



# Concept of Power

**Curtis Cross**



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by Curtis Cross

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# Contents

Chapter 1	Introduction .....	1
Chapter 2	The Evolution of World Politics and Power .....	30
Chapter 3	Political Power and Human Rights .....	100
Chapter 4	Power of Human Rights and Extraordinary Laws for People .....	132



## **Chapter 1**

# **Introduction**

## **Role of Power in politics**

Power in international relations is defined in several different ways. Modern discourse generally speaks in terms of state power, indicating both economic and military power. Those states that have significant amounts of power within the international system are referred to as small powers, middle powers, regional powers, great powers, superpowers, or hegemons, although there is no commonly accepted standard for what defines a powerful state. NATO Quint, The G7, the BRICS nations and the G20 are seen as forums of governments that exercise varying degrees of influence within the international system.

Entities other than states can also be relevant in power acquisition in international relations. Such entities can include multilateral international organizations, military alliance organizations like NATO, multinational corporations like Wal-Mart, non-governmental organizations such as the Roman Catholic Church, or other institutions such as the Hanseatic League.

## **Concepts of political power**

Political scientists, historians, and practitioners of international relations (diplomats) have used the following concepts of political power:

- Power as a goal of states or leaders;
- Power as a measure of influence or control over outcomes, events, actors and issues;
- Power as victory in conflict and the attainment of security;
- Power as control over resources and capabilities;
- Power as status, which some states or actors possess and others do not.

### **Power as a goal**

Primary usage of "power" as a goal in international relations belongs to political theorists, such as Niccolò Machiavelli and Hans Morgenthau. Especially among Classical Realist thinkers, power is an inherent goal of mankind and of states. Economic growth, military growth, cultural spread etc. can all be considered as working towards the ultimate goal of international power. The German military thinker Carl von Clausewitz is considered to be the quintessential projection of European growth across the continent. In more modern times, Claus Moser has elucidated theories centre of distribution of power in Europe after the Holocaust, and the power of universal learning as its counterpoint. Jean Monnet was a French left-wing social theorist, stimulating expansive Eurocommunism, who followed on the creator of modern European community, the diplomat and statesman Robert Schuman.

## **Power as influence**

Political scientists principally use "power" in terms of an actor's ability to exercise influence over other actors within the international system. This influence can be coercive, attractive, cooperative, or competitive. Mechanisms of influence can include the threat or use of force, economic interaction or pressure, diplomacy, and cultural exchange.

Under certain circumstances, states can organize a sphere of influence or a bloc within which they exercise predominant influence. Historical examples include the spheres of influence recognized under the Concert of Europe, or the recognition of spheres during the Cold War following the Yalta Conference. The Warsaw Pact, the "Free World", and the Non-Aligned Movement were the blocs that arose out of the Cold War contest. Military alliances like NATO and the Warsaw Pact are another forum through which influence is exercised. However, "realist" theory attempted to maintain the balance of power from the development of meaningful diplomatic relations that can create a hegemony within the region. British foreign policy, for example, dominated Europe through the Congress of Vienna after the defeat of France. They continued the balancing act with the Congress of Berlin in 1878, to appease Russia and Germany from attacking Turkey. Britain has sided against the aggressors on the European continent—i.e. the German Empire, Nazi Germany, Napoleonic France or Habsburg Austria, known during the Great War as the Central Powers and, in the World War Two were called the Axis Powers.

## **Power as security**

*Power* is also used when describing states or actors that have achieved military victories or security for their state in the international system. This general usage is most commonly found among the writings of historians or popular writers. For instance, a state that has achieved a string of combat victories in a military campaign against other states can be described as powerful. An actor that has succeeded in protecting its security, sovereignty, or strategic interests from repeated or significant challenge can also be described as powerful.

## **Power as capability**

American author Charles W. Freeman, Jr. described power as the following:

- Power is the capacity to direct the decisions and actions of others. Power derives from strength and will. Strength comes from the transformation of resources into capabilities. Will infuses objectives with resolve. Strategy marshals capabilities and brings them to bear with precision. Statecraft seeks through strategy to magnify the mass, relevance, impact, and irresistibility of power. It guides the ways the state deploys and applies its power abroad. These ways embrace the arts of war, espionage, and diplomacy. The practitioners of these three arts are the paladins of statecraft.

*Power* is also used to describe the resources and capabilities of a state. This definition is quantitative and is most often used by geopoliticians and the military. Capabilities are thought of

in tangible terms—they are measurable, weighable, quantifiable assets. A good example for this kind of measurement is the *Composite Indicator on Aggregate Power*, which involves 54 indicators and covers the capabilities of 44 states in Asia-Pacific from 1992 to 2012. Thomas Hobbes spoke of power as "present means to obtain some future apparent good." Hard power can be treated as a potential and is not often enforced on the international stage. Chinese strategists have such a concept of national power that can be measured quantitatively using an index known as comprehensive national power.

### **Power as status**

Much effort in academic and popular writing is devoted to deciding which countries have the status of "power", and how this can be measured. If a country has "power" (as influence) in military, diplomatic, cultural, and economic spheres, it might be called a "power" (as status). There are several categories of power, and inclusion of a state in one category or another is fraught with difficulty and controversy. In his famous 1987 work, *The Rise and Fall of the Great Powers*, British-American historian Paul Kennedy charts the relative status of the various powers from AD 1500 to 2000. He does not begin the book with a theoretical definition of a "great power"; however he does list them, separately, for many different eras. Moreover, he uses different working definitions of a great power for different eras. For example:

- "France was not strong enough to oppose Germany in a one-to-one struggle... If the mark of a Great Power is country which is willing to take on any other, then France

(like Austria-Hungary) had slipped to a lower position. But that definition seemed too abstract in 1914 to a nation geared up for war, militarily stronger than ever, wealthy, and, above all, endowed with powerful allies."

## **Categories of power**

In the modern geopolitical landscape, a number of terms are used to describe various types of powers, which include the following:

- *Superpower*: In 1944, William T. R. Fox defined *superpower* as "great power plus great mobility of power" and identified three states, the British Empire, the Soviet Union and the United States. With the decolonisation of the British Empire following World War II, and then the dissolution of the Soviet Union in 1991, the United States is currently the only country considered to be a superpower.
- *Great power*: In historical mentions, the term *great power* refers to the states that have strong political, cultural and economical influence over nations around them and across the world.
- *Middle power*: A subjective description of influential second-tier states that could not quite be described as great or small powers. A middle power has sufficient strength and authority to stand on its own without the need of help from others (particularly in the realm of security) and takes diplomatic leads in regional and global affairs. Clearly not all middle powers are of equal status; some are members of forums such as the G20 and

play important roles in the United Nations and other international organisations such as the WTO.

- *Small power*: The International System is for the most part made up by *small powers*. They are instruments of the other powers and may at times be dominated; but they cannot be ignored.

Other categories:

- *Regional power*: This term is used to describe a nation that exercises influence and power within a region. Being a *regional power* is not mutually exclusive with any of the other categories of power. The majority of them exert a strategic degree of influence as minor or secondary regional powers. A primary regional power (like Australia) has often an important role in international affairs outside of its region too.
- *Cultural superpower*: Refers to a country whose culture, arts or entertainment have worldwide appeal, significant international popularity or large influence on much of the world. Countries such as Italy, Japan, the United Kingdom, and the United States have often been described as cultural superpowers, although it is sometimes debated on which one meets such criteria. Unlike traditional forms of national power, the term cultural superpower is in reference to a nation's Soft power capabilities.
- *Energy superpower*: Describes a country that supplies large amounts of energy resources (crude oil, natural gas, coal, uranium, etc.) to a significant number of other

states, and therefore has the potential to influence world markets to gain a political or economic advantage. Saudi Arabia and Russia, are generally acknowledged as the world's current energy superpowers, given their abilities to globally influence or even directly control prices to certain countries. Australia and Canada are potential energy superpowers due to their large natural resources.

### **Hard, soft, smart and just power**

Some political scientists distinguish between two types of power: Hard and Soft. The former is coercive while the latter is attractive.

Hard power refers to coercive tactics: the threat or use of armed forces, economic pressure or sanctions, assassination and subterfuge, or other forms of intimidation. Hard power is generally associated to the stronger of nations, as the ability to change the domestic affairs of other nations through military threats. Realists and neorealists, such as John Mearsheimer, are advocates of the use of such power for the balancing of the international system.

Joseph Nye is the leading proponent and theorist of soft power. Instruments of soft power include debates on cultural values, dialogues on ideology, the attempt to influence through good example, and the appeal to commonly accepted human values. Means of exercising soft power include diplomacy, dissemination of information, analysis, propaganda, and cultural programming to achieve political ends.

Others have synthesized soft and hard power, including through the field of smart power. This is often a call to use a holistic spectrum of statecraft tools, ranging from soft to hard.

Oxford University Professor Nayef Al-Rodhan also introduced the concept of Just Power, stating that any foreign policy must be smart as well as just. In the 21st century, countries that want to exert influence and enjoy legitimacy on the international stage must be perceived as respectful of the collective dignity of others, and they must adhere to international law and norms.

### **European powers of the modern age**

During the time of the Renaissance, powers in Europe included Spain, Portugal, England, France, the Habsburg Empire, Poland–Lithuania and the Ottoman Empire. Bolstered by shipments of gold and silver from the Americas, the Spanish Habsburg dynasty emerged as a dominant force and regularly launched military interventions to project its power and defend Catholicism, while its rival, France, was torn apart by religious civil war. Meanwhile, in Eastern Europe, the Ottoman Empire reached its zenith and completed its conquest of the Balkan region.

During the 17th century the Netherlands and Sweden were added to the group, whilst the Ottomans, Poland and Spain gradually declined in power and influence. France progressively grew stronger and by the latter part of the century found itself repeatedly facing alliances designed to hold its military power in check.

In the 18th century, Great Britain (formed from a union of England and Scotland) progressively gained strength and Russia and Prussia also saw their importance increase, while Sweden and the Dutch Republic declined. Great Britain and France increasingly struggled for dominance both on the continent and abroad (notably in North America, the Caribbean and India). By the century's end, the British had established themselves as the foremost naval power while the French were dominant on land, conquering many of their neighbors during the French Revolutionary Wars and establishing client republics. The struggle between the two nations ended only in 1815 with the final defeat of the French under Napoleon.

During the 19th century, there was an informal convention recognising five Great Powers in Europe: the French Empire, the British Empire, the Russian Empire, the Austrian Empire (later Austria-Hungary) and the Kingdom of Prussia (later the German Empire). In the late 19th century the newly united Italy was added to this group.

### **National interest**

Perhaps the most significant concept behind that of power and sovereignty, national interest is a state's action in relation to other states where it seeks to gain advantage or benefits to itself. National interest, whether aspirational or operational, is divided by core/vital and peripheral/non-vital interests. Core or vital interests constitute the things which a country is willing to defend or expand with conflict such as territory, ideology (religious, political, economic), or its citizens. Peripheral or non-vital are interests which a state is willing to compromise. For example, in the German annexation of the

Sudetenland in 1938 (a part of Czechoslovakia) under the Munich Agreement, Czechoslovakia was willing to relinquish territory which was considered ethnically German in order to preserve its own integrity and sovereignty.

### **Non-state actors**

In the 21st century, the status-quo of the international system is no longer monopolized by states alone. Rather, it is the presence of non-state actors, who autonomously act to implement unpredictable behaviour to the international system. Whether it is transnational corporations, liberation movements, non-governmental agencies, or international organizations, these entities have the potential to significantly influence the outcome of any international transaction. Additionally, this also includes the individual person as while the individual is what constitutes the states collective entity, the individual does have the potential to also create unpredicted behaviours. Al-Qaeda, as an example of a non-state actor, has significantly influenced the way states (and non-state actors) conduct international affairs.

### **Power blocs**

The existence of power blocs in international relations is a significant factor related to polarity. During the Cold War, the alignment of several nations to one side or another based on ideological differences or national interests has become an endemic feature of international relations. Unlike prior, shorter-term blocs, the Western and Soviet blocs sought to spread their national ideological differences to other nations. Leaders like U.S. President Harry S. Truman under the Truman

Doctrine believed it was necessary to spread democracy whereas the Warsaw Pact under Soviet policy sought to spread communism. After the Cold War, and the dissolution of the ideologically homogeneous Eastern bloc still gave rise to others such as the South-South Cooperation movement.

## **Polarity**

Polarity in international relations refers to the arrangement of power within the international system. The concept arose from bipolarity during the Cold War, with the international system dominated by the conflict between two superpowers, and has been applied retrospectively by theorists. However, the term bipolar was notably used by Stalin who said he saw the international system as a bipolar one with two opposing powerbases and ideologies. Consequently, the international system prior to 1945 can be described as multipolar, with power being shared among Great powers.

The collapse of the Soviet Union in 1991 had led to unipolarity, with the United States as a sole superpower, although many refuse to acknowledge the fact. China's continued rapid economic growth (in 2010 it became the world's second-largest economy), combined with the respectable international position they hold within political spheres and the power that the Chinese Government exerts over their people (consisting of the largest population in the world), resulted in debate over whether China is now a superpower or a possible candidate in the future. However, China's strategic force unable of projecting power beyond its region and its nuclear arsenal of 250 warheads (compared to 7700 of the United States) mean that the unipolarity will persist in the policy-relevant future.

Several theories of international relations draw upon the idea of polarity. The balance of power was a concept prevalent in Europe prior to the First World War, the thought being that by balancing power blocs it would create stability and prevent war.

Theories of the balance of power gained prominence again during the Cold War, being a central mechanism of Kenneth Waltz's Neorealism. Here, the concepts of balancing (rising in power to counter another) and bandwagoning (siding with another) are developed.

Robert Gilpin's Hegemonic stability theory also draws upon the idea of polarity, specifically the state of unipolarity. Hegemony is the preponderance of power at one pole in the international system, and the theory argues this is a stable configuration because of mutual gains by both the dominant power and others in the international system. This is contrary to many neorealist arguments, particularly made by Kenneth Waltz, stating that the end of the Cold War and the state of unipolarity is an unstable configuration that will inevitably change.

The case of Gilpin proved to be correct and Waltz's article titled "The Stability of a Bipolar World" was followed in 1999 by William Wohlforth's article titled "The Stability of a Unipolar World"

Waltz's thesis can be expressed in power transition theory, which states that it is likely that a great power would challenge a hegemon after a certain period, resulting in a major war. It suggests that while hegemony can control the occurrence of wars, it also results in the creation of one. Its

main proponent, A. F. K. Organski, argued this based on the occurrence of previous wars during British, Portuguese, and Dutch hegemony.

## **Interdependence**

Many advocate that the current international system is characterized by growing interdependence; the mutual responsibility and dependency on others. Advocates of this point to growing globalization, particularly with international economic interaction. The role of international institutions, and widespread acceptance of a number of operating principles in the international system, reinforces ideas that relations are characterized by interdependence.

## **Dependency**

Dependency theory is a theory most commonly associated with Marxism, stating that a set of core states exploit a set of weaker periphery states for their prosperity. Various versions of the theory suggest that this is either an inevitability (standard dependency theory), or use the theory to highlight the necessity for change (Neo-Marxist).

## **Systemic tools of international relations**

- Diplomacy is the practice of communication and negotiation between representatives of states. To some extent, all other tools of international relations can be considered the failure of diplomacy. Keeping in mind, the use of other tools are part of the communication and negotiation inherent within diplomacy. Sanctions, force,

and adjusting trade regulations, while not typically considered part of diplomacy, are actually valuable tools in the interest of leverage and placement in negotiations.

- Sanctions are usually a first resort after the failure of diplomacy, and are one of the main tools used to enforce treaties. They can take the form of diplomatic or economic sanctions and involve the cutting of ties and imposition of barriers to communication or trade.
- War, the use of force, is often thought of as the ultimate tool of international relations. A widely accepted definition is that given by Clausewitz, with war being "the continuation of politics by other means". There is a growing study into "new wars" involving actors other than states. The study of war in international relations is covered by the disciplines of "war studies" and "strategic studies".
- The mobilization of international shame can also be thought of as a tool of international relations. This is attempting to alter states' actions through 'naming and shaming' at the international level. This is mostly done by the large human rights NGOs such as Amnesty International (for instance when it called Guantanamo Bay a "Gulag"), or Human Rights Watch. A prominent use of was the UN Commission on Human Rights 1235 procedure, which publicly exposes state's human rights violations. The current UN Human Rights Council has yet to use this mechanism

- The allotment of economic and/or diplomatic benefits such as the European Union's enlargement policy; candidate countries are only allowed to join if they meet the Copenhagen criteria.

## **Unit-level concepts in international relations**

As a level of analysis the unit level is often referred to as the state level, as it locates its explanation at the level of the state, rather than the international system.

### **Regime type**

It is often considered that a state's form of government can dictate the way that a state interacts with others in the international system.

Democratic peace theory is a theory that suggests that the nature of democracy means that democratic countries will not go to war with each other. The justifications for this are that democracies externalize their norms and only go to war for just causes, and that democracy encourages mutual trust and respect.

Communism justifies a world revolution, which similarly would lead to peaceful coexistence, based on a proletarian global society.

### **Revisionism/status quo**

States can be classified by whether they accept the international status quo, or are revisionist—i.e., want change. Revisionist states seek to fundamentally change the rules and

practices of international relations, feeling disadvantaged by the status quo. They see the international system as a largely western creation which serves to reinforce current realities. Japan is an example of a state that has gone from being a revisionist state to one that is satisfied with the status quo, because the status quo is now beneficial to it.

## **Religion**

Religion can have an effect on the way a state acts within the international system. Different theoretical perspectives treat it in somewhat different fashion. One dramatic example is the Thirty Years' War (1618–48) that ravaged much of Europe. Religion is visible as an organizing principle particularly for Islamic states, whereas secularism sits at the other end of the spectrum, with the separation of state and religion being responsible for the liberal international relations theory. Events since the September 11 attacks in the United States, the role of Islam in terrorism, and the strife in the Middle East have made it a major topic.

## **Individual or sub-unit level concepts**

The level beneath the unit (state) level can be useful both for explaining factors in international relations that other theories fail to explain, and for moving away from a state-centric view of international relations.

- Psychological factors in international relations – Evaluating psychological factors in international relations comes from the understanding that a state is not a "black box" as proposed by realism, and that there may be other

influences on foreign policy decisions. Examining the role of personalities in the decision making process can have some explanatory power, as can the role of misperception between various actors. A prominent application of sub-unit level psychological factors in international relations is the concept of Groupthink, another is the propensity of policymakers to think in terms of analogies.

- Bureaucratic politics – Looks at the role of the bureaucracy in decision making, and sees decisions as a result of bureaucratic in-fighting, and as having been shaped by various constraints.
- Religious, ethnic, and secessionist groups – Viewing these aspects of the sub-unit level has explanatory power with regards to ethnic conflicts, religious wars, transnational diaspora (diaspora politics) and other actors which do not consider themselves to fit with the defined state boundaries. This is particularly useful in the context of the pre-modern world of weak states.
- Science, technology and international relations – How science and technology impact global health, business, environment, technology, and development.
- International political economy, and economic factors in international relations
- International political culturology – Looks at how culture and cultural variables impact in international relations
- Personal relations between leaders

## **Feminism (international relations)**

Feminism is a broad term given to works of those scholars who have sought to bring gender concerns into the academic study of international politics.

In terms of international relations (IR) theory it is important to understand that feminism is derived from the school of thought known as reflectionism. One of the most influential works in feminist IR is Cynthia Enloe's *Bananas, Beaches and Bases* (Pandora Press 1990). This text sought to chart the many different roles that women play in international politics - as plantation sector workers, diplomatic wives, sex workers on military bases etc. The important point of this work was to emphasize how, when looking at international politics from the perspective of women, one is forced to reconsider his or her personal assumptions regarding what international politics is 'all about'.

However, it would be a mistake to think that feminist IR was solely a matter of identifying how many groups of women are positioned in the international political system. From its inception, feminist IR has always shown a strong concern with thinking about men and, in particular, masculinities. Indeed, many IR feminists argue that the discipline is inherently masculine in nature.

For example, in her article "Sex and Death in the Rational World of Defense Intellectuals" *Signs* (1988), Carol Cohn claimed that a highly masculinised culture within the defense establishment contributed to the divorcing of war from human emotion.

A feminist IR involves looking at how international politics affects and is affected by both men and women and also at how the core concepts that are employed within the discipline of IR (e.g. war, security, etc.) are themselves gendered. Feminist IR has not only concerned itself with the traditional focus of IR on states, wars, diplomacy and security, but feminist IR scholars have also emphasized the importance of looking at how gender shapes the current global political economy. In this sense, there is no clear cut division between feminists working in IR and those working in the area of International Political Economy (IPE).

Feminist IR emerged largely from the late 1980s onwards. The end of the Cold War and the re-evaluation of traditional IR theory during the 1990s opened up a space for gendering International Relations. Because feminist IR is linked broadly to the critical project in IR, by and large most feminist scholarship has sought to problematise the politics of knowledge construction within the discipline - often by adopting methodologies of deconstructivism associated with postmodernism/poststructuralism. However, the growing influence of feminist and women-centric approaches within the international policy communities (for example at the World Bank and the United Nations) is more reflective of the liberal feminist emphasis on equality of opportunity for women.

In regards to feminism in International Relations, some of the founding feminist IR scholars refer to using a "feminist consciousness" when looking at gender issues in politics. In Cynthia Enloe's article "Gender is not enough: the need for a feminist consciousness", Enloe explains how International Relations needs to include masculinity in the discussion on

war, while also giving attention to the issues surrounding women and girls. In order to do so, Enloe urges International Relations scholars to look at issues with a 'feminist consciousness', which will ultimately include a perspective sensitive to masculinities and femininities. In this way, the feminist consciousness, together with a gendered lens, allows for IR academics to discuss International Politics with a deeper appreciation and understanding of issues pertaining to gender around the world.

Enloe argues how the IR discipline continues to lack serious analysis of the experiences, actions and ideas of girls and women in the international arena, and how this ultimately excludes them from the discussion in IR. For instance, Enloe explains Carol Cohn's experience using a feminist consciousness while participating in the drafting of a document that outlines the actions taken in negotiating ceasefires, peace agreements and new constitutions. During this event, those involved came up with the word "combatant" to describe those in need during these usually high-strung negotiations. The use of 'combatant' in this context is particularly problematic as Carol points out, because it implies one type of militarized people, generally men carrying guns, and excludes the women and girls deployed as porters, cooks and forced 'wives' of male combatants. This term effectively renders the needs of these women invisible, and excludes them from the particularly critical IR conversation regarding who needs what in war and peace. This discussion is crucial for the analysis of how various masculinities are at play in International Politics, and how those masculinities affect women and girls during wartime and peace and initially eliminates them from the discussion.

Conversely, feminist IR scholar Charlotte Hooper effectively applies a feminist consciousness when considering how “IR disciplines men as much as men shape IR”. So, instead of focusing on what and whom IR excludes from the conversation, Hooper focuses on how masculine identities are perpetuated and ultimately are the products of the practice of IR. In this way, it is ineffective to use a gendered lens and feminist consciousness to analyze the exclusion of a discussion in gender in IR. Hooper suggests that a deeper examination of the ontological and epistemological ways in which IR has been inherently a masculine discipline is needed. The innate masculinity of IR is because men compose the vast majority of modern IR scholars, and their masculine identities have been socially constructed over time through various political progressions. For instance, Hooper gives examples of the historical and political developments of masculinities that are still prevalent in IR and society at large; the Greek citizen/warrior model, the Judeo Christian model and the Protestant bourgeois rationalist model. These track the masculine identities throughout history, where manliness is measured in militarism and citizenship, ownership and authority of the fathers, and finally, competitive individualism and reason. These masculinities in turn asks one to not only use the feminist consciousness to analyze the exclusions of femininities from IR, but additionally, Hooper illuminates how one can locate the inherent inclusions of masculinities in the field of IR with a feminist consciousness.

### **Feminist Anti-Militarism**

Feminists within IR often look to how conceptions of masculinity have shaped foreign policy, state identity, and

security and armament during and outside of warfare. One tradition that exists within the field for this purpose is that of feminist anti-militarism. This is a stance within Feminist International Relations that opposes weapons of mass destruction, such as nuclear weaponry, and holds gender accountable in part for the propagation of militarism. Gender becomes embedded in relations of power as that which is seen to be stronger is assigned a masculinized identity, while concepts such as emotion are seen as indicators of weakness and become associated with femininity. In this way, the military strength and capability of a state becomes associated with its degree of masculinity, which feminist anti-militarists see as problematic. As disarmament could be perceived as emasculatory, states are less likely to disarm; consequently, militarism becomes normalized, downplayed, and more likely to incite warfare. These are some of the concepts that Carol Cohn and Sara Ruddick explored in their article "Feminist Ethical Perspective on Weapons of Mass Destruction," (2003) which laid out the meaning behind what they referred to as "anti-war feminism". They explain that it opposes the use of weapons of mass destruction whether for military, political, or deterring purposes, yet that it differs from pacifism in that it does not outright reject all forms of warfare. Such opposition stems partly from the questionability of how effective warfare/militarism is, and whether the costs, (albeit monetary, environmental, and especially human) that are inevitably incurred yet not always accounted, for are worth it.

