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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

PEOPLE POWER MOVEMENTS – WEAPON FOR THE PROTECTION OF HUMAN RIGHTS

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ABSTRACT

Human rights are the basic rights every individual should inherit but nothing comes at ease neither this. People struggled a lot in the past for their basic human rights and to find ways to protect their basic rights. Everyone thought that it is the State and Laws which can protect human rights but what if State becomes the reason for violation and laws become a puppet in the hands of the State? In this article with the help of the historical incidents and the present condition of human rights in society, I evaluated that basically, it's the people power moments which is the only weapon as the safeguard of human rights. I summarized how many people power movements turned into revolutions and why some people power movements failed. A conclusion reflects the theme of this article.

PEOPLE POWER MOVEMENTS – WEAPON FOR THE PROTECTION OF HUMAN RIGHTS

Human rights are those rights that are essentially made for the betterment of human beings. They evolved from human beings, so the interference of human beings is necessary for their advancement. The world conference on Human Rights held in 1993 in Vienna stated that all human rights derive from the dignity and worth inherent in the human person, and that the human person is the central subject of human rights¹ In the present era, it is the state which work as a representative of all the individuals who comes under the state. Sometimes the state fails to perform its duties and it is the individuals who need to ask for their rights. The movements in which people come in front of the authorities for their rights are generally called people power movements. In these movements, they challenge the current position of the state and force them to bend their ways for change. If the state is

¹ Vienna Declaration and programme of action, 1993 available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action>

the machinery for the enforcement of rights, then people are the source of rights. Without people power movements there would be no human rights and without human rights, there would be no justice in society. The people power movements not only benefit the people of one nation but also encourage the people of other nations to fight for their rights. As the independence of the United States of America helped the Europeans to know their rights and to shape the French revolution², people power movements help in shaping humanity and shaping the global aspect of human rights. All of the major outbreaks that happened in the field of humanity are the result of combinations of efforts by People. The people power movement not only shapes the current world but is also the source of various human rights laws.

Evolution of People Power movement:

The People Movements are not a modern concept. We can find its traces back to 1215 when the Magna Carta was formed, which is also known as the Great charter of liberties. Magna Carta was the result of the opposition by English barons who protested against the policies made by the king. With this protest, they wanted to end the monopoly of the king and were successful in doing that.³ After that movement people got to know how to bend the authorities for their rights. The American Independence in 1776 and the French Revolution in 1789, opened a new era of movements. From 1215 to now, a lot of people movements happened for the advancement of human rights and some of which discuss later.

International law on people movement:

One of the main purposes of international law was to advancement of human rights across the globe. According to Jeremy Bentham, it is the State who is the subject of international law, not the Individual.⁴ According to article 34 of the Statute of the International court of justice, Only State can file a case against the State, no private Individual has a right to go to court⁵. Despite giving the Right to speech and expression in International Covenant on Civil and Political rights⁶, international law

² The American Revolution available at <https://alphahistory.com/frenchrevolution/american-revolution/>

³ History of Magna Carta, available at <https://www.historic-uk.com/HistoryUK/HistoryofEngland/The-Origins-of-the-Magna-Carta/>

⁴ J Bentham, "An introduction to the morals and legislations" 6 (J Burns & HLA Hart edn) 1970.

⁵ Statute of International court of justice, 1945.

⁶ Art. 19 of covenant.

never considers the Individual as a subject of international law⁷. In the covenant as well, it is the discretion of the state party to give an individual right to complain⁸. It is ironic that State has to take action if there is any violation of the Human rights of the other citizen in its territory due to international law but is not bound to take action if the same violation happened to its own citizen in its territory. Hence there are no rights available for the people protesting for their rights and no duty imposed on the state for the protection of their rights.

People Power moment as a cornerstone of Democracy:

Democracy is an idealizing form of government, as it means the government is for the people, of the people, and by the people. It's only in a democracy that all the rights of citizens can be guarded but as nothing comes at ease neither a democracy. It is the United States of America who have the oldest democracy in the world, when they form their constitution in the year 1776. Before 1776 they fought for their Independence and rights, and after a long struggle with the help of People Power movements⁹, they finally got their independence and establish a democracy in the State. Like the United States of America, India has the largest democracy in the world India has a long freedom struggle to get independence, and finally in 1947, India got Independence and opted for a democratic government. Many countries in the world are still fighting for their democratic rights like China. For a very long time, Chinese people wants to end the authoritarian government and wants to place a democratic form of government and they are using their people power to do this.¹⁰ Even in the most authoritative government like in Russia, Belarus, and Kazakhstan people are protesting for their rights despite the fear of being arrested and killed.¹¹ People power movement helped many countries for placing democracy in their countries and would help in the future too.

