. "Does it work?" Practical applications through Operazione Colomba

This is perhaps the simplest and most natural question to ask yourself after all these considerations. Some American-style research has shown that the appeals against penalties and recidivism, after having used restorative techniques, are practically non-existent; and, where present, for facts much less serious than the previous ones. The data also show that victims are satisfied with this new approach, in which they have the possibility to be really listened to.

And it is in this framework that the work carried out by Operazione Colomba in the field fits perfectly. A work of accompaniment and re-elaboration of the conflicts, where present. The Nonviolent Peace Corps of the Associazione Comunità Papa Giovanni XXIII, has always married the values of truth, justice, forgiveness and reconciliation. It is important to understand the meaning of forgiveness and reconciliation, for example, when in Albania two families live in open conflict; on the one hand the family ready to take revenge, on the other hand the family in self-exclusion. In this case, the use of the techniques described above is probably the only chance for the two families to overcome violence, forgiving each other and arriving at a reconciliation.

Just as it is important for Operazione Colomba, for example, in a delicate and dangerous project such as the one in the Palestinian Occupied Territories , to engage in impartiality and equal-proximity between the parties involved, both required to create the right path for reconciliation and to propose itself as a credible third actor and able to guide the sides in the necessary mediation to resolve the conflict in a peaceful way.

Unfortunately, restorative techniques are not always effective, and therefore cannot completely replace other types of approach.

⁸³ G. Mannozi, G. A. Lodigiani, *Giustizia riparativa: ricostruire legami, ricostruire persone*, Il Mulino, Bologna, 2015, p. 216

⁸⁴ Ibid., p. 217

⁸⁵ J. Morineau, *Lo spirito della mediazione*, cit., p. 18

⁸⁶ D. Papini, *Il sapore delle emozioni. Ritrovare il gusto della vita per vivere meglio con se stessi e gli altri*, Franco Angeli, Milano, 2013, p.11

*"Without a moral foundation, the misconduct may return."*⁸⁷

In fact, if the offender manifests himself as an entirely amoral and irrational individual, the restorative approach will reveal itself to be unproductive and sterile.

A criticism addressed to restorative justice and, consequently, to the activities that Operazione Colomba carries out in the field, is that the type of approach it proposes is too soft, allowing people to overcome what has happened without consequences. If the point is to correct behaviour but the punitive measures are doomed to failure, then what is the best way to intervene? And if there is another method to help people change their inappropriate behaviour that does not cause them suffering, is it not preferable to canonical sanctions?⁸⁸ These are the questions to which restorative justice responds with its seemingly soft, but essentially effective resolving tools.

Restorative justice offers a powerful and decisive solution to misconduct and the possibility of revising the fully legal approach that currently dominates the field of the management of criminally relevant facts. **A reo-centric approach that needs a rebalancing of attention, useful to turn it into damage-centric.**

French writer and philosopher Fabrice Hadjadj said:

*"In order to fulfill our infinite desire for justice, we need a judge who satisfies these three conditions: to be the lord of history; to know the secret of hearts; and to work for reconciliation and not for destruction."*⁸⁹

This is what, in brief, the approach of Operazione Colomba aims to achieve. *"To be the lord of history"* means to know the events in detail, to have a general and complete picture of the event; *"to know the secret of hearts"* implies to go beyond the mere description of the facts, to try to understand the underlying reasons and therefore the states of mind that led to a particular event, a conflict or a crime; and finally, *"to work for reconciliation and not for destruction"* is exactly the ultimate goal of this mode of intervention, which aims at dynamics of symbolic or material reparation.

Restorative justice means attention to the other, to his being a person, to highlight what can unite starting from what he has divided.

In conclusion, it is almost essential to underline that restorative justice applied in many circumstances is an effective and satisfactory method of community development and conflict resolution. And this is what the volunteers of Operazione Colomba have had the opportunity to experience since the first presences opened years ago. Moving from authoritarian strategies linked to unproductive punishment to restorative techniques, we obtain a model of society capable of reducing crime, violence and conflict.

