

Towards Understanding the Effectivity of Unarmed Protective Accompaniment of Human Rights Defenders

A case study of Peace Brigades International's third-party interventionism approach in
Mexico

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Preface

This thesis within the program of *Masters of Arts in Conflicts Studies and Human Rights*, is based on knowledge and skills obtained through the MA program, as well as the knowledge obtained from interning at the Netherlands Office of the NGO *Peace Brigades International* (PBI). As an intern at the so called *Knowledge Centre* of PBI Netherlands, I assisted in carrying out content-related tasks and engaged in daily office duties. The Office experience, surrounded by PBI workers, some of which former fieldworkers in conflict areas, proved for an excellent environment to dive into the activities, policies and practices of the NGO.

Ultimately, data tested through academic viewpoints was retrieved from PBI's archives. This internship has therefore been of utmost value in producing an original thesis that combines NGO policy data with scholarly knowledge.

In addition to acknowledging the usefulness of data in PBI's database, I would like to express gratitude to my internship coordinator and PBI Netherlands coordinator, Emma Jansen for her guidance in the Office and willingness to assist me in obtaining sources for the research. Moreover, appreciation must be expressed to Clara Kooreman, Board Secretary at PBI Netherlands and former fieldworker in Colombia, and Liedewij van Breugel, country specialist for Guatemala, for their stand-by expert knowledge of PBI's policies and work in the fields in Latin America. Their assistance in the early stages of the process of this research has been invaluable.

Contents

Preface

Introduction **p. 1**

1. Theoretical Framework: Political Opportunity Structures **p. 8**

2.1 The Concept of Contentious Politics

2.2 The Conceptualized Model

2. Methodology **p. 17**

3. Unarmed Protective Accompaniment **p. 21**

3.1 PBI's Policies and Assumptions

3.2 The Mexico Project

4. Analysis 1: Contentious Politics in Mexico **p. 28**

4.1 Contention

4.1 Collective Action

4.1 Politics

5. Analysis 2: Unarmed Protective Accompaniment's Sustainability **p. 35**

5.1 Formal HRD empowerment

5.1 Substantive HRD empowerment

Conclusion

p. 42

References

p. 46

Annexes

p. 54

Introduction

A shift has been taking place from inter-state wars to intra-state wars (Newman, 2004, pp.173-180). In parallel, there has been a proliferation of civilian involvement in warfare, often whereby civilians have been key targets of violence (Keen, 2008, p.13). Following these developments, international states and non-state actors alike have been developing strategies to govern intra-state violence. On the one hand, there are those who believe violence can be halted by violent means in the form of UN or state-armed missions and non-state operations. On the other, there is a group of international actors performing as third-parties striving to halt violent intra-state conflict with non-violent means. Third-party interventionism refers to involvement of an actor that is originally not involved in the conflict. The third-party can be a state or non-state actor or organization, and interveners can be national or international actors, getting involved from abroad.

Unarmed third-party interventionism is also at the core of the UN-recognized Human Rights NGO *Peace Brigades International* (PBI). PBI has been active in protecting human rights defenders (HRDs) around the world since 1981. HRDs can be defined by the “type of activities that they carry out, such as collecting and disseminating information (OHCHR, 2004). With its unarmed third-party interventions, PBI intends to bring about social change in

areas where HRDs are under risk of violence. By now, PBI protects more than 40 human rights organizations, peace communities and individual HRDs. The NGO is active in the following seven countries: Guatemala, Colombia, Mexico, Nepal, Honduras, Indonesia and Kenya.

The NGO intends to achieve its key goal of HRDs empowerment through three main channels: (1) local physical presences, (2) diplomacy, and (3) dissemination of information. In the case of local physical presence, PBI sends volunteers to conflict-affected areas where HRDs are often target of violence by governmental and non-governmental bodies. The presence is unarmed and assistance takes place through directly helping HRDs in their daily duties and often being a bridge between the HRD and the violators. The second channel, diplomacy, implies PBI engaging in policy discussions and lobbying into policy-making at international and national levels. Thirdly, dissemination of information takes the shape of the NGO alarming civil society, companies, other NGOs and civil servants of cases of human rights infringements.

PBI, both at the international and national levels, undertakes its activities for facilitating the protection of civilian HRDs through unarmed accompaniment. PBI's key policy is therefore Unarmed Protective Accompaniment (UPA). There is an increased awareness about

UPA's non-universal effectiveness. Indicators for PBI's success are (Hidalgo, 2012) : (1) statements made by HRDs (previously) accompanied by PBI, (2) growing number of requests by local human rights organizations to receive UPA, and (3) recognition of PBI's unique approach by the United Nations, diplomats and the Red Cross. What is also known is that UPA's effectiveness not universal (Venturi, 2014). A set of conditions have been developed to assess the success or UPA.

Similar to research conducted regarding indicators of UPA's success the indicators of UPA's success, research has also been carried out regarding the borderline of effectiveness and ineffectiveness of the approach. By now, much is known about the conditions under which Unarmed Protective Accompaniment can be successfully carried out. Most notably, the success of UPA is based on the so called '*deterrence effect*'. The effect implies that the violator is aware of the detrimental negative consequences of continued human rights abuse and therefore refrains from violation. This awareness is raised through underlining (international) political consequences, in the first place in the form of naming and shaming. Naming and shaming can be defined as "exposure of violations of normative standards and legal commitments" of countries or organizations by other countries and organizations (Friman, 2015, p. 2). In the present paper, naming and shaming refers to targeted negative attention by international human rights NGO's on countries' human rights policies.

The most common threat associated with naming and shaming of human rights violators is sanctioning the violators in question in material ways (Friman, 2015). In the context of states being violators, organizations and/or states join forces to cut off trade ties and flows of international financial aid to the violating state. By physically being present and consequently dispersing information among local, national and international authorities, PBI highlights the violations. The pressure of naming and shaming is present only when the violator in question is sensitive to international pressure (Mahony & Eguren, pp. 84-87, 1997).

Although these indicators and conditions seem sound and valid, the topic of UPA remains insufficiently researched due to its complex nature. Levitt (1999) states that UPA does not only reach short-term goals but that it also contributes to long-term institutionalization of democracy. When looking at the indicators and conditions of effectiveness, one realizes that in fact little nuance is made in the extent of success that is being measured. Does the community of researchers, whether academic or policy-rationalized, make a distinction between structural and short-term changes? Is the sustainability of empowerment of HRDs taken into consideration? The answer to this question is negative after conducting a study on the relevant literature. It must be acknowledged that the authors, notably Eguren and Mahony (1997), Hidalgo (2012), Venturi (2014) and Mahony (2006), have significantly contributed to understanding the different

aspects and implications of PBI's UPA approach. Also, granted, measuring the effectiveness of an approach that is applied in conflict areas seems difficult and risky for the safety of the researcher. However, there is also great potential in coming to answers by doing remote content-analysis. This paper is based on research carried out in that exact way.

