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## Civil Peace Corps: New Inspiration for the Italian Foreign Policy

*Marco Mascia\* and Antonio Papisca\*\**

### Abstract

Starting with an analysis of the new legislation on Civil Peace Corps (CPCs) and on Italy's participation in international missions, this article submits a double research hypothesis. The first is that the setting up of the CPCs could have a significant impact on Italy's foreign policy, in the sense that it could steer the country towards more 'pacifist' and 'multilateralist' roles somewhat identifiable with active neutrality. The second hypothesis is that the establishing of CPCs fosters an enhanced role for civil society organisations because of their direct involvement in operations, which were traditionally the exclusive reserve of the realm of 'high' politics and of the military, and offers them new scope for intervening in conflict transformation processes. This research hypothesis will be tested in exploratory mode against the cases of Germany, the European 'precedent' which is most similar to the novel Italian experiment, and of the EU Aid Volunteers.

**Key-words:** *Civil Peace Corps; Italian Foreign Policy; International Peace Missions; Human Rights*

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## 1. Introduction

Italy has established its own Civil Peace Corps (CPC). What might seem a 'niche' decision takes on a systemic profile of huge political, as well as legal significance, particularly because the CPCs have been formally included in the same list as the armed forces as regards Italy's participation in international missions, and because of the direct links made between domestic law and sources of international law.

Starting with an analysis of the new legislation, we submit a double research hypothesis. The first is that the setting up of the CPCs could have a significant impact on Italy's foreign policy, in the sense that it could steer the country towards more 'pacifist' and 'multilateralist' roles somewhat identifiable with active neutrality. This hypothesis is grounded, as far as the legal aspects are concerned, on the interpretation of article 11 of the Italian Constitution in the light of the innovation introduced into Italian law by the new legislation on CPCs and international peace missions.

The second hypothesis is that the establishing of CPCs fosters an enhanced role for civil society organisations because of their direct involvement in operations, which were traditionally the exclusive reserve of the realm of 'high' politics and of the military, and offers them new scope for intervening in conflict transformation processes. This research hypothesis will be tested in exploratory mode against the cases of Germany, the European 'precedent' which is most similar to the novel Italian experiment, and of the EU Aid Volunteers.

## 2. The Italian Law on the Civil Peace Corps

Article 11 of the Constitution of the Italian Republic states that:

'Italy rejects war as an instrument of aggression against the freedom of other peoples and as a means for the settlement of international disputes; Italy agrees, on conditions of equality with other States, to the limitations of sovereignty that may be necessary to a world order ensuring peace and justice among the Nations; Italy promotes and encourages international organisations having such ends'.

This article has once again become particularly topical, thanks to recent legislation touching on four themes of great political and cultural importance: the establishment of the Civil Peace Corps, international cooperation for development, universal civil service and Italy's participation in international missions.

The interconnectedness of these four thematic areas is clear, not only from interpretative logic putting together the joint provisions

of the relative legislation, but also when looking at their practical application on the ground. In short, there are sufficient grounds for opting to 'operate as a system' in this area and translating the legislative provisions into a comprehensive political agenda.

The relevant regulatory provisions in this case are, in addition to the aforementioned article of the Constitution, law no. 147 of 27 December 2013 (art. 1, para. 253) (2014 Budget law), which provides for the experimental introduction of Civil Peace Corps; law no. 125 of 11 August 2014, 'General rules governing international development cooperation'; the interministerial decree of 7 May 2015 issued by the Minister for Labour and Social Policy, in concurrence with the Minister for Foreign Affairs and International Cooperation (MAECI), relative to the 'organisation of the Civil Peace Corps contingent'; law no. 106 of 6 June 2016, 'Delegation of powers to the government to reform the third sector and social enterprises and to issue regulations governing universal civil service'; framework law no. 145 of 21 July 2016, 'Provisions governing Italy's participation in international missions'.

These instruments constitute a platform of domestic legislation distinguished, in addition to the innovative nature and cultural and political significance of their content, by the specific reference made to principles and norms of international and European Union laws.

Article 1, para. 253, of the 27 December 2013 law reads '(...) authorizes the expenditure of 3 million euro for each of the years 2014, 2015 and 2016, for the experimental establishment of a contingent of civil peace corps to train and *experiment* the presence of 500 young volunteers to deploy in *non-governmental peace actions* in areas *of conflict* or *at risk of conflict* or in *environmental emergency* areas (...)'

 (our Italics).

Looking at its practical implementation, the first instrument which grabs this provision is the law on international development cooperation, where article 1, para 2 sub c) lists among the specific objectives of cooperation 'preventing conflicts, supporting processes of pacification, reconciliation, post-conflict stabilization, consolidation and strengthening of democratic institutions'. Article 28, para. 10, states that 'Italy promotes and supports international volunteering and civil service' and that the agents defined in article 26 (which includes NGOs specializing in development cooperation and humanitarian aid)

‘organize *contingents of civil peace corps*, to train and *experiment* the presence of young volunteers to deploy in *non-governmental peace actions* in areas of conflict or at risk of conflict or in environmental emergency areas’ (our Italics).

Article 8, para. 1, sub a) of the 6 June 2016 law on universal civil service provides for a revision of the regulations governing domestic civil service and for the institution of ‘*universal civil service* deployed, as per article 52, para, 1 and article 11 of the Constitution, for the *unarmed defence* of their country and to *promote the founding values* of the Republic, also as refers to articles 2 and 4, para. 2 of the Constitution’ (our Italics). It is useful to quote both these articles in their entirety.

Article 2: ‘The Republic recognises and guarantees the inviolable rights of the person, as an individual and in the social groups where human personality is expressed. The Republic expects that the fundamental duties of political, economic and social solidarity be fulfilled’.

Article 4, second paragraph: ‘Every citizen has the duty, according to personal potential and individual choice, to perform an activity or a function that contributes to the material or spiritual progress of society’<sup>1</sup>.

It should be pointed out that, whereas the 2013 law, the subsequent Decree implementing it in 2015 and the law on international development cooperation all refer to the Civil Peace Corps as experimental, article 1 of the 21 July 2016 framework law regulating Italy’s participation in international missions situates these Corps on an infrastructural horizon, so to speak. Quoted below is the full text of article 1:

1. Apart from the cases covered by articles 78 and 87, para. 9, of the Constitution, the participation of Armed Forces, Police Forces, both military and civil, and Civil Peace Corps in international missions established in the framework of the United Nations or of other international organizations to which Italy belongs, or otherwise established in accordance with international law, including military operations and European Union Police and Rule of Law missions, as well as missions aimed at exceptional humanitarian interventions, is permitted, in accordance with the provisions of this framework-law, provided that this participation complies with the principles

<sup>1</sup> We should remember that the first paragraph of article 4 states that “The Republic recognises the right of all citizens to work and promotes those conditions which render this right effective”.

laid down in article 11 of the Constitution, general international law, international human rights law, international humanitarian law and international criminal law.

2. This application of this law covers the deployment outside Italy of personnel and assets, both civil and military, in line with international law, the provisions and objectives of the Constitution, fulfilling the obligations of alliances or international or intergovernmental agreements, or for exceptional humanitarian interventions.

3. Italy's participation in international missions has included initiatives undertaken pursuant to United Nations Security Council resolution 1325 of 31 October 2000 and the subsequent United Nations Security Council resolutions nos. 1820 of 19 June 2008, 1888 of 30 September 2009, 1889 of 5 October 2009, 1960 of 16 December 2010, 2106 of 24 June 2013 and 2122 of 18 October 2013, as well as the national action plan on 'Women, Peace and Security 2014-2016' and subsequent plans.

From a formal standpoint, the CPCs are legally recognised on an equal footing with the other agents mentioned in article 1. Consequently, for their operational deployment, the same paradigm of legality is applicable, that is to say – it is helpful to repeat it – the respect 'of the principles laid down in article 11 of the Constitution, general international law, international human rights law, international humanitarian law and international criminal law'.

As concerns the way in which the decision is made to participate in missions with military and police forces, article 2 of the law regulates the sharing of responsibilities between the Cabinet, which 'prepares a resolution' after sending a communication to the President of the Republic, and the two Chambers of Parliament, which 'authorise' or 'refuse' participation. Consequently, the government is required to provide precise information in every instance, particularly as to the conformity of the aims and the means of participation with the 'reference legal basis' spelled out in detail, precisely by article 1.

The obligatory nature of this preliminary verification of the requisites of legitimacy aims to avoid dubious 'automatic' consequences, that is, to protect Italy from getting involved in international missions which exploit the human rights paradigm for ends and behaviours which deny them: meaning the scandal of the so-called humanitarian wars or wars for human rights, justified specifically by the duty to act on the principle of the 'duty to protect'<sup>2</sup>.