*"Out beyond ideas of wrongdoing and rightdoing, there is a field. I will meet you there."*⁹⁰

This seems to be the core message in any past, present or future presence of Operazione Colomba. A message which also seems to be perfectly in keeping with the objectives of the Ministry of Peace, both domestically and internationally, which we have dealt with in the first chapter.

⁸⁷ D. R. Karp, *The little book of Restorative Justice for Colleges and Universities*, cit., sub. Cap. 3 Restorative Justice in the Model Student Conduct Code

⁸⁸ J. Wachtel T. Wachtel, *Building Campus Community*, cit., sub. Cap. 4 "Proactive Community Circles"

⁸⁹ F. Hadjadj, "Il filosofo Hadjadj: il linciaggio mediatico cancella Cristo e la vera giustizia", *Il Sussidiario*, 19 April 2010

⁹⁰ J. Rumi, *The Essential Rumi*, Coleman Barks, New York: HarperOne, 2004

CHAPTER 4

Good Practices of Operazione Colomba

ALBANIA

➤ LOCAL CONTEXT

Since the 1990s, more than a million people have moved from isolated mountain villages, where survival had become unsustainable, to the suburbs of the country's main cities. The large cities of the country are only partially able to satisfy the socio-economic demands generated by the process of internal migration, exploiting the resources of a rapid, but weak, economic development, but characterized by strong territorial imbalances in the distribution of the wealth.

Beyond urban planning and the strengthening of the productive apparatus capable of generating jobs, education is the strategic issue to be addressed. The new types of work, in fact, provide levels of knowledge that are not provided to the population living in the suburbs of cities. This creates a paradox consisting of a high demand for labour and a supply that is not able to satisfy it in terms of quality.⁹¹ On a different side there is the problem of education to respect democratic rules by the populations living in the new suburban aggregations, which became strategic after the fall of the communist regime, and on which it is necessary to intervene as soon as possible with education programs.

In this context and in the absence of a strong state, able to enforce the rules of democratic coexistence and the rule of law, we have witnessed the exhumation, with readjustments, of some rules of the medieval code of Kanun and the consequent outbreaks of violence that led Operazione Colomba to choose to intervene in the territory.

➤ DESCRIPTION

The project in Albania was founded in 2010, following the contact established in 2004 by the Association Community Pope John XXIII with the families victims of the "Phenomenon of Blood Feuds". The Community has therefore involved Operazione Colomba which, thanks to its constant presence on the territory, intervenes in the feuds caused by the phenomenon, adapting strategies for the management and non-violent resolution of conflicts to the Albanian context of revenge.

The Kanun is a Civil Code, dating back to the Middle Ages and transmitted orally for centuries in Albania, which regulated the social, family and individual life of small villages. The code enshrined the correct attitude to keep in a wide range of issues, from weddings to funerals, from roles within society to the management of disputes, etc. In northern Albania it has been rediscovered and is now being applied in a degenerated form, especially regarding the management of social conflicts. The Kanun, in fact, sanctioned the possibility of re-establishing the lost honor, for example, for the killing of a relative, through revenge and then another murder, or through forgiveness. Nowadays, the first option is the most practiced one. From the first offense that harms the honor of those who suffer it, any subsequent murder is liable to revenge. Women and children should be excluded from the phenomenon of revenge, but according to the most recent practice unfortunately more and more often this constraint is broken and, therefore, even the most vulnerable members of families can be considered at risk. This provokes negative spirals of endless feuds that involve entire families.

Operazione Colomba guarantees a fixed presence in the area of Shkodër since March 2010 and a monthly presence in the area of Tropoja since October 2010.