Manifestations of feminist anti-militarism can be identified in various contexts and methods. In line with Cohn and Ruddick's (2003) aforementioned article, part of what feminist anti-militarism critiques is the framework in which weapons of

mass destruction are “discussed”. Such discourse assumedly would have large influence in the outcome, as investigated by Cohn in one of her earlier articles, “Sex and Death in the Rational World of Defense Intellectuals.” Her participation in security discussions allowed her to observe the way in which the “technostrategic” language used by American defense intellectuals was highly gendered, and assigned greater value and strength to that which was assigned masculine or highly sexualized terminology. While Cohn does not explicitly identify the use of a feminist anti-militarist view in this article, the ideas and subjects at hand run parallel. Relatedly, Claire Duncanson and Catherine Eschle do state their use of a feminist anti-militarist perspective in their article “Gender and the Nuclear Weapons State: A Feminist Critique of the UK Government’s White Paper on Trident”.

The authors borrow Cohn’s rendition of the relationship between gender and nuclear weapons to examine the way in which discourses are shaped by underlying dichotomous views of masculinity and femininity. This perspective is then applied to the renewal of Trident nuclear weapons, a plan which Duncanson and Eschl argue is enabled by the UK government’s use of masculinized language that seems to be constructed into the state’s identity. The UK Trident Program was the cause of another expression of feminist anti-militarism, beginning a few decades earlier in the form of the Greenham Common Women’s Peace Camp. The 1979 decision by NATO to base ground cruise missiles at Greenham Common initiated a response from women largely associated with various feminist and anti-nuclear groups. Their opposition to such militarism was demonstrated in the persistence of peace camps, demonstrations and other forms of resistance for the following

two decades (nat. archive website). Such efforts brought to life the feminist anti-militarist perception of the relationship between gender and militarism as exhibited through nuclear weaponry.

## **Gender Theory and Feminisms**

Gender theory highlights the limitations of linguistic categories, asserts the significance of intersectionality, values concrete cultural context over universalisms and essentialisms (for example, the notion of universal patriarchy), rigorously problematizes sex and gender binaries, recounts and accounts for the history of sex and gender relations, and deals directly with other theoretical strains such as structuralism, post-structuralism, socialism, and psychoanalysis. For example, in her book *Gender Trouble: Feminism and the Subversion of Identity*, Judith Butler explores the possibility of *troubling gender* first by examining conventional understandings of gender that support masculine hegemony and heterosexist power, and subsequently wondering about the extent to which one can undermine such constitutive categories (that is, male/female, man/woman) through continually mobilizing, subverting, and proliferating the very foundational illusions of identity which seek to keep gender in its place. Gender theory can inform critical lenses and perspectives such as Cynthia Enloe's "feminist consciousness," as well as other feminist perspectives such as *liberal feminism*, *difference feminism*, and *poststructuralist feminism*. In terms of feminist international relations, gender theory engages directly with the notion of mainstreaming gender in both *institutional politics* and *discursive politics*.

*Liberal feminism* deals specifically with policy-making, and requires that women as well as perspectives on both women's and men's lived realities are fairly included and represented in that policy-making. With regard to liberal feminism, gender theory contemplates, for example, what is meant by the term "women," whose perspectives on "women's" and "men's" lived realities are considered valuable in facilitating fair representation in policy-making, and what aspects of life are considered components of "lived reality".

*Difference feminism* focusses on empowering women in particular through specific designs, implementations, and evaluations of policies that account for the material and cultural differences between men and women and their significance. With regard to difference feminism, gender theory questions, again, what is meant by the term "women;" what factors might lead to "women" requiring specific designs, implementations, and evaluations of policies; what is considered to constitute "difference" in the material and cultural experience of "men" and "women;" and what aspects of that "difference" suppose its especial significance.

*Poststructuralist feminism* prioritizes difference and diversity to the extent that it recognizes all identities as absolutely contingent social constructions. With regard to poststructuralist feminism, gender theory points out that due to this ontological and epistemological discursiveness, poststructuralist feminism can, in some cases, risk understanding the subjects in policy-making as distinct social subjectivities primarily and/or exclusively in terms of gender difference, rather than in terms of the multiplicities of difference that comprise subjectivities in poststructural

feminist thought. *Institutional politics* describes the political, material, bureaucratic, and organizational relationships and conventions that govern administrative institutions. Gender theory seeks to examine the ways in which these normalized relationships and conventions shape the policy-making processes of and within these institutions.

*Discursive politics* refers to the ways in which institutionalized norms, policy procedures, organizational identities, and material structures shape the language and meaning of gender equality and/or difference therein. Gender theory, with regard to discursive politics, for instance, would examine the identities, the constitutive categories, created and/or perpetuated by the language and meaning of gender equality and/or difference in such international institutions.

### **Barriers to femininities and female bodies**

A feminist approach to international relations also provides analyses for not only theoretical understandings of gender relations, but also the consequences that perpetuate the subordination of femininities and female-bodies. 'Women' (female bodies + performed femininities) endure a higher level of criticism for their actions, personalities, and behaviors within the public and private spheres, particularly while running for political office, whether this at the local or national levels. This is due to a perception of politically ambitious women as either being too feminine or too masculine, to be capable of the job that certain offices demand. This is typically linked to the ideal that women will take care of 'women's issues', such as education and abortion, while men will take care of 'men's issues' such as the military,

national security, and the economy. It is critical that researchers seek to explain further the barriers that women endure in their attempts to attain political office on any level. To begin with, there must be a consideration of women's socioeconomic status, and thus a difficulty in funding a campaign. While women are more educated in the western world than ever before, the average women's socioeconomic powers still do not match the average man's. This results in a further consequence for women, as employment is positively related to one's ability to attain political information, and to build internal political efficacy. Thus, not only does socioeconomic status lead to a lesser ability to finance a political campaign for women, but it also leads to lower levels of political efficacy, impacting women's participation in politics from the very beginning.

Further barriers exist into women's entrance into politics, which include, but are not limited to, attachment to the private sphere and the scrutiny of the media. Media coverage of campaigns can be particularly detrimental to a woman's ability to attain political office. The media focuses far more on physical appearance and lifestyle, rather than the prominent political questions of the campaign, for female candidates. Further, women receive less overall media coverage, the media questions women's abilities and potential for future power, as well as focusing on what are deemed as 'women's issues'. These kinds of coverage discourage voters from voting or contributing to the campaigns of female candidates, and moreover, discourage women from entering into a campaign. Thus, the media has demonstrated its ability to deem candidates either capable or ill-suited for political office, simply through the dialogue in which they use, that

perpetuates systems of disqualification for women. These dialogues place men in positions of high politics, and reinforce symbolic understandings of 'women's issues' versus 'men's issues', and who best represents offices of high-politics due to naturalized understandings of individual's bodies and gendered identities. Through a feminist lens of international relations however, we may understand the systemic nature of these perceptions of the relationships between bodies and identities in order to discount popular dialogue, and find places for women within high-politics.

## **Critique**

Certain parts of the academic realm of IR theory did not offer the feminist perspective serious attention because of differences with its ways of addressing problems within the discipline. Some circles within social sciences are increasingly employing a hypothetico-deductivist way of looking at social phenomena. In that context, feminist perspective is criticized for providing a more politically engaged way of looking at issues than a problem-solving way. Robert Keohane has suggested that feminists formulate verifiable problems, collect data, and proceed only scientifically when attempting to solve issues. Unsurprisingly, Keohane's suggestion received a cold reaction from feminists; one particular rebuttal was entitled "You Still Don't Understand: Why Troubled Engagements Continue between Feminists and (Critical) IPE."

## **Chapter 2**

# **The Evolution of World Politics and Power**

## **Asia Council**

World politics names both the discipline that studies the political and economical patterns of the world and the field that is being studied. At the centre of that field are the different processes of political globalization in relation to questions of social power. The discipline studies the relationships between cities, nation-states, shell-states, multinational corporations, non-governmental organizations and international organizations. Current areas of discussion include national and ethnic conflict regulation, democracy and the politics of national self-determination, globalization and its relationship to democracy, conflict and peace studies, comparative politics, political economy, and the international political economy of the environment. One important area of world politics is contestation in the world political sphere over legitimacy.

It can be argued that world politics should be distinguished from the field of international politics, which seeks to understand political relations between nation-states, and thus has a narrower scope. Similarly, international relations, which seeks to understand general economic and political relations between nation-states, is a narrower field than world politics. Beginning in the late nineteenth century, several groups

extended the definition of the political community beyond nation-states to include much, if not all, of humanity. These "internationalists" include Marxists, human rights advocates, environmentalists, peace activists, feminists, and dalits. This was the general direction of thinking on world politics, though the term was not used as such.

Today, the practices of world politics are defined by values: norms of human rights, ideas of human development, and beliefs such as Internationalism or cosmopolitanism about how we should relate to each. Over the last couple of decades cosmopolitanism has become one of the key contested ideologies of world politics:

Cosmopolitanism can be defined as a world politics that, firstly, projects a sociality of common political engagement among all human beings across the globe, and, secondly, suggests that this sociality should be either ethically or organizationally privileged over other forms of sociality. The intensification of globalization led some writers to suggest that states were no longer relevant to world politics. This view has been subject to debate:

On the other hand, other commentators have been arguing that states have remained essential to world politics. They have facilitated globalizing processes and projects; not been eclipsed by them. They have been rejuvenated because, among other reasons, they are still the primary providers of (military) security in the world arena; they are still the paramount loci for articulating the voices of (procedurally democratic) national communities, and for ordering their interactions with similar polities; and finally, they are indispensable to relations of

(unequal) economic exchange insofar as they legitimize and enforce the world legal frameworks that enable globalization in the first place. Global administrative law is an emerging field that is based upon a dual insight: that much of what is usually termed “global governance” can be accurately characterized as administrative action; and that increasingly such action is itself being regulated by administrative law-type principles, rules and mechanisms – in particular those relating to participation, transparency, accountability and review. GAL, then, refers to the structures, procedures and normative standards for regulatory decision-making including transparency, participation, and review, and the rule-governed mechanisms for implementing these standards, that are applicable to formal intergovernmental regulatory bodies; to informal intergovernmental regulatory networks; to regulatory decisions of national governments where these are part of or constrained by an international intergovernmental regime; and to hybrid public-private or private transnational bodies. The focus of this field is not the specific content of substantive rules, but rather the operation of existing or possible principles, procedural rules and reviewing and other mechanisms relating to accountability, transparency, participation, and assurance of legality in global governance.

Today almost all human activity is subject to some form of global regulation. Goods and activities that are beyond the effective control of any one State are regulated at the global level. Global regulatory regimes cover a vast array of different subject-areas, including forest preservation, the control of fishing, water regulation, environmental protection, arms control, food safety and standardization, financial and accounting standards, internet governance, pharmaceuticals

regulation, intellectual property protection, refugee protection, coffee and cocoa standards, labour standards, antitrust regulation, to name but a very few. This increase in the number and scope of regulatory regimes has been matched by the huge growth of international organizations: nowadays over 2,000 intergovernmental organizations (IGO) and around 40,000 Non-governmental organizations (NGO) are operating worldwide.

There are, of course, great differences among the various different types of regulatory regimes. Some merely provide a framework for State action, whereas others establish guidelines addressed to domestic administrative agencies, and others still impact directly upon national civil society actors. Some regulatory regimes create their own implementation mechanisms, while others rely on national or regional authorities for this task. To settle disputes, some regulatory regimes have established judicial (or quasi-judicial) bodies, or refer to those of different regimes; while others resort to “softer” forms, such as negotiation. Within this framework, the traditional mechanisms based on State consent as expressed through treaties or custom are simply no longer capable of accounting for all global activities.

A new regulatory space is emerging, distinct from that of inter-State relations, transcending the sphere of influence of both international law and domestic administrative law: this can be defined as the global administrative space. IOs have become much more than instruments of the governments of their Member States; rather, they set their own norms and regulate their field of activity; they generate and follow their own, particular legal proceedings; and they can grant participatory

rights to subjects, both public and private, affected by their activities. Ultimately, they have emerged as genuine global public administrations. In other words, the structures, procedures and normative standards for regulatory decision-making applicable to global institutions (including transparency, participation, and review), and the rule-governed mechanisms for implementing these standards are coming to form a specific field of legal theory and practice: that of global administrative law. The main focus of this emerging field is not the particular content of substantive rules generated by global regulatory institutions, but rather the actual or potential application of principles, procedural rules and reviewing and other mechanisms relating to accountability, transparency, participation, and the rule of law in global governance.

The Asia Council is a pan-Asian organization constituted in 2016 to serve as a continent wide forum to address Asia's key challenges and foster cooperation among countries of Asia. The council has its headquarters in Tokyo and regional directorates in Doha, Chengdu and Bangkok.

## **Organization**

The Asia Council operates through the council headquarters in Tokyo, three regional directorates and country offices.

## **Administrative Divisions**

The Asia Council is organized into three administrative divisions. The East Asia division has its regional directorate in Tokyo, the South Asia & South East Asia division has its

regional directorate in Bangkok and the West Asia & Central Asia division has its regional directorate in Doha.

## **Countries**

The Asia Council covers 48 countries and 6 dependent territories.

## **Forums**

The Asia Council has seven forums. Each forum is mandated to deliberate on a defined area relating Asia. The forum is attended by decision makers and experts.

## **Fellowships**

The Asia Council fellowship provides financial grant to students from Asian countries to study for a graduate degree in world's top universities.

### **Global Leaders Fellowship**

The Asia Council Global Leaders Fellowship is an international graduate fellowship scheme which supports students with exceptional leadership qualities from 48 countries and 6 dependent territories of Asia to undertake graduate studies at some of world's top universities in United States and United Kingdom.

### **Asia Fellowship**

The Asia Fellowship is an international graduate fellowship scheme which supports students with exceptional leadership

qualities from 48 countries and 6 dependent territories of Asia to undertake graduate studies at Asia's top universities.

### **Einstein Fellowship**

The Asia Council Einstein Fellowship is an international fellowship scheme which supports students with exceptional leadership qualities from 48 countries and 6 dependent territories of Asia to undertake study for a degree at Tokyo Institute of Technology, Nanyang Technological University, KAIST, Hong Kong University of Science and Technology, and Tsinghua University.

### **Reports and Publications**

The council's research and publishing division produces several reports on Asia including the Asia Security Report and Asia Statistical Report.

### **Asian Review**

The Asian Review is a journal published by the Asia Council. It covers political, economic and strategic review of the continent.

### **Events**

Asia Roundtable: The Asia Roundtable is an international conference held by the Asia Council outside Asia. The meeting discusses in detail a single issue that is geopolitically significant for the Asian region. The conference is attended by regional leaders and policy experts.

Asia Security Dialogue: The Asia Security Dialogue is a bi-annual meeting held by the Asia Council on most pressing security issues relating Asia.

## **Democratic globalization**

Democratic globalisation is a social movement towards an institutional system of global democracy. This would, in their view, bypass nation-states, corporate oligopolies, ideological NGOs, cults and mafias. One of its most prolific proponents is the British political thinker David Held. In the last decade he published a dozen books regarding the spread of democracy from territorially defined nation states to a system of global governance that encapsulates the entire world. For some, democratic mundialisation is a variant of democratic globalisation stressing the need for the direct election of world leaders and members of global institutions by citizens worldwide; for others, it is just another name for democratic globalisation.

These proponents state that democratic globalisation's purpose is to:

Expand globalisation and make people closer and more united. This expansion should differ from economic globalization and "make people closer, more united and protected"; because of a variety of opinions and proposals it is still unclear what this would mean in practice and how it could be realized.

Have it reach all fields of activity and knowledge, including governmental and economic, since the economic one is crucial to develop the well-being of world citizens; and

Give world citizens democratic access and a say in those global activities. For example, presidential voting for United Nations Secretary-General by citizens and direct election of members of a United Nations Parliamentary Assembly.

Supporters of the democratic globalization movement draw a distinction between their movement and the one most popularly known as the 'anti-globalization' movement, claiming that their movement avoids ideological agenda about economics and social matters. Democratic globalization supporters state that the choice of political orientations should be left to the world citizens, via their participation in world democratic institutions. Some proponents in the "anti-globalization movement" do not necessarily disagree with this position. For example, George Monbiot, normally associated with the anti-globalization movement (who prefers the term Global Justice Movement) in his work *Age of Consent* has proposed similar democratic reforms of most major global institutions, suggesting direct democratic elections of such bodies, and suggests a form of "world government." Democratic globalization supports the extension of political democratization to economic and financial globalization. It is based upon an idea that free international transactions benefit the global society as a whole. They believe in financially open economies, where the government and central bank must be transparent in order to retain the confidence of the markets, since transparency spells doom for autocratic regimes. They promote democracy that makes leaders more accountable to the citizenry through the removal of restrictions on such transactions.

## **Social movements**

The democratic globalization movement started to get public attention when New York Times reported its demonstration to contest a World Trade Organization (WTO) in Seattle, Washington, November 1999.

This gathering was to criticize unfair trade and undemocratic globalization of the WTO, World Bank, World Economic Forum (WEF), the International Monetary Fund. Its primary tactics were public rallies, street theater and civil disobedience.

Democratic globalization, proponents claim, would be reached by creating democratic global institutions and changing international organizations (which are currently intergovernmental institutions controlled by the nation-states), into global ones controlled by world citizens. The movement suggests to do it gradually by building a limited number of democratic global institutions in charge of a few crucial fields of common interest. Its long-term goal is that these institutions federate later into a full-fledged democratic world government.

## **Global democracy**

Thus, it supports the International Campaign for the Establishment of a United Nations Parliamentary Assembly, that would allow for participation of member nations' legislators and, eventually, direct election of United Nations (UN) parliament members by citizens worldwide.

## **Difference to anti-globalization**

Some supporters of the democratic globalization movement draw a distinction between their movement and the one most popularly known as the 'anti-globalization' movement, claiming that their movement avoids ideological agenda about economics and social matters although, in practice, it is often difficult to distinguish between the two camps. Democratic globalization supporters state that the choice of political orientations should be left to the world citizens, via their participation in world democratic institutions and direct vote for world presidents.

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## **Procedure**

Democratic globalization, proponents claim, would be reached by creating democratic global institutions and changing international organizations (which are currently intergovernmental institutions controlled by the nation-states), into global ones controlled by voting by the citizens. The movement suggests to do it gradually by building a limited number of democratic global institutions in charge of a few crucial fields of common interest. Its long-term goal is that these institutions federate later into a full-fledged democratic

world government. They propose the creation of world services for citizens, like world civil protection and prevention (from natural hazards) services.

## **Proponents**

The concept of democratic globalization has supporters from all fields. Many of the campaigns and initiatives for global democracy, such as the UNPA campaign, list quotes by and names of their supporters on their websites.

## **Academics**

Some of the most prolific proponents are the British political thinker David Held and the Italian political theorist Daniele Archibugi. In the last decade they published several books regarding the spread of democracy from territorially defined nation states to a system of global governance that encapsulates the entire planet. Richard Falk has developed the idea from an international law perspective, Ulrich Beck from a sociological approach and Jürgen Habermas has elaborate the normative principles.

## **Politicians**

In 2003 Bob Brown, the leader of the Australian Green Party, has tabled a move for global democracy in the Australian Senate: "I move: That the Senate supports global democracy based on the principle of 'one person, one vote, one value'; and supports the vision of a global parliament which empowers all the world's people equally to decide on matters of international significance."

The current President of Bolivia Evo Morales and the Bolivian UN Ambassador Pablo Solón Romero have demanded a democratisation of the UN on many occasions. For example, Evo Morales at the United Nations, May 7, 2010: "The response to global warming is global democracy for life and for the Mother Earth. we have two paths: to save capitalism, or to save life and Mother Earth."

Graham Watson (Member of the European Parliament and former leader of the Alliance of Liberals and Democrats for Europe) and Jo Leinen (Member of the European Parliament) are strong supporter of global democracy. They were among those presenting the "Brussels Declaration on Global Democracy" on February 23, 2010, at an event inside the European Parliament. The appeals of the campaign for a United Nations Parliamentary Assembly has already been endorsed by more than 700 parliamentarians from more than 90 countries.

### **List of prominent figures**

Garry Davis (Peace activist who created the first "World Passport") Albert Einstein ("The moral authority of the UN would be considerable enhanced if the delegates were elected directly by the people.") George Monbiot ("A world parliament allows the poor to speak for themselves")

### **Emma Thompson**

Desmond Tutu ("We must strive for a global democracy, in which not only the rich and the powerful have a say, but which treats everyone, everywhere with dignity and respect.") Peter Ustinov (President of the World Federalist Movement from 1991

to 2004)Abhay K ( "The mass availability of internet-connected mobile phones paves the way for planetary consciousness and global democracy.")

## **Global apartheid**

Global apartheid is a term used to mean minority rule in international decision-making. The term comes from apartheid, the system of governmental that ruled South Africa until 27 April 1994 when people of all races were able to vote as equals for the first time.

The concept of global apartheid has been developed by many researchers, including Titus Alexander, Bruno Amoroso, Patrick Bond, Gernot Kohler, Arjun Makhijani, Ali Mazuri, Vandana Shiva, Anthony Richmond, Joseph Nevins, Muhammed Asadi, Gustav Fridolin, and many others.

### **Origin and use**

The first use of the term may have been by Gernot Koehler in a 1978 Working Paper for the World Order Models Project. In 1995 Koehler develop this in *The Three Meanings of Global Apartheid: Empirical, Normative, Existential*.

Its best known use was by Thabo Mbeki, then-President of South Africa, in a 2002 speech, drawing comparisons of the status of the world's people, economy, and access to natural resources to the apartheid era. Mbeki got the term from Titus Alexander, initiator of Charter 99, a campaign for global democracy, who was also present at the UN Millennium Summit and gave him a copy of *Unravelling Global Apartheid*.

## **Concept**

Minority rule in global governance is based on national sovereignty rather than racial identity, but in many other respects the history and structures of apartheid South Africa can be seen as a microcosm of the world. Following the Great Depression in the 1930s and the Second World War, the United States and United Kingdom used their political power to create systems of economic management and protection to mitigate the worst effects of free trade and neutralise the competing appeals of communism and national socialism. In South Africa civilized labour policies restricted public employment to whites, reserved skilled jobs for whites and controlled the movement of non-whites through a system of pass laws. In the West, escalating tariff barriers reserved manufacturing work for Europeans and Americans while immigration laws controlled the movement of immigrants seeking work.

At a political level, the West still dominates global decision-making through minority control of the central banking system (Bank of International Settlements), IMF, World Bank, Security Council and other institutions of global governance. The G8 represent less than 15% of world population, yet have over 60% of its income. 80% of the permanent members of the UN Security Council represent white Western states, 60% from Europe. The West has veto power in the World Bank, IMF and WTO and regulates global monetary policy through the Bank of International Settlements (BIS). By tradition, the head of the World Bank is always a US citizen, nominated by the US President, and the IMF is a European. Although the rest of the world now has a majority in many international institutions, it does not have the political power to reject decisions by the

Western minority. In *The Clash of Civilizations and the Remaking of World Order*, Samuel P. Huntington describes how "the United States together with Britain and France make the crucial decisions on political and security issues; the United States together with Germany and Japan make the crucial decisions on economic issues." Huntington quoted Jeffrey R Bennett to claim that Western nations:

- own and operate the international banking system
- control all hard currencies
- are the world's principle customer
- provide the majority of the world's finished goods
- dominate international capital markets
- exert considerable moral leadership within many societies
- are capable of massive military intervention
- control the sea lanes

Huntington presents a 'framework, a paradigm, for viewing global politics' to protect "Western civilization". He argues that other civilizations threaten the West through immigration, cultural differences, growing economic strength and potential military power. 'If North America and Europe renew their moral life, build on their cultural commonality, and develop close forms of economic and political integration to supplement their security collaboration in NATO, they could generate a third Euroamerican phase of Western affluence and political influence. Meaningful political integration would in some measure counter the relative decline in the West's share of the world's people, economic product, and military capabilities and revive the power of the West in the eyes of the leaders of other civilizations.' However, this 'depends overwhelmingly on whether the United States reaffirms its identity as a Western

nation and defines its global role as the leader of Western civilization.’ Alexander identifies numerous pillars of global apartheid including:

- veto power by the Western minority in the UN Security Council
- voting powers in the IMF and World Bank
- dominance of the World Trade Organisation through effective veto power and ‘weight of trade’ rather than formal voting power
- one-sided rules of trade, which give privileged protection to Western agriculture and other interests while opening markets in the Majority World
- protection of ‘hard currency’ through the central banking system through the Bank of International Settlements
- immigration controls which manage the flow of labour to meet the needs of Western economies
- use of aid and investment to control elites in the Majority World through reward and punishment
- support for coups or military intervention in countries which defy Western dominance
- International decision-making has a legacy of inequality which some authors have compared to historical apartheid in South Africa.