Since PBI's approach has not yet entered the debate on structural methods to contribute to peace-building, it makes sense to research the topic of effectiveness from the angle of sustainable success. The present paper intends to research the long-term effectiveness of PBI's work through a qualitative study in PBI's efforts to empower HRDs in Mexico. Mexico is analyzed here as a case study because the scope of the paper permits a significantly in-depth research only in one country case. From the seven countries, Mexico is chosen because Mexico may be a most-likely case. That is, Mexico should be most prone to the deterrence effect.

It must be acknowledged that every state in which PBI operates for the purpose of assisting HRDs and organizations is unique and has its own challenges. Why is it claimed here that Mexico is prone to deterrence? The deterrence effect is said to be present when the state is sensitive to international pressure of naming and shaming. Sensitivity to international pressure enhances, amongst others, the more a country is dependent on international trade and international aid (Bossuyt, 2012, p. 1) Compared to all countries where PBI operates,

Mexico has the highest index on the international trade (OECD, 31.05.2015) and is one of the biggest recipients of international aid among the PBI project countries (World Bank, 21.12.2015). Being potentially most sensitive to deterrence to further violate human rights, Mexico provides for an excellent example from which general conclusions can be drawn.

Thus, this paper aims to test the effectiveness of PBI's approach in Mexico. It does this through the following research question: How do contentious politics between Mexican HRDs and the Mexican government, as facilitated by Peace Brigades International's 'Unarmed Protective Accompaniment' third party interventionism approach, bring about long-term empowerment for HRDs? This puzzle is aimed to be answered through relevant sub-questions and different analytical sections. In essence, the research questions begs for an analysis of the (1) contentious politics development and of the (2) sustainability of PBI involvement.

The paper commences by introducing the main theoretical framework. Consequently, a section is dedicated to the methodological framework of the paper. As such, the reader is presented the contributions of the research, basic research design, and the rationale behind it. Thirdly, an outline is given of PBI's policies and approach in Mexico to introduce the reader to the topic at hand. The paper then tests the applicability of the theoretical model, and, more importantly, establishes the presence of contentious politics between Mexican HRDs and the

Mexican government. In the next section, the puzzle of the research question is aimed to be answered by testing the claimed success of PBI's UPA in the institutional development of human rights norms. Lastly, a conclusion is drawn on the main findings.

1. Theoretical Framework

A theoretical model is developed in this section to study the effectiveness of UPA to the extent of predictive empowerment of HRDs. The model is based on the concept of Contentious Politics (CP) as established by Charles Tilly, Sidney Tarrow and Doug McAdam in the aftermath of the cold-war. The authors' approach "reposes on the solid work of a variety of scholars across a number of discipline", while offering a fresh interactive understanding of contentious politics (Reed, 2012, p. 326). While applying the assumptions of PBI and its UPA approach, this paper uses the CP concept to analyze the dichotomous politics that have taken place between Mexican HRDs and the Mexican government. Before establishing the theoretical model, this section outlines the key tenets of the CP concept as developed by the founding authors.

The Concept of Contentious Politics

The CP concept can be defined as "interactions in which actors make claims bearing on someone else's interests, leading to coordinated efforts on behalf of shared interests or programs, in which governments are targets, initiators of claims, or third parties" (Tarrow & Tilly, 2007, p. 4). The concept can be broken down into three "features of social life" (ibid.).

In essence, contentious politics occurs when power, shared interests and government policy comes together through *contention*, *collective action* and *politics*.

The first pillar, *contention*, simply implies dichotomous discourses whereby one party makes claims on the other. Claims can range from “timid requests to strident demands to direct attacks, as long as they affect (...) the object’s interests” (Tarrow & Tilly, 2007, p. 5). Simply said, the claimant can be conceptualized as the *subject* whereas the other party can be viewed as the *object*. Essentially, contentions can be seen as to be made up of *subjects*, *objects* and *claims*.

The second pillar, *collective action*, occurs when efforts on behalf of shared interests or programs of the subjects are coordinated. Linked with the “contention” pillar, collective action establishes social movements, whether for the short term in the shape of, for example, Soviet-style revolutions, or the long term in the shape of, for example, anti-slavery movements. This is done through processes, episodes and mechanisms of mobilisation explained below.

The third pillar, *politics*, can be defined in the CP concept as objects interacting with agents of governments. Dealing with governments may include direct interaction with

governmental actors, regulations, and/or interests. It must be noted that challenging government laws does not always mean the government is directly challenged. The authors emphasize that the anti-slave movement in the United States and the United Kingdom was targeted at the slave owners, although indirectly the laws were also challenged.

In addition to the three pillars, the authors also offer guiding gears. These take the shape of *mechanisms, processes* and *episodes*. Since at least two books have been dedicated to the concept of contentious politics by the authors, many types of mechanisms, processes and episodes have been laid out. For the sake of this paper's scope – the focus being civil society empowerment – elements will be discussed here which regard social mobilization. The authors define mechanisms as “a delimited class of events that alter relations among specified sets of elements in identical or closely similar ways over a variety of situations”. Processes and episodes on the other hand, result from mechanisms (see Figure 1). Processes are “regular sequences of such mechanisms that produce similar (generally more complex and contingent) transformations of those elements”. In addition, episodes are “continuous streams of contention including collective claims making that bears on other parties' interests” (Tarrow & Tilly, 2007, pp. 28-29).



Figure 1: Own elaboration of the relational overview of mechanisms, processes and episodes.

The pillars collective action and contention interact through creating processes and mechanisms. Mechanisms that bring together contention and common action, are mainly brokerage, diffusion and coordinated action. Brokerage is the “production of a new connection between previously unconnected sites” and causes important changes in contention (Tarrow & Tilly, 2007, p. 30). Once brokerage has taken place, the new ideas, practices and resources diffuse. Diffusion in this case represents a mechanism whereby the contention spreads from the claimant’s side to the other. Thirdly, coordinated action implies “two or more actors’ engagement in mutual signaling and parallel making of claims on the same object”. Coordinated action takes place only once brokerage has been accompanied by diffusion. The two mechanisms translate into coordinated action when “mutual identification of actors in different sites as being sufficiently similar to justify common action” takes place (McAdam, Tarrow, Tilly, 2001, p. 334), and when one can identify collective action that is

modeled on the action of others (p. 335). The three mechanisms are therefore never exclusive and translate into the following model:

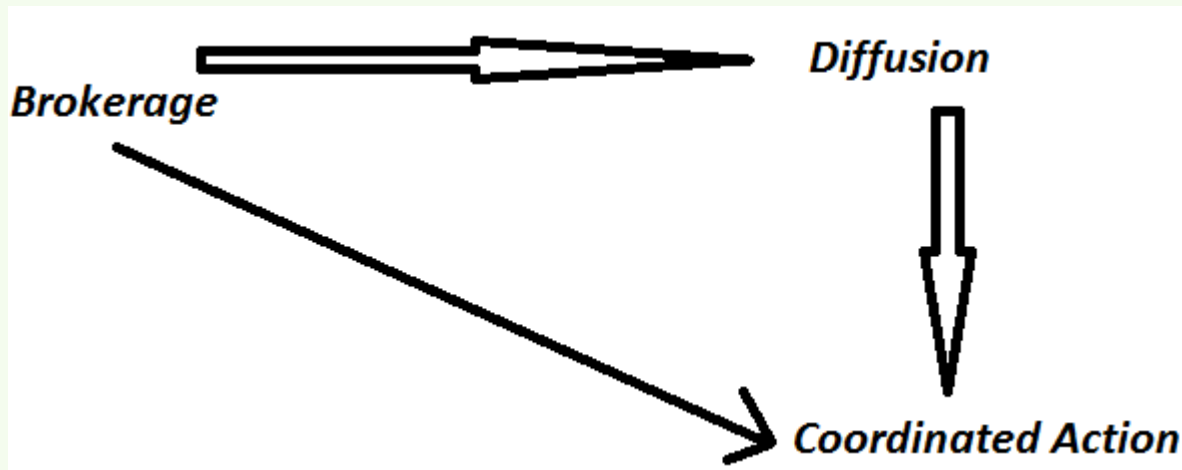


Figure 2: Own reconstruction of Figure 2.1 (Tarrow & Tilly, 2007, p. 30)

In turn, processes relevant at this overlap are performances, public displays and facilitation by third-parties. For example, collective action can take the shape of *sustained public performances* such as marches, rallies, demonstrations, public meetings, statements, petitions and lobbying (p. 8). *Public displays* of unity, worthiness and commitment through visual and musical tools also add to this. Moreover, collective action can be carried out by organisations or groups of individuals and facilitated by *internal or external structures*. This pillar may therefore include drawing on external organizations, networks, traditions and solidarities that sustain the activities (p. 8). All in all, collective action combines (some of) the phenomena as outlined above and produces bases for social movement mobilization.

As one can read, these concepts and complementary phenomena focus on the interlinkage of Contention and Collective Action. While this signals that contention happens largely outside of politics (p. 5), the politics pillar is crucial here because it signals the presence of an ultimate responsibility-bearer. The contentious politics theory is therefore difficult to apply in cases where the state is absent and has lost main authority, such as in the case of failed state.

In any case, the presence or absence of governments in contention is relevant for several reasons. Firstly, “political contention puts at risk (...) the advantages of those who currently enjoy governmental power” (Tarrow & Tilly, 2007, p. 5). Getting to control the social economic organization – particularly controlling taxes and the redistribution of resources - of a country brings great implications to the contention and the balance of power between the parties. Moreover, the government is the actor making the rules of contention, such as who can make claims, what means they can use and what the limit of outcomes is. Lastly, contention becomes political when it is the government controlling substantial coercive means. This pointer is relevant, as “the availability of governmental coercion gives an edge to political contention that rarely exists outside the political arena” (ibid.). These indicators become even more significant if the object of the contentious claim-making is the state.

The Conceptualized Model

To sum up, the CP concept can be used to predict claim-making of one actor on another actor's interest. The CP concept combines three social features whereby the overlap is seen to represent the establishment of contentious politics (See figure 3). In the context of the topic of Mexican HRDs empowerment, the CP concept can be instrumentalized to test the success of Mexican HRDs in claim-making on the Mexican state's interest with the assistance of PBI's UPA method. According to the CP approach, governments are in one way or the other involved in contentious politics. Moreover, processes of contentious politics seem to be shaped by the presence of dynamically interacting mechanisms, including brokerage, diffusion and coordinated action. Also important to notice is that the CP concept is extensive and requires to some extent adaptation and narrowing down, when applying it to different cases. Below, a brief model will be developed to guide the analysis of contentious politics in Mexico.

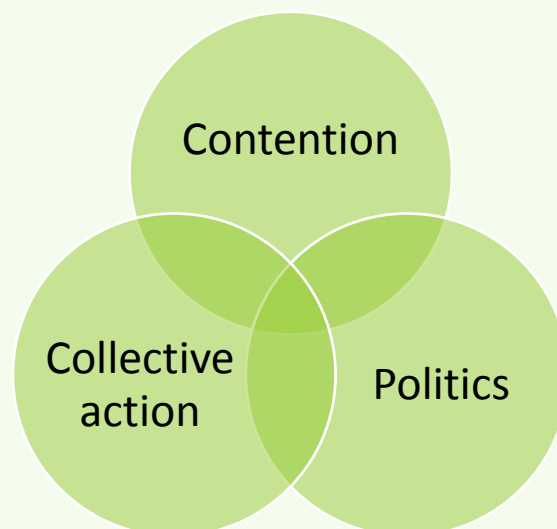


Figure 3: Overlap of three social features of contentious politics (Tarrow & Tilly, 2007, 2012)

The indicators for the first pillar are the presence of an object, subject and a claim.

Therefore, the questions to be asked in analyzing the contention feature in the Mexican case are: Who is the subject? Who is the object? What is the claim? These questions will be answered by looking at episodes of contention. In order to link this pillar's applicability to the next pillar, that of common action, the reader will be guided through the two mechanisms, brokerage and diffusion, that constitute the streams of contention. It must be noted that the mechanisms might have also been researched when analyzing the second pillar, since the processes, mechanisms and episodes overlap the three social features of contentious politics. However, for the sake of producing a balanced analysis, the two mechanisms are treated in the first pillar's application. Questions that reflect these mechanisms are: Where are the newly established connections visible (brokerage)? Which new ideas and resources were diffused? How did diffusion take place?

The second pillar can be applied to the data operationalizing the pointer parallel claim-making by two or more actors through one mechanism and different processes. The mechanism mutual undertaking of contention, i.e. coordinated action, takes place when brokerage and diffusion have been identified. The questions to be asked here are: What are the episodes of mobilization? How does the mechanism of coordinated action occur? In what way are the efforts of the subjects coordinated? Processes follow after mechanisms and signal

regular sequences of mechanisms. Key questions to be asked here are: What processes can be identified? Are there signs of performances and public displays? Important in this case study is the influence of third-parties. Therefore, when studying presence of the common action - feature, primary attention will be given to the social bases of it, be it social networks, organizations, and external ideologies that nourish contention. An additional question to be asked, relevant to this topical characteristic is: How has PBI influenced coordinated action?

The third pillar in establishing the existence of contentious politics can be measured by looking at the role of the government. Contention and common action become political only when the government is involved either as an object, subject or third-party. Questions to be asked here are: Who controls the social economic organization of Mexico? Who makes the rules of contention? Who controls substantial coercive means in Mexico? Contention becomes political when the answer to these questions is “the government”.