⁹¹ <http://www.operazionecolomba.it/en/ourprojects/albania/project.html>

The volunteers of Operazione Colomba, through daily visits to both families involved in the same conflict, share their lives with those affected by the phenomenon and promote paths of reconciliation that allow to channel in a constructive way the anger and resentment for the injustices experienced. The life in direct with the victims allows the volunteers to share the difficulties, hardships and risks, strengthening the credibility and trust in the work of Operazione Colomba. Nonviolent intervention is aimed at those directly involved in "blood feuds", but also at Albanian civil society, Albanian institutions and international institutions as a whole to join efforts to overcome the phenomenon in order to promote virtuous mechanisms that lead to national reconciliation.

➤ **GENERAL PURPOSES**

- To fight against the "phenomenon of blood feuds" for its overall overcoming through national reconciliation;
- To contribute to the spread of a culture of human rights and non-violence in the context of marginalization and exclusion induced by the practice of "blood feuds", allowing a gradual increase in the means of promotion, protection and protection of the rights of victims of this phenomenon;
- To contribute to the collaboration with the local civil society to promote the overcoming of the phenomenon through the implementation of reconciliation mechanisms;
- To push the institutions to take charge of the "phenomenon of blood feuds" and to provide themselves with tools to overcome it.

➤ **ACTIVITIES**

- Pathways to overcome anger and pain for members of families affected by the phenomenon, in particular women and adolescents;
- Mediation pathways between conflicting families with the aim of reconciliation;
- Awareness-raising campaigns and non-violent actions aimed at ensuring the enforcement of laws governing blood revenge issues and at creating a process of national reconciliation involving all social actors and promoting the use of restorative justice;
- Monthly demonstrations with direct testimonies of those who have chosen reconciliation, in the areas most affected by the phenomenon to spread a non-violent culture based on respect for human rights;
- Round tables, public meetings and networking with other associations to involve civil society in order to formulate proposals for solving the problem and to ensure that victims of the phenomenon have access to educational and recreational opportunities;
- Non-violent accompaniment to ensure greater freedom of movement and to allow access to basic services for those at risk of revenge;
- Monitoring and collecting data on the numerical and geographical distribution of the phenomenon to develop an increasingly detailed and updated knowledge of the problem;

PALESTINE/ISRAEL

➤ LOCAL CONTEXT

Since 1993 the region of South Hebron Hills has been included in Area C,⁹² where Israeli army exercises complete civil and security control, with dramatic consequences for local people, who experience constant instability, insecurity and extreme poverty. Indeed, their livelihood is seriously affected by the military occupation and the discriminatory policies adopted by Israeli soldiers. For instance, Palestinians' freedom of movement and work is hindered by the flying checkpoints established by Israeli army and police. What is even worse is that, because of Israeli militarization, even now more than one thousand Palestinians risk to be expelled from their homes and properties and live under the threat of evacuation, confiscation or dispossession.⁹³ Moreover, due to the restrictive policies and the unfair allocation of public land, it is nearly impossible for Palestinians to obtain building permits, while demolitions are systematically applied in Palestinian villages, in order to damage the local economy and force inhabitants to leave.

Alongside problems due to military occupation, Palestinians are threatened by the presence of Israeli settlements and outposts violently expanding into Palestinian lands. They are established by radical, nationalist and ultra-religious settlers threatening and attacking Palestinian farmers and shepherds, in order to force them to leave their own land. At-Tuwani is one of the Palestinian villages located in the South Hebron Hills, whose inhabitants have chosen to remain there and to resist in a nonviolent way, creating a Popular Committee. Despite the difficulties, local inhabitants have achieved some success in defending their territory and traditions, by building confidence and encouraging displaced families to come back to their own lands.

➤ DESCRIPTION

Operazione Colomba has been in At-Tuwani since 2004, providing a stable presence for the local community, helping locals in their daily needs, assisting them in the occurring emergency situations and supporting the strategy of nonviolent resistance adopted by the South Hebron Hills Popular Committee. One of the most important functions of Operation Colomba consists in the international accompaniment offered to the members of the local community.