<sup>2</sup> Indeed there are cases of resolutions by the Security Council which amount to taking on responsibilities and powers *ultra vires*, for example, in the case of the first Gulf War (1991), when the Council assigned states responsibilities and powers which it should not have abdicated. In this connection one can mention that in 1992, the Secretary General Boutros

An element that can help define the identity profile of the CPC comes from the emphasis that law 145/2016 (art. 1, para 3 and art. 3) places on the need to encourage the participation of women and a gender perspective in the various initiatives undertaken to implement UN Security Council resolution 1325 of 31 October 2000, subsequent resolutions and the relative national Action Plans. Resolution 1325 urges states and the UN Secretary-General to increase the number of women at all levels of decision-making on the prevention, management and resolution of conflict, and to train military and civilian police personnel on the human rights of women and girls, to incorporate a gender perspective and to expand the role and contribution of women to peacekeeping operations, especially among military observers, civilian police, human rights and humanitarian personnel. It also calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence.

Consequently, Italy will have to take this commitment into account when recruiting personnel for the CPC, also because it is likely that there will be more female than male staff<sup>3</sup>.

Article 18 of law 145/2016 is also particularly significant to our examination, as it includes the faculty to introduce the position of ‘civilian cooperation counselor to the Italian military commander of the international contingent’. This ‘ombudsman’ for international missions would be responsible for monitoring, fully independently, the behaviour of military and civilian personnel, particularly in their relations with the local population, thus performing a useful *bridge* between them. Consequently, his or her duties would include gathering information directly on the ground on any suspected cases of abuse or misconduct on the part of peacekeepers. The concept of an ombudsman for each individual peace mission is perfectly in line with the multifaceted philosophy of human security (Commission on Human Security 2003; United Nations, 2013; Kotter 2007; Mascia 2011), meaning ‘*people security*’, within the law and order, social, economic and environmental sectors<sup>4</sup>.

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Boutros-Ghali criticised this illegal action, stating that up until that year, no decision had been adopted by the Security Council in the exercise of its duties as per article 42 of the UN Charter.

<sup>3</sup> In its Third National Action Plan (2016-2019) adopted precisely in order to implement United Nations Security Council Resolution 1325(2000), Italy commits to “increasing training on Women, Peace and Security, including the important issues in international human rights law, bearing in mind art. 1 of law no. 145/2016” (...) in all training courses for civilian, military and police personnel at all levels who are deployed in conflict zones”. Italy also undertakes to “foster further development of modules on Gender, Peace and Security (GPS) in the training course for the Civil Peace Corps”.

<sup>4</sup> It should be noted that, in this light, the proposal to boost the civilian component and

### 3. Organisation of the Civil Peace Corps Contingent

The interministerial decree dated 7 maggio 2015 regulates in detail both the organisational aspects of the experimental introduction of the Civil Peace Corps – to be carried out based on projects submitted by bodies and organisations of the same type as those listed in the law on international development cooperation – and the fields covered for non-governmental interventions and management. Article 2 of the decree describes the category ‘peace actions’ as follows: supporting processes of democratisation, mediation and reconciliation, supporting the operational capacity of local civil society, monitoring human rights, supporting refugees and social reintegration of ex combatants, peace education and supporting the victims of environmental emergencies. This represents a (preliminary) list of duties, to be carried in areas where our non-governmental organisations, such as for example the Pope John XXIII Community Association with its White Helmets, are already giving proof of their expertise and passion for social values (Di Blasio et al. 2013).

The lengthy article 7 of the 2015 interministerial decree focuses on the security of the young volunteers, an area where the Ministry of Foreign Affairs and International Cooperation (MAECI) is assigned a specific function both before the volunteers are deployed and during their mission. Prior to their departure, the MAECI is to organise ‘awareness-raising activities’ on this issue. Their actual protection is however left up to the body or organisation responsible for the project, which must provide for it in line with instructions provided by the MAECI either directly or through the ambassador or consular authorities responsible for that area. In the course of the mission, the MAECI can order the temporary transfer of the young volunteers elsewhere or for them to be brought home, according to the prevailing security conditions or for other serious reasons. The adoption of any disciplinary measures is up to the Department for Youth and National Civil Service (DGSCN) under the Prime Minister’s Office.

This Department is to set up a Committee to monitor and evaluate the experimental process as per article 8 of the decree. The committee comprises the Department Manager, the Director of the Civil Service Bureau, two representatives of the MAECI, two representatives of the National Council for Civil Service and four representatives from academia and civil society. One

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to introduce an Ombudsman to peacekeeping missions is effectively described in the 2004 report “A Human Security Doctrine for Europe. The Barcelona Report of the Study Group on Europe’s Security Capabilities”, drafted by a group of independent experts at the request of the High Representative CFSP-CSDP, Javier Solana, the aim of which was to foster on-the-ground implementation of the European security strategy.



of the duties assigned to the Committee is the adoption of ‘a code of conduct for the experiment, containing the fundamental principles of the civil peace corps’ actions’: an important task with regard to the formal description of the identity profile and the conduct of civil peace corps personnel.

Responsibility for recruiting and training volunteers, who must be between 18 and 28 years of age, is assigned to the relevant bodies or national civil service organisations ‘in line with current practice for national civil service’. The recruitment pool is consequently primarily that of the civil service, a service which has been strengthened, so to speak, as per the law dated 6 June 2016, by the ‘universal’ reach of the opportunities offered for the deployment of volunteers.

For its part, law 145/2016 makes detailed provisions for the emoluments of the military personnel on international missions, but not for those of the Civil Peace Corps, whose emoluments are governed by the ‘Call for Volunteers’ dated 29 December 2016. This specifies that CPC volunteers deployed abroad are to receive, in addition to the monthly allowance of 433.80 euro, a variable per diems according to the ‘country cost’ in the country where they are deployed. The law also provides for a daily contribution to the expenses of managing and implementing the projects, as well as for board and lodging, which are paid to the organisation they are working for, based on the days of actual presence abroad of the volunteers, in an amount varying according to the geographical area where the project is located. Travel expenses for a total of two return trips from Italy to the foreign country where the project is carried out are advanced by the organising body and reimbursed by the DGSCN.

A sensitive issue is that concerning the status of the volunteers as ‘peace workers’ on an international mission. The idea of providing them with a special identity card confirming that they are ‘human rights defenders’ as per the 1998 United Nations Declaration, which is expressly mentioned in the 2015 interministerial decree, should now be taken into serious consideration. Under the terms of this legal instrument, the CPC volunteers would be fully legally authorised to operate within and outside their home country inasmuch as holders of universal and transnational citizenship. The Ministry for Foreign Affairs could hopefully initiate procedures for this innovative practice.

#### **4. References to Norms and Principles of International Law**

As already highlighted above, the regulations we are considering include specific references to norms and principles of international law and to other United Nations and European Union instruments. Particularly pertinent in

this respect, as well as article 1 of the law on participation in international missions, is article 1 of the law on international development cooperation, which states that such cooperation ‘draws its inspiration from the principles of the United Nations Charter and the Charter of Fundamental Rights of the European Union’ and that its actions ‘in line with the principle expressed in art. 11 of the Constitution, contribute to promoting peace and justice’.

There is the question of the criteria on the basis of which these references should be used.

Specifically, we consider that the legal sources quoted in article 1 of the law governing participation in international missions should be interpreted according to a principle of hierarchy. International human rights law, inasmuch as ‘constitutional core’ of general international law – the core of *ius cogens* fundamentally comprising the Universal Declaration of Human Rights, the two International Covenants of 1966 on civil and political rights and on economic, social and cultural rights respectively – occupies a higher level than other ‘chapters’ of international law (Papisca 2011a). The paradigmatic reference principle for all sources is that by which ‘recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world’ (Universal Declaration of Human Rights).

Giving this principle ‘ontological substance’ are the right to life (article 3 of the Universal Declaration, article 6 of the International Covenant on civil and political rights) and the corresponding right to peace, as proclaimed in article 28 of the aforementioned Declaration:

‘Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized’.

This is further elaborated on by the United Nations Declaration on the Right to Peace, adopted by the General Assembly on 19 December 2016:

Preamble: ‘Guided by the purposes and principles of the Charter of the United Nations; recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Vienna Declaration and Programme of Action, the Declaration on the Preparation of Societies for Life in Peace, the Declaration on the Right of Peoples to Peace and the Declaration and Programme of Action on a Culture of Peace (...)’.

Article 1: ‘Everyone has the right to enjoy peace such that all human rights are promoted and protected and development is fully realized’.