## **world governance/Global governance**

Global governance or world governance is a movement towards political cooperation among transnational actors, aimed at negotiating responses to problems that affect more than one state or region. Institutions of global governance—the United Nations, the International Criminal Court, the World Bank,

etc.—tend to have limited or demarcated power to enforce compliance. The modern question of world governance exists in the context of globalization and globalizing regimes of power: politically, economically and culturally. In response to the acceleration of worldwide interdependence, both between human societies and between humankind and the biosphere, the term "global governance" may name the process of designating laws, rules, or regulations intended for a global scale.

Global governance is not a singular system. There is no "world government" but the many different regimes of global governance do have commonalities:

While the contemporary system of global political relations is not integrated, the relation between the various regimes of global governance is not insignificant, and the system does have a common dominant organizational form. The dominant mode of organization today is bureaucratic rational – regularized, codified and rational. It is common to all modern regimes of political power and frames the transition from classical sovereignty to what David Held describes as the second regime of sovereignty – liberal international sovereignty. The term world governance is broadly used to designate all regulations intended for organization and centralization of human societies on a global scale. The Forum for a new World Governance defines world governance simply as "collective management of the planet".

Traditionally, government has been associated with "governing," or with political authority, institutions, and, ultimately, control. Governance denotes a process through

which institutions coordinate and control independent social relations, and that have the ability to enforce, by force, their decisions. However, authors like James Rosenau have also used "governance" to denote the regulation of interdependent relations in the absence of an overarching political authority, such as in the international system. Some now speak of the development of "global public policy".

Adil Najam, a scholar on the subject at the Pardee School of Global Studies, Boston University has defined global governance simply as "the management of global processes in the absence of global government." According to Thomas G. Weiss, director of the Ralph Bunche Institute for International Studies at the Graduate Center (CUNY) and editor (2000–05) of the journal *Global Governance: A Review of Multilateralism and International Organizations*, "'Global governance'—which can be good, bad, or indifferent—refers to concrete cooperative problem-solving arrangements, many of which increasingly involve not only the United Nations of states but also 'other UNs,' namely international secretariats and other non-state actors." In other words, global governance refers to the way in which global affairs are managed.

The definition is flexible in scope, applying to general subjects such as global security and order or to specific documents and agreements such as the World Health Organization's Code on the Marketing of Breast Milk Substitutes. The definition applies whether the participation is bilateral (e.g. an agreement to regulate usage of a river flowing in two countries), function-specific (e.g. a commodity agreement), regional (e.g. the Treaty of Tlatelolco), or global (e.g. the Non-Proliferation Treaty). These "cooperative problem-solving

arrangements" may be formal, taking the shape of laws or formally constituted institutions for a variety of actors (such as state authorities, intergovernmental organizations (IGOs), non-governmental organizations (NGOs), private sector entities, other civil society actors, and individuals) to manage collective affairs. They may also be informal (as in the case of practices or guidelines) or ad hoc entities (as in the case of coalitions).

However, a single organization may take the nominal lead on an issue, for example the World Trade Organization (WTO) in world trade affairs. Therefore, global governance is thought to be an international process of consensus-forming which generates guidelines and agreements that affect national governments and international corporations. Examples of such consensus would include WHO policies on health issues.

In short, global governance may be defined as "the complex of formal and informal institutions, mechanisms, relationships, and processes between and among states, markets, citizens and organizations, both inter- and non-governmental, through which collective interests on the global plane are articulated, Duties, obligations and privileges are established, and differences are mediated through educated professionals."

Titus Alexander, author of *Unravelling Global Apartheid*, an *Overview of World Politics*, has described the current institutions of global governance as a system of global apartheid, with numerous parallels with minority rule in the formal and informal structures of South Africa before 1991.

## **Usage**

The dissolution of the Soviet Union in 1991 marked the end of a long period of international history based on a policy of balance of powers. Since this historic event, the planet has entered a phase of geostrategic breakdown. The national-security model, for example, while still in place for most governments, is gradually giving way to an emerging collective conscience that extends beyond the restricted framework it represents.

The post-Cold War world of the 1990s saw a new paradigm emerge based on a number of issues:

- The growing idea of globalization as a significant theme and the subsequent weakening of nation-states, points to a prospect of transferring to a global level of regulatory instruments. Upon the model that regulation was no longer working effectively at the national or regional levels.
- An intensification of environmental concerns, which received multilateral endorsement at the Earth Summit. The Summit issues, relating to the climate and biodiversity, symbolized a new approach that was soon to be expressed conceptually by the term Global Commons.

The emergence of conflicts over standards: trade and the environment, trade and property rights, trade and public health. These conflicts continued the traditional debate over the social effects of macroeconomic stabilization policies, and raised the question of arbitration among equally legitimate objectives in a compartmentalized governance system where

the major areas of interdependence are each entrusted to a specialized international institution. Although often limited in scope, these conflicts are nevertheless symbolically powerful, as they raise the question of the principles and institutions of arbitration.

An increased questioning of international standards and institutions by developing countries, which, having entered the global economy, find it hard to accept that industrialized countries hold onto power and give preference to their own interests. The challenge also comes from civil society, which considers that the international governance system has become the real seat of power and which rejects both its principles and procedures. Although these two lines of criticism often have conflicting beliefs and goals, they have been known to join in order to oppose the dominance of developed countries and major institutions, as demonstrated symbolically by the failure of the World Trade Organization Ministerial Conference of 1999.

## **Technique**

Global governance can be roughly divided into four stages:

- agenda-setting;
- policymaking,
- implementation and enforcement, and
- evaluation, monitoring, and adjudication.

World authorities including international organizations and corporations achieve deference to their agenda through different means. Authority can derive from institutional status, expertise, moral authority, capacity, or perceived competence.

## **Themes**

In its initial phase, world governance was able to draw on themes inherited from geopolitics and the theory of international relations, such as peace, defense, geostrategy, diplomatic relations, and trade relations. But as globalization progresses and the number of interdependences increases, the global level is also highly relevant to a far wider range of subjects. Following are a number of examples.

### **Environmental governance and managing the planet**

"The crisis brought about by the accelerated pace and the probably irreversible character of the effect of human activities on nature requires collective answers from governments and citizens. Nature ignores political and social barriers, and the global dimension of the crisis cancels the effects of any action initiated unilaterally by state governments or sectoral institutions, however powerful they may be. Climate change, ocean and air pollution, nuclear risks and those related to genetic manipulation, the reduction and extinction of resources and biodiversity, and above all a development model that remains largely unquestioned globally are all among the various manifestations of this accelerated and probably irreversible effect.

This effect is the factor, in the framework of globalization, that most challenges a system of states competing with each other to the exclusion of all others: among the different fields of global governance, environmental management is the most wanting in urgent answers to the crisis in the form of collective actions by the whole of the human community. At the same

time, these actions should help to model and strengthen the progressive building of this community."

Proposals in this area have discussed the issue of how collective environmental action is possible. Many multilateral, environment-related agreements have been forged in the past 30 years, but their implementation remains difficult. There is also some discussion on the possibility of setting up an international organization that would centralize all the issues related to international environmental protection, such as the proposed World Environment Organization (WEO). The United Nations Environment Program (UNEP) could play this role, but it is a small-scale organization with a limited mandate. The question has given rise to two opposite views: the European Union, especially France and Germany, along with a number of NGOs, is in favor of creating a WEO; the United Kingdom, the USA, and most developing countries prefer opting for voluntary initiatives.

The International Institute for Sustainable Development proposes a "reform agenda" for global environmental governance. The main argument is that there seems to exist an unspoken but powerful consensus on the essential objectives of a system of global environmental governance. These goals would require top-quality leadership, a strong environmental policy based on knowledge, effective cohesion and coordination, good management of the institutions constituting the environmental governance system, and spreading environmental concerns and actions to other areas of international policy and action.

## **A World Environment Organisation**

The focus of environmental issues shifted to climate change from 1992 onwards. Due to the transboundary nature of climate change, various calls have been made for a World Environment Organisation (WEO) (sometimes referred to as a Global Environment Organisation) to tackle this global problem on a global scale. At present, a single worldwide governing body with the powers to develop and enforce environmental policy does not exist. The idea for the creation of a WEO was discussed thirty years ago but is receiving fresh attention in the light of arguably disappointing outcomes from recent, 'environmental mega-conferences' (e.g. Rio Summit and Earth Summit 2002).

### **Current global environmental governance**

International environmental organisations do exist. The United Nations Environmental Programme (UNEP), created in 1972, coordinates the environmental activity of countries in the UN. UNEP and similar international environmental organisations are seen as not up to the task. They are criticised as being institutionally weak, fragmented, lacking in standing and providing non-optimal environmental protection. It has been stated that the current decentralised, poorly funded and strictly intergovernmental regime for global environmental issues is sub-standard. However, the creation of a WEO may threaten to undermine some of the more effective aspects of contemporary global environmental governance; notably its fragmented nature, from which flexibility stems. This also allows responses to be more effective and links to be forged across different domains. Even though the environment and

climate change are framed as global issues, Levin states that 'it is precisely at this level that government institutions are least effective and trust most delicate' while Oberthur and Gehring argue that it would offer little more than institutional restructuring for its own sake.

## **A World Environment Organisation and the World Trade Organisation**

Many proposals for the creation of a WEO have emerged from the trade and environment debate. It has been argued that instead of creating a WEO to safeguard the environment, environmental issues should be directly incorporated into the World Trade Organisation (WTO). The WTO has "had success in integrating trade agreements and opening up markets because it is able to apply legal pressure to nation states and resolve disputes". Greece and Germany are currently in discussion about the possibility of solar energy being used to repay some of Greece's debt after their economy crashed in 2010. This exchange of resources, if it is accepted, is an example of increased international cooperation and an instance where the WTO could embrace energy trade agreements. If the future holds similar trade agreements, then an environmental branch of the WTO would surely be necessary. However critics of a WTO/WEO arrangement say that this would neither concentrate on more directly addressing underlying market failures, nor greatly improve rule-making.

The creation of a new agency, whether it be linked to the WTO or not, has now been endorsed by Renato Ruggiero, the former head of the World Trade Organization (WTO), as well as by the new WTO director-designate, Supachai Panitchpakdi. The

debate over a global institutional framework for environmental issues will undoubtedly rumble on but at present there is little support for any one proposal.

### **Governance of the economy and of globalization**

The 2008 financial crisis may have undermined faith that laissez-faire capitalism will correct all serious financial malfunctioning on its own, as well as belief in the presumed independence of the economy from politics. It has been stated that, lacking in transparency and far from democratic, international financial institutions may be incapable of handling financial collapses. There are many who believe free-market capitalism may be incapable of forming the economic policy of a stable society, as it has been theorised that it can exacerbate inequalities.

Nonetheless, the debate on the potential failings of the system has led the academic world to seek solutions. According to Tubiana and Severino, "refocusing the doctrine of international cooperation on the concept of public goods offers the possibility . . . of breaking the deadlock in international negotiations on development, with the perception of shared interests breathing new life into an international solidarity that is running out of steam."

Joseph Stiglitz argues that a number of global public goods should be produced and supplied to the populations, but are not, and that a number of global externalities should be taken into consideration, but are not. On the other hand, he contends, the international stage is often used to find solutions to completely unrelated problems under the

protection of opacity and secrecy, which would be impossible in a national democratic framework.

On the subject of international trade, Susan George states that ". . . in a rational world, it would be possible to construct a trading system serving the needs of people in both North and South. . . . Under such a system, crushing third world debt and the devastating structural adjustment policies applied by the World Bank and the IMF would have been unthinkable, although the system would not have abolished capitalism."

### **Political and institutional governance**

Building a responsible world governance that would make it possible to adapt the political organization of society to globalization implies establishing a democratic political legitimacy at every level: local, national, regional and global.

Obtaining this legitimacy requires rethinking and reforming, all at the same time:

- the fuzzy maze of various international organizations, instituted mostly in the wake of World War II; what is needed is a system of international organizations with greater resources and a greater intervention capacity, more transparent, fairer, and more democratic;
- the Westphalian system, the very nature of states along with the role they play with regard to the other institutions, and their relations to each other; states will have to share part of their sovereignty with institutions and bodies at other territorial levels, and all will have to begin a major process to deepen democracy and make their organization more responsible;

the meaning of citizen sovereignty in the different government systems and the role of citizens as political protagonists; there is a need to rethink the meaning of political representation and participation and to sow the seeds of a radical change of consciousness that will make it possible to move in the direction of a situation in which citizens, in practice, will play the leading role at every scale.

The political aspect of world governance is discussed in greater detail in the section Problems of World Governance and Principles of Governance

### **Governance of peace, security, and conflict resolution**

Armed conflicts have changed in form and intensity since the Berlin wall came down in 1989. The events of 9/11, the wars in Afghanistan and in Iraq, and repeated terrorist attacks all show that conflicts can repercuss well beyond the belligerents directly involved. The major powers and especially the United States, have used war as a means of resolving conflicts and may well continue to do so. If many in the United States believe that fundamentalist Muslim networks are likely to continue to launch attacks, in Europe nationalist movements have proved to be the most persistent terrorist threat. The Global War on Terrorism arguably presents a form of emerging global governance in the sphere of security with the United States leading cooperation among the Western states, non-Western nations and international institutions. Beyer argues that participation in this form of 'hegemonic governance' is caused both by a shared identity and ideology with the US, as well as cost-benefit considerations. Pesawar school attack 2014 is a big challenge to us. Militants from the Pakistani

Taliban have attacked an army-run school in Peshawar, killing 141 people, 132 of them children, the military say.

At the same time, civil wars continue to break out across the world, particularly in areas where civil and human rights are not respected, such as Central and Eastern Africa and the Middle East. These and other regions remain deeply entrenched in permanent crises, hampered by authoritarian regimes, many of them being supported by the United States, reducing entire swathes of the population to wretched living conditions. The wars and conflicts we are faced with have a variety of causes: economic inequality, social conflict, religious sectarianism, Western imperialism, colonial legacies, disputes over territory and over control of basic resources such as water or land. They are all illustrations a deep-rooted crisis of world governance.

The resulting bellicose climate imbues international relations with competitive nationalism and contributes, in rich and poor countries alike, to increasing military budgets, siphoning off huge sums of public money to the benefit of the arms industry and military-oriented scientific innovation, hence fueling global insecurity. Of these enormous sums, a fraction would be enough to provide a permanent solution for the basic needs of the planet's population hence practically eliminating the causes of war and terrorism.

Andrée Michel argues that the arms race is not only proceeding with greater vigor, it is the surest means for Western countries to maintain their hegemony over countries of the South. Following the break-up of the Eastern bloc countries, she maintains, a strategy for the manipulation of the masses was set up with a permanent invention of an enemy (currently

incarnated by Iraq, Iran, Libya, Syria, and North Korea) and by kindling fear and hate of others to justify perpetuating the Military-industrial complex and arms sales. The author also recalls that the "Big Five" at the UN who have the veto right are responsible for 85% of arms sales around the world.

Proposals for the governance of peace, security, and conflict resolution begin by addressing prevention of the causes of conflicts, whether economic, social, religious, political, or territorial. This requires assigning more resources to improving people's living conditions—health, accommodation, food, and work—and to education, including education in the values of peace, social justice, and unity and diversity as two sides of the same coin representing the global village.

Resources for peace could be obtained by regulating, or even reducing military budgets, which have done nothing but rise in the past recent years. This process could go hand in hand with plans for global disarmament and the conversion of arms industries, applied proportionally to all countries, including the major powers. Unfortunately, the warlike climate of the last decade has served to relegate all plans for global disarmament, even in civil-society debates, and to pigeonhole them as a long-term goal or even a Utopian vision. This is definitely a setback for the cause of peace and for humankind, but it is far from being a permanent obstacle.

International institutions also have a role to play in resolving armed conflicts. Small international rapid deployment units could intervene in these with an exclusive mandate granted by a reformed and democratic United Nations system or by relevant regional authorities such as the European Union.

These units could be formed specifically for each conflict, using armies from several countries as was the case when the UNIFIL was reinforced during the 2006 Lebanon War. On the other hand, no national army would be authorized to intervene unilaterally outside its territory without a UN or regional mandate.

Another issue that is worth addressing concerns the legitimate conditions for the use of force and conduct during war. Jean-René Bachelet offers an answer with the conceptualization of a military ethics corresponding to the need for a "principle of humanity." The author defines this principle as follows: "All human beings, whatever their race, nationality, gender, age, opinion, or religion, belong to one same humanity, and every individual has an inalienable right to respect for his life, integrity, and dignity."

### **Governance of science, education, information, and communications**

The World Trade Organization's (WTO) agenda of liberalizing public goods and services are related to culture, science, education, health, living organisms, information, and communication. This plan has been only partially offset by the alter-globalization movement, starting with the events that took place at the 1999 Seattle meeting, and on a totally different and probably far more influential scale in the medium and long term, by the astounding explosion of collaborative practices on the Internet. However, lacking political and widespread citizen support as well as sufficient resources, civil society has not so far been able to develop and disseminate alternative plans for society as a whole on a global scale, even

though plenty of proposals and initiatives have been developed, some more successful than others, to build a fairer, more responsible, and more solidarity-based world in all of these areas.

Above all, each country tries to impose their values and collective preferences within international institutions such like WTO or UNESCO, particularly in the Medias sector. This is an excellent opportunity to promote their soft power, for instance with the promotion of the cinema

As far as science is concerned, "[r]esearch increasingly bows to the needs of financial markets, turning competence and knowledge into commodities, making employment flexible and informal, and establishing contracts based on goals and profits for the benefit of private interests in compliance with the competition principle. The directions that research has taken in the past two decades and the changes it has undergone have drastically removed it from its initial mission (producing competence and knowledge, maintaining independence) with no questioning of its current and future missions. Despite the progress, or perhaps even as its consequence, humankind continues to face critical problems: poverty and hunger are yet to be vanquished, nuclear arms are proliferating, environmental disasters are on the rise, social injustice is growing, and so on.

Neoliberal commercialization of the commons favors the interests of pharmaceutical companies instead of the patients', of food-processing companies instead of the farmers' and consumers'. Public research policies have done nothing but support this process of economic profitability, where research

results are increasingly judged by the financial markets. The system of systematically patenting knowledge and living organisms is thus being imposed throughout the planet through the 1994 WTO agreements on intellectual property. Research in many areas is now being directed by private companies."

On the global level, "[i]nstitutions dominating a specific sector also, at every level, present the risk of reliance on technical bodies that use their own references and deliberate in an isolated environment. This process can be observed with the 'community of patents' that promotes the patenting of living organisms, as well as with authorities controlling nuclear energy. This inward-looking approach is all the more dangerous that communities of experts are, in all complex technical and legal spheres, increasingly dominated by the major economic organizations that finance research and development."

On the other hand, several innovative experiments have emerged in the sphere of science, such as: conscience clauses and citizens' panels as a tool for democratizing the production system: science shops and community-based research. Politically committed scientists are also increasingly organizing at the global level.

As far as education is concerned, the effect of commoditization can be seen in the serious tightening of education budgets, which affects the quality of general education as a public service. The Global Future Online report reminds us that ". . . at the half-way point towards 2015 (author's note: the deadline for the Millennium Goals), the gaps are daunting: 80 million

children (44 million of them girls) are out of school, with marginalized groups (26 million disabled and 30 million conflict-affected children) continuing to be excluded. And while universal access is critical, it must be coupled with improved learning outcomes—in particular, children achieving the basic literacy, numeracy and life skills essential for poverty reduction."

In addition to making the current educational system available universally, there is also a call to improve the system and adapt it to the speed of changes in a complex and unpredictable world. On this point, Edgar Morin asserts that we must "[r]ethink our way of organizing knowledge. This means breaking down the traditional barriers between disciplines and designing new ways to reconnect that which has been torn apart." The UNESCO report drawn up by Morin contains "seven principles for education of the future": detecting the error and illusion that have always parasitized the human spirit and human behavior; making knowledge relevant, i.e. a way of thinking that makes distinctions and connections; teaching the human condition; teaching terrestrial identity; facing human and scientific uncertainties and teaching strategies to deal with them; teaching understanding of the self and of others, and an ethics for humankind.

The exponential growth of new technologies, the Internet in particular, has gone hand in hand with the development over the last decade of a global community producing and exchanging goods. This development is permanently altering the shape of the entertainment, publishing, and music and media industries, among others. It is also influencing the

social behavior of increasing numbers of people, along with the way in which institutions, businesses, and civil society are organized. Peer-to-peer communities and collective knowledge-building projects such as Wikipedia have involved millions of users around the world. There are even more innovative initiatives, such as alternatives to private copyright such as Creative Commons, cyber democracy practices, and a real possibility of developing them on the sectoral, regional, and global levels.

## **Regional views**

Regional players, whether regional conglomerates such as Mercosur and the European Union, or major countries seen as key regional players such as China, the United States, and India, are taking a growing interest in world governance. Examples of discussion of this issue can be found in the works of: Martina Timmermann et al., *Institutionalizing Northeast Asia: Regional Steps toward Global Governance*; Douglas Lewis, *Global Governance and the Quest for Justice - Volume I: International and Regional Organizations*; Olav Schram Stokke, "Examining the Consequences of International Regimes," which discusses Northern, or Arctic region building in the context of international relations; Jeffery Hart and Joan Edelman Spero, "Globalization and Global Governance in the 21st Century," which discusses the push of countries such as Mexico, Brazil, India, China, Taiwan, and South Korea, "important regional players" seeking "a seat at the table of global decision-making"; Dr. Frank Altemöller, "International Trade: Challenges for Regional and Global Governance: A comparison between Regional Integration Models in Eastern Europe and Africa – and the role of the WTO", and many others.

Interdependence among countries and regions hardly being refutable today, regional integration is increasingly seen not only as a process in itself, but also in its relation to the rest of the world, sometimes turning questions like "What can the world bring to my country or region?" into "What can my country or region bring to the rest of the world?" Following are a few examples of how regional players are dealing with these questions.

## **Africa**

Often seen as a problem to be solved rather than a people or region with an opinion to express on international policy, Africans and Africa draw on a philosophical tradition of community and social solidarity that can serve as inspiration to the rest of the world and contribute to building world governance. One example is given by Sabelo J. Ndlovu-Gathseni when he reminds us of the relevance of the Ubuntu concept, which stresses the interdependence of human beings.

African civil society has thus begun to draw up proposals for governance of the continent, which factor in all of the dimensions: local, African, and global. Examples include proposals by the network "Dialogues sur la gouvernance en Afrique" for "the construction of a local legitimate governance," state reform "capable of meeting the continent's development challenges," and "effective regional governance to put an end to Africa's marginalization."

## **United States**

Foreign-policy proposals announced by President Barack Obama include restoring the Global Poverty Act, which aims to contribute to meeting the UN Millennium Development Goals to reduce by half the world population living on less than a dollar a day by 2015. Foreign aid is expected to double to 50 billion dollars. The money will be used to help build educated and healthy communities, reduce poverty and improve the population's health.

In terms of international institutions, The White House Web site advocates reform of the World Bank and the IMF, without going into any detail.

Below are further points in the Obama-Biden plan for foreign policy directly related to world governance:

- strengthening of the nuclear non-proliferation treaty;
- global de-nuclearization in several stages including stepping up cooperation with Russia to significantly reduce stocks of nuclear arms in both countries;
- revision of the culture of secrecy: institution of a National Declassification Center to make declassification secure but routine, efficient, and cost-effective;
- increase in global funds for AIDS, TB and malaria. Eradication of malaria-related deaths by 2015 by making medicines and mosquito nets far more widely available;
- increase in aid for children and maternal health as well as access to reproductive health-care programs;

- creation of a 2-billion-dollar global fund for education. Increased funds for providing access to drinking water and sanitation;
- other similarly large-scale measures covering agriculture, small- and medium-sized enterprises and support for a model of international trade that fosters job creation and improves the quality of life in poor countries;
- in terms of energy and global warming, Obama advocates
  - a) an 80% reduction of greenhouse-gas emissions by 2050
  - b) investing 150 billion dollars in alternative energies over the next 10 years and
  - c) creating a Global Energy Forum capable of initiating a new generation of climate protocols.

## **Latin America**

The 21st century has seen the arrival of a new and diverse generation of left-wing governments in Latin America. This has opened the door to initiatives to launch political and governance renewal. A number of these initiatives are significant for the way they redefine the role of the state by drawing on citizen participation, and can thus serve as a model for a future world governance built first and foremost on the voice of the people. The constituent assemblies in Ecuador and Bolivia are fundamental examples of this phenomenon.