Volunteers accompany every day Palestinian farmers and shepherds to their own land, in order to protect them from the threat of army harassment and potential attacks by Israeli settlers, letting them work in safe conditions. Moreover, Operazione Colomba members constantly monitor the Israeli military escort that should protect children from the Palestinian villages of Tuba and Maghayir Al-Abeed on their way to school and back home. Indeed, to get to the school located in At-Tawani, children must walk along a road between the Israeli settlement of Ma'on and the illegal outpost of Havat Ma'on, being exposed to violence, harassment and intimidation by Israeli settlers. Volunteers documented numerous instances in which the military escort failed to provide protection to the children, leaving them vulnerable. In those cases, denouncing military misconducts, volunteers offered a civil escort on their own.

Furthermore, Operazione Colomba cooperates with other Israeli and international NGOs, and promotes the activities coordinated by the local Popular Committee. Indeed, it supports the Committee in its nonviolent protests, collective demonstration actions and other bottom-up initiatives aiming to create space for

⁹² The Oslo accords divided the Palestinian territories into three different zones (A, B, C), with a decreasing level of self-government. Area C (including over 60% of the territories of the West Bank, on the border between Jordan and Israel) is under Israel's full authority.

⁹³ Israeli army uses part of South Hebron area, designated as Firing Zone 918, for military training. In 1999 Israel Defence Ministry declared all South Hebron Hills as "closed military area", forcing local villages to be evacuated. Although the evacuation was halted by the Israeli High Court of Justice, the threat persists.

reconciliation and raise public awareness in Israel about the reality of occupied territories in South Hebron Hills.

➤ **GENERAL PURPOSES**

- Deterring Violence;
- Monitoring and denouncing any violation of Human Rights;
- Raising public opinion and media awareness, through the diffusion of reports and news, in order to denounce misconducts and spread the nonviolent experiences;
- Promoting dialogue and reconciliation, facilitating nonviolent communication.

➤ **SPECIFIC ACTIVITIES**

- Living alongside local people in At-Tuwani and other Palestinian villages;
- Providing international accompaniment for Palestinian farmers and shepherds;
- Monitoring the Israeli military escort of Palestinian schoolchildren and, in its absence, offering them a civil escort;
- Supporting the Popular Committee, also through advocacy and legal assistance;
- Daily reporting and denouncing episodes of violence committed by Israeli settlers, army and police;
- Supporting the nonviolent action of Israeli peace activists and groups against the occupation of Palestinian territories;
- Cooperating with Israeli nongovernmental and humanitarian organizations in their advocacy and legal actions in defence of Palestinian people.

LEBANON

➤ LOCAL CONTEXT

Lebanon is a country hosting numerous ethnicities and religious groups which coexist in delicate balance. Its recent history was characterized by several wars and a civil conflict followed by the Syrian military occupation, which have left deep internal fractures. Lebanese state does not exercise a fine-grained control of the territory, divided into several local communities with broad autonomies. The Syrian conflict has had a great impact on the internal situation in Lebanon, exasperating the pre-existent economic, political, social and religious tensions. Indeed, since the beginning of the hostilities, there has been a massive influx of Syrian refugees fleeing from their own country. Syrian refugees in Lebanon (which has the highest number of refugees per capita) are estimated to be 1.5 million people circa, although it is difficult to have an accurate number since only 929,624 are officially registered by UNHCR⁹⁴ and Lebanon government does not recognize their status, leaving them undocumented. Moreover, because of the strained relationship between the Syrians and Lebanese, the pre-existent conflicts, the historical prejudices and the socio-economic problems caused by refugees' massive influx, many Syrians experience precarious and extreme poverty conditions, being vulnerable to potential attacks and living in tents, without accessing to essential services.