The preamble of the interministerial decree dating from May 2015 contains references to other documents produced by EU institutions, including the European Parliament Recommendation to the Council on the Establishment of a European Civil Corps (European Parliament 1999); the Communication of the Commission on conflict prevention (European Commission 2001); the European Parliament Resolution on conflict prevention (European Parliament 2001); the 'EU Programme for the Prevention of Violent Conflicts' (European Council 2001); the 'Recommendations for Enhancing Co-operation with Non-Governmental Organisations (NGOs) and Civil Society Organisations (CSOs) in the Framework of EU Civilian Crisis Management and Conflict Prevention', elaborated by the Committee for Civilian Aspects of Crisis Management of the European Union (Council of the EU 2006); the Civilian Headline Goal 2010 of the Council of the EU; the Regulation (EU) N. 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace.

These references prove the intent of the Italian lawmakers to give a universal reach and a high political profile to civil service.

The formal and substantial legitimacy of the CPC rests on principles and rules which sanction the indivisibility of the binomial life/peace (Papisca 2007). The CPC volunteers are by ascription defenders of human rights, of all fundamental human rights - civil, political, economic, social and cultural - which are to be promoted and protected according to the principle that they are all interdependent and indivisible.

On this issue, the lengthy preamble of the interministerial decree dated 7 May 2015 is particularly significant in that, as well as referring back to the famous 1992 United Nations Secretary General's report 'An Agenda for Peace' - which sets out the different types of actions for peace categorised as 'preventive diplomacy, peace-keeping, peace-making (and) peace-building' - quotes the whole text of article 1 of the United Nations Declaration of December 1998 'on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms', also known as the Charter of Human Rights Defenders: 'Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels' (note the use of the verb 'to strive', unusual in legal language). The meaning of this article, and of the whole Declaration, is that actions on human rights go beyond the borders of individual states and consequently those who work for their promotion may legitimately operate in the *glocal*

area which stretches from the local community to the large multilateral institutions, on condition that their actions are carried on ‘peacefully’.

As concerns the range of territory in which civil service fulfils its role, article 1, point g), of the law dated 6 June 2016 requires that universal civil service ‘be served, in part, in one of the European Union member states and, for initiatives based on the promotion of *peace* and *non-violence* and *development cooperation*, also in countries outside the European Union’ (our Italics). In its turn, article 2, para. 1, points a) and b) of the decree on the Civil Peace Corps takes the extension to the European and extra-European areas for granted and divides them into areas of *conflict* or *at risk of conflict* and areas with *environmental emergencies*.

The ‘peace human rights’ profile distinguishing the mission of the peace volunteers contributes to highlighting even further, if that is possible, the legitimacy of their role and their deployment, as mentioned above, over a territory with no boundaries. Their personal safety is also enhanced thanks to the specific commitments of the United Nations and the European Union to protecting the status and role of human rights defenders. It should be noted that the EU has drawn up specific Guidelines on the issue, which require, among other things, that the embassies of EU member states and official representatives of the EU in third countries provide for the safety and security of these workers.

To facilitate the understanding of the road which led to the introduction of the CPC in Italy, in the following paragraph we will briefly reconstruct the role played by the United Nations in starting talks with NGOs working in the field of conflict prevention and management, and the most significant initiatives embarked on by Italian NGOs.

## 5. The Origin of the Peace Corps

A first and fundamental recognition of the role of civil society organizations in the field of international peace and security is contained in the famous Report ‘An Agenda for Peace’ by Boutros Boutros-Ghali (1992) recalled, as mentioned above, in the preamble to the 2015 interministerial Decree. Bearing in mind the aims and principles set out in the United Nations Charter, the report outlines a comprehensive route for the evolution of the United Nations security system to ensure international peace in the post-Cold War era. In this Report, NGOs are called to perform new functions in *high politics* that were heretofore the exclusive responsibility of states. The Secretary-General specifically mentions the participation of NGOs in operations of ‘preventive diplomacy’ and ‘peace-keeping’ inasmuch as they are structures with ‘specialist skills’. Moreover, when emphasising that the presence on

the ground of civilian personnel is as important as that of the military, the Secretary-General rightly brings up the issue of training such staff and asks NGOs to also make an active contribution to improving the training of peacekeeping personnel. The 'pedagogical' challenge that the Secretary-General makes to NGOs is substantial and consists of introducing the culture and the professionalism of 'positive peace' into training courses that were traditionally conditioned by the culture and professionalism of 'negative peace'. This is a development that NGOs have already implemented, as they are now directly involved in the recruitment and training of human rights monitors for the United Nations, the OCSE, the EU and other international organizations.

The bold opening up of the UN Secretary-General towards NGOs encouraged the start of talks between NGOs and the Security Council. They began in 1992, when the Venezuelan Ambassador, Diego Arria was the only member of the Council who received a Croatian priest who had requested an 'audience' with the Council to report on the widespread and continuing violations of human rights that were taking place in his country. The Ambassador was so shocked by the story he heard that he decided to invite all Security Council members to the Delegates' Dining Room to have a coffee with the priest. The meeting was a success and this spawned the 'Arria Formula', an informal consultation mechanism for NGOs on issues of international peace and security (Paul 2003a, 2003b; McCullough 2006; United Nations 2004; Martens 2011). Since then, Council members have maintained informal contacts with those NGOs which they consider to have information or expertise which are of interest to the Council's work. For their part, to better coordinate their actions at the Security Council, in 1995 the NGOs set up the 'NGO Working Group on the Security Council' (Global Policy Forum 2000, 2007). The 'Arria Formula Meetings' became systematic in 1994 during the Rwandan crisis, when the NGOs who had a significant presence on the ground and were able to report on the actual magnitude of the events unfolding, were invited by the President of the Security Council to report to the members of the Council every morning on the information they had and express their points of view, in the framework of informal consultation meetings (Willets 2000; Alger 2002, Mascia 2010). An 'informal non-paper' prepared by the Council Secretariat in October 2002 (Permanent Mission of Japan to the United Nations 2006: 52) describes the Arria Formula as

'very informal, confidential gatherings which enable Security Council members to have a frank and private exchange of views, within a flexible procedural framework, with persons whom the inviting member or members of the Council (who also act as the facilitators or

conveners) believe it would be beneficial to hear and/or to whom they may wish to convey a message. (...)'.

In a later 'note', sent on 19 July 2006 – a formal note this time – the President of the Security Council writes (United Nations 2006):

'54. The members of the Security Council intend to utilise "Arria-Formula" meetings as a flexible and informal forum for enhancing their deliberations. To that end, members of the Security Council may invite on an informal basis any Member State, relevant organisation or individual to participate in "Arria-Formula" informal meetings. The members of the Security Council agree to consider using such meetings to enhance their contact with civil society and non-governmental organisations, including local non-governmental organisations (NGOs) suggested by United Nations field offices. [...]

55. The members of the Security Council encourage Security Council missions to continue to avoid restricting their meetings to those with governmental interlocutors and interlocutors of conflict parties and to hold, as appropriate, meetings with local civil society leaders, NGOs and other interested parties'.

In a report, the 'Panel of Eminent Persons on United Nations Relations with Civil Society' invited the Security Council to enhance the Arria Formula and organise regular meetings between the members of peace missions and representatives of local NGOs and international humanitarian organizations (United Nations 2004; Mascia 2005).

For its part, the UN Security Council confirmed its desire for dialogue and cooperation with NGOs in Resolution 827 dated 25 May 1993 approving the Statute of the *ad hoc* International Criminal Tribunal for the former Yugoslavia. In para. 5 of this Resolution, the Security Council appeals directly to NGOs to help achieve the objective of bringing those who committed war crimes and crimes against humanity to international criminal justice: 'States and intergovernmental and non-governmental organisations are urged to contribute funds, equipment and services to the International Tribunal, including the offer of expert personnel'.

There is also a specific reference to NGOs in the Statute of the International Tribunal attached to Resolution 827 and drafted by the Secretary-General, based on three main proposals, from the Italian, French and Swedish governments respectively, the latter also on behalf of the OCSE (Papisca 1993). Article 18 reads: 'The Prosecutor shall initiate investigations ex-officio or on the basis of information obtained from any source, particularly from Governments, United Nations organs, intergovernmental and non-governmental organisations'.

Reference to NGOs is also made in the Statute of the International Criminal Court, adopted by the Conference of Rome on 17 July 1998. Article 44 para. 4 reads: 'The Court may, in exceptional circumstances, employ the expertise of gratis personnel offered by States Parties, intergovernmental organisations or non-governmental organisations to assist with the work of any of the organs of the Court'.

This is a historic recognition for NGOs, which broadens their field of action and increases their responsibilities in an area, that of international criminal justice, which is a completely new one, even for states. Civil society organizations working on monitoring human rights in conflict zones – among others, Amnesty International, the International Commission of Jurists and Human Rights Watch – sprang into action at once and supplied detailed reports to the international criminal jurisdictions.