In Ecuador, social and indigenous movements were behind the discussions that began in 1990 on setting up a constituent assembly. In the wake of Rafael Correa's arrival at the head of the country in November 2006, widespread popular action with the slogan "que se vayan todos" (let them all go away) succeeded in getting all the political parties of congress to

accept a convocation for a referendum on setting up the assembly. In April 2007, Rafael Correa's government organized a consultation with the people to approve setting up a constituent assembly. Once it was approved, 130 members of the assembly were elected in September, including 100 provincial members, 24 national members and 6 for migrants in Europe, Latin America and the USA. The assembly was officially established in November. Assembly members belonged to traditional political parties as well as the new social movements. In July 2008, the assembly completed the text for the new constitution and in September 2008 there was a referendum to approve it. Approval for the new text won out, with 63.9% of votes for compared to 28.1% of votes against and a 24.3% abstention rate.

The new constitution establishes the rule of law on economic, social, cultural and environmental rights (ESCER). It transforms the legal model of the social state subject to the rule of law into a "constitution of guaranteed well-being" (Constitución del bienestar garantizado) inspired by the ancestral community ideology of "good living" propounded by the Quechuas of the past, as well as by 21st century socialist ideology. The constitution promotes the concept of food sovereignty by establishing a protectionist system that favors domestic production and trade. It also develops a model of public aid for education, health, infrastructures and other services.

In addition, it adds to the three traditional powers, a fourth power called the Council of Citizen Participation and Social Control, made up of former constitutional control bodies and social movements, and mandated to assess whether public

policies are constitutional or not. The new Bolivian constitution was approved on 25 January 2009 by referendum, with 61.4% votes in favor, 38.6% against and a 90.2% turnout. The proposed constitution was prepared by a constituent assembly that did not only reflect the interests of political parties and the elite, but also represented the indigenous peoples and social movements. As in Ecuador, the proclamation of a constituent assembly was demanded by the people, starting in 1990 at a gathering of indigenous peoples from the entire country, continuing with the indigenous marches in the early 2000s and then with the Program Unity Pact (Pacto de Unidad Programático) established by family farmers and indigenous people in September 2004 in Santa Cruz.

The constitution recognizes the autonomy of indigenous peoples, the existence of a specific indigenous legal system, exclusive ownership of forest resources by each community and a quota of indigenous members of parliament. It grants autonomy to counties, which have the right to manage their natural resources and elect their representatives directly. The latifundio system has been outlawed, with maximum ownership of 5,000 hectares allowed per person. Access to water and sanitation are covered by the constitution as human rights that the state has to guarantee, as well as other basic services such as electricity, gas, postal services, and telecommunications that can be provided by either the state or contracting companies. The new constitution also establishes a social and community economic model made up of public, private, and social organizations, and cooperatives. It guarantees private initiative and freedom of enterprise, and assigns public organizations the task of managing natural

resources and related processes as well as developing public services covered by the constitution. National and cooperative investment is favored over private and international investment. The "unitary plurinational" state of Bolivia has 36 official indigenous languages along with Spanish. Natural resources belong to the people and are administered by the state. The form of democracy in place is no longer considered as exclusively representative and/or based on parties. Thus, "the people deliberate and exercise government via their representatives and the constituent assembly, the citizen legislative initiative and the referendum . . ." and "popular representation is exercised via the political parties, citizen groups, and indigenous peoples." This way, "political parties, and/or citizen groups and/or indigenous peoples can present candidates directly for the offices of president, vice-president, senator, house representative, constituent-assembly member, councilor, mayor, and municipal agent. The same conditions apply legally to all."

Also in Latin America: "Amazonia is an enormous biodiversity reservoir and a major climate-regulation agent for the planet but is being ravaged and deteriorated at an accelerated pace; it is a territory almost entirely devoid of governance, but also a breeding place of grassroots organization initiatives.". "Amazonia can be the fertile field of a true school of 'good' governance if it is looked after as a common and valuable good, first by Brazilians (65% of Amazonia is within Brazilian borders) and the people of the South American countries surrounding it, but also by all the Earth's inhabitants." Accordingly, "[f]rom a world-governance perspective, [Amazonia] is in a way an enormous laboratory. Among other things, Amazonia enables a detailed examination of the

negative effects of productivism and of the different forms of environmental packaging it can hide behind, including 'sustainable development.' Galloping urbanization, Human Rights violations, the many different types of conflicts (14 different types of conflicts have been identified within the hundreds of cases observed in Amazonia), protection of indigenous populations and their active participation in local governance: these are among the many Amazonian challenges also affecting the planet as a whole, not to mention the environment.

The hosts of local initiatives, including among the indigenous populations, are however what may be most interesting in Amazonia in that they testify to the real, concrete possibility of a different form of organization that combines a healthy local economy, good social cohesion, and a true model of sustainable development—this time not disguised as something else. All of this makes Amazonia 'a territory of solutions.'"

According to Arnaud Blin, the Amazonian problem helps to define certain fundamental questions on the future of humankind. First, there is the question of social justice: "[H]ow do we build a new model of civilization that promotes social justice? How do we set up a new social architecture that allows us to live together?"

The author goes on to refer to concepts such as the concept of "people's territory " or even "life territory" rooted in the indigenous tradition and serving to challenge private property and social injustice. He then suggests that the emerging concept of the "responsibility to protect," following up on the "right of humanitarian intervention" and until now used to try

to protect populations endangered by civil wars, could also be applied to populations threatened by economic predation and to environmental protection.

## **Asia**

The growing interest in world governance in Asia represents an alternative approach to official messages, dominated by states' nationalist visions. An initiative to develop proposals for world governance took place in Shanghai in 2006, attended by young people from every continent. The initiative produced ideas and projects that can be classified as two types: the first and more traditional type, covering the creation of a number of new institutions such as an International Emissions Organization, and a second more innovative type based on organizing network-based systems. For example, a system of cooperative control on a worldwide level among states and self-organization of civil society into networks using new technologies, a process that should serve to set up a Global Calling-for-Help Center or a new model based on citizens who communicate freely, share information, hold discussions, and seek consensus-based solutions. They would use the Internet and the media, working within several types of organizations: universities, NGOs, local volunteers and civil-society groups.

Given the demographic importance of the continent, the development of discussion on governance and practices in Asia at the regional level, as well as global-level proposals, will be decisive in the years ahead in the strengthening of global dialog among all sorts of stakeholders, a dialog that should produce a fairer world order.

## **Europe**

According to Michel Rocard, Europe does not have a shared vision, but a collective history that allows Europeans to opt for projects for gradual political construction such as the European Union. Drawing on this observation, Rocard conceives of a European perspective that supports the development of three strategies for constructing world governance: reforming the UN, drawing up international treaties to serve as the main source of global regulations, and "the progressive penetration of the international scene by justice."

Rocard considers that there are a number of "great questions of the present days" including recognition by all nations of the International Criminal Court, the option of an international police force authorized to arrest international criminals, and the institution of judicial procedures to deal with tax havens, massively polluting activities, and states supporting terrorist activities. He also outlines "new problems" that should foster debate in the years to come on questions such as a project for a Declaration of Interdependence, how to re-equilibrate world trade and WTO activities, and how to create world regulations for managing collective goods (air, drinking water, oil, etc.) and services (education, health, etc.).

Martin Ortega similarly suggests that the European Union should make a more substantial contribution to global governance, particularly through concerted action in international bodies. European states, for instance, should reach an agreement on the reform of the United Nations Security Council.

In 2011, the European Strategy and Policy Analysis System (ESPAS), an inter-institutional pilot project of the European Union which aims to assist EU policy formulation through the identification and critical analysis of long-term global trends, highlighted the importance of expanding global governance over the next 20 years.

### **Stakeholders' views**

It is too soon to give a general account of the view of world-governance stakeholders, although interest in world governance is on the rise on the regional level, and we will certainly see different types of stakeholders and social sectors working to varying degrees at the international level and taking a stand on the issue in the years to come.

### **Members of parliament**

The World Parliamentary Forum, open to members of parliament from all nations and held every year at the same time as the World Social Forum, drew up a declaration at the sixth forum in Caracas in 2006. The declaration contains a series of proposals that express participants' opinion on the changes referred to.

### **Regional organizations**

The European Commission referred to global governance in its White Paper on European Governance. It contends that the search for better global governance draws on the same set of shared challenges humanity is currently facing.

These challenges can be summed up by a series of goals: sustainable development, security, peace and equity (in the sense of "fairness").

## **Non-state stakeholders**

The freedom of thought enjoyed by non-state stakeholders enables them to formulate truly alternative ideas on world-governance issues, but they have taken little or no advantage of this opportunity.

Pierre Calame believes that "[n]on-state actors have always played an essential role in global regulation, but their role will grow considerably in this, the beginning of the twenty-first Century . . . Non-state actors play a key role in world governance in different domains . . . To better understand and develop the non-state actors' role, it should be studied in conjunction with the general principles of governance." "Non-state actors, due to their vocation, size, flexibility, methods of organization and action, interact with states in an equal manner; however this does not mean that their action is better adapted."

One alternative idea encapsulated by many not-for-profit organisations relates to ideas in the 'Human Potential Movement' and might be summarised as a mission statement along these lines: 'To create an accepted framework for all humankind, that is self-regulating and which enables every person to achieve their fullest potential in harmony with the world and its place in existence.'

The use of the word 'humankind' is instead of 'mankind'. There are many examples of the use of the word 'humankind' and

possibly therefore of this choice e.g. in the opening narration of the TV series Wonders of the Universe by Professor Brian Cox (physicist). 'Self-regulation' is meant to invoke the concept of regulation which includes rule-making such as laws, and related ideas e.g. legal doctrine as well as other frameworks. However its scope is wider than this and intended to encompass cybernetics which allows for the study of regulation in as many varied contexts as possible from the regulation of gene expression to the Press Complaints Commission for example.

## **World Religious Leaders**

Since 2005, religious leaders from a diverse array of faith traditions have engaged in dialogue with G8 leaders around issues of global governance and world risk. Drawing on the cultural capital of diverse religious traditions, they seek to strengthen democratic norms by influencing political leaders to include the interests of the most vulnerable when they make their decisions. Some have argued that religion is a key to transforming or fixing global governance.

## **Proposals**

Several stakeholders have produced lists of proposals for a new world governance that is fairer, more responsible, solidarity-based, interconnected and respectful of the planet's diversity. Some examples are given below.

Joseph E. Stiglitz proposes a list of reforms related to the internal organization of international institutions and their external role in the framework of global-governance

architecture. He also deals with global taxation, the management of global resources and the environment, the production and protection of global knowledge, and the need for a global legal infrastructure.

A number of other proposals are contained in the World Governance Proposal Paper: giving concrete expression to the principle of responsibility; granting civil society greater involvement in drawing up and implementing international regulations; granting national parliaments greater involvement in drawing up and implementing international regulations; re-equilibrating trade mechanisms and adopting regulations to benefit the southern hemisphere; speeding up the institution of regional bodies; extending and specifying the concept of the commons; redefining proposal and decision-making powers in order to reform the United Nations; developing independent observation, early-warning, and assessment systems; diversifying and stabilizing the basis for financing international collective action; and engaging in a wide-reaching process of consultation, a new Bretton Woods for the United Nations.

This list provides more examples of proposals:

- the security of societies and its correlation with the need for global reforms—a controlled legally-based economy focused on stability, growth, full employment, and North-South convergence;
- equal rights for all, implying the institution of a global redistribution process;
- eradication of poverty in all countries;

- sustainable development on a global scale as an absolute imperative in political action at all levels;
- fight against the roots of terrorism and crime;
- consistent, effective, and fully democratic international institutions;

Europe sharing its experience in meeting the challenges of globalization and adopting genuine partnership strategies to build a new form of multilateralism.

Dr. Rajesh Tandon, president of the FIM (Montreal International Forum) and of PRIA (Participatory Research in Asia), prepared a framework document entitled "Democratization of Global Governance for Global Democracy: Civil Society Visions and Strategies (G05) conference." He used the document to present five principles that could provide a basis for civil society actions: "Global institutions and agenda should be subjected to democratic political accountability."

Democratic policy at the global level requires legitimacy of popular control through representative and direct mechanisms.

Citizen participation in decision making at global levels requires equality of opportunity to all citizens of the world.

Multiple spheres of governance, from local to provincial to national to regional and global, should mutually support democratization of decision making at all levels.

Global democracy must guarantee that global public goods are equitably accessible to all citizens of the world.

Blockchain and decentralized platforms can be considered as hyper-political and Global governance tools, capable to manage social interactions on large scale and dismiss traditional central authorities.

Vijaya Ramachandran, Enrique Rueda-Sabater and Robin Kraft also define principles for representation of nations and populations in the system of global governance. They propose a "Two Percent Club" that would provide for direct representation of nations with at least two percent of global population or global GDP; other nations would be represented within international fora through regional blocs.

### **Academic tool or discipline**

In the light of the unclear meaning of the term "global governance" as a concept in international politics, some authors have proposed to define it not in substantive, but in methodological terms. Global Governance, thus defined, becomes an analytical concept that provides a specific perspective on world politics different from that of conventional international relations theory. Some universities, including those offering courses in international relations, have begun to establish degree programmes in global governance.

### **Context**

There are those who believe that world architecture depends on establishing a system of world governance. However, the equation is currently becoming far more complicated: Whereas the process used to be about regulating and limiting the individual power of states to avoid disturbing or overturning

the status quo, the issue for today's world governance is to have a collective influence on the world's destiny by establishing a system for regulating the many interactions that lie beyond the province of state action. The political homogenization of the planet that has followed the advent of what is known as liberal democracy in its many forms should make it easier to establish a world governance system that goes beyond market laissez-faire and the democratic peace originally formulated by Immanuel Kant, which constitutes a sort of geopolitical laissez-faire.

Another view regarding the establishment of global governance is based on the difficulties to achieve equitable development at the world scale. "To secure for all human beings in all parts of the world the conditions allowing a decent and meaningful life requires enormous human energies and far-reaching changes in policies. The task is all the more demanding as the world faces numerous other problems, each related to or even part of the development challenge, each similarly pressing, and each calling for the same urgent attention. But, as Arnold Toynbee has said, 'Our age is the first generation since the dawn of history in which mankind dares to believe it practical to make the benefits of civilization available to the whole human race'."

## **Need**

Because of the heterogeneity of preferences, which are enduring despite globalization, are often perceived as an implacable homogenization process. Americans and Europeans provide a good example of this point: on some issues they have differing common grounds in which the division between the public and private spheres still exist. Tolerance for inequalities

and the growing demand for redistribution, attitudes toward risk, and over property rights vs human rights, set the stage. In certain cases, globalization even serves to accentuate differences rather than as a force for homogenization. Responsibility must play its part with respect to regional and International governments, when balancing the needs of its citizenry. With the growing emergence of a global civic awareness, comes opposition to globalization and its effects. A rapidly growing number of movements and organizations have taken the debate to the international level. Although it may have limitations, this trend is one response to the increasing importance of world issues, that effect the planet.

### **Crisis of purpose**

Pierre Jacquet, Jean Pisani-Ferry, and Laurence Tubiana argue that "[t]o ensure that decisions taken for international integration are sustainable, it is important that populations see the benefits, that states agree on their goals and that the institutions governing the process are seen as legitimate. These three conditions are only partially being met. Taklya"

The authors refer to a "crisis of purpose" and international institutions suffering from "imbalance" and inadequacy. They believe that for these institutions, "a gap has been created between the nature of the problems that need tackling and an institutional architecture which does not reflect the hierarchy of today's problems. For example, the environment has become a subject of major concern and central negotiation, but it does not have the institutional support that is compatible with its importance."

## **World government**

Global governance is not world government, and even less democratic globalization. In fact, global governance would not be necessary, were there a world government. Domestic governments have monopolies on the use of force—the power of enforcement. Global governance refers to the political interaction that is required to solve problems that affect more than one state or region when there is no power to enforce compliance. Problems arise, and networks of actors are constructed to deal with them in the absence of an international analogue to a domestic government. This system has been termed disaggregated sovereignty.

## **Consensus example**

Improved global problem solving need not involve the establishment of additional powerful formal global institutions. It does involve building consensus on norms and practices. One such area, currently under construction, is the development and improvement of accountability mechanisms. For example, the UN Global Compact brings together companies, UN agencies, labor organizations, and civil society to support universal environmental and social principles. Participation is entirely voluntary, and there is no enforcement of the principles by an outside regulatory body. Companies adhere to these practices both because they make economic sense, and because stakeholders, especially shareholders, can monitor their compliance easily. Mechanisms such as the Global Compact can improve the ability of affected individuals and populations to hold companies accountable. However, corporations participating in the UN Global Compact have been

criticized for their merely minimal standards, the absence of sanction-and-control measures, their lack of commitment to social and ecological standards, minimal acceptance among corporations around the world, and the high cost involved in reporting annually to small and medium-sized business

Bitcoin & Beyond: Blockchains, Globalization, and Global Governance workshop brings together an interdisciplinary group of researchers to examine the implications that blockchains pose for globalization and global governance.

### **Expansion of normative mechanisms and globalization of institutions**

One effect of globalization is the increasing regulation of businesses in the global marketplace. Jan Aart Scholte asserts, however, that these changes are inadequate to meet the needs: "Along with the general intensified globalization of social relations in contemporary history has come an unprecedented expansion of regulatory apparatuses that cover planetary jurisdictions and constituencies. On the whole, however, this global governance remains weak relative to pressing current needs for global public policy. Shortfalls in moral standing, legal foundations, material delivery, democratic credentials and charismatic leadership have together generated large legitimacy deficits in existing global regimes."

Proposals and initiatives have been developed by various sources to set up networks and institutions operating on a global scale: political parties, unions, regional authorities, and members of parliament in sovereign states.

## **Formulation and objectives**

One of the conditions for building a world democratic governance should be the development of platforms for citizen dialogue on the legal formulation of world governance and the harmonization of objectives.

This legal formulation could take the form of a Global Constitution. According to Pierre Calame and Gustavo Marin, "[a] Global Constitution resulting from a process for the institution of a global community will act as the common reference for establishing the order of rights and duties applicable to United Nations agencies and to the other multilateral institutions, such as the International Monetary Fund, the World Bank, and the World Trade Organization." As for formulating objectives, the necessary but insufficient ambition of the United Nations Millennium Development Goals, which aim to safeguard humankind and the planet, and the huge difficulties in implementing them, illustrates the inadequacy of institutional initiatives that do not have popular support for having failed to invite citizens to take part in the elaboration process.

Furthermore, the Global Constitution "must clearly express a limited number of overall objectives that are to be the basis of global governance and are to guide the common action of the U.N. agencies and the multilateral institutions, where the specific role of each of these is subordinated to the pursuit of these common objectives."

Calame proposes the following objectives:

- instituting the conditions for sustainable development

- reducing inequalities
- establishing lasting peace while respecting diversity.

## **Reforming international institutions**

Is the UN capable of taking on the heavy responsibility of managing the planet's serious problems? More specifically, can the UN reform itself in such a way as to be able to meet this challenge? At a time when the financial crisis of 2008 is raising the same questions posed by the climate disasters of previous years regarding the unpredictable consequences of disastrous human management, can international financial institutions be reformed in such a way as to go back to their original task, which was to provide financial help to countries in need?

Lack of political will and citizen involvement at the international level has also brought about the submission of international institutions to the "neoliberal" agenda, particularly financial institutions such as the World Bank, the International Monetary Fund, and the World Trade Organization (WTO). Pierre Calame gives an account of this development, while Joseph E. Stiglitz points out that the need for international institutions like the IMF, the World Bank, and the WTO has never been so great, but people's trust in them has never been so low.

One of the key aspects of the United Nations reform is the problem of the representativeness of the General Assembly. The Assembly operates on the principle of "one state, one vote," so that states of hugely varying sizes have the same effect on the vote, which distorts representativeness and results in a

major loss of credibility. Accordingly, "the General Assembly has lost any real capacity to influence. This means that the mechanisms for action and consultation organized by rich countries have the leading role."

Gustave Massiah advocates defining and implementing a radical reform of the UN. The author proposes building new foundations that can provide the basis for global democracy and the creation of a Global Social Contract, rooted in the respect and protection of civil, political, economic, social, and cultural rights, as well as in the recognition of the strategic role of international law. The Brussels-based Global Governance Institute is dedicated to a more equitable, peaceful and sustainable global order.

### **The three 'gaps' in global governance**

There is the jurisdictional gap, between the increasing need for global governance in many areas - such as health - and the lack of an authority with the power, or jurisdiction, to take action. Moreover, the gap of incentive between the need for international cooperation and the motivation to undertake it. The incentive gap is said to be closing as globalization provides increasing impetus for countries to cooperate. However, there are concerns that, as Africa lags further behind economically, its influence on global governance processes will diminish. At last, the participation gap, which refers to the fact that international cooperation remains primarily the affair of governments, leaving civil society groups on the fringes of policy-making. On the other hand, globalization of communication is facilitating the development of global civil society movements.

## **Global governance failure**

Inadequate global institutions, agreements or networks as well as political and national interests may impede global governance and lead to failures. Such are the consequence of ineffective global governance processes. Qin calls it a necessity to "reconstruct ideas for effective global governance and sustainable world order, which should include the principles of pluralism, partnership, and participation" for a change to this phenomenon. The 2012 Global Risks Report places global governance failure at the center of gravity in its geopolitical category.

## **World government**

World government or global government is the notion of a common political authority for all of humanity, yielding a global government and a single state that exercises authority over the entire Earth. Such a government could come into existence either through violent and compulsory world domination or through peaceful and voluntary supranational union.

There has never been a worldwide executive, legislature, judiciary, military, or constitution with global jurisdiction. The United Nations is limited to a mostly advisory role, and its stated purpose is to foster co-operation between existing national governments rather than exert authority over them.

## **Origins of the idea**

The idea and aspiration of world government is known since the dawn of history. Bronze Age Egyptian Kings aimed to rule "All That the Sun Encircles", Mesopotamian Kings "All from the Sunrise to the Sunset", and ancient Chinese and Japanese Emperors "All under Heaven". These four civilizations developed impressive cultures of Great Unity, or Da Yitong as the Chinese put it. In 113 BC, the Han Dynasty in China erected an Altar of the Great Unity. Polybius expressed one Government over the Mediterranean world as the "marvelous" achievement of Fortune and the main task of Historian is to explain how she did it.

## **Dante**

The ideal of world government outlived the fall of the Pax Romana for a millennium. Dante in the fourteenth century despairingly appealed to the human race: "But what has been the condition of the world since that day the seamless robe [of Pax Romana] first suffered mutilation by the claws of avarice, we can read—would that we could not also see! O human race! what tempests must need toss thee, what treasure be thrown into the sea, what shipwrecks must be endured, so long as thou, like a beast of many heads, strivest after diverse ends! Thou art sick in either intellect, and sick likewise in thy affection. Thou healest not thy high understanding by argument irrefutable, nor thy lower by the countenance of experience. Nor dost thou heal thy affection by the sweetness of divine persuasion, when the voice of the Holy Spirit breathes upon thee, "Behold, how good and how pleasant it is for brethren to dwell together in unity!" (De Monarchia, 16:1)

## **Francisco de Vitoria**

Early father of international law, Spanish philosopher Francisco de Vitoria (c. 1483–1546) is considered the "founder of global political philosophy". De Vitoria conceived of the *res publica totius orbis*, or the "republic of the whole world". This came at a time when the University of Salamanca was engaged in unprecedented thought concerning human rights, international law, and early economics based on the experiences of the Spanish Empire.

## **Hugo Grotius**

*De jure belli ac pacis* (On the Law of War and Peace) is a 1625 book in Latin, written by Hugo Grotius (1583–1645) and published in Paris, on the legal status of war. It is now regarded as a foundational work in international law. Grotius was a philosopher, theologian, playwright, and poet. He is known for coming up with the idea of having an international law, and is still acknowledged today by the American Society of International Law.

## **Immanuel Kant**

Immanuel Kant wrote the essay "Perpetual Peace: A Philosophical Sketch (*Zum ewigen Frieden. Ein philosophischer Entwurf.*) (1795)". In his essay, Kant describes three basic requirements for organizing human affairs to permanently abolish the threat of present and future war, and, thereby, help establish a new era of lasting peace throughout the world. Specifically, Kant described his proposed peace program as containing two steps.