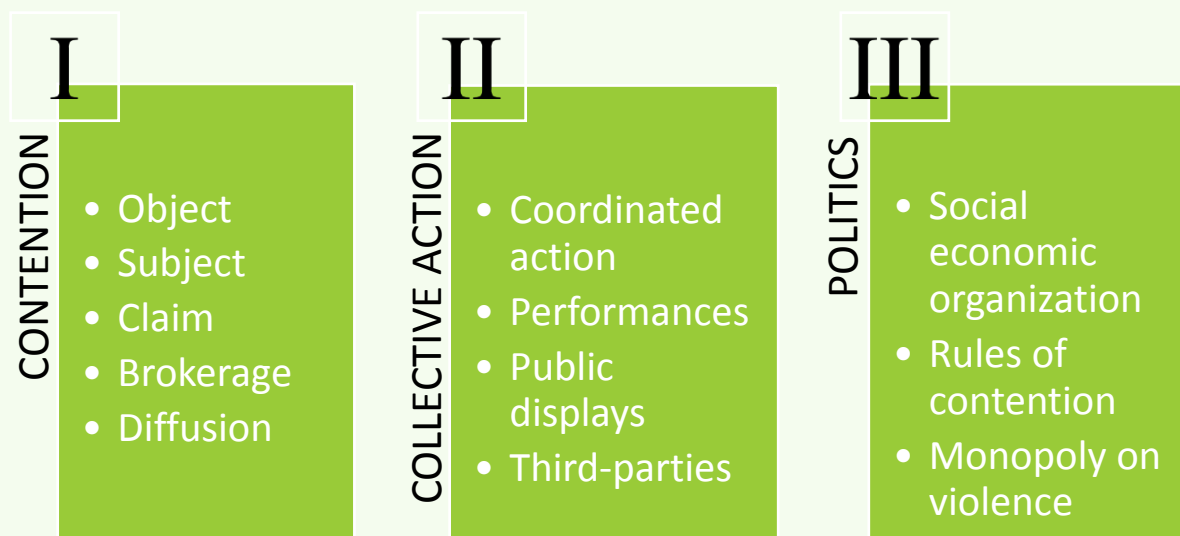


Figure 4: Own elaboration of conceptualized model of contentious politics.

2. Methodology

A study into the existing literature on PBI's UPA points out that little research has been carried out regarding the structural changes of the NGO's methods in conflict-affected areas. This paper, by seeking to measure the long-term effectiveness of UPA, therefore contributes to the existing literature in a novel way. In addition to its academic relevance, this research is valuable for political debates regarding the benefit of unarmed third-party interventions in contrast to armed interventions.

The methodology of this research is an in-debt qualitative study of a country-case from which general conclusions are intended to be drawn. The case-selection is Mexico, because Mexico is perceived a prime selection due to the conditionality of UPA and Mexico's optimal fulfillment of these conditions. More specifically, the time-span of PBI activity in Mexico is 2010-2014. This particular timeframe is selected because the Mexican government adopted its most ambitious law for the protection of HRDs in mid-2012. The timeframe was expanded to two years before the adoption of the law because this paper intends to explore the full process of HRDs empowerment, including the phase in which contention, common action and politics precede government policy action.

All in all, this research studied the development of Mexican HRDs’ empowerment in three phases of empowerment: contentious politics phase, formal phase, and substantive phase (see figure 5). The research question reads as follows: *How do contentious politics between Mexican HRDs and the Mexican government, as facilitated by Peace Brigades International’s ‘Unarmed Protective Accompaniment’ third party interventionism approach, bring about long-term empowerment for HRDs?* According to the dual nature of the research question, two analytical sections will follow. Sub-questions will guide the reader through the research paper.

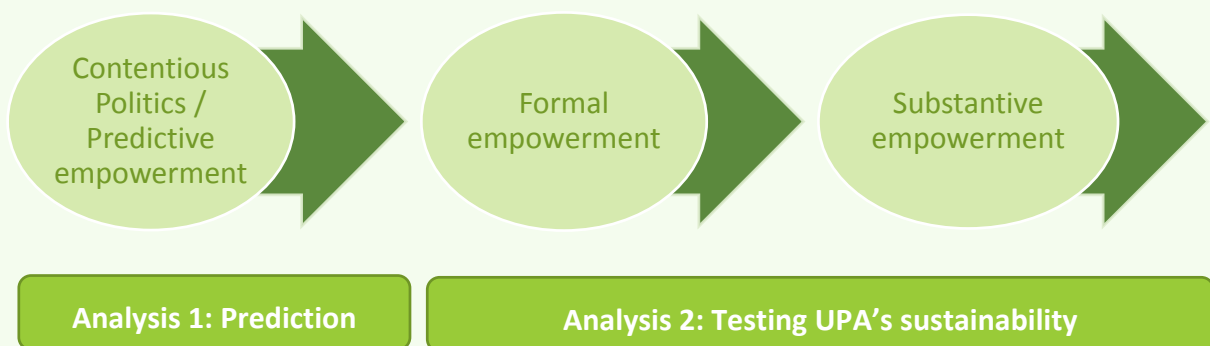


Figure 5: Analysis and empowerment process tracing.

Both analytical sections test the effectiveness of PBI’s efforts to empower HRDs in Mexico, but in different extents and through different tools. The first applies the Contentious Politics (CP) concept as developed and conceptualized in the previous section, with its

constituent parts and aspects on the process of HRDs mobilization in Mexico. The process of contentious politics will be decomposed into its basic causes, and those causes will be reassembled into a more general account of how the process takes place. The process is being traced within the timeframe 2010-2012 and covers 38 cases of disappearances with political motives. Thus, in addition to the time-frame and country-case specificity, this research has been conducted with a particular focus on disappearances of HRDs that were accounted to public official's initiatives. This is because with organized crime, it is difficult to measure the change and impact it has on subsequent government policy. Seeing that the CP concept is applied here, the government needs to be involved in one way or the other. Attributing disappearances to criminal violence makes the search for justice difficult as the state cannot be held accountable anymore. Thus, in order to have a more concrete picture of the responsibility-bearer, the research focuses on disappearances that can be attributed to public authorities.

The research on this section was conducted using primarily accounts, processed interviews and other reports from PBI's archives and other international human rights NGO's databases. In addition to the data selection, the data collection method involved measuring the data with the constituent parts from the three theoretical pillars of the CP concept. The key sub-questions in this chapter are as follows: How have contentious politics taken place?

How has the process of contention been? How have HRDs assembled to establish common action? What has the role of the government been in the contention? More specific questions have been outlined in the preceding chapter on the theoretical framework.