Again dating from the 1990s, very high profile ethical-political recognition was given in the Peace Agreement on the former Yugoslavia reached in Dayton on 20 November 1995 and signed in Paris on 15 December 1995. Therein NGOs are considered significant actors in the peacebuilding, on a level footing with the specialist United Nations organizations and other intergovernmental organizations. The official inclusion of NGOs in the implementation of the Agreement covers all areas of operations except those relating to strictly military issues. The NGOs are specifically requested to cooperate with and support the different bodies created for the implementation of the Agreement. The Dayton documents incorporate the frequently-repeated suggestions of the United Nations Secretary-General on a more structural participation of NGOs in peace-building. And so, for the first time, NGOs are requested, in a specific provision of a formal peace agreement, to contribute directly to the implementation of the principles and norms of international human rights law.

These examples testify that the world's foremost organization does not consider NGOs mere 'water carriers', but recognises that the proven experience, expertise, humanity, courage and impartiality of NGOs are fundamental to the success of peace-building processes.

In the wake of this recognition, the first significant experiments in 'people's diplomacy' were created in Italy in the 1990s (Mascia, Papisca 2011). During the conflicts in former Yugoslavia, NGOs played an active role in fostering dialogue and mediation between the parties, advocacy, monitoring human rights, giving humanitarian aid, strengthening the rule of law and democratisation processes, supporting fact-finding missions and cooperating with international organizations to help bring war criminals to justice.

In September 1991, European civil society, represented by the Helsinki Citizens Assembly, HCA, organised a Peace Caravan from Trieste to Sarajevo. In December 1992, five hundred '*Beati costruttori di pace*' (Blessed are the peacemakers), including the bishops Tonino Bello, Diego Bona and Luigi Bettazzi, marched on Sarajevo, breaking the military siege on the city (Beati i costruttori di pace 1993). Further direct non-violent actions in conflict zones followed, again organised by the association Beati i Costruttori di Pace, in the former Yugoslavia (Mir-Sada, 1993), in Kosovo (I Care, 1998) and in the Democratic Republic of Congo (2000). In 1992 civil society in Italy launched an appeal for the democratisation of the UN, together with a request to implement the collective security system described in the United Nations Charter and in 1995 the *Tavola della Pace* (Peace round table) and the National Coordinating Body of Local Authorities for Peace and Human Rights organised the first Assembly of the Peoples' UN (Giandomenico, Lotti 1995). In 1993 on initiative of the association Pope John XXIII Community, within the framework of their '*Operazione Colomba*' (Operation Dove), the first contingent of White Helmets, made up of conscientious objectors to military service, left Falconara airport for the former Yugoslavia. At that time, Italy was unwilling to recognise conscientious objection to military service as a fundamental human right, part of the right to freedom of conscience, despite the adoption of specific Resolutions by the United Nations Human Rights Commission and the European Parliament on this issue. Between 1993 and 1998 hundreds of conscientious objectors performing civil service participated in missions abroad in areas of crisis and international conflict. Following this direct deployment in war zones, the '*Rete Caschi Bianchi*' (White Helmets Network) was established (Tullio 2000; Bellini, *et al.* 2006). In 1998, the non-violent movement launched an appeal for the Italian contingent of UN White Helmets to be set up. In 1994, the first 'Peace Embassy' was opened in Pristina in Kosovo, partly thanks to the financial support of the Italian Campaign of Conscientious Objection to Military Expenditure (L'Abate 1999).

Those listed above are just some of the early direct non-violent actions carried out by Italian associations in the 1990s. Law no. 230 dated 8 July 1998 'New regulations on conscientious objection', and the subsequent law no. 64 dated 6 March 2001 introducing national



civil service, regulated civil service abroad and thus gave young volunteers the opportunity to gain first-hand experience of non-violent conflict resolution and post-conflict peace-building: The first 'official' trial of the CPC took place in Albania, following a specific call issued by the National Civil Service Office, on the project '*Caschi bianchi oltre le vendette*' (White Helmets beyond revenge), promoted by the Association Pope John XXIII Community, Caritas Italiana and FOCSIV 'Volunteers in the World'.

## **6. The CPCs Experiment: the Launch of the First 20 Projects**

On 30 December 2015 the Department for Youth and National Civil Service (DGSCN) under the Prime Minister's Office published the call to 'submit projects for 200 volunteers to take up service, to be deployed in the experimentation of the Civil Peace Corps (art. 1, para. 253, law no.147 of 27 December 2013), of whom 150 in projects abroad and 50 on projects in Italy, together with the Handbook illustrating the characteristics and the means of drafting and submitting the Civil Peace Corps projects in Italy and abroad, and the criteria for recruiting and evaluating candidates' (Prime Minister's Office 2015).

The call specified the distribution of volunteers over non-governmental peace actions as follows: 125 in areas of conflict, post-conflict or at risk of conflict; 50 in environmental emergency areas in foreign countries and 25 in environmental emergency areas in Italy.

The first area comprises five sub-areas:

- a) supporting processes of democratisation, mediation and reconciliation;
- b) supporting the technical and operational capabilities of local civil society, including by activating networks between people, organisations and institutions, for conflict resolution;
- c) monitoring the respect of human rights and humanitarian law;
- d) humanitarian activities, including support to refugees, internally displaced persons and migrants, the social reintegration of former combatants, facilitating relations between local residents and the refugees, internally displaced people and migrants who have arrived in their area;
- e) peace education.

The second area has two sub-areas:

- a) supporting the civilian population faced with environmental emergencies outside Italy, and preventing and managing conflicts generated by these emergencies.

b) supporting the civilian population facing environmental emergencies in Italy, preventing and managing conflicts generated by these emergencies.

The call for submissions also identified 47 countries in which the initial experimentation could take place: 11 in Asia, 10 in Africa, 15 in the Americas, 3 in Europe and 8 in Oceania.

**Table 1 – Countries listed in the call for the first CPC trial**

Asia	Bangladesh, Philippines, Jordan, Indonesia, Lebanon, Nepal, Sri Lanka, Thailand, Turkmenistan, Uzbekistan, Vietnam
Africa	Angola, Ethiopia, Guinea Bissau, Kenya, Madagascar, Mozambique, Senegal, Tanzania, Uganda, Venezuela
Americas	Barbados, Bolivia, Brazil, Chile, Colombia, Dominican Republic, Ecuador, Grenada, Guatemala, Haiti, Mexico, Peru, St Kitts and Nevis, St Vincent and Grenadines, St. Lucia
Europe	Bosnia Herzegovina, Former Yugoslav Republic of Macedonia, Kosovo
Oceania	Kiribati, Micronesia, Nauru, Solomon Islands, Samoa, Tonga, Tuvalu, Vanuatu

Only bodies listed on the national and regional registers and those of the autonomous provinces and which have offered or have been offering national civil service activities for at least three years in the areas and sectors of intervention of the CPC as listed in art. 2 of the 7 May 2015 Ministry of Labour and Social Policies decree may submit projects. The projects may be in association with public or private partners, both Italian and foreign, which have experience in the fields listed in the above-mentioned art. 2.

In the first round of implementation of the new regulations, ten bodies presented projects and twenty projects were approved, requiring the deployment of 106 volunteers overall.

**Table 2 – Name of the organising body, no. of projects subdivided by area of intervention, no. of volunteers and country in which the CPC are being trialled**

Name of Organising Body	No. of Projects			No. of Volunteers			Country
	Area 1	Area 2 Outside Italy	Area 2 Italy	Area 1	Area 2 Outside Italy	Area 2 Italy	
CESC Project (Coordinating body of civil service organisms Project)	1	-	-	4	-	-	Tanzania
Fondazione AVSI (Association of Volunteers for International Service)	1	1	-	4	4		Lebanon, Haiti
ARCI Civil Service	1	-	2	4	-	8	Lebanon, Italy (Genoa, Terra dei Fuochi in Campania)
Federazione SCS/ CNOS (Civil and Social Services/National Centre for Salesian Works)	1			4			Bolivia
CARITAS Italy	2	1	-	10	4	-	Bosnia-Herzegovina, Kosovo, Philippines
FOCSIV (Federation of Christian Organizations for International Voluntary Service)	3	2	-	14	16	-	Peru (2), Guinea Bissau, Colombia, Ecuador
FOCUS – House of Social Rights (Un Ponte Per/ Bridge to)	2	-	-	8	-	-	Jordan, Lebanon
Pope John XXIII*	1	-	-	4	-	-	Colombia
University of Bari	-	1	-	-	6	-	Peru
AMESCI Mediterranean Ass'n for the promotion and development of civil service	-	-	1	-	-	16	Italy (Terra dei fuochi in Campania)
Total	12	5	3	52	30	24	

\* The Association Pope John XXIII Community withdrew its project 'Operazione Colomba in Colombia' (Operation Dove in Colombia) which was to use 4 Volunteers, because it could not accept the restrictions imposed by the DGSCN.