The "Preliminary Articles" described the steps that should be taken immediately, or with all deliberate speed:

- "No Secret Treaty of Peace Shall Be Held Valid in Which There Is Tacitly Reserved Matter for a Future War"
- "No Independent States, Large or Small, Shall Come under the Dominion of Another State by Inheritance, Exchange, Purchase, or Donation"
- "Standing Armies Shall in Time Be Totally Abolished"
- "National Debts Shall Not Be Contracted with a View to the External Friction of States"
- "No State Shall by Force Interfere with the Constitution or Government of Another State,

"No State Shall, during War, Permit Such Acts of Hostility Which Would Make Mutual Confidence in the Subsequent Peace Impossible: Such Are the Employment of Assassins (percussores), Poisoners (venefici), Breach of Capitulation, and Incitement to Treason (perduellio) in the Opposing State"

Three Definitive Articles would provide not merely a cessation of hostilities, but a foundation on which to build a peace:

- "The Civil Constitution of Every State Should Be Republican"
- "The Law of Nations Shall be Founded on a Federation of Free States"
- "The Law of World Citizenship Shall Be Limited to Conditions of Universal Hospitality"

## **Johann Gottlieb Fichte**

The year of the battle at Jena (1806), when Napoleon overwhelmed Prussia, Fichte in *Characteristics of the Present Age* described what he perceived to be a very deep and dominant historical trend:

There is necessary tendency in every cultivated State to extend itself generally... Such is the case in Ancient History ... As the States become stronger in themselves and cast off that [Papal] foreign power, the tendency towards a Universal Monarchy over the whole Christian World necessarily comes to light... This tendency ... has shown itself successively in several States which could make pretensions to such a dominion, and since the fall of the Papacy, it has become the sole animating principle of our History... Whether clearly or not—it may be obscurely—yet has this tendency lain at the root of the undertakings of many States in Modern Times... Although no individual Epoch may have contemplated this purpose, yet is this the spirit which runs through all these individual Epochs, and invisibly urges them onward.

## **Joseph Smith**

In early 19th century Mormon theology, Joseph Smith taught that a theodemocracy would guide and direct the Kingdom of God (Zion) on the earth during the end times. On March 11, 1844, Smith organized a Council of Fifty, who were to work under the direction of the Priesthood authorities of his church, along with a Council of Friends. This group of three organizations was expected to rule as a world government just prior to the Millennium.

## **Ulysses S. Grant**

President Ulysses S. Grant was convinced in 1873: "Transport, education and rapid development of both spiritual and material relationships by means of steam power and the telegraph, all this will make great changes. I am convinced that the Great Farmer of the World will so develop it that it becomes one nation, so that armies and navies are no longer necessary."

## **William Gladstone**

The first thinker to anticipate a kind of world unity ("great household of the world") under the American primacy seems to be British politician William Gladstone. In 1878, he wrote:

While we have been advancing with portentous rapidity, America is passing us by as if a canter. There can hardly be a doubt, as between America and England, of the belief that the daughter at no very distant time will ... be unquestionably yet stronger than the mother ... She [America] will probably become what we are now—head servant in the great household of the world.

## **Kang Youwei**

In 1885, Kang Youwei published his *One World Philosophy*, where he based his vision on the evidence of political expansion which began in the immemorial past and went in his days on. He concludes:

Finally, the present Powers of the world were formed. This process [of coalescing and forming fewer, larger units] has all

taken place among the 10,000 countries over several thousand years. The progression from dispersion to union among men, and the principle [whereby] the world is [gradually] proceeding from being partitioned off to being opened up, is a spontaneous [working] of the Way of Heaven (or Nature) and human affairs.

No factor, he believed, in the long run could resist the "laws of empires". Kang Youwei projects the culmination of the ongoing world unification with the final confrontation between the United States and Germany: "Some day America will take in [all the states of] the American continent and Germany will take in all the [states of] Europe. This will hasten the world along the road to One World."

Kang Youwei belonged to a civilization, which experienced the millennia-long Great Unity. He knew how in his civilization it emerged and several times reemerged. Naturally, his theory is very realist, insightful, deep, and developed relatively to his Western contemporaries who at best had abstract ideas of "the Parliament of Men, the Federation of the World".

## **World communism**

According to Karl Marx's theory of historical materialism, the Capitalist epoch depends on the expansion of competing geopolitical markets across the planet, atomizing the global proletariat and thus sustaining economic disparity and rivalry between markets. Eventually, this will be succeeded by a Socialist epoch in which the working class throughout the world will unite to render national distinctiveness meaningless.

Although world communism's long-term goal is a worldwide Communist society that is stateless, which would entail an

absence of any government, many anti-Communists (especially during the Cold War) have considered it naive to think that the world revolution advocated by international Communists would not lead to world domination by a single government or an alliance of several, yielding a de facto world government of a totalitarian nature.

The heyday of international communism was the period from the end of World War I (the revolutions of 1917–23) through the 1950s, before the Sino-Soviet split.

### **Halford Mackinder**

Anticipating environmental movements for world unity, like Global Scenario Group, and such concepts as the Planetary phase of civilization and Spaceship Earth, British Geographer Sir Halford Mackinder wrote in 1931:

Gradually as the arts of life improved, the forests were cleared and the marshes were drained, and the lesser natural regions were fused into greater. It may perhaps be thought that with the continuance of this process all mankind will be in the end unified Unless I mistake, it is the message of geography that international cooperation in any future that we need consider must be based on the federal idea. If our civilization is not to go down in blind internecine conflict, there must be a development of world planning out of regional planning, just as regional planning has come from town planning.

### **Nazi Germany**

The ruling Nazi Party of 1933–1945 Germany envisaged the ultimate establishment of a world government under the

complete hegemony of the Third Reich. In its move to overthrow the post-World War I Treaty of Versailles Germany had already withdrawn itself from the League of Nations, and it did not intend to join a similar internationalist organization ever again. In his desire and stated political aim of expanding the living space (Lebensraum) of the German people by destroying or driving out "lesser-deserving races" in and from other territories dictator Adolf Hitler may have devised an ideological system of self-perpetuating expansionism, in which the expansion of a state's population would require the conquest of more territory which would in turn lead to a further growth in population which would then require even more conquests. In 1927 Rudolf Hess relayed to Walter Hewel Hitler's belief that world peace could only be acquired "when one power, the racially best one, has attained uncontested supremacy". When this control would be achieved, this power could then set up for itself a world police and assure itself "the necessary living space. The lower races will have to restrict themselves accordingly".

### **Imperial Japan**

During its imperial period (1868–1945), the Japanese elaborated a worldview, "Hakkō ichiu", translated as "eight corners of the world under one roof". This was the idea behind the attempt to establish a Greater Asian Coprosperity Sphere and behind the struggle for world domination.

### **Atlantic Charter**

The Atlantic Charter was a published statement agreed between the United Kingdom and the United States. It was

intended as the blueprint for the postwar world after World War II, and turned out to be the foundation for many of the international agreements that currently shape the world. The General Agreement on Tariffs and Trade (GATT), the post-war independence of British and French possessions, and much more are derived from the Atlantic Charter. The Atlantic charter was made to show the goals of the allied powers during World War II. It first started with the United States and Great Britain, and later all the allies would follow the charter. Some goals include access to raw materials, reduction of trade restrictions, and freedom from fear and wants. The name, The Atlantic Charter, came from a newspaper that coined the title. However, Winston Churchill would use it, and from then on the Atlantic Charter was the official name. In retaliation, the Axis powers would raise their morale and try to work their way into Great Britain. The Atlantic Charter was a stepping stone into the creation of the United Nations.

## **Harry Truman**

U.S. President Harry S. Truman commented: "We must make the United Nations continue to work, and to be a going concern, to see that difficulties between nations may be settled just as we settle difficulties between States here in the United States. When Kansas and Colorado fall out over the waters in the Arkansas River, they don't go to war over it; they go to the Supreme Court of the United States, and the matter is settled in a just and honorable way.

There is not a difficulty in the whole world that cannot be settled in exactly the same way in a world court". -- President Truman's remarks in Omaha, Nebraska on June 5, 1948, at the

dedication of the War Memorial. The cultural moment of the late 1940s was the peak of World Federalism among Americans.

## **World Federalist Movement**

The years between the conclusion of World War II and 1950, when the Korean War started and the Cold War mindset became dominant in international politics, were the "golden age" of the world federalist movement. Wendell Willkie's book *One World*, first published in 1943, sold over 2 million copies. In another, Emery Reves' book *The Anatomy of Peace* (1945) laid out the arguments for replacing the UN with a federal world government and quickly became the "bible" of world federalists. The grassroots world federalist movement in the US, led by people such as Grenville Clark, Norman Cousins, Alan Cranston and Robert Hutchins, organized itself into increasingly larger structures, finally forming, in 1947, the United World Federalists (later renamed to World Federalist Association, then Citizens for Global Solutions), claiming membership of 47,000 in 1949.

Similar movements concurrently formed in many other countries, leading to the formation, at a 1947 meeting in Montreux, Switzerland, of a global coalition, now called World Federalist Movement. By 1950, the movement claimed 56 member groups in 22 countries, with some 156,000 members.

## **United Nations**

World War II (1939–1945) resulted in an unprecedented scale of destruction of lives (over 60 million dead, most of them

civilians), and the use of weapons of mass destruction. Some of the acts committed against civilians during the war were on such a massive scale of savagery, they came to be widely considered as crimes against humanity itself. As the war's conclusion drew near, many shocked voices called for the establishment of institutions able to permanently prevent deadly international conflicts. This led to the founding of the United Nations in 1945, which adopted the Universal Declaration of Human Rights in 1948. Many, however, felt that the UN, essentially a forum for discussion and coordination between sovereign governments, was insufficiently empowered for the task. A number of prominent persons, such as Albert Einstein, Winston Churchill, Bertrand Russell and Mohandas K. Gandhi, called on governments to proceed further by taking gradual steps towards forming an effectual federal world government.

The United Nations main goal is to work on international law, international security, economic development, human rights, social progress, and eventually world peace. The United Nations replaced the League of Nations in 1945, after World War II. Almost every internationally recognized country is in the U.N.; as it contains 193 member states out of the 196 total nations of the world.

The United Nations gather regularly in order to solve big problems throughout the world. There are six official languages: Arabic, Chinese, English, French, Russian and Spanish. The United Nations is also financed by some of the wealthiest nations. The flag shows the Earth from a map that shows all of the populated continents.

## **Chapter 3**

# **Political Power and Human Rights**

## **Emergence of Civil Liberties Movements**

In India, the last quarter of the 20th century has been witness to a growing recognition of the place and relevance of human rights. It is axiomatic that this interest in human rights is rooted in the denial of life and liberty that was a pervasive aspect of the Emergency. The mass arrests of the leaders of the opposition, and the targeted apprehension of those who could present a challenge to an authoritarian state, are one of the dominant images that have survived. The involuntary disappearance of Rajan in Kerala is more than a symbol of the excesses of unbridled power. Forced evictions carried out in Delhi in what is known as 'Turkman Gate' conjures up visions of large scale razing of dwellings of those without economic clout, and of their displacement into what were the outlying areas of the city.

The catastrophic programme of mass sterilisation is an indelible part of emergency memory. The civil liberties movement was a product of the emergency. Arbitrary detention, custodial violence, prisons and the use of the judicial process were on the agenda of the civil liberties movement.

### **Women's Movement**

The same period also saw the emergence of a nascent women's movement. In December 1974, the Committee on the Status of

Women in India submitted its report to the Government of India preceding the heralding in of the International Women's Year in 1975.

The Status Report, in defiance of standard expectations:

- Set out almost the entire range of issues and contexts as they affected women. Basing their findings, and revising their assumptions about how women live, on the experiences of women and communities that they met, the Committee redrew the contours of women's position, problems and priorities.
- Gave a fillip to the re-nascent women's movement.

The women's movement has been among the most articulate, and heard, in the public arena. The woman as a victim of dowry, domestic violence, liquor, rape and custodial violence has constituted one discourse. Located partly in the women's rights movement, and partly in the campaign against AIDS, women in prostitution have acquired visibility. The question of the practice of prostitution being considered as 'sex work' has been variously raised, while there has been a gathering unanimity on protecting the women in prostitution from harassment by the law.

The Uniform Civil Code debate, contesting the inequality imposed on women by 'personal' laws has been resurrected, diverted and re-started. Representation, through reservation, of women in parliament and state legislatures has followed the mandated presence of women in panchayats.

Population policies have been contested terrain, with the experience of the emergency acting as a constant backdrop.

'Women's rights are human rights' has demanded a re-construction of the understanding of human rights as being directed against action and inaction of the state and agents of the state. Patriarchy has entered the domain of human rights as nurturing the offender.

## **Public Interest Litigation**

In the late '70s, but more definitively in the early '80s, the Supreme Court devised an institutional mechanism in public interest litigation (PIL). PIL opened up the court to issues concerning violations of rights, and nonrealisation of even bare non-negotiables by diluting the rule of locus standi; any person could move the court on behalf of a class of persons who, due to indigence, illiteracy or incapacity of any other kind were unable to reach out for their rights. In its attempt to make the court process less intimidating, the procedure was simplified, and even a letter to the court could be converted into a petition.

In its early years, PIL was a process which:

- Recognised rights and their denial which had been invisibilised in the public domain. Prisoners, for instance, hidden amidst high walls which confined them, found a space to speak the language of fundamental and human rights.
- Led to 'juristic' activism, which expanded the territory of rights of persons. The fundamental rights were elaborated to find within them the right to dignity, to livelihood, to a clean environment, to health, to education, to safety at

the workplace....The potential for reading a range of rights into the fundamental rights was explored.

Individuals, groups and movements have since used the court as a situs for struggle and contest, with varying effect on the defining of what constitutes human rights, and prioritising when rights appear to be in conflict.

### **Struggle against Pervasive Discrimination**

Dalit movements have kept caste oppression, and the oppression of caste, in public view. Moving beyond untouchability, which persists in virulent forms, the movement has had to contend with increasing violence against dalits even as dalits refuse to suffer in silence, or as they move beyond the roles allotted to them in traditional caste hierarchy. The growth of caste armies in Bihar, for instance, is one manifestation.

The assassination of dalit panchayat leaders in Melmzhuvur in Tamil Nadu is another. The firing on dalits by the police forces when they were seen to be rising above their oppression in the southern tip of Tamil Nadu is a third. The scourge of manual scavenging has been brought into policy and the law campaigns; there have been efforts to break through public obduracy in acknowledging that untouchability exists. In the meantime, there are efforts by groups working on dalit issues to internationalise deep discrimination of caste by influencing the agenda of the World Conference Against Racism.

## **Resisting Displacement Induced by 'Development' Projects**

There has been widespread contestation of project-induced displacement. The recognition of inequity, and of violation of the basic rights of the affected people, has resulted in growing interaction between local communities and activists from beyond the affected region, and the articulation of the rights and the injuries has been moulded in the process of this interaction.

Resource rights were agitated in the early years of protest in the matter of forests; conservation and the right of the people to access forest produce for their subsistence and in acknowledgment of the traditional relationship between forests and dwellers in and around forests. Environmentalists and those espousing the dwellers' and forest users' causes have spoken together, parted company and found meeting points again, over the years. The right to resources is vigorously contested terrain.

## **Communalism**

The 1980s, but more stridently in the 1990s, communalism has become a part of the fabric of politics. The anti- Sikh riots following Indira Gandhi's assassination was a ghastly reminder that communalism could well lurk just beneath the surface. The Bhagalpur massacres in 1989 represent another extreme communal manifestation. The demolition of the Babri Masjid on December 6, 1992 is an acknowledged turning point in majoritarian communalism, and impunity. The complicity of the state is undeniable.

The killing of Graham Staines and his sons in Orissa was another gruesome aspect of communalism. The questioning of conversions in this climate is inevitably seen as infected with the communal virus. The forcible 're-conversion' in the Dangs area in Gujarat too has communal overtones. Attacks on Christians are regularly reported in the press, and the theme of impunity is being developed in these contexts.

### **New Movements and Campaigns**

The professionalising of the non-governmental sector has had an impact on finding public space for certain issues and in making work on the issues sustainable. Child labour, AIDS-related work, the area of devolution and aiding women's participation in panchayat institutions, and battling violence against women have found support and sustainability in funding infrastructure development and support.

These have existed alongside civil liberties groups and initiatives, grassroots campaigns such as the Campaign for the Right to Information based in Rajasthan, the development struggle which has the Narmada Bachao Andolan at its helm, or the fishworkers' forum that has combated, sometimes successfully, the encroachments by the large-scale and capital-intensive into the livelihoods of traditional fishing communities.

Movements for self-determination, militancy, dissent and the naxalite movement have provoked various extraordinary measures which have, in turn, prompted human rights groups into protest and challenge. The Terrorist and Disruptive Activities (Prevention) Act (TADA) is an instance.

The Armed Forces Special Powers Act (AFSPA) continues. Encounter killings, disappearances and the ineffectiveness of the judicial system in places where 'extraordinary' situations of conflict prevail, characterise the human rights-related scenario. A jurisprudence of human rights has emerged in these contexts. Networking, and supporting each other through conflicts and campaigns, is not infrequent. There are glimmerings of the emergence of, or existence of a human rights community in this. This has had groups and movements working on tourism, forest dwellers rights, civil liberties, displacement, women's rights and environment, for instance, finding a common voice in protesting the nuclear blasts in May 1999, or in condemning the attacks on the filming of 'Water' which had undisguised communal overtones. There has also been a building of bridges across causes and the emergence of an inter-woven community of interests.

As the vista of rights has expanded, conflicts between rights have begun to surface. There has been a consequent prioritisation of rights. The determination of priorities has often depended on the agency which engages in setting them—sometimes this has been environmental groups, at others workers, and yet other times, it has been the court, for instance.

In this general setting, we embarked on a mapping of:

- Human rights issues
- Responses—state and non-state—to human rights situations
- Conflicts between rights and prioritisation of rights, and

- A miscellany of issues including the treatment, and the place of state and non-state violence, and the question of who speaks for whom, and the relationship between the advocate of an interest and the persons or classes of persons affected by the advocacy. The mapping exercise involved travel to the states of Maharashtra, Andhra Pradesh, Kerala, Karnataka, Rajasthan, West Bengal, Orissa, Tamil Nadu, Uttaranchal and Delhi. We travelled to Mumbai in Maharashtra, Calcutta in West Bengal, Bhubaneswar and Konarak in Orissa; Ernakulam, Neyyali, Thrissur, Kottayam, Tiruvananthapuram and Calicut in Kerala; Bangalore in Karnataka; Ajmer District in Rajasthan; Hyderabad, Nalgonda District, Puttur, Chittoor and Tirupati in Andhra Pradesh; Chennai, Poonamallee District, Tuticorin, Tiruchendur (Nadunaalumoolai Kinaru village), Madurai and Chingleput in Tamil Nadu; Dehradun, Almora and Nainital in Uttaranchal.

The work done in documenting a human rights network in Orissa in July 1999 by one of us, and visits to Bhopal and Chattisgarh while researching common property resources in Madhya Pradesh in 1998-99 were also drawn upon. On a visit to Dhaka, human rights groups, lawyers and affected people were met with in May 2000, as part of a regional study on human rights.

That experience too has been inducted into interpreting the human rights arena in India. In an attempt to understand the role, and influence, of the courts in the context of human rights, the law reports covering cases from all the High Courts and from the Supreme Court were comprehensively researched

from 1994 to 2000. The Annual Reports of the NHRC have also been analysed. We met movement people, campaigners, persons from NGOs, community based groups, civil libertarians, political activists, journalists, academics, government functionaries, panchayat leaders, bureaucrats and lawyers, among others. We also met victims of human rights violations.

As far as possible, we did not predetermine the people we would meet in the states we visited, but allowed a flexibility which would take us from lead to lead. We also attended workshops and conferences which would give us insights into issues, as well as what people thought about them. In Konarak, therefore, one of us attended a Dialogue Among Activists, where arrest, detention and firing on protesters was under discussion among activists working among communities who were resisting their displacement from areas being taken over for projects, particularly mining.

Within a week of the meeting, in December 2000, firing claimed the lives of three tribals in Koraput district when they were protesting mining incursions into their area, standing testimony to the legitimacy of the concern of the activists at the meeting. Again, one of us attending a planning meeting for conducting a census of the practice of untouchability; this was in January 2001, in Hyderabad, where dalit activists helped a funding agency set the terms of the study.

We attended a workshop to discuss how to stall the changes being proposed in the bureaucratic circles, to Schedule V of the Constitution-which would deprive tribal areas of protection from alienation of land to non-tribals. One of us attended the

meeting of the Campaign against Death Penalty where campaigners from across the country participated.

There were, further, meetings on slums and demolitions, the women's movement in the last 25 years, the International Criminal Court (in Mumbai, and in Dhaka, after Bangladesh had signed on to the statute), juvenile justice, proposed changes in labour law and on strategising for participating in the World Conference against racism. We also organised a discussion-meeting on a Code of Conduct for Corporations, which is in a draft form before a committee set up by the Office of the High Commissioner for Human Rights in Geneva.

In the succeeding sections in this report, it will be our endeavour to set out the issues, responses and conflicts that we encountered, especially during the period of enquiry, viz. May 2000 to February 2001.

## **A Mapping Of Human Rights Issues**

This section sets out the issues which inhabit the human rights landscape in areas of ordinary governance.

### **Custodial Violence**

Custody death, torture in custody and custodial rape have been subjects of much concern. Custodial violence has been on the agenda of civil rights groups for over two decades, and reports documenting instances of violence and its systemic occurrence, have been instrumental in the campaigns against custodial violence. Although custody deaths have found an acknowledgment from the state, and the NHRC has issued

directions to the states it is difficult to assess if this has resulted in any reduction in the incidence of custody deaths.

- To report of the NHRC any death in custody within 24 hours of the occurrence, and
- To videotape the post-mortem proceedings.

NHRC reports show a marked increase in the reported cases of custody deaths each year. This is attributed, by the NHRC, to increased reporting and not to increased incidence of the crime; this, however, needs to be further investigated. The incidence of custody deaths demonstrates more undeniably the brutalisation of the processes of law enforcement by the police and armed forces.

However, custodial torture (not resulting in death) is not at the focus of campaigns to reduce custodial violence. There are few places which have taken up the treatment of the victims of torture as victims of torture. The Indian state, in the meantime, has resisted attempts (including that of the NHRC) to have it ratify the Torture Convention.

In recent reported cases from the Gauhati High Court, it is 15 and 16-year olds who are found to have been victims of state violence, and the defence of the state has been that they were hardened militants. Custodial rape has found an expanded definition-in terms of power rape-in the Penal Code, 1860. However, these provisions have hardly been invoked.

In the meantime, most often, judicial perceptions of the victim of custodial rape have in significant measure, discredited the victim's version, and blamed the victim resulting in reduction of sentence for policemen convicted of rape to less than the

minimum prescribed in law. From Mathura to Rameeza Bi to Maya Tyagi to Suman Rani-these women have become symbols of patriarchal prejudices. Campaigns in the matter of custodial rape have invoked their name, and they are now names that are etched into the history and legend of the women's movement. In the meantime, the legal dictum that the identity of a victim of rape be not disclosed to protect her privacy has been set in place.

## **Project Displacement**

Project displacement, for the construction of large dams or for power projects, for instance, have led to protest movements directly involving the affected people. The NBA has utilised strategies and tactics of protest-including jal samarpan, human chains, working on the funders and the contractors to withdraw, participating in the proceedings before, and surrounding, the World Commission on Dams-which have refused to let the issue be drowned out. This has also seen the manufacturing of conflicting forces, such as the pro-dam lobby which is believed to be largely state-sponsored.

Human rights issues that arise include:

- Displacement, per se
- The poverty of rehabilitation, and often, the impossibility of rehabilitation
- The impoverishment that results from displacement
- The non-reckoning of cultural and community identity and of rights.

What constitutes development has come into severe question in this arena. The Land Acquisition Act 1894 has been at the centre of protests. Among the strategies adopted to deal with the coercive nature of the law has been the drafting of alternative legislation. The obduracy of the state in not approving a policy for rehabilitation of the displaced has also been cause for protest.

### **The Internally Displaced Due to Conflicts**

The large-scale internal migration caused by political violence has created classes of internal refugees. During the years of militancy in the Punjab, after the anti-Sikh riots in 1984, and the movement of Kashmiri Pandits out of the valley have provided visible evidence of such migration. While the violence that preceded the migration has been squarely addressed in human rights terms, the rehabilitation and return of the migrants after displacement appears to have been only on the margins of the human rights movement.

### **Refugees**

India has not ratified the 1951 UN Convention on Refugees, nor has it signed the 1967 protocol. The Indian state has generally resisted visits from the UNHCR to camps where refugees are housed. Activists say that the Indian state has been relatively benign towards refugees. In 1999, India hosted more than 2,92,000 refugees; which includes more than 16,000 persons from Afghanistan, 65,000 Chakmas from Bangladesh, 30, 000 Bhutanese of Nepali origin, 50,000 Chin indigenous people from Myanmar and about 39,000 pro-democracy student activists from Rangoon and the Mandalay region, 1,10,000 Sri

Lankan Tamils of whom 70,000 are in camps and 40, 000 outside, 1,10,000 Tibetans and around 7000 persons from other countries.