As presented in the previous chapter, the application CP concept provides one only with predictive results of whether social mobilization takes place. For the sake of coming to a better-fledged picture of the empowerment process, an additional analysis was carried out. Thus, after bringing together the theory and evidence of mobilization, the second analytical section addresses the possibility of realistic, as opposed to predictive, social mobilization of HRDs. The timeframe that this analysis focuses on is 2012-2014. The main sources in measuring the realistic, as opposed to theoretical, effectiveness are the adopted Mexican law, the *Mechanism to Protect HRDs and Journalists in 2012*, and progress reports on Mexico's human rights situation in the period after adoption. The progress reports were retrieved from PBI archives, other NGO's archives, and other online reports.

The first of the subsections, dealing with the law, measures the response by the Mexican government in the formal sphere. The latter measures the applicability of the law in the substantive sphere, i.e. the extent to which Mexican governmental figures followed up on the law in practice. No theory is applied to this chapter, as the chapter merely explores the results

in policy-change and on the ground. Central sub-questions in this analytical chapter are:

Where is empowerment visible? To what extent are HRDs empowered in Mexico? Did the Mexican government practice what it preached?

Before commencing with the presentation of the analysis, the next chapter introduces the reader to PBI's policies and history in Mexico. The questions guiding this descriptive section are as follows: What has the role been of PBI in Mexico? Why was there need for PBI to become a third-party intervener in Mexico? How does UPA work?

3. Unarmed Protective Accompaniment

The Unarmed Protective Accompaniment (UPA) method has been at the heart of Peace Brigade International's (PBI) missions for almost 35 years. More recent publications on the method have referred to UPA as Unarmed Civilian Protection (UCP) (Venturi, 2014).

However, UPA and/or UCP are not unique to PBI. That is, by now there are 13 international NGO's applying this method (see Annex 1). PBI has been one of the founding fathers of the concept. The NGO, and other NGO's using the policy, have been lobbying for years to incorporate the UPA method in UN missions.

One of the arguments used is that non-governmental approaches are needed to complement state initiatives (Mahony & Eguren, 1997). Another reoccurring argument is that UPA is cheaper than armed missions because there is no threat to national sovereignty (Nagler). In addition, it is argued that the different UAP approaches need to be streamlined to increase effectivity and measurability, and allow better quality of training for field-workers (Venturi 2014).

Before going into the analysis of UAP's effectiveness in the case of Mexico, several questions need to be answered that are important for understanding the background of PBI,

and its rationale in being an active third-party in Mexico. How does PBI's UPA work? What has the role been of PBI in Mexico? Why was there need for PBI to become a third-party intervener in Mexico?

Peace Brigades International's Policies and Assumptions

Peace Brigades International (PBI) protects human rights defenders (HRDs) through distant and direct facilitation. Fieldworkers travel to conflict affected areas based on calls by local organizations or individuals seeking for assistance. The fieldworkers, in turn, are supported by the international PBI network of 16 national offices. These offices take care of the management, coordination, finances, fundraising, policy-development and supervision, organizational development and international publications.

The NGO's policy is called *Unarmed Protective Accompaniment* (UPA) because fieldworkers are sent to be physically present in the direct environment of the defender. The fieldworker assists the defender in basic daily tasks such as writing letters, making phone calls, and accessing certain data. This unarmed presence happens while on the one hand having informed the local government and on the other, while having direct contact with the international human rights NGO network.

Mayony and Eguren (1997) have set out conditions for the applicability of UPA. For example, the potential violator must be known to all parties. Moreover, clear communication must take place on the type of actions and behavior that will not be tolerated. In addition to its intentions, PBI must be transparent in presenting its method and tools. A condition key to this research is that the violator must be convincible by the international reaction, whether a softer tools such as naming and shaming, or more ambitious tools such as sanctions.

The reach to international networks, transparency towards the local government and unarmed presence together result into the so-called deterrence effect. What also adds to this effect, is the fact that fieldworkers are visibly foreigners (Henderson, 2009). Thereby, the human rights violator is theoretically left with little reason to continue with the human rights violations or apply violence on the fieldworkers. Practically, however, there are conditions that indicate when the deterrence effect is farfetched. In this case, conflicts arise when the main aggressor is insensitive or not at all subject to (international) pressure to refrain from using violence.

While absence or lack of pressure can be said to be a third-party's failure – in this case PBI's failure –, insensitivity can be accounted to three reasons (Mahony, 2006). Firstly, the perpetrator is insensitive to deterrence when key figures in the violence simply do not, due to

education or political stance, agree with international human rights standards. In addition to ideological clashes, the perpetrator can be insensitive to potential deterrence when an armed group is sufficiently self-sustaining. In this case, armed groups have the weapons and money needed to permit negligence of international naming and shaming. Thirdly, the perpetrator can be insensitive to pressures when it knows the international community will not allow enforcing the threats. The problem is then certain actors from a certain state or organization naming and shaming, while at the same time maintaining economic and military deals with the perpetrator in question. The two-faced-ness of the international community is seen to be detrimental in that case.

Moreover, in some cases, there are no issues of ideological clashes, paradoxical tendencies by the international human rights community or sufficiently economically powerful perpetrators. Yet, the deterrence effect is hard to be found. Even when there is potential of the deterrence effect, internal failures at the perpetrators' side (military structures, governmental structures, rebels, etc.) can lead to the blemishing of the deterrence effect that might have been there. This can happen on the one hand in the case of internal struggle and therefore lack of unison at the violator's side. On the other, the potential deterrence effect is undermined when generals or leading politicians do not inform their personnel of the international presence of the intervener.

The Mexico Project

PBI has been active in Mexico since the end of the Zapatista uprising in 1994. The NGO started its first project based on petitions calling for presence in Chiapas. Despite 21 years of PBI presence, “Mexico has profound social and regional inequalities and long-standing discriminatory practices that have led to constant human rights abuses” (PBI Mexico, 2013, p. 5). International human rights NGOs, including Amnesty International, Human Rights Watch and PBI, agree that the government has time and again failed to follow up on internationally recognized normative standards. Granted, the laws that were existent until 2012 were merely a patchwork from different state, national and regional bodies.

Next to the violations of international human rights law, the Mexican state is accused of abusing its counter-narcotics strategy at the cost of abusing human rights. The harsh and military-targeted strategy on drug trafficking and organized crime are often used as natural causes of the many human rights violations. The violations take the form of “torture, extrajudicial executions, forced disappearances and femicide” (PBI Mexico, 2013, p. 6).

The UN High Commissioner for Human Rights (OHCHR) in Mexico “documented a considerable number of death threats, attacks, homicides and legal cases against human rights

defenders” (PBI Mexico, 2013, p. 6). A documented 61 HRDs were said to be assassinated while four were disappeared (IACHR, 2011). The UN also declared that impunity was a ruling factor in at least 90% of the cases (OHCHR, 2010).

In addition to UPA, PBI was involved in a different level of HRD empowerment. That is, it joined forces with the UN-OHCHR in organizing teaching events to Mexican civil servants about civil society issues and risk assessment. The series of workshops were held after the international organizations concluded that Mexican government officials lacked significant knowledge of protection issues, and skills to carry out follow-up work on the laws in place (PBI Mexico, 2015, p. 10).