As concerns Area 1 ‘conflict, at risk of conflict or post-conflict’, there are two projects using volunteers in sub-area a) ‘supporting the processes of democratisation, mediation and reconciliation in Bosnia-Herzegovina and in Lebanon’; three projects in sub-area b) ‘supporting the technical and operational capabilities of local civil society, including by activating networks between people, organisations and institutions, for conflict resolution’ in Tanzania, Kosovo and Guinea Bissau; two projects in sub-area c) ‘monitoring the respect of human rights and humanitarian law’ in Colombia and in Peru; four projects in sub-area d) ‘humanitarian activities, including support to refugees, internally displaced persons and migrants, the social reintegration of former combatants, facilitating relations between local residents and the refugees, internally displaced people and migrants who have arrived in their area’ in Lebanon, Jordan and Colombia; and one project in sub-area e) ‘Peace Education’ in Bolivia.

As concerns Area 2 ‘environmental emergency’, there are five projects for the use of volunteers in sub-area a) ‘supporting the civilian population outside Italy faced with environmental emergencies, preventing and managing conflicts generated by these emergencies’ in Ecuador, Peru (2 projects), Haiti, Philippines; and three projects in sub-area b) ‘supporting the civilian population in Italy facing environmental emergencies, preventing and managing conflicts generated by these emergencies’, one in Genoa and the other two in the *Terra dei Fuochi*.

**Table 3 – Name of the project, promoting body/bodies, target beneficiaries**

Name of the Project Area 1	Promoting body/bodies	Target beneficiaries
Nyeupe na nyeusi. Black and white	CESC Project	500 children and 500 adults with albinism.
Humanitarian aid and enhancing relations between resident communities and refugees in Lebanon	AVSI Foundation – co-designed project with University of Bari and Confederazione nazionale delle misericordie (Catholic charity)	Syrian refugees, most vulnerable Lebanese communities
Peace facilitators for resilient communities in the suburban areas of Beirut	ARCI Civil Service	20 local operators, 300 children, 300 youths, 125 women, 1000 citizens

Operation Dove in Colombia	Pope John XXIII Community	400 people belonging to the Peace Community and 30 people who will be able to move around safely thanks to the volunteers who accompany them.
Youths for youths: for a pacific and harmonious coexistence in Santa Cruz de la Sierra Bolivia	SCS/CNOS Federation In collaboration with VIS	120 school-age children (aged 6-15), 30 parents or relatives, 12 teachers, support teachers and school managers.
Civil peace corps for reconciliation in Bosnia-Herzegovina	CARITAS Italiana Joint project with ACLI	Young people from Bosnia-Herzegovina aged 15-30, mostly high school and university students, but also including jobseekers.
Civil peace corps: roads to reconciliation between different Kosovo communities	CARITAS Italiana Joint project with ACLI and FOCSIV	Children and young adults from different ethnic communities
Combating discrimination against migrants in the suburbs of Lima	FOCSIV	300 minors aged 6-17 and their families, who have emigrated from the Andes regions to the outskirts of Lima (about 1800 people overall)
Citizenship, participation and rights in Guinea Bissau	FOCSIV	200 students, 100 young people (50 women and 50 men), 20 teachers, 50 representatives of CSOs
Let's walk together: reintegration programmes for Colombian refugees who have been victims of violence	FOCSIV Joint project with : CESC Project	Refugees, asylum-seekers.
Ahlan (welcome). Fostering solidarity and tolerance between host and Syrian refugee communities in Jordan	FOCUS – House of social rights (A Bridge to...)	900 women, 1500 minors, 300 young adults from Jordan and Syrian refugees.
Dealing with the future	FOCUS – House of social rights (A Bridge to...)	200 Palestinian minors and young adults participating in the school Parliaments, 20 teachers who support 10 classes on this programme; 400 young Palestinians, Syrians and Lebanese taking part in extra-scholastic activities; 4 Palestinian civil society organizations participating in the programme. 20 young Lebanese, Syrian and Palestinian human rights activists, 400 young people from the three communities who are actively campaigning for the social inclusion of refugees; 8 local civil society organizations which are participating in the campaign.

Name of the Project Area 2 Environmental emergency outside Italy	Promoting body/bodies	Target beneficiaries
Support to indigenous peoples in Ecuador in managing and preventing environmental conflict	FOCSIV	80 young people and adults from the indigenous communities receiving training in agriculture; 200 adults targeted by awareness-raising campaigns on reforestation to add value to the cultural and natural heritage of indigenous people; 400 people (80 young adults and their families) receiving environmental and health and hygiene training. 30,000 victims of Texaco oilspills and pollution; ancestral indigenous communities; 300 young community leaders receiving human rights training.
Support to the indigenous population in Peru in managing and preventing environmental conflict.	FOCSIV	
Managing social conflict in the post-earthquake emergency in Haiti	AVSI Foundation Joint project with University of Bari and the Confederazione nazionale delle misericordie	
Civil police corps in the Philippines 2016	CARITAS Italiana	
Environmental emergency in northern Northern Amazonia (with some limitations)	University of Bari Joint project with AVSI Foundation	Indigenous and peasant farming organizations, women from the Andes region

On 29 December 2016, exactly a year after the so-called ‘Call to Organising Bodies’, the DGSCN published the Call for the recruitment of the 106 volunteers to be deployed in the Civil Peace Corps in Italy and abroad, the so-called ‘Call for Volunteers’. At the closing date (10 February 2017), over 800 applications had been submitted.

## 6. The German Civil Peace Service and the EU Aid Volunteers

The Italian legislation on Civil Peace Corps has some analogies with other significant volunteer groups, specifically the German Civil Peace Service (CPS) and the EU Aid Volunteers.

The CPS was founded in 1999 as a joint endeavour of governmental and non-governmental organizations as a new instrument for ‘civil society peacebuilding’ aiming to strengthen non-violent conflict prevention and resolution, reduce violence and promote peaceful approaches to potential conflicts all over the world. CPS work is managed by governmental and non-governmental ‘agencies’ and the funds for the implementation of projects abroad and for the ‘professional’ training of the operatives are provided mainly by ‘The Civil Peace Service in international development cooperation’ programme run by the German Federal Ministry for Economic Cooperation and Development (Paffenholz 2011a, 2011b, 2011c). The agencies send ‘peace experts’ to the local partner organizations in the countries assigned according to the provisions of the ‘Entwicklungshelfer-Gesetz (EhfG)’ (German Development Workers Act). Since its inception, over 1200 peace experts have been sent to 60 different countries in Africa, Asia, Latin America, the Middle East and the Balkans. There are currently approximately 300 CPS experts working in 43 countries (<https://www.ziviler-friedensdienst.org/en>).

Behind the founding of the CPS is the Forum Civil Peace Service (Forum Ziviler Friedensdienst e. V. – forumZFD) established in 1996 immediately after the Dayton Agreement for Peace for the Former Yugoslavia, with a mission to push for the ‘realization of the idea of a Civilian Peace Service’. It is a co-founder of the European Network for Civil Peace Services and is a member of the Global Nonviolent Peace Force.

Forum ZFD is a member of the Civil Peace Service Consortium (Consortium CPS) together with eight other organizations:

- Action Committee Service for Peace (AGDF)
- Association for Development Cooperation (AGEH)
- Bread for the World – Protestant Development Service
- EIRENE - International Christian Service for Peace
- KURVE Wustrow - Education and Meeting Centre for Non-Violent Action
- Peace Brigades International (PBI)
- The World Peace Service (WFD)
- German Agency for International Cooperation (GIZ)

These are associations that are both not-for-profit organizations and individual ones, apart from the GIZ, a governmental agency which is officially recognised in the aforementioned ‘German Development Workers Act’.

CPS Projects require the deployment of one or more peace experts and each project also involves local experts from their partner organizations. The CPS projects are planned in such a way as to achieve as many of the following results in relation to the partner organization, the target groups, and the conflict as possible (ZFD 2015):

- Strengthen partner organizations in terms of institutional skills, qualifications, networking skills and motivation to managing conflict in a constructive manner;
- Partner organizations take a proactive role in seeking non-violent solutions;
- Develop willingness in the target group to talk to and cooperate with others;
- Create communications channels between conflicting sides or hostile groups in order to encourage them to overcome divisions;
- Local population becomes aware of prejudices existing between hostile groups and consequently these prejudices can be mitigated;
- Local actors assimilate non-violent resistance methods;
- Initiation of a genuine reconciliation process;
- Strengthen existing local mechanisms for the peaceful resolution of conflict;
- Increase security for the population, both real and perceived;
- Introduce significant changes at the socio-political level (new school curricula, new laws, etc.).