Modern people power moment:

In the past, people were less aware of their human rights, and even if they knew there was no way to claim them. After World War 2 when the United Nations formed and it adopted a universal declaration

⁷ MW Janis, "Individuals as subject of International law" 61-78 (Cornell International Law journal) Volume 17 Issue 1, 1984.

⁸ Art. 41 of Covenant.

⁹ American independence available at <https://history.state.gov/milestones/1776-1783/declaration>

¹⁰ Chinese people protest, available at <https://www.nytimes.com/2022/12/05/world/asia/china-protests-students-abroad.html>

¹¹ Human Right Watch "World Report 2023" 2023

on human rights which is also known as the constitution of human rights, this declaration which specifies the human rights and duty imposed on the state to give them all rights, people, and human rights activists became more aware and modern people power movements started from there. Nowadays almost every country is fighting for their human rights and trying to bend the state¹² There are many people movements that have happened for advancing human rights and some are:

Firstly, the Carnation Revolution: One of the earliest people movements and bloodless movements happened back in 1974 in Portugal. The people were frustrated with the fascist government and wanted democracy in the state. Finally, in the year of 1974 military coup happened in Portugal and all the people supported the military there. Thousands of people protested in the cities for many months to get independence. In the era of bloody wars, this revolution sets the example that how to claim your rights by performing the duty to respect other people's rights. One of the reasons for the success of this movement was that this movement was planned by the military and thousands of military staff defected from the government and joined this revolution and from the government to the general public, everyone wanted a democracy. With the effective usage of people's power finally they got their independence from an authoritarian regime.¹³

Secondly, the Pomegranate blossom revolution: This revolution is one of the most successful revolutions that happened in Libya in the year 2011 which ousted the authoritarian regime and placed democracy in Libya. This revolution forced the international community to pressurize the then government not to violate their human rights. This revolution started when the government arrested some human rights activists and people protested. When people were on the road, government used violence against the protestors and by seeing this many government officials resigned from the government and finally this protest came in to eyes of the international community. United Nations gave recognition to a transitional government and with the international support they killed the regime leader and with this democracy placed in the Libya.¹⁴ This revolution highlighted the importance of international support for every revolution.

Thirdly, George Floyd: One of the main taglines of 2020 was "Black lives matter". One of the key problems in United States of America are police brutality and racism. According to one of the

¹² Human Rights Watch "World Report 2023" 2023.

¹³ Carnation revolution, available at <https://www.historyextra.com/period/20th-century/carnation-revolution-guide-facts-coup-portugal-estado-novo-regime/>

¹⁴ Thomas Keenan "The Libyan uprising and right of revolution in International law" (ICLR vol 2) 2011.

reports, police violence is highest in non-Hispanic black people¹⁵. When people got to know about the brutality of police official against George Floyd they went to the streets and demanded for the change. Not only American people but many people in Europe as well supported this protest and went down in the streets, as human rights are not just individual or state rights but the rights of society and this leads to symbolic police reforms.¹⁶

Fourthly, Farmer's protest: When the world was in the middle of covid pandemic and during that time Indian government passed a three farms bills which agitated the farmers across the country and leads to the one of the largest revolutions of modern history in India. In 2020 when government passed the three bills and is not ready to repeal them, people decided to claim their rights. Lacs of people protested for the months near the Delhi border which eventually leads to the repeal of these three farm bills. With the support not only from the people but from the international community and organization. This people moment is one of the successful people moments ever. This moment was the beautiful example of modern democracy.¹⁷

Fifthly, Iran protest: One of the ongoing and strongest protest of the 21st century. This protest started in year of 2021 when a girl named Mahsa Amini died in the custody of morality police of the Iran only because she did not wear hijab properly. This sparks the freedom in the eyes of women and decided to claim their rights. Women had been the matter of oppression from a long time but this protest not only are fighting for their rights but also setting the example for all of the women out the world not to compromise with their freedom. Due to this protest Iran government, due to the pressure from the national and international community suspended the working of the morality police.¹⁸

Besides these movements, there were many more movements that gradually brings human rights back into society and also encourage the people who are still fighting not to give up on their rights. In every successful people power movement, one thing is most important which is the unity of people, which we can see in every public power movement. Hence public power movements can use as a weapon to place human rights in the society.

¹⁵ Anonymous, "Fatal police violence by race and state in USA" Volume 398, Issue 10307 (The Lancet) 2021.