Forced disappearances continue to be part of Mexico’s crime landscape. Moreover, after a study on increased disappearances since 2007, it became clear that the pattern of those disappeared did not exactly fit those individuals that were victims of organized crime. The patterns and trends (geographical disappearance transit spot) became clear that the disappeared individuals were victims of two types of perpetrators: those active in organized crime & government officials. This finding, in combination with UAP’s prescribed success, begs the question whether UAP is indeed effective. The next chapter commences the analysis by looking at the level of HRDs empowerment where HRDs make claims on the government.

4. Analysis 1: Contentious Politics in Mexico

Contention

In directly applying the contention pillar's characteristics, the question arises who the subject and object are. Not surprisingly, Mexican HRDs are the subjects that make the claim of more freedoms and protection for HRDs in Mexico as a result of the forced disappearances threat members of civil society who undertake activities for the protection of human rights.

As the previous chapter already hinted, there is more extensive proof that a significant amount of disappearances in Mexico can be accounted to governmental figures. Thirty-eight disappearances of HRDs between January 2011 and May 2012 were documented. This number was higher than the 27 reported politically motivated disappearances within 5 years (2005-2010). The disappearances are said to have been politically motivated (PBI Mexico, 2013, p. 35; UN, 20.12.2012). The object of claim-making is therefore the Mexican government.

- Object
- Subject
- Claim
- Brokerage
- Diffusion

The concerns were successfully diffused when international organizations took note of the dichotomous situation in Mexico. On the one hand, the state had, and still has, ratified several key international declarations regarding the state-approaches to forced disappeared persons. Key declarations include the International Convention for the Protection of All Persons from Enforced Disappearance, and the Inter-American Convention on Forced Disappearances. The UN, supported by civil society, reminded the Mexican government that according to supreme law, international treaties are hierarchically above general, federal and local legislation (UN OHCHR, 31.04.2014). On the other hand, an increasing number of disappearances were taking place that were said to be executed by governmental actors.

Having defined the object, claim and subject, it is interesting to find out where one can identify newly established connections that imply brokerage. When looking at the contention between 2010 and 2012, one finds indications that contentious politics have superseded the phase of brokerage. The UN Working Group on Enforced or Involuntary Disappearances (UN WGEID) paid a visit to Mexico and held meetings, amongst others, with civil society organizations, the Mexican government and families of those who were reported disappeared (UN OHCHR, 31.04.2014). The meetings were to exchange knowledge and testimonials between the parties regarding the growing number of disappearances. In a way, the claimants were partly mobilized in civil society organizations. For a part, however, they were relatives

of forcibly disappeared persons, who made a claim on the Mexican government to retrieve their family members in a public arena. Thereby, guided by the UN, the claim was transferred to the other side, and the Mexican government became aware of it.

The question of brokerage is thus complex. The question then arises whether diffusion can be identified. In other words, which new ideas and resources were diffused? When looking at accounts of the UN WGEID meetings, it becomes clear that the relatives of disappeared persons provided testimonials and thereby exchanged information. Parallel to individuals, civil society organizations shared their ideas on policies that the government could undertake to counter forced disappearances. The UN, in its report derived from the meetings that there were several concerns that dilute the responsibilities of disappearances at the federal and state-level. The report concludes that these concerns include the absence of laws that regulates aspects of enforced disappearances, Mexico's multi-level structure, and the distribution of competencies within the Mexican government (UN OHCHR, 31.04.2014).

Collective action

The analysis of contention already signaled the presence of coordinated action. There is thus an overlap already visible between the three social features of contentious politics in Mexico between 2010 and 2012. What can, however, be traced here is that coordinated action is much

stronger due to more solid social bases for common action. Whereas the previous phase addresses rather fragmented groups of actors challenging the Mexican government's inaction, this pillar shows progress in the unity-development of the claimants.

That is to say, that coordinated action in the shape of mutual contention, was more ambitious and even led to the proposal of a law. The key actor that called for enhancement protection of HRDs, was the Mexican Civil Society Organization (CSO), *Espacio de Organizaciones de la Sociedad Civil*. This CSO represented “a group of human rights organizations and journalists” and presented a “proposal for the creation of a protection mechanism to the Inter-American Commission on Human Rights” (PBI & WOLA, 2015, p. 9).

How did the mechanism of coordinated action occur? Journalists and HRDs received advocacy and knowledge support from third-parties. The regional Inter-American Commission, as well as from other international actors, including the UN were both key in assisting the CSO in the development of the proposal. The CSO thus cooperated with external human rights organizations and proposed the “essential components of a mechanism to provide prevention, protection, and effective investigation” (PBI & WOLA, 2015, p. 9). A vital actor that allowed for the CSO's proposal to be brought to the attention of the Mexican government was the UN. Then UN High Commissioner for Human Rights', Navi Pillay's,

visit signaled the presidential signing of a document in July 2011, allowing for the mechanism to be implemented under the coordination of the Human Rights Unit at the Interior Ministry. The Mexican CSO was allowed to bring input to the structure of the to-be developed mechanism.

Thus, government bodies and civil societies jointly developed the Mechanism out of an internationally supported proposal by the Mexican civil society. Third-parties were in different ways involved in this process. Firstly, third parties nourished the CSO in becoming solid by expressing international support for their cause and providing topical assistance in developing the mechanism. Secondly, by diffusing information about the human rights violations to fellow organizations, NGO's managed to successfully reach key actors on the arena of international human rights regime. Such actors' involvement, in combination with PBI's continuous collection of information on the disappearances, production of reports and UAP, produced a deterrence effect. Knowing that the Mexican state is highly dependent on foreign aid financial and international trade, the government most probably took the naming and shaming seriously in order to avoid sanctioning.

Are there signs of performances and public displays? Next to third-party involvement and enhancement of the process of coordinated action, members of the Mexican society, from across the land, organized small protests to grab the attention of public officials. The

Ayotzinapa case of 2011 is a prime example. About 300 young Mexicans, most of which students, blocked the highway. They protested in order to grab the attention of their state's governor who had been denying to listen to their complaints (PBI, 2013, p. 13).

Pressure from both domestic and external groups, as well as increased international attention can be said to have empowered the Mexican CSO to go as far as proposing the developed mechanism. Public performances, including a public hearing guided by the UN, protests, and visible presence and involvement of third-parties have successfully led to coordinated action by the Mexican CSO.

- Coordinated action
- Performances
- Public displays
- Third-parties

Politics

- Social economic organization
- Rules of contention
- Monopoly on violence

Having established that contention and common action have taken place in Mexico between 2010 and 2012, it remains to look at the role of the government. Contention and common action become political only when the government is involved either as an object, subject or third-party. Questions to be asked here are: Who controls the social economic organization of Mexico? Who makes the rules

of contention? Who controls substantial coercive means in Mexico? Contention becomes political when the answer to these questions is “the government”.