More recent and devoted specifically to humanitarian aid is the European Voluntary Humanitarian Aid Corps, set up pursuant to the provisions of article 214, para. 5, of the Treaty on the Functioning of the European Union 'in order to establish a framework for joint contributions from young Europeans to the humanitarian aid operations of the Union'. This article specifies that 'the EU humanitarian aid operations shall be conducted in compliance with the principles of international law and with the principles of impartiality, neutrality and non-discrimination' and coordinated 'with those of international organisations and bodies, in particular those forming part of the United Nations system'.

The European Voluntary Humanitarian Aid Corps was established in 2014 by an EU Regulation (Council of the EU 2014; European Commission 2014a, 2014b, 2015, 2016) containing very detailed provisions on the actors and the means of providing the 'classic' humanitarian aid. The objectives specified in articles 4 and 7 are to: contribute to increasing and improving the capacity of the Union to provide humanitarian aid; improve the skills, knowledge and competences of volunteers in the field of humanitarian aid; build the capacity of hosting organisations and foster volunteering in third countries; communicate the Union's humanitarian aid principles agreed in the European Consensus on Humanitarian Aid; enhance coherence and consistency of volunteering across Member States.

As defined by the aforementioned EU Regulation, the EU Humanitarian Aid volunteer is a person who has been trained, considered suitable and registered



as available for deployment to support and supplement humanitarian aid in third countries. He or she may be a 'Junior Volunteer', who has recently completed high school and has less than five years' work experience and less than five years' experience in the aid sector; or a Senior Volunteer with at least five years' professional experience in positions of responsibility or as an expert consultant. The legal status of Volunteers is established by a 'deployment contract' signed by and between the sending organization and the individual Volunteers.

The recruitment, training and deployment of humanitarian aid volunteers is the responsibility of the sending and hosting organisations which are 'certified' by the European Commission. Both organisations must respect the norms and procedures of the Regulation and operate in the humanitarian aid sector. The sending organisations must belong to one of the following categories: i) non-governmental not-for-profit organisations formed in accordance with the law of a Member State and whose headquarters are located within the Union; ii) public law bodies of a civilian character governed by the law of a Member State; iii) non-governmental not-for-profit organisations established in the third countries (candidate countries, potential candidates and partner countries of the European Neighbourhood Policy); iv) public law bodies of civilian character established in the third countries; v) the International Federation of National Red Cross and Red Crescent Societies.

The organisations in third countries shall be eligible as hosting organisations if they belong to any of the following categories: i) non-governmental not-for-profit organisations operating or established in a third country under the laws in force in that country; ii) public law bodies of a civilian character governed by the law of a third country; iii) international agencies and organisations.

In the pages below, we compare how the three programmes object of our study operate: relating specifically to their field of intervention, their training programmes and their criteria for the recruitment of volunteers.

As concerns their fields of action, Table 4 highlights the similarities between the Civil Peace Corps, the peace experts in the German Civilian Peace Service and the EU Aid Volunteers. The areas of intervention are substantially the same, from prevention and transformation of conflict to post-conflict activities, from peace education to human rights monitoring, from reintegration and rehabilitation of vulnerable groups and ex combatants to support to local civil society. One of the fields of operation expressly envisaged for the Civil Peace Corps is that of preventing and managing conflicts caused by environmental emergencies, whereas EU Aid Volunteers do not intervene in conflicts and are not charged, at least not explicitly, with

the promotion and protection of human rights. They have just one area of engagement and that is bringing assistance, relief and protection during man-made crises or natural disasters, or in their immediate aftermath.

**Table 4 – Fields of operation of the Italian Civil Peace Corps, the German Civil Peace Service and EU Aid Volunteers**

Civil Peace Corps	German Civil Peace Service	EU Aid Volunteers
<p>CPC activities take place in areas of conflict, at risk of conflict or post-conflict (Area 1) and in environmental emergency areas (Area 2). CPC interventions operate along the following activity lines:</p> <ul style="list-style-type: none"> <li>a) supporting processes of democratisation, mediation and reconciliation;</li> <li>b) supporting the technical and operational capabilities of local civil society, including by activating networks between people, organisations and institutions, for conflict resolution;</li> <li>c) monitoring the respect of human rights and humanitarian law;</li> <li>d) humanitarian activities, including support to refugees, internally displaced persons and migrants, the social reintegration of former combatants, facilitating relations between local residents and the refugees, internally displaced people and migrants who have arrived in their area;</li> <li>e) peace education</li> <li>f) supporting the civilian population faced with environmental emergencies; preventing and managing conflicts generated by these emergencies in Italy and abroad. .</li> </ul> <p>(Ministry of Labour and Social Policies 2015).</p>	<p>The CPS intervenes in all stages of a conflict with actions to prevent and transform the conflict and with post-conflict activities.</p> <p>2) In particular, the CPS focuses on seven main activity lines:</p> <ul style="list-style-type: none"> <li>a) develop structures for cooperation and dialogue across the lines of the conflict (including strengthening traditional arbitration bodies);</li> <li>b) create contact points and safe spaces in support of, and to enable encounters between, the parties to the conflict;</li> <li>c) strengthen information and communication channels related to causes and effects of violent conflict (including peace journalism, networking, and monitoring of conflict development);</li> <li>d) reintegrate and rehabilitate groups particularly affected by violence (including psychosocial support/trauma counselling);</li> <li>e) provide advice and training on the instruments and strategies of civil conflict management and with regard to institution-building;</li> <li>f) offer peace education (including education to reduce enemy images); and</li> <li>g) strengthen the rule of law on the local level (monitoring of the human rights situation, protection against human rights violations</li> </ul>	<p>The activity lines of EU Aid volunteers comprise: ‘activities and operations in third countries intended to provide needs-based emergency assistance aimed at preserving life, preventing and alleviating human suffering, and maintaining human dignity in the face of man-made crises or natural disasters. It encompasses assistance, relief and protection operations in humanitarian crises or their immediate aftermath, supporting measures to ensure access to people in need and to facilitate the free flow of assistance, as well as actions aimed at reinforcing disaster preparedness and disaster risk reduction, and contributing towards strengthening resilience and capacity to cope with, and recover from, crises’.</p> <p>(EU Regulation 375/2014, art. 3)</p>

Table 5 compares and contrasts the content of their respective training programmes. As for their fields of operation, the training courses for the Civil Peace Corps and the German Civil Peace Service have much content in common, especially their modules on conflict and non-violence. What distinguishes the training of the Civil Peace Corps is the emphasis placed on the institutional road to peace and hence on the role of international organisations and international law as well as on gender approaches. The training of CPC volunteers consists of a general theoretical and practical training of at least 100 hours on issues which are important in the field where they will be deployed, followed by specific training, which may be through an internship, of at least 70 hours in the area of deployment. Training is provided by the sending organization in cooperation with research or study centres and with other national and international bodies which have experience and competency in the areas addressed by the projects. There are also provisions for the organization of a 'train the trainers' course for trainers from the public bodies or organisations which are taking part in the pilot CPC programmes (Ministry of Labour and Social Policies 2015).

There are various training choices within the framework of the German Civil Peace Service available for those who are interested in non-violent conflict resolution. Some of the Consortium CPS members have designed their own training programmes, among which Action Committee Service for Peace and KURVE Wustrow - Education and Meeting Centre for Non-Violent Action. But the training of 'peace experts' is carried out mainly by the Academy for Conflict Transformation created within the Forum Civil Peace Service. In addition to the advanced training course which lasts ten weeks (Full-Time Advanced Course), held in English, for conflict experts, the Academy offers a series of courses of 1-3 days' duration (Part-Time Advanced Course) in German.

On the other hand, the training of EU Aid Volunteers follows just one track, which is that of humanitarian aid in the classic sense, emphasising the external activities of the EU and the instruments it offers for crisis management.