The assassination of Rajiv Gandhi in 1991 has reportedly altered the treatment meted out to the Sri Lankan refugees. According to a fact-finding report of a civil liberties organisation in Tamil Nadu, Sri Lankan refugees fall into three categories: those who are in the 133 refugee camps; refugees who maintain themselves outside the camps; and those who have been identified as belonging to militant groups who were kept in virtual rigorous confinement in the three special camps.

In August 1995, 43 inmates of the Special Camp at Tippu Mahal, Vellore escaped and a one-man commission set up by the state describes the structure and administration of the camps. The refugees were found to be prisoners in these camps and, as even the state appointed commission had remarked, 'admittedly these inmates or most of them are in rigorous confinement in the special camps for five or six years continuously.' The testimony of the two inmates to the fact-finding team also revealed that the camp in Vellore had among its inmates at least 12 disabled persons.

The Government of India does not appear to have any policy on how to deal with refugee-prisoners in their camps. The protection of Chakma refugees in the state of Arunachal Pradesh, and their right to have their claim for citizenship considered, was canvassed by a civil liberties group before the NHRC.

The Supreme Court, approached by the NHRC, directed that the threats held out to the Chakmas by the local citizens be dealt with by the state. It also asserted that their applications for being granted citizenship be considered under the Citizenship Act. The difficulties besetting refugees even after long years of residence in a state, with state acquiescence, were in evidence here.

## **Land Alienation**

The loss to communities of right over land is widespread, and various movements to recover control over land and related resources have been active particularly in the past decade and a half, though some movements go back many decades.

The issue of tribal land alienation was linked with that of displacement, and the judicial system was used to get an order declaring unconstitutional the transfer of land from a tribal to a non-tribal through the medium of the state (in its land acquisition capacity). Recent efforts to delete this constitutional protection given in Schedule V of the Constitution are being resisted as a denial of basic protection given to tribals, paving the way for their displacement and impoverishment.

The issue of land alienation was one of the primary issues in the struggle for separate statehood for Uttaranchal, and till today is identified as one of the main rights violations occurring in the state. In Kerala, the issue is differently positioned. While the loss of land to the tribal is viewed as a violation of their rights and protection of those rights, the settlers are largely people who are themselves on the economic

margins. While groups from within the tribal communities have been demanding restoration of alienated land, and the High Court has supported their stand, other human rights advocates maintain an uneasy silence since the contest appears to be between two vulnerable communities.

## **Right over Resources**

The right of the forest dwellers to reside in forests, and for those dependent on forest produce to have access to forests, is contested terrain. Till recently, there were conservation groups which demanded that removing tribals from within forest areas was necessary in the interest of conservation. This stand has softened somewhat, and a more symbiotic relationship between the forest and the dweller recognised as possible. The problems are now spoken of in terms of overpopulation, and over-grazing, in the forest area.

State policy is, however, widely perceived as being inimical to the continuance of the forest dweller within the forest. 'Settling' of rights and interests is therefore met with deep suspicion, as is happening in Madhya Pradesh. Activists have therefore been mobilising the grassroots-in MP, it was through a padayatra over a period of six months-to resist the conservation projects which may end up pauperising the dwellers, and, further, may denude the forest too.

There have been attempts in the early '90s to prepare a new Forest Bill that will contain within it the interests of conservation, and of the people. Efforts such as this have stalled the legislation proposed by the state which groups and movements see as being opposed to rights-including the right

to livelihood, to culture, to security, to shelter, among others-even while the alternative bills have hardly ever been adopted. An activist identified the problem of land and resources being related to how possession and ownership of land are perceived.

There are three kinds of property he said:

1. Private property
2. Public property
3. Common property

What is held as 'public property' by the state, he said, has been treated as property owned by the state, and not held in trust by the state. It is the notion of common property that has to be resurrected and advanced. The entry of mining interests into Orissa has, for instance, brought into the open the problem that is inherent in globalisation when it comes into conflict with local interest.

The unequal, triangular contest between multinational mining interests, the state which binds itself to protecting the multinational interest on Indian territory, and the local dwellers-in the case of mining, it is often tribals-manifests itself as a human rights issue.

Aquaculture, which brings in corporations to exploit resources through prawn culture, for instance, has been resisted on grounds of loss of livelihood, long-term destruction of marine life and consequent degradation of the environment.

Corporatised aquaculture and shrimp farms have been banned. Deep-sea trawlers have also been banned, and the livelihood and lives of fisher communities salvaged. So, too, with prawn culture. Human rights activists see setbacks to these efforts at preservation of community livelihoods and of the environment in the Aquaculture Bill that has been presented to the Parliament in 2000.

The Aruvari Sansad (Water Parliament) in Ajmer district in Rajasthan, which, with the help of the Tarun Bharat Sangh, an NGO, has wrested control over the river, the check dams it has built along it, the revived rivers and the fish that have sprung into being in the river is an uncommon assertion over water and water resources to the exclusion of agencies of the state.

The issue of land reforms and the redistribution of land was encountered in Andhra Pradesh. The Peoples War Group, for instance, avers that land reform is at the root of their attacks against the state. The problem of professional land grabbers, and the response of land invasion to take possession of land which should rightly belong to the invading community, was also seen in Andhra Pradesh. State response has been to treat the attacks, and invasion, as public order, or law and order, problems. The loss of tribal land through land alienation—something that the law limits—has raised other issues in Kerala, for instance. The land had been bought from the tribals by settlers who are themselves economically and socially marginalised. A prolonged legal battle, where the court had directed the return of the land to the tribals, has not seen a solution to the contending interests of two communities, each in need of protection from expropriation.

## **Urban Shelter and Demolition**

There has been a routinising of the emergency visible in the matter of cleaning up of the cities. In 2000-2001, Delhi has seen a spate of demolitions of 'slums'. The slum dwellers have been divided up into eligibles and ineligibles, with the eligibles being given very small plots of land on which they are required to construct houses within six months on a licence basis.

The size of the plot ensures that it is only a 'slum' that develops. The 'ineligibles' are not thereafter considered by state policy. Housing rights activists too do not appear to have been able to identify what happens to the ineligibles when demolition occurs.

In Bangalore, housing rights groups have been attempting to demonstrate the effort and money that 'encroachers' expend on the land on which they settle; and that they have worked for their entitlement to alternative plots. In Bombay, and to a lesser extent elsewhere, there have been attempts to involve the slum dwellers in reconstructing the area in a manner which will let the slum disappear, while they are given places in high-rise tenements in the same area with the rest of the space to be used commercially. In Patna, an order of the High Court in a PIL, requiring the municipal corporation to demolish encroachments, resulted in a demolition spree that an embarrassed court had to step in to stop.

The illegal status of the urban dweller who cannot afford to purchase legality has been aggravated by B.N. Kirpal, J saying: 'Establishing or creating slums, it seems, appears to be good business and is well organised...Large areas of public

land, in this way, are usurped for private use free of cost... The promise of free land, at the taxpayers' cost, in place of a jhuggi, is a proposal which attracts more land grabbers. Rewarding an encroacher on public land with free alternate site is like giving a reward to a pickpocket.'

Unlike South Africa, where the state's obligation to provide shelter before destroying even an illegal habitat was recognised, drawing upon international law, there is no such recognition in Indian law or judicial decisions. Activists and campaigners therefore face an unenviable, if unavoidable, task of combating the anti-poor stand of the state.

Pavement dwelling, and houselessness, was raised in the '80s and, though it may never really have disappeared, it has resurfaced more rigorously since the demolitions have begun in Delhi. Migrant workers living on pavements have been particularly vulnerable to random attacks in areas of militant violence.

Newspapers have reported such occurrences in the '90s. This issue affecting migrant labour particularly needs to be addressed. The 'clearing' of pavements by removing hawkers has been a phenomenon visible in most cities. Eviction of hawkers, and of dwellers, is a significant issue, and the demands include recognition not only of shelter, land and monetary compensation, but of livelihood too.

## **Livelihood**

Apart from issues of rights over resources, and in the context of displacement and relocation, the death of cotton farmers has, for instance, raised questions about protection of

livelihood. Liberalisation has resulted in loss of jobs to large numbers in the workforce, and we hear of deaths among the working classes. This is an area that seems to demand closer attention.

The withdrawing of protective labour legislation, which is proposed, such as the 'abolition' part of the Contract Labour (Prohibition and Regulation) Act 1970, or the prohibition of night work for women except where specifically attempted, it is feared, is likely to shrink the rights of workers to a great degree. Freedom of association is also being re-cast in a new Trade Unions Bill, which labour leaders and activists believe is meant to stifle the powers of labour to group together and be heard. The casualisation of labour which the changes portend are expected to drastically reduce the bargaining power of labour.

In 1989, a PIL filed by two social/political activists from Orissa, led to the express recognition of starvation as a violation of fundamental rights. In 1994, the NHRC acknowledged that starvation is a violation of human rights and ordered the state to pay compensation to the families of victims of starvation in Kalahandi in Orissa.

In March/April 2001, academics/researchers from the Delhi School of Economics and the Madras Institute of Development Studies have asked for distribution of buffer stocks that the government has stored in its godowns, to stem the tide of hunger among those with low purchasing power. The juggling with the public distribution system, and the defining and re-defining of the poverty line and consequently of 'below poverty line' is causing particular concern.

The death of 17 protesters chased by the police into the Tamaraparani river, and over 200 injured in the incident has been compared to the killing of innocent persons by the British at Jallianwallabagh 80 years ago. On July 23, 1999, a solidarity procession organised by several political parties proceeded to the Collectorate in Tirunelveli Town in South Tamil Nadu, demanding an early solution of the wage dispute that had been the cause of discontent and agitation among tea workers in the Manjolai Tea Estate.

The also demanded the immediate and unconditional release of 652 tea estate workers who had been kept in the Tiruchi jail for six weeks following a demonstration before the same Collectorate on June 7 and 8, 1999. Talks on the labour dispute having failed, the political parties decided to present a charter of demands to the Collector.

As the processionists neared the Collectorate, the police attempted to prevent the jeep which had the leaders of the agitation in it from proceeding further. As the crowd milled around, the events that ensued included a lathi charge by the police, the lobbing of tear gas and the police also opened fire. A video footage shows an injured person, bleeding, being carried away by four policemen. This injured person remains unaccounted for.

The police then chased the people down the banks of the river Tamaraparani forcing the people to jump into the water to save themselves from the police force. Photographs graphically reveal the pursuit of the people by the police into the river, even pushing the people back into the water. 17 people

drowned. There were injuries on the person of the drowned victims, testifying to ante-mortem police brutality.

This episode constitutes a new threshold to police violence and brutality in labour related agitation and protest. The 'clearing' of pavements by removing hawkers has been a phenomenon visible in most cities. Eviction of hawkers, and of dwellers, is a significant issue, and the demands include recognition not only of shelter, land and monetary compensation, but of livelihood too.

### **Sexual Harassment at the Workplace**

This issue acquired visibility with the decision of the Supreme Court in Vishaka. Earlier efforts at having the problem addressed, as, for instance, in the Delhi University, has drawn strength from the guidelines set out in the judgment. It was widely reported, however, that it was still proving difficult to get institutions to adopt the guidelines and act upon it. The Madras High Court, for instance, was reportedly averring that the guidelines did not apply to the court; and allegations of sexual harassment by a senior member of the Registry were given short shrift.

The process of setting up a credible grievance redressal mechanism was reportedly being watered down in the recommendation of a committee to the Delhi University. In Kerala, a Commission of Enquiry was set up after Nalini Netto, a senior official of the Indian Administrative Service, pursued her complaint of sexual harassment against a serving minister of the state cabinet-which is seen as a diversion from a representative investigative and redressal forum.

P E Usha, in Kerala, faced hostility in her university when she followed up on her complaint of sexual harassment. There have been allegations of sexual harassment of women employees by senior persons within institutions working on human rights, and in progressive publications, which too have shown up the inadequacy of the redressal mechanisms.

- Translating the guidelines into norms in different institutions and workplaces;
- Finding support systems for women who are sexually harassed
- Breaking through thick walls of disbelief are reckoned to be the priorities

This has also been introduced into programmes on gender sensitisation for judicial officers. Sexual harassment accompanied by violence has become a common feature with cases of acid throwing where there is unrequited love, and harassment which has culminated in the murder of a hounded girl.

## **Rape**

In the '80s and into the early '90s, was widely discussed, and alternative drafts and definitions essayed. While following Tukaram and Ganpat's case, 'power' rape was partially introduced into the law.

The definition of rape, consent and the status of marital rape in law has however not been altered. Again, while the campaign's gains are witnessed in the Supreme Court holding

that, as a rule, the victim's version should not require corroboration and that it should be given credence:

- The trauma of the trial continues,
- The law's sanction to delving into character evidence concerning the victim remains in the Evidence Act despite the flood of criticism and protest it has provoked.

In Uttaranchal, an issue not uncommon in investigations into, and trial of, rape surfaced. It was reported that women who were raped at Muzaffarnagar are being pressurised not to testify in the criminal cases not only by the police but also by their own community and political leaders, particularly since monetary compensation has been paid. In 1994, the National Commission for Women (NCW) was asked by the Supreme Court to propose a scheme for establishing Rape Crisis Centres, and for a Criminal Injuries Compensation Board, which could care for victims of crime.

This is yet to materialise. In the meantime, the women's movement in Rajasthan has got the administration to provide monetary relief to victims of rape, unconnected with trial and conviction. Though this has, at least occasionally, resulted in the veracity of the accusation being challenged as having been made so as to obtain the sum in compensation, it is seen as a move to helping the woman recover.

Rape as reprisal was symbolised in Bhanwari Devi's experience. Bhanwari Devi, a saathin working in Rajasthan in and around her village, was part of a wider network of women who were involved in a state-sponsored programme of empowerment particularly of women and girls.

Her intervention to thwart the practice of child marriage in the community around her is commonly acknowledged as having resulted in the gang rape that was inflicted on her-as punishment, by men of the dominant community who were outraged by her intervention. The acquittal of the alleged rapists, more especially the reasoning of the court, based on caste and hierarchies of belief, accentuates the re-victimising of the woman.

The low rate of conviction for rape, and the protest from women's groups, were held out to justify a proposed amendment to criminal law to provide death penalty for the offence of rape. The conflict between provisions of the death penalty and human rights has surfaced, even if gradually, and the groups we met, as well as the National Commission for Women, have rejected the proposal for death penalty for the offence of rape.

## **Death Penalty**

The civil liberties movement has been consistent in its opposition to the death penalty. For a brief while, there were some sections in the women's movement who supported-either vocally, or by their silence-the imposition of death penalty for rape. This too has been retracted, and death penalty for rape opposed. After the period in the early '80s, when the Supreme Court drew up the 'rarest of rare' rule, there has been a downward slide, particularly discernible in the 1990s.

- Multiple death sentences,
- Death penalty to minors, and

- Death sentence while reversing acquittal are not uncommon.

The campaign against execution of two youths in Andhra Pradesh who had been convicted of burning a bus which killed 23 passengers saw concerted action, which resulted in their sentence being commuted by the President.

The confirmation of the sentence of death on women is a relatively recent phenomenon. Ramashri's sentence was reduced to life by the Supreme Court, even as the court rejected the right of the NCW to intervene. The sentence of death imposed upon Nalini, convicted in the Rajiv Gandhi assassination case, has been opposed by human rights groups, along with the sentence of death meted out to three others in the same matter.

Death sentence confirmed despite dissent among judges of benches of the Supreme Court on the sentence that should be imposed is another, disturbing, occurrence. Even doubts about the age of the accused-whether he had been less than 16 years of age and therefore a juvenile-were not sufficient to dispense with death sentence where death was awarded by a majority of judges.

That the young accused was defended by legal aid lawyers and that 'It is reasonable to presume, in such circumstances, that the amicus curiae or advocate appointed on State brief, would not have been able even to see the petitioner, much less collect instructions from him, during the second and third tiers' was noticed only by the minority judge. Dearth of data, and difficulty of access to data is one obstacle to effectively countering the retentionists.

In the meantime, the proliferation of death penalty in recent statutes, viz.,:

- The Narcotic Drugs and Psychotropic Substances Act 1985 (and as amended in 1988)
- National Security Guards Act 1986
- TADA 1987 (which lapsed in 1995, but trials under which continue)
- Arms Act 1950 (as amended in 1988)
- Indo-Tibetan Border Police Act 1992
- The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989
- Commission of Sati (Prevention) Act 1987
- S. 364 A IPC as introduced in 1993-‘kidnapping for ransom, etc.’

There has been a deafening silence from the NHRC on the issue of the death penalty.

### **Fake Encounters (Extra-Judicial Killings)**

In India, extra-judicial killings by the police or the security forces are called ‘encounter killings’, meaning that the killing occurred during an armed encounter between the police or security forces and the victim. The killing by the state forces is most often declared to be defensive, cases of attempted murder and other related offences are registered against the victims,

and the cases closed without further investigation since criminal cases come to an end upon the death of the accused.

Despite being 'unnatural deaths', and the victim having being killed, no investigation ensues to determine whether the death was in fact in an actual encounter, nor whether the use, and the extent of use, of force was justified. This is an acknowledged strategy of the state for eliminating certain kinds of opposition to the state and the established order.

In Andhra Pradesh, for instance, the naxalites have been the targets; in Punjab, it was the militant; in Mumbai, it is those who are alleged to be part of the underworld. Civil liberties groups, journalists and lawyers have consistently challenged this practice over the past two decades.

The demand as it has been articulated after recent episodes has been:

- For doing away with state violence in the form of killings in fake encounters, and
- That all cases of encounter killings ought to be registered as first information reports (FIRs) and investigated before the case is closed. The practice of registering cases against the deceased and terminating the proceedings even before it begins is being vigorously challenged. The NHRC too has issued directions endorsing this recommended practice, but to little effect. These court, and out-of-court, battles have carried on throughout the '80s and the '90s to the present.

The Committee of Concerned Citizens (CCC), a group of individuals in Andhra Pradesh, has approached encounter killings differently. Addressing both naxalite groups and the state, the CCC has been working at de-escalation of violence. While the naxalite response has taken the CCC to the issue of land reforms as being fundamental in understanding violence of the opposition, the state, it is widely believed, is pursuing the path of unbridled unleashing of the use of encounters.

The numbers killed in encounters have increased in the two years when the process of reconciliation was being negotiated by the CCC, making some of them ask if intervention by the human rights actors was actually prompting the state to escalate the violence.

The human rights community has had to contend with the issue of impunity which is immediately seen as arising from the non-registration and the non-investigation of cases.

### **Involuntary Disappearances**

The Punjab disappearances were brought into the open by two human rights defenders, Khalra and Kumar. Khalra was himself thereafter 'disappeared'. Investigations into these disappearances-which were uncovered when mortuary records in three districts of the Punjab were scrutinised and 'unidentified' and partially identified persons were found to have been cremated without informing the families of the deceased-was handed over by the Supreme Court to the NHRC.

The manner in which the matter was reduced to a point where the State of Punjab agreed to pay compensation of `1 lakh (without admitting liability) to the families of 18 persons who

had been disappeared and the NHRC's tolerance of this stand of the state, is striking in the general denial of the phenomenon of disappearances. This was after the CBI had found that bodies of several persons had been cremated surreptitiously in the late '80s and early '90s-585 persons who had been subsequently identified had been cremated after being labelled as unidentified. Around 330 of them had been partially identified and over 1200 remained to be identified. The deficiency of compensation as a measure of reconciliation is also evident.

Disappearances appear to be a pattern where there is militant resistance to the state. Case law speaks of this phenomenon in the Northeast. In fact, the first major case of compensation for disappearance after being picked up by the armed forces was from the Northeast.

On February 27, 2001, newspapers reported that it was alleged in the Lok Sabha, without being effectively countered, that the number of persons missing from the custody of the security forces and the police has risen to 2174 in Jammu and Kashmir; 76 cases had been registered and only one person had been challaned so far.

- Acknowledgment of involuntary disappearances
- Investigation, and seeking to establish what happened to the disappeared so that families and the community can finally know
- Prosecution and punishment, for reasons of deterrence too, and

- Compensation as a measure of atonement are being sought to be worked into the system.

It was also reiterated that reconciliation would be impossible to achieve without such acknowledgment, identification of the disappeared and reparation. That Khalra disappeared even while the matter was being taken to the Supreme Court is a statement on impunity.

The theme of impunity was laid out when K.P.S. Gill, the policeman in-charge in Punjab through the waning years of militancy, lashed out in protest when a policeman, Sandhu, committed suicide while facing multiple charges of excesses committed during the years of militancy. The schizophrenic attitude of the process which rewarded him when he killed 'terrorists', and later sought to prosecute him for abuse of power even amounting to murder, stood exposed.

According to K.P.S. Gill:

- Blamed the judiciary for having been inactive, or of playing safe, when captured terrorists were brought before it, and
- Held out the threat that if pursued by prosecution, the police would be unavailable to deal with militancy another time.

## Chapter 4

# Power of Human Rights and Extraordinary Laws for People

## Laws

These have been one of the means of routinising the enactment of laws that are normally promulgated in an emergency or in extraordinary situations.

The Terrorist and Disruptive Activities (Prevention) Act 1987 (TADA) was contested for:

- Its denial of fair trial standards-e.g., it reduced the tiers of appeal
- The provision regarding making confessions to a police officer admissible in evidence
- The broad contours of the law on what constitutes terrorism, and
- Potential and proven abuse-for e.g., the largest number of TADA detenués were in Gujarat, where militant activity was not present.

The public condemnation of TADA, political opposition to it, the NHRC's spirited intervention and the state's assessment that it was no longer necessary, led to the law not being reenacted when it lapsed in 1995. There have, however, been

further attempts to revive the law-as in the Prevention of Terrorism Act recommended in 1999 by the Law Commission, for instance.

Further, state laws in Maharashtra, Andhra Pradesh and, more recently, in Madhya Pradesh and Karnataka-as a measure against organised crime-have brought the TADA back into their states under a hardly disguised identity. Tamil Nadu has also proposed a Prevention of Terrorism Bill along similar lines.

The Armed Forces Special Powers Act 1958 (AFSPA) is another law which provides extraordinary powers. It has been in force in the Northeast for these years.

The TADA and the AFSPA survived challenge before the Supreme Court in the '90s. This has caused a serious rethink on the courts as a situs for testing the legitimacy of such extraordinary laws that deny fundamental rights, and breach human rights principles. It is evident that it is only vigilance, and resistance, which is keeping the proliferation of these laws in check.

The arrest and detention of civilians under extraordinary laws, like the TADA, also appears to be routine. It has been alleged, for instance, that villagers in the vicinity of Veerappan, the sandalwood smuggler's beat are routinely subjected to harassment, search and detention. In the negotiations for the release of actor Rajkumar who was taken hostage by Veerappan on July 30, 2000, the release of 51 detainees being held under TADA since 1992 on suspicion of having participated in the murder of policemen was in issue.

Human rights activists claim that many of them were local people who had been roped in as being 'associates' of Veerappan. When a civil liberties organisation moved the court for release of those so incarcerated, the petition was not entertained. But during the negotiations, the government of Karnataka showed a readiness to release them in the interests of law and order, and also, significantly, since others released on bail earlier 'have not repeated the offences and they have not involved themselves in any similar offences and terrorist activity have not been noticed recently in the area. '

### **Preventive Detention**

When the Constitution came into being in 1950, preventive detention laws were avowedly intended to be a transient measure. During the emergency, the Maintenance of Internal Security Act 1971 (MISA) was among the more infamous laws which allowed for preventive detention of persons in the avowed interest of maintenance of internal security.

There are now a number of legislations which permit preventive detention, in the states and at the centre. The National Security Act 1980 (NSA) is an instance of the latter. The A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act 1986 is an example of the former.

Public protest against the continuance of these laws is almost inaudible despite:

- The long periods, sometimes up to two years, that a person may be kept in preventive detention

- The tardiness of the procedure prescribed-e.g. , the executive may be given up to three months to get the opinion of the Advisory Board which may effectively have a person in custody under executive order up to ninety days
- The range of activities that are allowed to be covered by preventive detention laws that are unconnected with public order or law and order.

Unlike the challenge to the TADA, preventive detention laws have not engaged the human rights community in any sustained manner.

## **Detention**

A range of detentions including those that were plainly illegal came to light during the course of our work:

- The incarceration of persons deemed to be 'non-criminal lunatics' (NCLs) or the wandering mentally ill in jails was investigated in a PIL before the Supreme Court. These are persons picked up under the Police Acts of the states, or under police powers in other laws such as the Indian Lunacy Act 1912, or its successor law, the Mental Health Act 1987. They are treated as 'nuisances', or bracketed as being dangerous, this providing the rationale for putting them away.