➤ DESCRIPTION

Operazione Colomba has been operating in Lebanon since September 2013 and, in April 2014, its volunteers settled in a refugee camp in the village of Tel Abbas, 5 km far from the Syrian border. Indeed, members of Operazione Colomba were explicitly asked to go to Lebanon by Syrian refugees who had been menaced by an attempt to burn the camp where they lived. Since then, volunteers have been living and working in this camp, sharing the same hard conditions of refugees, who are vulnerable to threats, physical assaults, expulsion and harassment. Nevertheless, the international presence of Operazione Colomba has been an effective deterrent and prevention tool for further violence.

Volunteers spend most of their days visiting and listening to people, in order to know their stories and understand their needs. Moreover, they are engaged in the constant effort of reducing tensions and enhancing peaceful coexistence, by building bridges of dialogue between Syrian refugees and the scared and sometimes hostile local Lebanese population. In this regard, volunteers regularly meet Christian and Muslim Lebanese living in the near villages, in order to favour dialogue and mutual understanding. Some of them, under invitation of the volunteers, entered for the first time the refugee's camp and saw the real conditions of people living there. Some important expressions of solidarity followed: for instance, some Lebanese helped to build a tent in the camp, for free. Paradoxically, the international constant and deterrent presence of Operazione Colomba has become also a source of security for Christian Lebanese threatened by ISIS forces

⁹⁴ <https://data2.unhcr.org/en/situations/syria/location/71>

operating in the territory. Furthermore, interacting with people belonging to different ethnicities, cultures and religions, Operazione Colomba also fosters constructive approaches and nonviolent initiatives aimed to achieve a peaceful resolution of the Syrian conflict and encourage bottom-up initiatives. Since Operazione Colomba is the only stable international presence in the camp, its volunteers know the necessities of the camp and can contact competent local and international actors in order to help the refugees in obtaining aids and services (especially medical cares). When it is not enough, they directly intervene.

In 2016 Operazione Colomba cooperated to implement a humanitarian channel that brought to Italy 400 of the most vulnerable Syrians. The Nonviolent Peace Corps of APG23 has committed to spread the voice of the Syrian civil society, asking for peace, justice and the right to a safe return to Syria, and brings its requests to the highest international institutions and during the peace talks.

➤ **GENERAL PURPOSES**

- Deterring violence, lowering the levels of tension and creating spaces for dialogue and pacific coexistence;
- Achieving a peaceful resolution of the Syrian conflict and encouraging bottom-up initiatives;
- Finding alternative solutions for the situation of Syrian refugees;
- Searching for reliable and updated news about the evolution of the Syrian conflict, consulting people who are directly involved in it;
- Raising public opinion and media awareness, through the diffusion of reports and news;

➤ **SPECIFIC ACTIVITIES**

- Living in the refugee's camp alongside Syrians, helping and assisting them in their daily needs;
- Meeting Christian and Muslim Lebanese, in order to let them know the conditions of the Syrian refugees in the camp;
- Teaching children lessons in the school of the refugee's camp and organizing occasions for interaction and recreation (football matches, river fishing, etc...);
- Writing reports and collecting eyewitnesses' testimonies concerning the Syrian conflict;
- Doing advocacy on international level;
- Contacting competent national and international bodies in order to present Syrian refugees' instances and satisfy their needs.

COLOMBIA

➤ LOCAL CONTEXT

On the 24th November 2016, the Colombian Government and the FARC (Revolutionary Armed Forces of Colombia) signed the New Peace Agreements, after a rather difficult process that lasted four years, but that officially marked the end of 50 years of armed conflict. However, if on the one hand the war seems to have been formally interrupted by this event, on the other hand there is an increase in violence in all its forms against civilians and in particular those members of civil society, the defenders of human rights, committed to the effective construction of peace through inclusive community paths, the defense of human rights and the environment.