**Table 5 – Training programmes for the Civil Peace Corps, the German Civil Peace Service and the EU Aid Volunteers**

Civil Peace Corps	<p>The general training of CPC volunteers includes the following compulsory modules:</p> <ol style="list-style-type: none"> <li>1. The safeguarding of peace and the right to peace in the Italian Constitution;</li> <li>2. National Civil Service and unarmed and non-violent defence of one's country: theory, experience and methodology with specific reference to the CPCs;</li> <li>3. Supranational political and economic Organizations (the UN, OECD, UNASUR; EU; AU; ASEAN; etc...) military organizations (OAS; NATO; ANZUS; SEATO; etc...): structure, purpose and means of intervention in conflicts;</li> <li>4. Dialogue with local, national and international institutional actors;</li> <li>5. International Human Rights and Humanitarian Law, with particular reference to situations of conflict;</li> <li>6. Theory and practice of non-violence in conflict zones;</li> <li>7. Intercultural mediation in situations of conflict: methods and techniques;</li> <li>8. The role of Development Cooperation in preventing and resolving conflict, and in managing the post-conflict period;</li> <li>9. Conflict and definition of the different types of conflict;</li> <li>10. Conflict prevention: methods, experience and techniques;</li> <li>11. Tools for elaborating and non-violent transformation of conflict: methods, experience and techniques of peacebuilding, peacekeeping and peacemaking;</li> <li>12. Peace Support Operation: models and practices of interposition, local networks to support peacemaking;</li> <li>13. Managing and promoting processes of forgiveness and reconciliation;</li> <li>14. Gender approach in conflict situations;</li> <li>15. Post-conflict disarmament processes and reintegration into society of ex-combatants;</li> <li>16. Safety procedures and risk management;</li> <li>17. Individual and group codes of conduct towards the parties and civilian population and towards vulnerable people;</li> <li>18. Managing emotions, relational and communications skills, group dynamics;</li> <li>19. Communications, socialising the experience and the intervention;</li> <li>20. Group management techniques, handling stress and difficult situations, decision-making methods.</li> </ol> <p>The specific training of CPC volunteers is adapted to the specific characteristics of the activities of the individual projects and includes the following compulsory modules:</p> <ol style="list-style-type: none"> <li>a) history, culture, social and economic features of the country in which the project is run;</li> <li>b) safety in the workplace;</li> <li>c) information on the principal dangers in the area of intervention and on the safety and security protocol;</li> <li>d) information and awareness-raising on security organised by the MAECI and/or the diplomatic and consular representatives present in the host country;</li> <li>e) presentation of the Security Plan and exercises for its implementation.</li> </ol> <p>(Prime Minister's Office 2015).</p>
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German Civil Peace Service	The fundamentals: key terms in civil conflict transformation; the Civil Peace Service in theory and practice - actors, approaches, principles; understanding the Civil Peace Service as an international intervention; social processes and power; peace psychology; theory and practice of nonviolence. Methods and models: conflict analysis; models of communication; planning, monitoring and evaluation (PME); impact assessment; project design. Types of intervention: negotiation, mediation, dialogue, consultancy. People-related skills: attitude and self-reflection; interculturally sensitive communication; perception of roles. ( <a href="https://www.forumzfd-akademie.de/en">https://www.forumzfd-akademie.de/en</a> )
EU Aid Volunteers	The training curriculum includes the following mandatory modules: 1. General introduction to the Union, its external relations and crisis response system. 2. Introduction to humanitarian action, the Union humanitarian aid policy, the EU Aid Volunteers initiative, international humanitarian law, the sectors of humanitarian aid and the codes of conduct and standards. 3. Managing personal safety, health and security. 4. Project management. 5. Inter-cultural awareness (and transversal issues). 6. Scenario-based exercise. The optional modules include: communication and advocacy; psychological first aid; volunteer management; organisational development. (European Commission 2014a)

Table 6 shows the recruitment criteria for personnel to be deployed on the ground. In this area there are differences which produce three distinct profiles of 'Volunteers'. For the Civil Peace Corps, candidates must be aged between eighteen and twenty-eight, hold Italian citizenship, have no criminal record, not belong to any military corps or police force; minimum education requirements are an upper secondary education diploma, English language to level B2 and knowledge of a second foreign language useful on the project. It is the responsibility of the sending organisation to screen applications and draw up an evaluation matrix with special emphasis on previous volunteering experience, academic qualifications, work experience and motivation to the volunteering vacancy. Aptitude interviews are then held, including testing linguistic skills.

On the other hand, to qualify as a German Civil Peace Expert, a candidate must have completed advanced training courses and have several years' professional experience, including working abroad in a specific sector where the CPS operates.

For the recruitment of EU Aid Volunteers, the sending and host organizations are responsible for assessing candidates based on the information provided in their application, self-evaluation questionnaire and motivation letter and for evaluating, through a written test, their ability to analyse a humanitarian aid scenario.

**Table 6 – Recruitment criteria for volunteers**

Civil Peace Corps	German Civil Peace Service	EU Aid Volunteers
<p>Art. 4 of the Ministerial Decree dated 7 May 2015 states that, initially, considering the experimental nature of the programme, in order to apply for selection for the civil peace corps contingent, young volunteers must meet the following criteria:</p> <p>a) have reached eighteen years of age but not be more than twenty-eight years old;</p> <p>b) possess Italian citizenship;</p> <p>c) not have any criminal convictions (including provisional sentences) with a jail sentence of over one year for any offence without criminal intent or with a lesser sentence for offences against the person or relating to illicit possession, use, carrying, transporting, importing or exporting of arms or explosives or for the offence of belonging to or aiding and abetting seditious or terrorist groups or organised crime;</p> <p>d) not be a member of military bodies or police forces;</p> <p>e) have an upper secondary school diploma;</p> <p>f) have competency in English at level B2 and know a second language of use on the project.</p> <p>The decree also specifies that the selection of volunteers is carried out according to the methods currently applied for national civil service.</p>	<p>Peace experts are recruited according to specific requirements in relation to the conflict situation and the real needs of the local partner organisations. Selection criteria are as follows: general criteria; social and personal skills; project/program-specific skills.</p> <p>General Criteria</p> <ul style="list-style-type: none"> <li>- completed relevant training programmes;</li> <li>-several years' professional work experience;</li> <li>- experience working abroad or comparable inter-cultural experience;</li> <li>- actively engaged in civil society;</li> <li>- experience in peace work, peace education, promotion and protection of human rights, capacity-building for civil society;</li> <li>- identify with the goals and fundamental ideas of the CPS.</li> </ul> <p>Social and personal skills</p> <ul style="list-style-type: none"> <li>- empathy;</li> <li>- flexibility and situation-oriented behaviour;</li> <li>- ability to work independently and in an organised and disciplined way;</li> <li>- high level of teamwork ability;</li> <li>- preventive health care (emotional and physical health: healthy degree of distance and closeness, frustration, stress management)</li> <li>- general intercultural skills;</li> <li>- experience with handling extremely stressful situations</li> <li>- ability to respond appropriately to threatening situations</li> <li>- ability to reflect his/her own role (including in gender terms).</li> </ul>	<p>The Implementing Regulation dictates that the sending and the hosting organisations shall jointly establish the identification and selection procedures. It is further stated that the sending organisation shall assess the candidates based on the information provided on the application form and self-assessment questionnaire and in their statement of motivation towards participation in the EU Aid Volunteer initiative , and towards the specific placement. The sending organisation will also test the candidate's ability to analyse a relevant scenario of humanitarian aid through a written test. Based on their assessment, the sending organisation shall provide a longlist of applicants to the hosting organisation, after which they jointly agree a shortlist of candidates to be interviewed. The final decision on the choice of volunteer is up to the hosting organisation, which confirms the name to the sending organisation which, in turn, is responsible for making the offer to the candidate and organising the induction phase. (European Commission 2014a)</p>

	<p>Project-specific skills</p> <ul style="list-style-type: none"> <li>- linguistic competency in the language of the host country and in the relevant language of international communication;</li> <li>- experience in the target region;</li> <li>- general expertise: models and theories related to conflict resolution, conflict intervention instruments, knowledge about women's gender-specific role in peace processes, etc.;</li> <li>- professional expertise in line with the project assignment;</li> <li>- pedagogical competency (teaching, working with groups, animation, negotiation techniques, etc.)</li> <li>- fundamental skills (e.g., project planning, management and evaluation instruments; financial management; familiarity with the structures and procedures of donor organizations; electronic communication and information media; media and public relations; lobbying)</li> </ul>	
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## 8. What Impact Will the New Regulations Have on Italy's Legal Order and its Foreign Policy?

We argued above that the 2016 law no. 145 which includes the Armed Forces and Civil Corps in the same list, confers a structural character to the latter. By virtue of its explicit reference to international human rights law, it also allows to make more visible the pacifist potential of the Constitution, which should therefore be (re-)interpreted in light of these new developments.

What follows is an attempt to argue in this direction starting with the reference to a literal (and substantive) contradiction.

Article 11 of the Constitution states that Italy 'rejects' war, yet the word war reappears in article 78: 'The Houses deliberate the state of war and confer the necessary powers on the Government', and in article 87: 'The President of the Republic (...) shall make declarations of war which have been decided by the Chambers'. In its turn, the first line of article 1 of the law on Italy's participation in international missions makes explicit reference to these two articles: 'Outside the cases covered by articles 78 and 87, para. 9,

of the Constitution...’. One might think that the legislator, with the implicit assumption that the old international law on armed state sovereignty (and the *ius ad bellum*) is compatible with the new international law on human dignity, had been at pains to protect these articles from the implications of change - *rectius*, substantially of repeal - introduced by article 1 of the 2016 law. In short, one might even think that there was a desire to make old and new international law coexist. But the sense one gleans from reading the whole of the aforementioned article 1 is that the mandatory nature of the ‘rejection’ of war as per article 11 of the Constitution is strengthened by the explicit reference that the very article 1 makes to international legal sources which contain principles of *ius cogens* – hence, of a supra-constitutional mandatory and binding nature – starting from the respect of the right to life and the proscription of war.