In regard to the social economic organization of the country, the Mexican government indeed possesses monopoly over the country’s taxes and redistribution of resources. Mexico’s federal political organization is also visible in the social economic organization. That is, most of the taxes are controlled by the Mexican states. In fact, it goes beyond taxes and redistribution of welfare. For example, electricity services in Mexico may only be supplied by state-controlled agencies (U.S. State Department).

In contrast, less concrete statements can be made about who controls the rules of contention in Mexico. Mexico has a fairly strong link between its three separated powers: judiciary, legislature and executive. The government and country is organized into 31 federal states and one federal district. Although federally organized, the three branches of government are still closely connected to the executive, due to checks and balances. In addition, Mexico’s judiciary, although seemingly improving, carries issues of corruption and partiality (Shirk, 2011, p. 2005).

The third pointer too, indicates that contentious politics have taken place in Mexico. When asking the question who controls the main coercive means in the country, the answer is the government. In fact, the control over the military is so strong that it has been pursued at

the cost of HRD protection. Since the government has been conducting a strict military strategy in its counter-drug-trafficking efforts and organized crime, vulnerability has increased of the Mexican people. The focus on fighting organized crime and drug trafficking has resulted in many instances of human rights violations. It has also prevented the military from protecting HRDs because too little attention has been given to the role of the military in empowering HRDs (PBI, 2011, p. 5).

Empowerment of HRD's took place to the extent that the Mexican HRDs could jointly make claims on the government (see figure 6). The government was requested by the Mexican CSO to act upon the human rights treaties that it had signed. The CSO hoped that the norms from these legal texts would be implemented with the creation of a national law, the Mechanism, specifically designed to protect HRDs. The next section explores the adoption and implementation of the law and thereby analyzes institutionalization of HRDs empowerment.



Figure 6: Analysis and empowerment process tracing: fulfilment of claim-making

5. Analysis 2: Unarmed Protective Accompaniment's Sustainability

By working at the lowest levels of HRD empowerment and enhancing communication between warring parties, PBI contributes to addressing grass root causes of conflicts. The NGO is non-partisan, non-profit and aims to bring about sustainable change in its operations. Through training local human rights defenders in places where human rights are poorly upheld, PBI gives individuals “lemons” to “make lemonade”, as opposed to handing them the finished product, i.e. doing their work. PBI fieldworkers, through their protective, accompaniment plays an important supportive role in “arming” the local activists with the tools of knowledge, skills, networks and other more soft and hard skills.

In addition to PBI's long-term goal of establishing intra-state peace, the CP concept merely allows one to trace HRD empowerment to a certain level. This is the level of claim-making of Mexican HRDs on their government in 2011-2012. Having in mind these two realities, it is worth testing the potential spillover that empowerment in the form of claim-making as established in the previous section has had into further empowerment. In other words, did the social mobilization take on an institutional character? Where is empowerment visible? To what extent are HRDs empowered in Mexico?

This section will address these questions in two ways. On the one hand, insight will be given to prescribed (formal) and written initiatives by the government that respond to the social mobilization. The key analytical reference here is the Mechanism and questions to be answered are whether PBI's approach leads to empowerment in the formal spheres. On the other, the initiatives effectiveness on the ground (substantive) will be tested through critical reports by major international human rights organizations. The guiding questions here are: Did the Mexican government practice what it preached? Does PBI's approach open the gates to sustainable HRD empowerment? Are there signs of the government institutionalizing the respect of rights in practice? This second sub-section will combine reviews and studies on the effectiveness of the Mechanism.

Formal HRD empowerment

The Mechanism to Protect Human Rights Defenders and Journalists in Mexico (Mechanism) was a Mexican law adopted in November 2012 at the national level, covering Mexico's 31 states and Federal District. The establishment was the result of lobbying by national and international human rights organizations, including PBI. With its many prescribed protection tools and intentions to analyze risk of disappearances of HRDs, the Mechanism seemed to be truly revolutionary in the Mexican context and history of human rights practice.

The Mechanism was applauded and supported by a wide range of national, regional and international actors, including the Mexican Civil Society Organization (CSO), *Espacio de Organizaciones de la Sociedad Civil*, the Inter-American Commission of Human Rights, and the UN OCHR. The newly elected Mexican government seemed to also endorse the Mechanism as the Undersecretary for Human Rights “publicly recognized the risks facing human rights and journalists and the State's responsibility to protect them” and “committed the federal government to prioritize the implementation of the Protection Mechanism” (PBI & WOLA, 2015, p. 9-10).

The Mechanism is governed by three units and allows Mexican HRDs and journalists to send in petitions for protection by the Mechanism. The Mechanism was established to offer protection services to HRDs and to carry out risk assessment regarding the work and lives of HRDs in order to determine whether an individual or organization needs protection by the Mechanism. Protection measures as part of the Mechanism include police patrol rounds to the houses or work places of HRDs, panic buttons and satellite phones to be used in emergency cases (PBI & WOLA, 2015, p. 1-5). Key in carrying out protection measures and risk assessment were the intended communication channels.



Figure 7: Analysis and empowerment process tracing: fulfilment of claim-making and formal empowerment.

Substantive HRD empowerment

Despite the seemingly ambitious nature of the Mechanism, an increase in human rights violations has taken place in the past years. A report based on PBI and human rights advocate, the Washington Office for Latin America's (WOLA) communications with HRDs, brought to the fore that civil society was skeptical of the Mechanism and a variety of reasons were mentioned. For example, many stated to have waited or be waiting for too long to hear back from the public officials regarding the state of their petition to receive state-protection. Many of those that did receive protection expressed that the protection measure of police patrolling created a negative image on the work of the HRD. Also criticized were the lack of reliability on technological methods such as the panic button. In addition, the Mexican CSO, which acted initially the key actor in developing the Mechanism, has released statements

regarding the unreliability of the Mechanisms when it comes to investigating cases of those who are under direct and proven threat. In fact, the NGOs' report claims that the Mexican government has not advanced in the field of investigations. All in all, HRDs have expressed that the protection tools are not case-specific and generally lack the capacity to truly protect the HRDs (PBI & WOLA, 2015, p. 2-7).

In addition to HRDs voiced concerns over the Mechanism's capacity in protecting their lives and work, organizational issues were also multifold. Although the Mechanism was meant to be centralized, it appears that there are difficulties in coordinating the policy between the national and federal offices of the Mechanism. In relation, the method has not been dispersed sufficiently beyond Mexico City, as research reveals that too few HRDs know of the Mechanism and how to send in a petition (PBI & WOLA, 2015, p. 6). Also, the Mechanism faced a human resources issue when it lost a third of its staff, including the leadership (PBI & WOLA, 2015, p. 1). Research reveals that the Mechanism started off in the first place with a lack of significantly qualified staff to implement such an ambitious instrument in the Mexican context. Another key issue identified was lack of sustained funding to keep the Mechanism going. Most of the financial, as well as human resources support for the mechanism was for the short-term. There was, therefore, no sustainable plan present to begin with.