The formal end of this armed conflict and the recent start of new peace negotiations with the ELN (Ejército de Liberación Nacional) have not in any way interrupted the spiral of violence triggered by the neo-paramilitary structures present in the country, but on the contrary has favoured its advance in the areas "left free" by the FARC. Various organizations, in fact, openly denounce the entry of paramilitary groups into the public apparatus, favouring on the one hand corrupt politicians, entrepreneurs and landowners, and on the other hand continuing to make civilians disappear, threaten and kill, in particular the Human Rights Defenders (HRDs) who are opposed to their advancement. The Colombian government not only does not seem to be committed to the establishment of the "Unidad Investigativa y de Desmantelamiento de las Estructuras Paramilitares" provided for in the Peace Accords to investigate those responsible for the numerous murders perpetrated against human rights defenders and for the dismantling of paramilitary groups but continues to deny the existence of such armed groups.

Moreover, always in conjunction with the achievement of the Peace Accords, there has been a dramatic escalation in the murders of Human Rights Defenders and social leaders who represent the main target of the neo-paramilitary and criminal groups. According to INDEPAZ, International Institute for Development and Peace, act in 2016, 117 HRDs were killed and 75% were engaged in issues related to the peace process, land restitution and participation policies in rural areas. It is clear that the struggle for territorial control remains central to the dynamics of the conflict.

➤ DESCRIPTION

The project of Operazione Colomba, since 2009, takes place mainly in the territory of the Municipality of Apartadó, Region of Urabá (Antioquia) and in the territory of the Municipality of Tierralta, Region of Alto Sinú (Córdoba), where the Community of Peace of San Jose de Apartadó is present. These areas were between those in Colombia most affected by the violence of armed conflict and are the scene of serious violations of human rights, especially for the strong strategic-economic interests linked to their territory.

Since 1997, the Community of Peace of San José de Apartadó has been one of the experiences of "Humanitarian Zones" created during the Colombian armed conflict to face the continuous and repeated violence, mainly carried out by military and paramilitary groups, with the aim of defending the right to neutrality and the defense of their lives and their territory by the civilian population. When the Community of Peace was founded, the leaders had asked the government for protection to ensure that no armed faction entered their territory. In this sense, the government's commitment has been, and still is, seriously insufficient.

To respond to these "lacunae" of the government, Operazione Colomba volunteers permanently live in the community's villages, sharing with the local population daily risks, contribute to reduce violence and forced displacement, accompany previously displaced people in their way back to their lands, protect leaders and members of communities living in "humanitarian areas", allowing them to carry on their daily activities and

to meet other leaders and Human Rights Defenders (HRDs) working throughout the country with the same nonviolent strategies.

“Humanitarian areas” are alternative spaces inside the conflict, where weapons and violence are not allowed; here the members work to organize and develop a civil and peaceful resistance, whose pillars are solidarity and respect for life.⁹⁵ They are not just a physical space, but a demonstration that there is an opportunity for civilians - many of whom are victims of the conflict - to demand respect from oppressors and violent actors. Civilian victims choose to reject the passive role imposed on them and thus become protagonists of their own destiny and of a non-violent and lasting resolution of armed conflicts.

➤ GENERAL PURPOSES

- To contribute to the protection and preservation of Human Rights Defenders engaged in peace-building in Colombia;
- To support the survival of "Humanitarian Zones", such as the Community of Peace of San José de Apartadó;
- To encourage the continuation of their experience of non-violent resistance to conflict, forced displacement and its process of self-determination.

➤ ACTIVITIES

- Presence, direct sharing and building of trust within the Community of Peace;
- Protection, monitoring and support of Community of Peace members and leaders in their daily journeys, both in cities and veredas⁹⁶;
- Protection, monitoring and accompaniment of displaced persons or persons intending to return to their country of origin;
- Protection and accompaniment of members and Human Rights Defenders of other communities in civil and non-violent resistance;
- Monitoring and gathering information on violations suffered by members and Human Rights Defenders of the Community of Peace and other Humanitarian Zones;
- Reporting of human rights violations and advocacy initiatives at both national and international levels.