The term NCL is in contradistinction to 'criminal lunatics', that is, those accused of crime but found to be mentally ill or suffering from mental disorder. For years NCLs were received in jails as places of 'safe custody' under the

Indian Lunacy Act 1912 and later under the Mental Health Act 1987. In the states of West Bengal and Assam, where the Supreme Court sent Commissioners to investigate, it was found that many of those in jails as NCLs were in fact not mentally ill at all, but had been placed there deviously, to serve some completely unrelated purpose. For instance, a 70-year woman was found to have been put away as an NCL apparently because her landlord was using it as a means of evicting her. We heard resonances of this reasoning from a lawyer-activist in Chennai.

- The Supreme Court declared, in August 1993, that using jails as places of safe custody to house non-criminal mentally ill persons (NCMI) is unconstitutional. Apart from the state of Assam, which admitted in an affidavit in the Supreme Court to continuing the practice, the NHRC has intermittently reiterated that NCMI should be housed in places other than jails. It is plain that the practice continues.
- This is an area that has not been widely addressed within the human rights community. NHRC's recognition of the issue too has been desultory.
- There is evidence in law reports, and activists have admitted to have knowledge of, the practice of hostage taking by the police where the person to be apprehended is not within reach of the police. Relatives of the person sought are then picked up and kept in custody till he surrenders. This appears to have happened with some regularity in Punjab, but we also heard of it in Delhi and

Andhra Pradesh, for instance. This breach of the law needs further investigation and response.

- There have been reports of people spending long years in jail, which could have been averted if prisons were not as inaccessible as they are. Rudul Sah, the man who spent fourteen years in jail because he had been considered unfit to stand trial, and continued to remain untried despite having been declared fit, is one wellknown instance. Recent instances from Bihar and West Bengal reveal that the neglect that occasions such illegal incarceration continues. The incapacity of a person to follow up on his trial and sentence, and to procure orders in time has been known to keep him in prison long after he was due to have been released. The inability to furnish bail or sureties was reportedly one such reason for the large undertrial population.
- It is evident that systemic changes are imperative if these questions of personal liberty are to be addressed.
- In custodial institutions other than prisons-in 'protective homes' for women, for instance, the problem of custody versus shelter has been raised. Protective homes are established under the Immoral Traffic (Prevention) Act 1956 (ITPA). Since they are the only statutory institutions that can house women for 'protection' as also for 'correction', they act as places of custody, operating within the executive-magistracy system. We met women in 'protective custody' in the Agra Protective Home, who were witnesses in a case to be tried in Jhansi; they desired to leave and they had been in the institution for nearly two

years. But the law would not let them. 'Rescued' women were placed in these institutions, but the purpose of 'rehabilitation' was found to be too inadequate to make the difference.

- Prison jurisprudence since the late '60s recognises that prisoners do not lose all their rights because of imprisonment. Yet, there is a loss of rights within custodial institutions which continue to occur. For instance, it was found that the HIV status of all the women in the Agra Protective Home was public knowledge, and there was no confidentiality attaching to this information. There was segregation within the institutions of those found to be HIV positive, and, for a while, the Supreme Court too endorsed this. The rules governing women in these institutions uncannily resemble prison rules-such as those concerning visitors, letters, and even punishment for conduct within the institutions.
- Persons working in this area said that this was an area which called for an injection of human rights experience and perspectives.
- The non-release of persons cured of mental illness from institutions was also reported to be a problem. We repeatedly met the need for halfway homes and support services which could help a person be restored to liberty.
- In Delhi, we heard of persons who had been picked up as being persons of Bangladeshi origin, who were kept in custody in a night shelter till they could be repatriated if they were, in fact, found to belong to Bangladesh and the Foreigners Act 1946 could be invoked to effect this move.

There was concern that even the basis of identifying them as possible foreigners was not clear and that dispelling suspicion of nationality could well be more difficult for the poor and the dispossessed.

It is also found that it is common practice to pick up people for questioning, and not record their presence in the police station till the police is ready to present them before a magistrate—a way of thwarting the constitutional requirement that every person taken into custody be produced before a magistrate within 24 hours.

Apart from the illegality of such detention, it also makes difficult proving torture in custody during the period of illegal, unrecorded, detention. Human rights activists suggest that telegrams be dispatched to the Chief Minister, the Director General of Police, the Superintendent of Police, and the Governor for instance, when information about such illegal detention is obtained, to establish the time of detention.

The conditions of persons with mental illness in institutions have been cause for human rights concern. In Gwalior Mental hospital, for instance, it was found that persons with mental illness were left in nakedness; the explanation was that they tore their clothes if they were given them. The press raised the issue. Chaining of mentally ill patients was also a practice, and this was outlawed by an order of the court.

One difficulty in ensuring that such violations do not occur, and in getting the law implemented, is access. The human rights community has not engaged with the problems faced within the walls of custodial institutions. Imaginative answers which will make open institutions of what are now

bureaucratic, and closed, institutions is an imperative. The hysterectomy controversy in the early 1990s in Pune represents another aspect of the control and decisionmaking within custodial institutions.

The hysterectomy of girls below 18 years of age, who were mentally retarded, raised controversy about the decision made by the professionals. The professionals involved in making the decision neither denied that the hysterectomy was being done, nor did they see it as a violation. It was justified as being in the best interests of the hygiene of the mentally retarded girl, as making practicable the care of the mentally retarded.

The response did not rule out the possibility of sexual abuse when within the institutions, but said it would protect the girls from pregnancy in the event of such an encounter. The persons responsible for the decision responded angrily to the charges of human rights violations. The Medical Council of India, however, distanced itself from this position, and declared the practice as being against their norms. The intervention of the media and the human rights community precluded further hysterectomies from being done.

## **Missing Women**

There are various situations which throw up the issue of 'missing' women. The lopsided sex ratio in many states, and the juvenile sex ratio in even a state such as Kerala (which is held out by planners and economists as the model performer on the population front), is one area where women, and girls, go 'missing'.

In Orissa, we heard of the phenomenon of 'Jhansi' marriages and 'Gwalior' marriages. Girls from very poor homes were escorted by a 'broker' to be married to men in Jhansi or Gwalior, and he would bring back a bride price of `10,000 to `25,000 to be given to the girl's family. While some of these marriages had been found to be genuine, the possibility of some of these women being trafficked was not ruled out. Also, what a girl/woman did if deserted or ill-treated was not clear.

There was therefore an attempt by activists to keep track of women who had not been heard from for over a period of three months, so that their whereabouts could be verified and their safety ascertained. In July 1999, activists had begun the process of documenting the 'missing' woman.

In Delhi, we were informed that missing persons reports when women go missing from their marital homes were hardly ever related with unidentified bodies of women who were declared to have committed suicide by drowning, for instance. The paucity of information, and the difficulties in follow up, has kept this issue in the margins of human rights concerns.

### **Homicide in the Matrimonial Home**

Often identified as being dowry-related deaths, unnatural deaths of women in their marital home has acquired prominence. Like encounter killings, acknowledgment has not led to a reduction in the incidence of such homicide. In Andhra Pradesh in 1990 a civil liberties organisation raised the issue of violation of women's rights as a human rights issue by comparing the number of dowry deaths and the number of

encounter killings during one time period-about 2000 dowry deaths, and 300 deaths in encounters.

In Bangalore, a women's group keeps a watch in the Burns Ward of the leading government hospital, and also scrutinises newspapers for reports of deaths of young women, which they then follow up. They also had a 'Truth Commission' where a tribunal heard the narratives of the families of girls/women who had been the victims of dowry deaths.

The inadequacies of investigation, and the many slips in the judicial process which results in a low rate of prosecution and a lower rate still of conviction, was observed everywhere. The definition of 'dowry death' in the Penal Code, based on preponderance of probability and a shifting of onus represents a significant shift in criminal law and jurisprudence.

In the meantime, the Dowry Prohibition Act has been hardly at all implemented. Most states still have no Dowry Prohibition Officers. The maintenance of list of things given and received is still not mandatory. S. 498 A, which was brought in to deal with cruelty in the matrimonial home, has suffered criticism as being abused, sending the family of the man to prison till bail is procured.

Some women's groups, however, contended that the abuse was only marginal, and that this was the only provision in law which could hold the perpetrator of domestic cruelty accountable. Some also spoke of bringing into law the notions of right to matrimonial home and matrimonial property as other approaches of protecting women on whom cruelty is practised.

## **Domestic Violence**

In locating domestic violence in the terrain of human rights, one point of view was that it is not the identity of the perpetrator alone which can be allowed to determine whether a victim has been subjected to a human right violation or not: that it is a man or his family who exercises their power to harass, assault and injure a woman, and not the state which is the perpetrator, should then make no difference to the place for this violence in human rights discourse.

Also, it is state practice, and endorsement, of patriarchy that keeps such violence in the home, we were told:

- Crime against women cells in police stations
- Counselling centres
- Help lines
- Short stay homes-which, though, are few in number have been set up in many cities.

There has also been a concerted effort to bring in a law to deal with domestic violence. A Bill prepared, debated and presented to the government by a women's organisation has been adopted by Parliament for discussion, which is a significant step in a non-governmental role in law making. S. 498 A was introduced into the Penal Code in 1983.

It makes cruelty to a woman within the matrimonial home punishable with imprisonment up to three years and fine. It is a cognisable, non-bailable, offence. Widespread violence

against women, and increasing evidence of women dying unnatural deaths in the matrimonial homes provoked the women's movement to demand a change in the criminal law.

The offence is non-bailable, that is a complaint under s. 498 A, once registered as an FIR, would result in the arrest of the members of the matrimonial family of the woman. They would have to be granted bail by a court before release, and this could keep them in custody for varying periods of time. In matters of remission of sentence, too, offenders convicted under s. 498 A may be excluded.

On the one hand, there have been complaints of the misuse of this provision, and the consequent harassment, often incarceration, of many members of the family complained against. On the other, there is little scope to deny that the incidence of cruelty, including physical cruelty, which leads even to death, is extraordinarily high. This is an issue yet unresolved; the Domestic Violence Bill may have some impact on it. In the meantime, an activist lawyer asserts that the phenomenon of violence and death in the matrimonial home should not need to be linked invariably with the phenomenon of dowry; violence and cruelty are independent entities within many homes. An activist also told us: when a man beats his wife regularly, and the wife gets him soundly thrashed by the police, civil liberties groups are sometimes confused on what stand to take.

## **Sati**

The burning of Roop Kanwar on the pyre of her husband in Rajasthan in 1986, has reintroduced sati into mainstream

discourse. Questions of volition, custom and communal pride have been raised justifying the practice. State inaction has been at issue. In 1987, the Commission of Sati (Prevention) Act was enacted making abetment of sati an offence; and the death penalty was introduced as an alternative sentence.

The attempt to commit sati was made punishable with imprisonment for a term up to six months or with fine, or both; this has been contested ever since its inception as punishing the victim. The 'glorification' of sati, where a temple is constructed and a dead woman worshipped bringing in money to the family, has also been made punishable. This last is constantly under contest-as denying the right to practise a religion. Women's groups in Rajasthan see this as a particularly important provision in taking away the material incitement in the commission of sati. The communal violence of much of the protest against this law, and of the practice itself, is a telling statement of the capacity of patriarchy to deny a place for human rights.

## **Child Marriage**

Though a law prohibiting child marriage has been in the statute books since 1929, it is still performed in many parts of India. For instance, the practice of performing child marriages on Akas Teej, it is reported, has not stopped in Rajasthan. It is widely believed that the gang rape of Bhanwari Devi was intended as a lesson, since she was active in preventing child marriages. Another aspect of child marriage was revealed when Ameena, a girl of about 12 years, was married to an old man from Saudi Arabia who was to take her out of the country as his bride.

## **Child Labour**

Apart from the employment of children in work, including those classified as hazardous, it was reported that:

- Children continue to be sold into labour. The parents of a young girl from Assam were paid a sum of money for the girl to be brought to Delhi as a domestic worker. Her plight came to light when she ran away from the ill-treatment she suffered, and she was given shelter by a social activist.
- Child workers employed in homes and in commercial workplaces, were subjected to ill-treatment. The chaining of bonded child labour in the carpet industry near Varanasi so that they could not escape was reported. Injuries on the person of domestic child workers in Delhi sometimes resulting in death, have been reported intermittently in the press. In Maharashtra, a civil liberties organisation took the state and a contractor to court when the latter ill-treated, resulting in death, one of the young boys he had brought with him from Tamil Nadu.

These manifestations of violence against the child disguised as child labour calls to be addressed. The vulnerability of the child has also been seen in Delhi, for instance, where child domestic workers have been accused of killing their employers, or in being accomplices to outsiders. The 'social clause' on child labour does not result in doing away with child labour, we were told, but causes segregation.

There were dissenting voices on the ILO Convention on the Elimination of the Worst Forms of Child Labour. The provisions which speak of child prostitution and child pornography as labour are unacceptable, they said. 'These are crimes, not labour,' we were told. Further, when Indian law is so strict that it says that non-payment of minimum wages amounts to bonded labour—a provision that is not found in any international convention—what use is one more convention, we were asked.

In 1993, the Supreme Court declared that education is a fundamental right till a child reaches the age of 14 years. Education for the child has got tangled with the issue of child labour; sending the child to school is projected as a necessary step to ending the practice of child labour.

In Andhra Pradesh, an organisation working in the area of education for children has done away with the uncertainties of definition by working on the premise that every child out of school is child labour. They have therefore arrived at a non-negotiable: that every child must belong in a school.

In this view, NFE (non-formal education) centres, for instance, would be a means of perpetuating child labour. So, too, with the adjusting of school timings to accommodate the working child. In the meantime, this 1999 Convention is being canvassed for signature, and ratification by the Indian State.

The convention defines 'the worst forms of child labour' as comprising:

- All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, forced or compulsory labour, debt bondage and serfdom;
- The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- Work which, by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety or morals of children.

This is in consonance with the recent trend among UN organizations to directly involve human rights in standard-setting, and the creating of binding obligations of states in their area of operation.

### **The 'Neglected' Child**

Street children have their peculiar vulnerability. In Bangalore, a study reveals that almost every street child has been sexually violated at some time or another. They are also specially susceptible to drugs. Street children, however, take care of themselves, and often of each other. It does not appear that institutionalising them is an answer to their needs, nor do they seem willing to trade their liberty for a life off the streets.

In Bangalore, Bombay and Delhi, we heard of drop-in centres: places where children could drop in for a wash, some lessons,

to keep their savings and to discuss their problems with others, if they so chose. They were, however, reported to be vulnerable to being 'rounded up' and sent periodically into state institutions from where they would need help to emerge, or from where they would 'escape'.

Women in prostitution have faced the possibility of their children being forcibly separated from them, following an order of the Supreme Court in *Gaurav Jain v. Union of India*. A 'raid' conducted by Delhi Police in 1990, in which 112 'children' were picked up from the GB Road area was an indication of what such a power being given to the police could mean to the women and their children.

The recent changed law on 'children in need of care and protection' even prescribes adoption as an option that may be enforced by the state.

## **Child Abuse**

There has been increasing evidence of child abuse, and more particularly child sexual abuse, being pervasive. The perpetrator is often a near relative or someone close to the family. This adds to the vulnerability of the abused child, and, apart from the confusion and sense of shame which the child experiences, it is also that there is a problem with a refuge which the child can access. The dependence on the family as a support structure in times of abuse breaks down when the offending event occurs in the home.

Following what is widely considered as a useful intervention in the Supreme Court in the Vishaka guidelines regarding sexual harassment in the workplace, the matter of child abuse has

also been taken to the court, and the Law Commission has been inducted into setting the parameters for care and action in cases of child sexual abuse.

### **The 'Unwanted' Girl Child**

The declining sex ratio, particularly the declining juvenile sex ratio, even in Kerala which is celebrated in economic writings and in state policy for having achieved a high rate of literacy and negative population growth, has begun to seriously engage, among others, researchers and women activists. The low status of women continues to be reflected in the practice of infanticide including in some parts of Tamil Nadu, foeticide, sex-selective abortion which the amniocentesis technology has made common, and mal-nourishment among girl children.

In Usilampatti Taluk, reportedly, the ratio of female: male is 879:1000. Since 1986, the issue of female infanticide has been in focus in this area. More recently, scanning centres have mushroomed in the area, and female foeticide is rampant among those who are able to afford it. We were told that, in Tamil Nadu, there are around 2000 scan centres, most of which are unregistered.

A researcher reported his encounter with the sale of girl children by communities in Andhra Pradesh to persons who then placed them for adoption. He drew attention to the astonishing fact that there is, as of now, no law to control, or punish, the sale of children. The involvement of adoption agencies in A.P. in what is allegedly the sale of children has since come to public attention, in April 2001.

## **Prostitution**

The fear of AIDS, it is perceived, has given the issue of prostitution a visibility. This has, however, led to attributing to women in prostitution the trait of being a 'high risk group', even as it has been contended that it is high risk behaviour and not high risk groups that should be targeted. It appears that patterns of funding have impacted on this identification of the prostitute woman as belonging to a high-risk group. The demand for prostitution to be recognised as 'sex work' has been raised, with dignity of the woman in prostitution as its basis.

There are differing perceptions about prostitution—one which sees it as exploitative of women, and another that views it as representing the 'agency' of the women in the profession. There are various shades of meaning given to 'exploitation' and 'agency' which lies in the spaces between these two positions. Decriminalisation is also proposed, and disputed, on differing understandings of what decriminalising will mean, and do.

Most of the people we spoke to on the issue of prostitution, however, felt after a discussion emphasising the difference, that the practice of prostitution should be delinked from the issue of trafficking. In this context, trafficking is seen to be the sale and purchase of women and girls, and, more recently, boys, into prostitution.

While 'voluntariness' is a term with graded meanings, especially since economic compulsions and social exclusion are not uncommon causes for entering into the practice of prostitution, it is the distinctly involuntary nature of trading

in human beings that is at the hub of trafficking. Trafficking in minors is a scourge that is commonly referred to as a crime to be curbed.

We encountered the issue of organising women in prostitution in two different ways. In Calcutta, a 'samiti' of sex workers are articulating their position, and taking a pro-active lead in matters of preventing the entry of minors into the profession in their area of operation. They also said that, if trafficking be seriously dealt with, they be allowed to, legally, participate in curtailing trafficking-for who else was more likely than the people already in the profession to know when women and girls were bought and sold, they asked.

In Mumbai, a respondent working among prostitute women for over a decade, advocated 'collectivisation' but had a problem with adopting the norm of forming unions of women in prostitution. While she did find that the state was doing very little about trafficking, she was convinced that if sex work were seen as 'real work' under the law, all efforts to curb trafficking would cease. It was also suggested that 'sex work is real work' is a funderdriven agenda, and, that those who do not adopt this line were being deliberately excluded.

In Kerala, however, a different perspective emerged where a distinction was drawn between the demand that persons in sex work should get all labour rights and the rights based approach. As a feminist, our respondent espoused the rights based approach. There was a recognition that most feminist ideologies oppose commercial sex workers coming together; the commercialisation of the body was identified as the problem.

Also, most people do not believe in the agency of commercial sex workers, it was explained. There was an opposition to licensing since that would only lead to further exploitation. The issue has been invisibilised over the years, and with people in high places being involved, it has helped to send it further underground.

The Surinelli and Vidhura cases have however increased confidence to complain; and people are now listening differently. Another women's activist opposed the use of the term 'commercial sex worker': prostitution is not productive work, she said. But her main problem was that she saw prostitution as reinforcing patriarchy, and that endorsing prostitution as work would fall into the snare patriarchy has set for the women's movement.

In the matter of trafficking, it was pointed out that proposals for checking all women travelling on their own, particularly across borders was a move detrimental to the interests of women and could end up curbing their right to free movement and achieve little else.

## **Prisons**

The conditions in jails; solitary confinement; the refusal to make condoms available in Tihar jail on the ground that homosexuality is an offence in law, and this would be seen as fostering an illegality; the inhuman treatment of prisoners, including their being kept in leg irons, for instance; overcrowding of prisons; the right of prisoners, including undertrials, to vote are issues that have been raised repeatedly over the years. The courts have been the arena of contest.

The inadequacy of medical services in prisons, often resulting in the death of prisoners has been much in evidence. Apart from the inconclusive enquiry into the death of Rajan Pillai, when he was in jail, High Courts and the NHRC have been confronted repeatedly with this issue. Statistics in the Annual Reports of the NHRC reveal that there are a much larger number of deaths in judicial custody than there is in police custody.

Given the frequency and seriousness of the complaints about medical services in prisons, it would bear investigation to find out how many of the deaths in judicial custody are, in fact, occasioned by medical negligence. The condition of persons on death row does not appear to have been investigated so far. Nor the effect that execution of prisoners has on their families. The inaccessibility to legal services that is endemic in most prisons, has been identified as a human rights issue, but has not been resolved yet.

There are reports of prison riots which were allegedly caused by the poor conditions in prisons including insufficient provision of food, and the maltreatment, including the brutalising, of prisoners. On November 17, 1999, for instance, a riot broke out in Chennai Central Prison. It left at least nine persons dead, and one more succumbed to injuries on November 19, 1999. There were at least seven prisoners with bullet injuries who were referred to the government general hospital.

The figures of those injured and dead in the riots varies, but it appears to be around 100 prisoners. The deputy jailor was killed in the riots. The simmering discontent seems to have

had to do with inadequate food, the meagre water supplied to the prisoners, and the torture meted out to them by the prison staff.

The death of a prisoner tortured and killed in the Central Prison in July 1999, which was explained away without an enquiry as being a suicide, seems to have caused resentment and anger among the prisoners. It was the death of Boxer Vadivel, a prisoner believed to have been tortured for over three days between 12th and 15th of November, and the torture of two other prisoners by the Deputy Jailor which sparked off the riots.

Jeyakumar was burned alive. The prisoners claimed to a fact-finding team that the rebellion had already come under control when antiriot police were brought in and prisoners were indiscriminately targeted. For instance, a prisoner who was physically disabled, and could not have posed any threat to the police, was shot at point blank range. The anatomy of a prison riot, and what it means in the context of human rights, and of punishment, calls to be investigated in full, and addressed. Prison riots have been erupting sporadically, leaving little reason to doubt that they are symptomatic of a systemic malaise.

The condition of medical care in prisons is woeful, and cases before the High Courts and the NHRC testify to this fact. The inordinately large number of deaths in judicial custody, as reflected in the figures set out in the Annual Reports of the NHRC, is also an indicator. That prisons are death traps becomes apparent.

Overcrowding of prisons, with a large population of undertrial prisoners spending extended periods in jail—a recent press report cites a survey conducted by the State (Jail) Department in Bihar which shows 154 undertrial prisoners in Bhagalpur jail for over 20 years awaiting trial and they are now over 70 years old—only strains the system further. Systemic changes and bold initiatives are imperative.

So far, the Supreme Court's directive in 1979 to release undertrial prisoners on personal recognisance bonds, and periodic intervention thereafter by the Supreme Court, has provided ad hoc relief. There is little to indicate that there has been any fundamental re-thinking on this matter. On the other hand, recent legislation is severe in matters of bail, and persons arrested under the NDPS Act 1985, for instance, regardless of the nature of their participation in the offence, are not entitled to bail.

In Mumbai, social workers reported that they have been allowed access to prisoners to help them re-establish, and maintain, contact with their families, and to provide related support services to the prisoners. They admitted to shutting their eyes to human rights violations in prisons (and in lock-ups) since any intervention of that nature would jeopardise even the services they are now able to provide.

In Chennai and in Mumbai, the '80s and a part of the '90s saw active provision of legal aid to prisoners; in Chennai, the High Court legal aid board was engaged in this process. In Delhi, legal literacy, literacy, meditation and yoga and legal aid has reached Tihar jail. The setting up of the NHRC appears to have

had some impact on the accessibility of prisons, as have the many PILs which challenged the conditions within.

## **Wages to Prisoners**

The work that prisoners do has been devalued in a decision of the Supreme Court in *State of Gujarat v. High Court of Gujarat*.

A judge in the case has held that:

- Prisoners are not entitled to minimum wages, particularly where they have been sentenced to rigorous imprisonment, and it is part of their sentence to do hard labour
- The non-payment of wages in prison will not amount to a violation of the constitutional dictum on the right against exploitation
- Where they do earn a wage, apart from deductions for their maintenance in the prison, monies may be taken from it to pay to the victim as compensation.

There is a complete negation of the rehabilitative potential of work and wages, and a re-introduction of the purely punitive in this judgment of the court that human rights advocates and activists will have to contest.

## **Sexuality**

Discrimination against, and harassment of, those with a sexual orientation different from the heterosexual is being more

openly addressed in the past ten years than it was earlier. Yet, coming out openly is still an act of courage. And we were told how homosexual couples were susceptible to arrest and extortion. Just the knowledge that a person is a homosexual would render him vulnerable, they said. The lesbian groups that we met spoke about the difficulty of coming out, and the support services that were needed to help resist, principally, the families. One of the ways of providing that support is in the initiation of 'help lines'.