It is important to forcefully emphasise that the *ratio* of international human rights law is radically – one is tempted to say, ontologically – antithetical to war.

In support of the strongly mandatory nature of the ‘rejection’ as per article 11 of the Constitution, is, among others, article 4 of the International Covenant on Civil and Political Rights ratified by Italy in 1977, concerning derogation ‘in time of public emergency’: but among the articles from which no derogation, albeit temporary, is allowed figures the supreme right to life recognised in article 6 of the aforementioned International Covenant on Civil and Political Rights.

The preferential choice for primacy of international human rights law and consequently, of the vision of positive peace, made by Italian lawmakers with law 145/2016, is further confirmed by precise references to significant international sources, specifically in the preamble to the 2015 interministerial decree.

One can imagine multiple consequences for Italy’s foreign and defence policies. In some cases it will be a question of making the choices already implemented clearer and more comprehensive. The watchword for the overall political agenda: work for the effective application of the norms and principles sanctioned by the legal sources listed in article 1 of the law on participation in international missions. Hence, a preferential choice for the effectiveness of international human rights law and adherence to the values of the United Nations Charter. Specifically, interpreting article 11 of the Constitution as meaning that Italy’s role as defined therein is not merely one of non-belligerence in one international conflict or another, but a state of permanent active neutrality.

The state of neutrality, not to be confused with occasional choices of non-belligerence, which can also be made by non-neutral states, is a classic



institution of international law – both customary and conventional – which distinguishes between permanent and temporary, armed and unarmed (the latter sometimes protected by another state), individual and collective, active and passive neutrality.

People question, at the outset, whether neutrality serves a purpose nowadays, that is, whether it brings security to the state opting for it and to others.

Classic neutrality, with its ‘military-style’ *ratio*, whether abstensionist or passive, made some sort of sense, though not in absolute terms, when the independence and sovereignty of states were genuinely sustainable categories. It no longer makes sense in today’s interdependent, globalised, transnationalised, Internetised world, awash with weapons of mass destruction, leading to the consequence that nowadays true security is either collective or non-existent.

The *ratio* of neutrality changed with the advent of international law, which took on a systematic shape with the United Nations Charter and the Universal Declaration of Human Rights. This new law determines that the rejection of war must be accompanied by playing an active role in building a world order of positive peace, specifically contributing to the successful operation of the United Nations and other legitimate multilateral institutions, within a perspective of multi-level governance and collective security.

The new *ratio* for neutrality lies consequently in the fact that it is functional to the dynamism of a governance that is markedly peace and human rights-oriented.

Switzerland is a significant example of the evolution of the state of neutrality based on its genuine sustainability in a framework of institutional multilateralism.

As is well known, before becoming a member of the UN in 2002, Switzerland wondered long and hard whether joining would have been incompatible with its state of permanent neutrality, also considering the fact that the United Nations Security Council can, under the terms of Chapter VII of the Charter, authorise actions involving the use of force. Since becoming a member of the UN, Switzerland now also takes part in peace-keeping operations and is active in a number of sectors of the United Nations which require political ‘side-taking’.

Countries with a solid background in neutrality, such as Sweden and Finland, are generous providers of Blue Helmets for UN peace-keeping operations, proving that there is no incompatibility between the state of neutrality and the use of military force for purposes other than war. Incompatibility arises when the use of military force is exploited for ends other than those described in the new international law and when the type

of force used is typical of acts of war, as was the case of the interventions in Iraq, Afghanistan and against Serbia.

The new legal framework offers the opportunity to free the practice of neutrality from the traditional paradigm war/negative peace/armed defence.

For Italy, it is the Constitution itself which provides the legal basis for an effective policy of active neutrality with a view to also enhancing its whole foreign policy.

The application of the far-seeing Constitution's article 11 *sub specie* active neutrality requires the drafting of a political agenda which takes into consideration, fundamentally, the consequences of the primacy of the international human rights law.

In pursuing this agenda, one should first of all start from the previously-mentioned assumption that the legal sources recalled in article 1 of the law on participation in international missions are to be interpreted according to a hierarchy which places international human rights law – the constitutional core of general international law – above the other “chapters” of general international law. A further proof is that, as peace is recognised as a basic right of individuals and of peoples – see the recent United Nations Declaration on the Right to Peace – the *ius ad bellum* (right to wage war) as an attribute to the sovereignty of states, gives way to the *officium pacis* (duty of peace). Fulfilling this *officium* requires Italy, among other things, to follow the most restrictive interpretation of article 51 of the United Nations Charter, in the sense that the use of military force is legitimate if it is used as individual or collective self-defence if an armed attack occurs (and not as legitimate preventive defence) and if it has considered the merits of implementing the provisions of article 43, thereby making the discriminatory temporary measures contained in article 106 obsolete<sup>5</sup>.

<sup>5</sup> *Article 43*: “1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security. (...) 3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes”.

*Article 106*: “Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security”.

In the practical implementation of the ‘material’ Constitution, when a decision is to be made on the use of military force, the expression ‘international military and civilian police operations or missions’ should be used: the idea is to ‘convert’ the role of the military, from subjects who operate with an *animus bellandi* (spirit of war) to subjects ‘serving’ the vital interests of the human family, and consequently act in an *animus iustitiae* (spirit of justice) in the quest for peace as a work of justice (*opus iustitiae pax*).

The ‘operative part’ of the political agenda should envisage an active role for Italy in favour of reforming the Security Council to make it more representative and to limit the use of the power of veto, creating a Parliamentary Assembly of the United Nations similar to those existing in other major international organizations (for example, the Parliamentary Assembly of the Council of Europe, the Pan-African Parliament and the NATO Parliamentary Assembly), strengthening the human rights protection machinery, supporting the functioning of the International Criminal Court, the protection of human rights defenders as per the 1998 Declaration and the relative Guidelines issued by the European Union. An important signal in this direction comes from a motion approved recently by the Chamber of Deputies (2017).

It is also necessary to put into practice significant instruments produced by the United Nations such as, for example, the above-mentioned Declaration on the right to peace and the Declaration on human rights education and training (2011), implementing suitable action plans in line with the ‘recommendations’ of these instruments. We are referring here to acts constituting ‘soft law’, in the knowledge that their content is often the forerunner of similar ‘hard law’.

A ‘tempering’ of the ‘armed’ part of the ‘defence of the Fatherland’ cited in article 52 of the Constitution, which it is legitimate to anticipate as a consequence of the introduction of the ‘unarmed’ side of defence is not, realistically, something we can expect in the short term, but the new legislation which hinges on the power of attraction of the paradigm of internationally recognised human rights constitutes a solid precondition for the gradual evolution of the process of reviewing/reconverting the defence mindset. In a certain sense, it is a question of making the traditional theory of the defence of the fatherland less provincial, evolving in the mark of institutional multilateralism, in accordance with the human security and human development strategies as developed at the United Nations and also at the European Union, maintaining the constant link with international legislation of which, as already pointed out, there is clear proof in the new legislation we are examining (European Council 2003; EEAS 2016).

One important element is the constant reference to world order in accordance with the structural vision described in the United Nations Charter, and to the central role of the topmost world organization, to be strengthened and democratised.

In sum, it is necessary to set off a capillary process of reconverting cultures, to be carried out in its natural seat - the relative Programmes of the United Nations, UNESCO and the Council of Europe. It is culture which brings about the combination of peace and human rights, starting from the human right to education as described by article 26, para. 2 of the Universal Declaration of Human Rights: 'Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace'. The action-oriented approach is plain to see. The Constitution of UNESCO still holds strong its powerful inspiration of high civil predictiveness: 'Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed'. In this area, two very important roles, particularly in terms of elucidation of ideas and of bearing witness on the ground, are those played by the world of academia and movements and organized civil society groups respectively.

We have already mentioned that on the sensitive issue of the Security Council's exercise of its duties and powers, the United Nations have opened up an important channel of communication with the world of NGOs with consultative status through the practice of the Arria Formula (Papisca, Mascia 2012).

In this context, the perspective of 'people's diplomacy', integrating rather than replacing classical state diplomacy, gains significant visibility; a diplomacy which is harmoniously taken forward by non-government organizations and by the 'city diplomacy' of local government institutions' (Papisca 2008, 2011b).

The promise of this is, in the short term, the start of a fruitful sowing of principles of universal ethics within the culture and the practice of actual state diplomacy, prompted by suitable training programmes, to become familiar with terms such as nonviolence, unarmed defence, centrality of the human person, human family, brotherhood, as well as with expressions such as 'striving' for the promotion and realization of human rights and fundamental freedoms.

Needless to point out that an important independent variable for the development of this humanist perspective will rely on the successful results of the CPC first trial.

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