⁹⁵ <http://www.operazionecolomba.it/en/ourprojects/colombia/project.html>

⁹⁶ “Vereda” is a term used in Colombia to define a type of territorial subdivision of the different municipalities of the country. The “veredas” comprise mainly rural areas, although sometimes it may contain a microunban center.

FINAL CONCLUSIONS

Peace is a complex, dynamic and multifaceted concept which cannot be reduced to the mere absence of war. Building, enforcing and ensuring a stable and durable peace is a multidimensional, gradual and continuative process, involving resources, actors and dynamics of different nature. Moreover, in order to achieve a real, lasting and sustainable peace, a new human right based approach should be adopted, implementing structures capable of dealing with ongoing or potential conflicts, as well as violence expressed through all its different forms (psychological, physical, structural or cultural).

In this regard, APG23 points out the necessity of developing specific capabilities in the field of peace-building and conflict prevention, and strongly supports the creation of specific infrastructures able to efficiently intervene and guarantee the full implementation of the Right to Peace. Accordingly, APG23 has proposed the Ministry of Peace as one of the most concrete "appropriate and sustainable" measures to promote positive peace and human rights, both nationally and internationally. Indeed, the Ministry of Peace should deal with the multidimensional aspects of peace and collaborate with different relevant institutions (other ministries, specialized agencies, international organizations), being able to spread and mainstream a culture of peace and justice in the domestic and international society by coordinating actions and plans on peace at different levels. As said in the previous booklet, its characteristics should be adaptability and flexibility; a cross-cutting dimension; inclusive participation and ownership; subsidiarity and complementarity; transparency and accountability. Therefore, such a Ministry could be the vector for the creation of a more just and equal society in which peace is achieved through the enforcement of tolerance, democracy, development, respect of human rights, solidarity, peaceful settlement of disputes, diplomacy and rule of law. As other infrastructures for peace, the Ministry could actively operate in order to prevent conflict and violence, solve disputes through alternative methods, restore harmonious relations through reconciliation, develop peace culture and education, protect and implement Human Rights and promote peace policies. Interventions in such different fields are deeply intertwined and interdependent, since the promotion of peace policies can be considered the core of the action of infrastructures for peace.

Nevertheless, since peace-building, meant in the broadest sense of term, requires a multidimensional effort and encompasses different national, transnational and international stakeholders, it is important to remember that States are not the only actors on the stage, although they still play a major role in this field. The action and participation of civil society and non-governmental organizations, for instance, is crucial for achieving durable and stable peace. For this reason, the adoption of the approach of infrastructures for peace seeks to fully involve them, as well as the other stakeholders.

As mentioned in the previous chapters, the aim of the present work is to deal with the concepts of violence/conflict prevention, alternative dispute resolution and reconciliation, stressing the importance of civilian intervention by non-governmental organizations for the adoption and implementation of appropriate measures in these fields. To this end, the booklet focuses on the peculiar experience of Operazione Colomba, presenting its strategies and activities as one example of how non-governmental organizations can play a major role.

As already said, Operazione Colomba operates in different areas of the world through the use of a common methodology, based on important pillars, such as direct sharing of life, nonviolence, popular participation and equal-proximity. Nonetheless, the example of the Nonviolent Peace Corps of APG23 is only one of the many successful non-governmental realities engaged in different forms of nonviolent civilian interventions. On the one hand, these NGOs promote their own view and values, adopting effective measures and instruments which can differ, partly or entirely, with the ones that have been described in the previous chapters. On the other hand, organizations can have different positions concerning the need of an increasing

coordination and professionalization of the staff engaged in conflict areas, aimed to create a “standing *army* of civilian peacekeepers”.⁹⁷