### **Freedom of Expression**

The rise of communalism has been accompanied by an assault on free expression. The vandalising of M. F. Hussain's paintings because he had painted a nude Saraswati many years ago; the destruction of the exhibition organised by SAHMAT in Varanasi because it depicted Rama differently from how the vandals believed he should be depicted; the protests, and their vulgarisation when the protesters paraded in their underwear in front of Dilip Kumar's house, against the film 'Fire'; the concerted attacks on the filming of 'Water'-all these are instances of intolerance, which have denied free expression, with the implicit-sometimes explicit-support of the state.

The banning of the play on Nathuram Godse following protests and disturbances are part of a pattern.

More recently, there have been reports of a government circular that conferences, seminars, workshops...which include participants from abroad require clearance from the government, including the External Affairs Ministry. Human

rights are specifically in the list. And it is particularly applicable to people from Pakistan, China, Bangladesh, Sri Lanka and Afghanistan.

## **Dalits**

The practice of untouchability has persisted, and dalit activists and unions have been making efforts to demonstrate its pervasiveness and variety, even while they contest its practice. In Andhra Pradesh, in a study done by dalit activists, 46 ways of practising untouchability have been documented. In Kerala, there was collaboration underway between caste groups and dalits in combating caste and brahmanism. In Gujarat, a study of the practice of untouchability has been recently done.

Some groups working among dalits, and including some dalit groups, have been lobbying to place caste as an agenda in the World Conference against Racism. The definition evolving in the conference, which includes discrimination based on descent and occupation is seen as an acknowledgment of caste discrimination. This is an avowed effort to internationalise the issue of caste-based discrimination and oppression. This issue permits an exploration into the relationship between a movement-in this case, the dalit movement-and groups working with dalits and/or dalit issues in terms of their respective politics and priorities.

Police firing on a group of dalit villagers in Nadunalumoo-laikkinaru in Tamil Nadu in 1991 is believed to have occurred to put down a young leadership that was emerging in the village. A chain of circumstances from the support given to the villagers by activists, to filing the matter as a case in the

Supreme Court, to three committees which investigated the matter, to the awarding and disbursement of compensation to the injured villagers and the court order which prohibited the indicted policemen from being posted in the vicinity appears to have empowered the village. It has also bolstered their confidence that help could well come from beyond the village. In Melavalavur it was a different story. This is a panchayat which is reserved for dalit leadership within the panchayat system.

When elections were first to be held:

- The dalits were chastised, subjected to a community fine of ₹2000 and warned to withdraw their nominations.
- In the second round, the administration urged the dalits to file nominations, which they did. The ballot boxes were taken away by the non-dalit villagers.
- The third time around, the administration promised protection and conducted the elections amidst threats and tight security. About a month after the elections, the dalit panchayat leader, Murugesan, and five of his comrades were waylaid when they were travelling in a public bus, and brutally hacked to death on the highway.

This was in June 1997. Since then, another election has nominally installed a dalit as panchayat head. But the village lives in a state of permanent terror. A police outpost has been set up, but in that part of the village from where the threat to the dalits emanates. A memorial has been constructed to the memory of the six dead men.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been on the statute books since 1989. There are however hardly any convictions under this Act. Dalit activists say that there are many loopholes in the law which help offenders slip out of both the Atrocities Act as well as the Penal Code. An activist made particular mention of s. 3 (iv) and (v) of the Act in illustrating the non-user of this law. Studies on the working of this Act have been started in some states.

Manual scavenging, and the disinterest of the state in putting an end to this inhuman practice which involves the carrying of excreta manually, and which additionally aggravates caste-based exclusion has been identified as a priority for action in Andhra Pradesh and Tamil Nadu.

### **Medical Research**

The connection between abortion, in vitro fertilisation and gene manipulation was drawn to ask how the question of human rights could be considered in this context. The poser was: ought it not to be the primary question whether neo-eugenics through gene manipulation should be resisted, or was it to be asked in terms of the mother's choice to have a 'blue-eyed baby girl'?

Depo Provera, a contraceptive drug, was introduced into the Indian market without conducting Phase IV trials, which meant that the Indian state conducted no research specific to Indian users before deciding to introduce the drug in the market. The issue in Phase IV trials of Net-oen was of informed consent. In the pre-liberalisation phase, we were informed, all research was to be undertaken by the ICMR. But post-liberalisation,

there has been a dramatic change, and the trend has been for pharmaceutical companies, or the NGOs funded for the purpose, to conduct research; their agenda is not beyond suspicion.

Pharmaceutical companies have been attempting to dilute the guidelines for scientific research on human subjects. The Nuremberg Code was very strict. The later Helsinki declaration, we were told, relaxed these rules. And efforts are underway to further relax the notion of informed consent for the greater common good. These efforts have been stalled at the international level. But ICMR's 'Ethical Guidelines for Biomedical Research on Human Subjects' has been amended in 2000 to allow proxy consent in some cases, such as in epidemiological situations or in the larger public good.

In 1997, the Indian government signed an agreement with the USA that would allow Indian citizens to be used as research subjects in an international research project on human genome for furthering 'international good'. Since this became known, there have been protests-that the bodies of Indian citizens do not belong to the state that it can sign them away.

Court battles around banned drugs being sold in the Indian market have sometimes resulted in prospective banning. But the plea of the pharmaceutical company that the stocks be not destroyed, but that they be allowed to transport it to another jurisdiction outside India has been allowed. Sharing information with other potential markets becomes of importance, and ways of doing this may have to be established.

## **Population Policies**

There has been a deliberate re-introduction of 'incentives' and 'disincentives', and of punitive measures into state policy:

- The birth of a third child beyond a period of gestation from the commencement of state laws on the subject (including Himachal Pradesh, Rajasthan and Haryana) will disqualify a person from standing for elections to the panchayat, or to continue in office.
- Medical termination of pregnancy and tubectomy has been included in the Maternity Benefit Act 1961 (in 1995) for 'benefit' under the law. The threatened denial of 'maternity benefit' for the birth of the third child and thereafter was, however, shelved after concerted protest. The new provision puts an onus on the woman to keep the size of her family low.
- There are private proposals pending in various state legislatures including Delhi and Andhra Pradesh to disentitle the third child to ration under the Public Distribution System, and for the parent to be penalised in their jobs if they hold a government job. The Delhi proposal even included provisions that the family could not be allowed to procure a house if there was a third child! These have not yet become law, but they have not disappeared from the public debate altogether.
- 'Social marketing' of contraceptive drugs, supported in Uttar Pradesh by large grants from funders, has been the subject of protest from, particularly, women activists. Social marketing, which includes across-the-counter

sales, would inevitably lead to ill-informed use of the contraceptives, without an understanding of the sideeffects, or of the meaning of symptoms that may manifest upon use. The prioritising of reducing population at the cost of women's health is being stoutly resisted.

## **Organ Transplant**

A racket in the sale of kidneys was exposed in Karnataka in the late 1980s and early '90s. There were allegations that the 'donor' was duped and his kidneys were removed and 'donated'; or that the donor had sold his kidneys as a commodity may be sold to raise resources-poverty was the characteristic that distinguished the donor. A series of exposés confirmed that there was a pattern to the sale and purchase of kidneys, which implicated, among others, doctors and hospitals.

The dust refused to settle, and in 1994, Parliament enacted the Transplantation of Human Organs Act 1994, which allowed organ donation either only after death, or where the receiver was a near relative of the donor, or it is actuated by 'affection, or attachment towards the recipient.' In the last-mentioned case, an Authorisation Committee has to approve the donation. The Act, in its prefatory text, says it is 'to provide for the regulation of removal, storage and transplantation of human organs for therapeutic purposes and for the prevention of commercial dealings in human organs.'

The issue seems to have acquired a subterranean residence since. This may be an area which must be regularly revisited to prevent exploitation, and worse. In a different context, the

issue of surrogacy has entered Indian parlance; but the human rights, and legal, implications have not been pursued with much rigour.

## **Trafficking**

While trafficking in women is rampant in many parts of the country, and also across borders, it is Kerala that the sexual exploitation of women and trafficking has been exposed, and the accused brought to trial and conviction. The Surinelli case, the Ice Cream Parlour case and the Vidhura case are undiluted narratives of sexual exploitation. In the Surinelli case, forty persons, including prominent political figures and persons from the establishment among them, were convicted after a prolonged trial in 2000. They are now on bail while their appeal is pending. Some women's activists have been studying the issue of migration and trafficking—whether for prostitution, labour in sweat shops, domestic work which is often ill-paid and oppressive, or as mail order brides—while recognising that while migration makes women vulnerable to exploitation-and violence, migration is often not wholly involuntary. Women, for instance, migrate to escape violent domestic situations too. Shorn of its moral content, activists say, the law regarding trafficking could actually help women trafficked into situations for which they did not bargain.

## **Bonded Labour**

Though the Bonded Labour Act is of 1976 vintage, it was not till the Supreme Court's judgment in December 1983 that the recognition of bonded labour acquired a national reach.

As the champion of the bonded labour said it, it is that needs to be dealt with to get people an experience of human rights:

- Minimum wages
- Minimum guarantees of employment
- Child labour
- Land rights and
- Alcohol

Identification, release and rehabilitation of bonded labour have happened essentially by court supervision. In Tamil Nadu, there is a separate ministry that has been set up to deal with bonded labour; this was following a report given to the Supreme Court of the extent of bonded labour prevalent in the state. The issue of bonded labour has been handed over by the court to the NHRC, which has set up a committee including activists, advocates and bureaucrats with experience, to find a means of dealing with the issue.

We watched while a political activist working among bonded labour discoursed with a body of bonded labourers from Rajasthan. They were seeking his help in getting free, and getting land which could help them retain their liberty. The advice was that they get together a mass of similarly positioned people before launching a campaign in their district. The confidence they exuded that bringing together 25,000 people in the district would not be an unmanageable task was an indication of the dimensions of the problem of bonded labour.

## **Anti-Liquor Movements**

There is a connection that seems to exist between liquor and violence, particularly domestic violence. Many parts of the country have witnessed anti-liquor movements in assertion of the women's right to be free of violence. This includes Andhra Pradesh, Himachal Pradesh and Orissa. Apart from the factor of state interest-particularly in terms of revenue-in the proliferation of liquor, the liquor mafia also has a long reach.

There have been reports of women leading anti-liquor movements being killed, in an apparent attempt to stifle protest and resistance. Illicit liquor and the deaths of those who drink the brew—the 'hooch tragedy', as it is termed—is oft-experienced, and it is common to find people wielding state power, including ministers, being implicated. Last year, for instance, Kerala reverberated with reports of deaths in just such a hooch tragedy. In Uttarakhand, the demand for prohibition was closely linked to the struggle for statehood and is a challenge before the new government.

## **HIV and AIDS**

The right have been issues that have been raised in the context of AIDS, particularly since the AIDS Bill which was in circulation in the mid-1980s. The identification as 'high risk groups' or as 'high risk activity' has been considered both in pragmatic and rights-related terms. While categorising people as 'high risk' on the basis of the class to which they belong has been rejected by rights activists, it has in fact been adopted in practice.

The question of confidentiality has been adjudicated in the 'right to marry' case in which the Supreme Court held that the right to marry is not an absolute right. Referring to the provisions in the Penal Code, the court held that, apart from making a person punishable under the law if he marries and transmits AIDS to a woman, there was duty upon him not to marry. And the doctor, aware of the HIV status of the patient had not disclosed it to persons he knew were likely to be affected by it, he would be a participant in the crime,' the court said.

Till a disease/condition is cured, the right to marry will be 'suspended', the court has held. There are two points of view in this position of the court on the 'right to marry'. A rights group advocating the cause of people with HIV/AIDS, and of persons with a positive status, contend that the right to marry is part of the right to life. A woman activist lawyer has taken the stand that the disclosure mandated by the court is necessary to protect the interests of women. The former group contests this expectation, and holds that this will result in denial of rights to positive people without empowering women.

A respondent further located it in the context of 'personhood'- that even while conceding that there may be no right to marry, there would be a violation of the rights of the HIV+ person where there is disclosure without any of the protections that an HIV+ person may need, and to which they would be entitled- particularly given the rejection and discrimination that is known to ensue. The right to treatment, and discrimination-in the workplace, in custodial institutions and in places like hospitals-of positive people are centrally in the human rights arena.

## **Denotified Tribes**

British India notified specified tribes as 'criminal tribes', with all members of the tribe tarred by the same brush, and all of them classed as criminals or potential criminals. The Indian Parliament passed a law in the early years after independence repealing this categorisation of tribes.

The 'ex-criminal tribes' are now referred to as 'denotified tribes'. While the status of these tribes has changed in law, the prejudices attaching to treatment of these tribes seems relatively unchanged. The attribution of criminal characteristics to a tribe has not abated. That they continue to be called 'denotified tribes' freezes their status.

Rampant discrimination, and criminalisation (different from criminality) was reported. The neglect of land reforms, and of improving their conditions of life, was reportedly allowing for the perpetuation of stereotypes about these communities. The very construction of identity was said to be responsible for the human rights violations that they faced, and was acknowledged as a violation on its own.

## **Tourism**

Tourism's contribution to the violation of human rights has become an area of increasing concern:

- The growth of the sex industry, including the use of children for sexual pleasure, is associated by activists with tourism.

- The displacement and exclusion of people from forest areas, and the introduction of elite tourism is said to be passed off as 'eco-tourism'; activists find this contradictory
- The taking over of agricultural land to create hotel resorts, as is happening in the Diamond Harbour area in West Bengal, is opposed as being inherently unjust and environmentally unfriendly.
- The images of the reservoir in the Tehri and at the Sardar Sarovar being converted into lake resorts, militates particularly against equity.

These instances merely illustrate a point. Destruction of culture, sometimes through showcasing culture, is another issue. An instance is the Todas in Tamil Nadu. The non-involvement of local communities in making choices about whether, and what kind of, tourism would be brought into their midst was also reported.

### **Right to Information**

A concerted, and effective, campaign for the right to information has been underway in Rajasthan, spearheaded by the Mazdoor Kisan Sangharsh Samiti (MKSS). It has caught the imagination of activists and groups across the country, particularly as a tool for preventing and challenging violations as well as asserting the right to development.

A norm of transparency has been given prominence, including transparency of the government as well as the group working in the area. The irresistible force it has generated has moved

the government, albeit reluctantly, to table a Freedom of Information Bill 2000. Meanwhile, the right to information has been introduced into the law following the Bhopal Gas disaster.

Among the persons now entitled to receive information about potential hazards in a factory are:

- The workers
- The local authority
- People living in the vicinity of the factory as also the Inspector appointed under the Factories Act 1948.

The information is to include the means of disposal of hazardous substances, and the arrangements for their storage or transportation. Information on what should be done to limit damage in the event of a disaster is also to be disseminated; the onus is on those running the factory. We did not, however, hear of anyone having used these provisions. The rights inherent in these provisions demand to be asserted.

## **Bhopal**

Sixteen years after the Bhopal Gas disaster occurred, and Methyl Isocyanate (MIC) leaked from the Union Carbide plant in Bhopal on 23rd December 1984, the victims still wait for justice.

- The payments of pitifully small amounts as compensation

- The shrinking of their remedies, including the way the appeals system has been worked to reduce the entitlement of the victims;
- The difficulties in access to medical care
- The disbelief, even all these years later, that they were indeed victims of the disaster
- the absence of a legal aid system
- The immobility of the state in the matter of the extradition of Warren Anderson of the UCC; the reduced gravity of the charges against the Indian accused; and the snail's pace progress of the trial
- The vanishing corporation, where mergers result in the original corporation pretending to a civil death, and the vanishing liability. The recent takeover of UCC by Dow Chemicals is an instance.
- The absolving of liability which has been introduced into the law and which is reportedly being used by MNCs coming into the country in the liberalised era

The difficulties in bringing an MNC before Indian courts have not yet found answers. Neither has the problem posed by the state often being a tort-feasor itself. There are also reports of continuing harm to the people in the vicinity, and to water sources, emanating from the plant site, where chemicals continue to be stored in vats.

- Continued care of the victims of Bhopal

- Access to the information gathered by ICMR, and
- Monitoring and research connected with the Bhopal Gas disaster, at least over a period of fifty years have been set out as priorities owed to the victims of the disaster.

A Draft Code of Conduct for Corporations was discussed by a group of persons brought together in Geneva by the Office of the High Commissioner for Human Rights on March 30-31, 2001.

The First Draft Code envisages:

- Social responsibility of corporations, and
- Corporations as human rights watchdogs.

These could be difficult roles to reconcile with the experience of Union Carbide in Bhopal, Enron in Maharashtra and with the shadow of corruption and the unviability of the Power Purchase Agreement, Cogentrix in Karnataka and the allegations of corruption and the anxieties about environmental degradation, in Kashipur in Orissa and the dominance given to mining interests, to name a few instances.

The introduction of genetically modified cotton where corporations experiment on Indian soil, and take no responsibility for the consequences of use of genetically modified (GM) technology, is another instance. The resistance to the 'terminator' seeds reflects the concern of farmers and others about the destructive power of corporate profit-seeking on their autonomy and self-sustenance.

The various, even if failed, attempts to use the international patenting regime to appropriate the use of haldi, neem and basmati, for instance, to serve multinational corporate interest has raised questions of rights of people over resources in contest with the profit motive. Issues of liability are weak in the Draft Code's first version.

The importance of involving persons from jurisdictions of corporate conduct which may have to be accounted for in a code may have to be recognised, and participation in the settling of international standards and making of international law facilitated.

### **Political Violence by Non-state Actors**

Variously termed as 'militancy', 'terrorism', 'non-state violence', the use of violence in pursuing political ends has been in existence for over a couple of decades at least, in a number of states.

The state response has been varied including:

- The enactment of the TADA, and other extraordinary laws, including the treatment of political violence as 'organised crime' as has happened in Andhra Pradesh, Madhya Pradesh and Maharashtra
- The identification of such political activists as 'enemy' of military forces-as in the ITBP Act which defines 'enemy' as including 'all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of any person subject to this Act to take action. '

- The unleashing of state violence, as happened in the Punjab particularly in the late '80s, and the beginning of the '90s. Or, again, as being witnessed in the encounter killings in Andhra Pradesh.
- The implicit equation of state violence with non-state violence in placing both in the agenda of the NHRC, while yet leaving violations by the Armed Forces beyond the NHRC's direct reach

The question of political violence has gone through phases in the civil liberties movement. In the 1970s, a political journalist told us, he had walked out of a civil liberties organisation because they had taken a decision to focus on state violence, and not speak to condemn violence by non-state actors. In the 1980s, silence about the violence of the militants in Punjab, which included the deliberate and often indiscriminate killing of civilian targets, was held out as evidence of the partial and one-sided image that the civil liberties movement conjured up; there was an uncertainty that crept in among civil liberties groups too.

In the 1990s, there was an open debate, most specifically in the context of Andhra Pradesh, where one point of view held that political violence to overpower and alter systemic violence could not be condemned; and another point of view emerged that revolutionary violence was not equal to, or the same as, people's response, and that sustained violence over decades injured the weak and the vulnerable the most.

'Systematic and calculated violence begins with the enemy,' a civil liberties activist says, 'but soon turns to agents of the

enemy within and among one's friends.' There is also the question of congruence between means and ends, he adds.

The abduction and disappearance of Sanjay Ghosh at the hands of the ULFA in 1997 did lead to re-appraisal of the presumptions about revolutionary violence and the latitude that should be permitted it. A civil liberties group, for instance, spoke of its position as opposition to 'systematic, significant and sensitive killing by armed opposition groups.' An activist said: 'unless a revolutionary movement develops a tradition of human rights, there is a problem.'

The ranks of 'surrendered' militants (SULFA in Assam, Surrendered PWG in AP) has raised human rights issues-not only in terms of their rehabilitation but also for how they are used by the state. Caught between the cadres that they have walked away from, and the police or security forces who are now their protectors, it has been noticed that an inordinately large number of 'surrendered' militants die violent deaths. It also appeared evident to civil liberties groups that the surrendered militants are set up as stooges to carry out 'executions, which would then be passed off as a clash between the cadres and the deserters.

Their position is plainly vulnerable. In Andhra Pradesh, we heard that cases against surrendered naxalites are never dropped, leaving them open to blackmail and to being manipulated. Recent brutal killings of civil liberties activists, often in broad daylight and open to public gaze, are suspected to have been engineered on order of the state government, using surrendered naxalites. Political violence in North Kerala

and West Bengal seems to claim victims with regularity. It is an occurrence about which activists in both states spoke.

In West Bengal, activists spoke of 140 CPM workers having died in 1999-2000 (over one and half years). This is concentrated mainly in the Hooghly, they said, but had spread to Calcutta too. It has percolated to the grassroots and, they said, it has ceased to have ideological basis. Peace talks, and mediation, seem to be ways in which intervention has been attempted by human rights activists.

### **Corruption and Criminalisation of Politics**

Corruption has been at the centre of attention in various arenas in public life. The harassment of prostitute women for the policeman's 'hafta', and the endemic problems in filing FIRs and having investigations done are instances of one manner of human rights violations represented in corruption.

The Bofors Gun deal, and the exposés in the Tehelka. com case are of another kind. The Enron issue, which had allegations of corruption at its centre is an instance of distorted priorities which can deepen debt, even while re-ordering the priorities in decision-making-the local people's voices were not even heard by those in power, and it is presumed that money exchanging hands had a lot to do with it.

Largesse and abuse of public office was much in evidence. In the Supreme Court, it was seen in the cases of allotment of petrol pumps and gas retail outlets under the charge of one central minister, and the allotment of commercial plots and shops by another. These serve to illustrate.

The criminalisation of politics brought out in the Vohra Committee report, only confirmed what is commonly known to be a fact. The everyday corruption of the petty potentate will have to be understood in this larger context of institutionalised corruption and crime. The extent to which such corruption leads to every day violations of rights is popular knowledge; documenting instances, and the effect of such corruption, would help understand the human rights dimension of corruption as it affects the everyday person.

## **Nationalism**

Modern nationalism in Europe came to be associated with the formation of nation-states. It also meant a change in people understands of who they were, and what defined their identity and sense of belonging. New symbols and icons, new songs and ideas forged new links and redefined the boundaries of communities. In most countries the making of this new national identity was a long process. How did this consciousness emerge in India?

In India, as in Vietnam and many other colonies, the growth of modern nationalism is intimately connected to the anti-colonial movement. People began discovering their unity in the process of their struggle with colonialism. The sense of being oppressed under colonialism provided a shared bond that tied many different groups together. But each class and group felt the effects of colonialism differently, their experiences were varied, and their notions of freedom were not always the same. The Congress under Mahatma Gandhi tried to forge these groups together within one movement. But the unity did not emerge without conflict.

In an earlier textbook you have read about the growth of nationalism in India up to the first decade of the twentieth century. In this chapter as suggested, pick up the story from the 1920s and study the Non-cooperation and Civil Disobedience Movements. As suggested, explore how the Congress sought to develop the national movement, how different social groups participated in the movement, and how nationalism captured the imagination of people.

### **The First World War, Khilafat and Non-Cooperation**

First of all, the war created a new economic and political situation. It led to a huge increase in defence expenditure which was financed by war loans and increasing taxes: customs duties were raised and income tax introduced. Through the war years prices increased—doubling between 1913 and 1918—leading to extreme hardship for the common people.

Villages were called upon to supply soldiers, and the forced recruitment in rural areas caused widespread anger. Then in 1918-19 and 1920-21, crops failed in many parts of India, resulting in acute shortages of food. This was accompanied by an influenza epidemic. According to the census of 1921, 12 to 13 million people perished as a result of famines and the epidemic. People hoped that their hardships would end after the war was over. But that did not happen. At this stage a new leader appeared and suggested a new mode of struggle.

### **The Idea of Satyagraha**

Mahatma Gandhi returned to India in January 1915. As you know, he had come from South Africa where he had

successfully fought the racist regime with a novel method of mass agitation, which he called satyagraha. The idea of satyagraha emphasised the power of truth and the need to search for truth. It suggested that if the cause was true, if the struggle was against injustice, then physical force was not necessary to fight the oppressor. Without seeking vengeance or being aggressive, a satyagrahi could win the battle through nonviolence. This could be done by appealing to the conscience of the oppressor. People—including the oppressors—had to be persuaded to see the truth, instead of being forced to accept truth through the use of violence. By this struggle, truth was bound to ultimately triumph. Mahatma Gandhi believed that this dharma of non-violence could unite all Indians. After arriving in India, Mahatma Gandhi successfully organised satyagraha movements in various places. In 1916 he travelled to Champaran in Bihar to inspire the peasants to struggle against the oppressive plantation system. Then in 1917, he organised a satyagraha to support the peasants of the Kheda district of Gujarat. Affected by crop failure and a plague epidemic, the peasants of Kheda could not pay the revenue, and were demanding that revenue collection be relaxed. In 1918, Mahatma Gandhi went to Ahmedabad to organise a satyagraha movement amongst cotton mill workers.