Advocacy strategies for human rights: the campaign for the moratorium on the death penalty

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This article examines the different strategies used by transnational actors in advocacy against the death penalty. In particular, it studies the strategies adopted by the transnational campaign for the moratorium on capital punishment in view of the United Nations General Assembly vote of 2007 and subsequent years (2008, 2010, 2012, and 2014). The article shows that a variety of different strategies are used in the organizational, institutional, and communicative domains. Within the broader debate on norm diffusion, this article sheds light on the under-investigated area of specific tactics, which include horizontal networking, multilayered political lobbying, reason-based framing, and emotion-based story-telling, deployed by transnational activists to induce key actors to change their policy preference.

Keywords: advocacy; civil society; Italian foreign policy; global governance; death penalty; United Nations

Anti-death penalty activism and the promotion of human rights

The goal of the abolition of the death penalty represents a key aspiration of human rights activism (Hodgkinson and Schabas, 2004). While the topic has been debated for centuries, it is only in recent decades that significant institutional changes have occurred with a number of countries abolishing capital punishment from their legal systems. At the national level, the overall trend toward abolition in the last half century is very clear. Before 1950 only eight states could be described as totally abolitionist. Today the figure is 101, the majority of the United Nations (UN) Member States (Figure 1).

The picture at the international level somehow follows the national moves, albeit with a time lapse. While these national changes provide a necessary precondition for any intergovernmental decision, the anti-death penalty stance managed to gain importance at the UN level only recently and in relation to specific transnational mobilization. While previous activism contributed to creating the right political context at the national level (McGann and Sandholtz, 2012), it is only with the campaign for the moratorium on the death penalty that the UN was specifically targeted, ultimately leading to a significant United Nations General Assembly (UNGA) resolution in 2007, then reconfirmed several times in subsequent years.

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In themselves, the resolutions and the changed attitude of a number of countries alone are remarkable achievements in terms of human rights promotion. This is even more noteworthy if we consider that almost all the major powers, including the USA, China, India, Japan, Egypt, Saudi Arabia, and Iran (at the beginning also Russia) are retentionist countries, which can exert pressure and impose costs on the abolitionist/pro-moratorium camp.

The issue of the death penalty has attracted limited scholarly attention so far. A number of different answers have been provided to the empirical puzzle about the steady growth in countries that have adopted an abolitionist stance in recent years. Most of the studies have focused on domestic factors. Two principal domestic push factors have been identified as conducive to the increase in the likelihood of abolition of the death penalty: a democratic system, or more precisely, a negotiated form of democracy produced by parliamentary systems with proportional representation (McGann and Sandholtz, 2012), and a process of democratic transition (Neumayer, 2008). These are educative studies about the national conditions for change. However, they do not shed sufficient light on the transnational processes which surround these domestic factors.

This article is oriented toward the transnational rather than the national dimension in relation to anti-death penalty political processes. An interesting study in this direction is provided by Mathias who argues that world cultural trends, namely the transnational spread of the norm of sacralization of the individual, is a key element in explanatory terms for understanding anti-death penalty changes (Mathias, 2013). Mathias’ study is important because it assesses quantitatively the correlation between the international spread of a specific normative regime and the anti-death penalty stance. However, what is arguably missing in this scholarly debate is a deeper, qualitative analysis of the specific political strategies used to promote the anti-death penalty movement and the specific tactics through which this world culture of individual sacralization is actually diffused.

This paper specifically examines the strategic moves taken by transnational activists within the campaign for the moratorium on the death penalty. They are
developed in three main areas: organizational (national and international coalition building), institutional (policy partnerships with national, regional, and global institutions), and communicative (rational framing and emotional story-telling). The impact assessment of those moves, instead, remains beyond the reach of the present study: I adopt Mathias’ results in terms of a significant correlation between the global sacralization of the individual, measured as the institutionalization of human rights regimes, and states’ abolition of the death penalty. In an attempt to build on his work, my contribution lies in the analysis of the specific campaigning strategies used by activists (and their hybrid coalition) to promote this human right cause related to capital punishment.