In sum, problems that were identified with the Mechanisms’ applicability were related to HR challenges, financial challenges, communication issues between protection beneficiaries and Mechanism officials, lack of case-specific approach and implementation-flaws. The Mechanism seems to be sufficiently detailed and ambitious but lacks the skills and techniques that need to be carried out and passed on by Mexican public Officials. The jointly established evaluation report of the Mechanism by PBI and WOLA concludes that “[E]ven when journalists and human rights defenders do obtain protective measures through the Mechanism, the design and implementation suffers from serious shortcomings.” With that, it is safe to say, that normative institutionalization of HRD empowerment in Mexico is partially fulfilled (see figure 8)

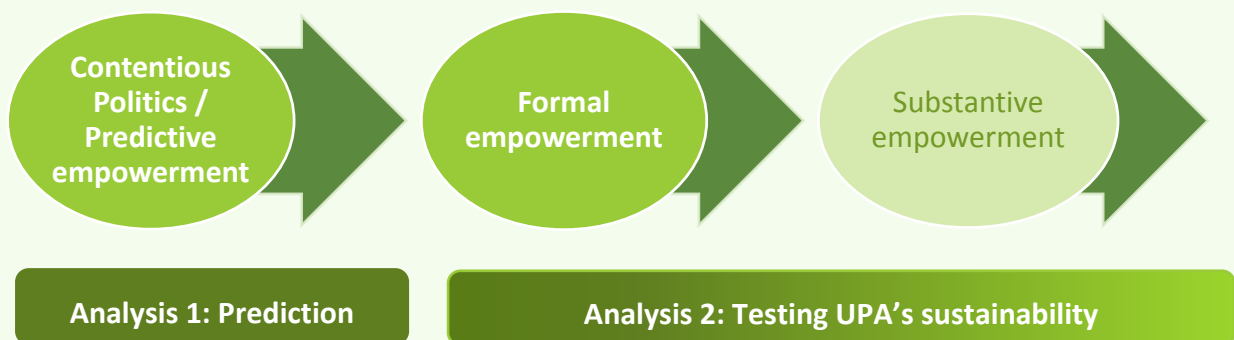


Figure 8: Analysis and empowerment process tracing: fulfilment of partial institutionalization of norms.

Conclusion

Non-violent third-party intervention in intra-state conflicts in the case of Mexico has proven successful in bringing about formal institutionalization of human rights practice. One can state that the deterrence effect was indeed present since a series of contentious politics were followed by, if not resulted in, the establishment of a policy, that intends to empower Human Rights Defenders (HRDs). The findings of this paper thus generally support the claim that Unarmed Protective Accompaniment (UPA) is effective. However, the evidence put forward through this research, proves that the support is limited to formal spheres of institutionalization. That is, the deterrence effect was present to the extent that the government acted upon the domestic and international pressure in the formal sphere.

In answering the research question *How do contentious politics between Mexican HRDs and the Mexican government, as facilitated by Peace Brigades International's 'Unarmed Protective Accompaniment' third party interventionism approach, bring about long-term empowerment for HRDs?*, one can state that a linear relationship can be drawn between long-term empowerment and contentious politics. As seen in Figure 8, contentious politics must take place before policy-change can occur. Another set of complex processes, mechanisms

and episodes must take place in the contentious politics phase. Then, once written policy-change has occurred, substantive policy change can take place.

A general conclusion can also be drawn regarding the CP concept. On the one hand, it must be acknowledged that it is a concept sufficiently accommodating to apply to processed data. On the other hand, it offers too much flexibility and means it can be shaped into an instrument to fit any analysis. One can play around with the constituent parts of the concept and most-probably find a way to establish contentious politics. Another disadvantage of the concept is that it leaves the researcher and reader little debt for political debate, and touches mostly on political philosophical discussions. The conceptualized model was therefore extensive enough in establishing the early steps of HRD empowerment, but remains rather philosophical and lacks straightforwardness. The most challenging aspect of the CP concept is identifying mechanisms and processes in real-life accounts, as it is difficult to pinpoint when exactly collective action was triggered.

What was carried out without a theoretical conceptualization but is nonetheless also complex, is testing the effectiveness through formal and substantive levels. Yet, it was important in order to carry out this analysis to contribute to policy-debates on third-party

interventionism. The limitations due to the scope of the paper are in their own way challenging to measure this effectiveness.

The case selection of this research sets some limitations to more general conclusion-making. Due to the limits of this paper, this research focused only on Mexico as a country-case. Even if Mexico has been defended here as the prime case study, the comparative element of including other PBI project countries is not exhaustive. Moreover, the research is restricted to the dynamics of HRDs empowerment between 2011 and 2014. Conducting a similar analysis in a few years from now, might show that UAP and PBI-like human rights NGO's need more time to achieve their goals of sustainable human rights empowerment. Furthermore, much attention has been paid to UPA's role in the development of Mexico. Other external and internal factors that hamper or promote the human rights development of the country could bring crucial new findings to the debate. Also a limitation of the research has been the focus on HRDs. Extending the research into other areas of human rights issues – including protection from torture, LGBT rights, journalistic freedoms, independent lawyer practice - would be needed to paint a wider picture. In general, more excessive research should be carried out by looking at longer time periods, bigger selection of cases and more inclusive factors and laws.

In addition academic recommendations, a general policy-recommendation can be drawn from this research. The protection offered to HRDs prior to the Mechanism was merely a patchwork of state, national and regional human rights bodies. Mexican and international human rights organizations alike echoed that the laws lacked implementation and follow-up by the Mexican government. As recognized by both the UN-OHCHR and PBI, some of the problems in coming to substantive empowerment of HRDs, lied in the lack of understanding and knowledge among Mexican officials. As a result, PBI, in cooperation with the UN, carried out a risk-assessment and trained public officials. More UN-coordinated initiatives might be needed to reach more structural results. This arguments adds to the argument that the UPA needs to be streamlined more. A research into the feasibility of the UN conducting UPA operations would therefore be recommended.

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Annexes

Annex 1: List of international NGO's that utilize the Unarmed Protective Accompaniment policy in human rights empowerment.

- ✧ American Friend Service Committee
- ✧ Christian Peacemaker Teams
- ✧ Coordinacion de acampaniamiento Internacional en Guatemala
- ✧ Ecumenical Accompaniment Programme in Palestine and Israel
- ✧ Fellowship of Reconciliation
- ✧ Friends Peace Team
- ✧ International Solidarity Movement
- ✧ Michigan Peace Team
- ✧ Non-Violent Peace Force
- ✧ Operation Dove
- ✧ Peace Brigades International
- ✧ The Frontiers
- ✧ Witness for Peace