Despite that, all of them share the fundamental belief that peace can be restored, kept and built through innovative, nonviolent and credible strategies, which are not incompatible and could be encompassed by the broader approach of the infrastructures for peace, with special reference to the Ministry of Peace. Indeed, since the 1980s the idea of using nonviolent civilian intervention as an instrument of security and peace has been successfully developing by numerous non-governmental actors. In this regard, it is also important to consider the institution of the White Helmets and, above all, the recent introduction of Civil Peace Corps.⁹⁸ The latter, indeed, is an experimental Italian project which can be considered the result of an interesting evolution, since it aims to create an effective peace corps capable of intervening in conflict areas. Such as experimental model recalls the gandhian idea of *Shanti Sena*⁹⁹ and is perfectly compatible with the institution of a Ministry of Peace. Indeed, in a near future, it could lead to the creation of a regular nonviolent corps officially recognized and deployed by the Italian government in order to resolve/transform conflicts through alternative and noncoercive methods. For this reason, although Civilian Peace Corps are only in a primitive stage, they have an interesting potential.

As already stressed in the booklet published last year, the right to peace is still underestimated today and few concrete steps have been taken to implement this right at the national and international levels. For this reason, it is necessary to encourage every initiative aimed to guarantee it and push forward the institution of adequate infrastructures. Moreover, since the achievement of peace is a dynamic and multifaceted process, proactive strategies must be adopted with the fundamental contribution of both civil society and (local or international) NGOs.¹⁰⁰ Youth, in particular, is crucial for the maintenance and promotion of peace and security, as well as for the fight against radicalization and violent extremism. Indeed, the Security Council in 2015 recognized “the important role [that] youth can play in the prevention and resolution of conflicts and as a key aspect of the sustainability, inclusiveness and success of peacekeeping and peacebuilding efforts”.¹⁰¹ As a consequence, it is important to encourage youth increasing participation in both prevention and reconciliation activities, also through the civil service experience. Moreover, we would like to underline the important role of women in conflict resolution and mediation as remarked by the landmark resolution 2242 (2015) of the Security Council.

This way, it will be possible to build a society able to overcome disruptive drivers, reacting to the violence deriving from social, economic, cultural and political conflicts as well as from the tensions in the marginalized

⁹⁷ In this regard, see L. Schirch, *Civilian Peacekeeping*, cit., p. 98

⁹⁸ See Legge 27 dicembre 2013, n. 147, (13G00191), *Disposizioni per la formazione del bilancio annuale e pluriennale dello Stato- Legge di stabilità 2014*, L. 147, 27 December 2013, Art.1, Para.253, available at: <https://www.gazzettaufficiale.it/eli/id/2013/12/27/13G00191/sg>. To learn more: V. Berni, *Nonviolenza e peacekeeping civile in Sud Sudan e Colombia: un'analisi comparata*, cit., pp. 109-111

⁹⁹ L. Schirch, *Civilian Peacekeeping*, cit., pp. 18-19

¹⁰⁰ UN Security Council, (17 June 1992), *An agenda for peace: preventive diplomacy, peacemaking and peace-keeping: Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992*, (S/24111- A/47/277), available at: https://www.securitycouncilreport.org/un_documents_type/secretary-generals-reports/; UN Security Council, (7 June 2001), *Prevention of armed conflicts: Report of the Secretary-General*, (A/55/985-S/2001/574), available at: <https://www.un.org/securitycouncil/content/secretary-generals-reports-submitted-security-council-2001>

¹⁰¹ UN Security Council, (2015), *Maintenance of international peace and security: Resolution Adopted by the Security Council at its 7573rd meeting*, on 9 December 2015, (S/RES/2250), available at: <https://www.un.org/securitycouncil/content/resolutions-adopted-security-council-2015>

peripheries. The Ministry of Peace will be a great instrument to fulfil the call of the 2030 Agenda on Sustainable Development on States to commit themselves to promote “peaceful, just and inclusive societies.

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