¹⁶ Impact of George Floyd death, available at <https://abcnews.go.com/US/timeline-impact-george-floyds-death-minneapolis/story?id=70999322>

¹⁷ Farm laws, available at <https://www.bbc.com/news/world-asia-india-59566157>

¹⁸ Iran women protest, available at <https://www.euronews.com/2023/01/11/words-have-power-what-are-the-origins-of-woman-life-freedom-iran-protest-chants>

Reason for the failure of People Power movements:

As far from 2017, there were total of 400 people movements happened against the government in 135 countries¹⁹. Although the numbers are great, we know that all people movements never turned to revolutions. There are a lot of movements that happened in the past years that were not successful. Some of these movements are:

Firstly, the Hong Kong protest: The protest was started in 2020 when the Chinese government brings a security bill in Hong Kong. Pro-democratic leaders and various student unions opposed this bill and people gathered in the streets against this law. After gaining worldwide attention, this protest failed at last. Due to a lack of planning, this protest eventually falls down.²⁰

Secondly, the Myanmar protest: The protest started against the military coup that happened in Myanmar in early 2021. People were following the path of civil disobedience but eventually, due to the lack of support, this movement ends in nothing.²¹

Thirdly, the Afghanistan protest: The protest started when the Taliban overtake the democratic Afghanistan government, and eventually, US army left Afghanistan. After seeing no support from anyone, they decided to put a restraint on Taliban. This restraint results into nothing and the Taliban government overtakes the whole of Afghanistan.²²

Now the question is why some protest turns into revolution and some not. The possible reasons for this are:

Firstly, Lack of Planning: Sometimes there is lack of planning and eventually it become impossible to achieve the goal. For example, in Iran and in Hong Kong both have the authoritarian governments but one protest turns to successful and the other not. In the case of Iran, the goal was realistic they want to restrict the government to reimpose the strict hijab rules. Protest starts from this and strict to only these norms but in other cases like in Hong Kong protest at first people protested against the security bill and eventually changed into democratic movement. There was planning to achieve

¹⁹ Available at <https://carnegieendowment.org/publications/interactive/protest-tracker>

²⁰ Available at <https://www.reuters.com/article/us-hongkong-protests-idUSKBN23S011>

²¹ World failed Myanmar people, available at <https://www.hrw.org/news/2021/08/04/six-months-after-coup-world-has-failed-people-myanmar>

²² Afghan nation building destined to failed available at <https://www.chathamhouse.org/2021/09/why-afghan-nation-building-was-always-destined-fail>

against anti security bill but not in favor of pro- democratic movements.

Secondly, Lack of leadership: For every successful movement leadership is biggest necessity. In some of the cases there is lack of leadership, as we can see in the cases of Myanmar protests and Afghanistan protests where there is more resistance from the people but does not have a leadership because leaders already left the country before opposition takeover and so it just left with a resistance and hence it not turns into revolution.

Thirdly, Unrealistic goals: Sometimes movements set such an unrealistic goal that they can't achieve at that time. As in countries like China, Iran where people do not have right to speech and expression, can directly sets a goal for a democracy? The answer is in negative. As you can't construct a whole building without the base, same as you can't directly jump to democracy without having some basic rights. The perfect example is struggle of India for Independence, for independence they spent many years for their rights and automatically attracted the independence.

Fourthly, Lack of International Support: The issue of human rights are not which effects only one nation but it affects the whole humanity. In some cases where countries do not want to destroy cordial relationship with each other, they chose to keep quiet even when they know, there is violation of human rights. Due to lack of support and recognition some movements failed.

Fifthly, Failure of United nations: The one of the purposes of United nation was to promote peace and human rights across the globe, as United Nations is only recommendatory body and does not have its own enforcement mechanism and most importantly, they can only give financial support to countries not to individuals because accordingly only state is a subject of international law and individuals are only object. Due to lack of Funding and support most of the movements remain unnoticed.

Despite of the reasons that some people power movements not turned into revolution but these failures always bring movements closer to the revolution as there is a saying, drop by drop make an ocean.

Way ahead:

In the era of social media, where one world is truly connected with each other and supporting each other, the path of people power movements is very bright. As the world is not only giving emotional support but also physical and financial support as which happened in the case of Iran women's protest. People realized that human rights are not individual rights and are more social rights and it is the duty of the society as whole to protect them. Where at one side people are getting closer for the protection of human rights, on the other side, the state who initially publicized these rights are turning into one restricting the same. In the international law, it is believed that it is the only state who is the subject of international law and no any importance are giving in to the individuals but in reality, it is the individuals who are the real subject of international law. Till the time, where more importance will be given to the state rather than the individuals, the people moment would have to face more difficulty to be heard in the society. Despite of the difficulties, People moment would always place human rights in the society.

Conclusion:

In this article I argued about universal belief of law or the state as a weapon to protect the human rights but in reality, its people who are the real weapon for the protection of human rights. Where some of the protests succeeded and the others not but every failure is takes them close to their success. It would be difficult to see the growth, people are making when the international communities are seeing states are only protector of human rights not a destroyer. When the tremendous powers are given in the hands of states, these People power movements acted as an anti-gravity force to hold the state on a ground.

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