The role and actions of so-called ‘political entrepreneurs’ have been studied at length in IR and international political sociology. A large portion of the studies look at non-governmental actors, both for profit (Sell and Prakash, 2004; Orenstein, 2008; Murphy and Yates, 2011) and not for profit (Burgerman, 1998; Keck and Sikkink, 1998; Price, 1998; Carpenter, 2010). Also in this broader literature, the study of specific strategies through which a certain political or policy orientation is promoted remains incomplete. While some progress has been achieved on understanding activists’ strategies to deal tactically with different institutional counterparts (the debate on political opportunity structures), research on their specific communicative strategies is less well developed. For instance, the appeal to the general notion of resonance is definitely instructive in this regard (Snow and Benford, 1988), nonetheless it remains inadequately specified unless it is engrained into specific framing¹ and emotional dynamics. It is with reference to these debates that this paper is developed.

Research design and theoretical framework

The specific research question underpinning the present endeavor is which specific advocacy strategies are deployed by transnational actors in their attempt to socialize countries to human rights practices related to the death penalty? Civil society organizations (CSOs²) deal with three kinds of strategic decisions in their anti-death penalty advocacy:

- Organizational decisions on whether and how to coalesce in a trans-ideological mode, which entails a readiness to political compromise.

¹ Frames are usually understood as dynamic mental structures. They are ‘schemata of interpretation that enable participants to locate, perceive and label occurrences within their life space and the world at large. [...] They rend what would otherwise be a meaningless aspect of the scene into something that is meaningful’ (Goffman, 1974: 21). They provide heuristic devices which order a specific field of political action and identify the primary areas of consensus as well as contention. In short, they form part of shared understandings that shape actors’ identity and interests (Wendt, 1995).

² Here classically understood as organizations operating in the space outside of the government, the family, and the market and advancing allegedly common interests in a competitive environment. CSOs are here characterized by being non-governmental, not for profit, voluntary, peaceful, publicly operating, and not running for office (Kohler-Koch and Quittkat, 2013).
Institutional decisions on whether and how to engage with public institutions at the national, regional, and global level in a by now classical multilayered institutional setting.

Communicative decisions on whether and how to balance reason-based frames and emotion-based story narratives.

Together with these decisions which are specifically related to the issue of the death penalty, other classical issues, such as fund-raising, and other managerial issues (Missoni and Alesani, 2013) or the repertoire of action (della Porta and Diani, 1999), remain important, but this paper will not discuss them in detail.

Persuasion-related communication plays a crucial role in strategic decision-making related to human rights. This paper interprets persuasion as the act that makes people change their attitude toward a specific issue, and assumes this to derive, in the case of transnational campaigns, not only, as conventionally expected, from the unidirectional influence of the macro-framing of the mobilization, but also from an inter-subjective process in which emotions and sentiments play a significant role in changing the attitude of individual gate-keepers (Widmaier and Park, 2012).

In an attempt to capture the actual weight of persuasion in the strategic thinking of transnational actors, it is thus important to (1) identify the different levels of persuasion, that is, macro-frames and micro-emotions; and (2) understand their interplay. Put another way, in order to understand fully the strategic moves of persuasion, we need to take into account both the rationalistic dimension of the frame-building endeavor, and the emotional dimension of interpersonal empathy.

In the study of transnational activists, the focus has been traditionally put on ‘classical’ elements such as resource mobilization and national political opportunity structures (McCarthy and Zald, 1977). Later on, attention shifted to the framing activity (Snow et al., 1986). More recently and more ‘marginally’, emotions have been taken into consideration too (Goodwin et al., 2001). Complementing and advancing the previous research on transnational social actors, this article concentrates on three specific aspects of the process: the trans-ideological coalition building, the interplay with the multilayered political opportunity structure, and the specific persuasion strategies deployed.

The first aspect that is examined is the acceptance by different CSOs to enter into a pluralist coalition with its necessary constraints. In the literature, the issues of trans-ideological coalition building has been examined at length (Bandy and Smith, 2004; Yanacopulos, 2005). In the so-called global justice movement, for instance, the co-existence of radically different political actors is a common element. With reference to this kind of debate, the input of this paper resides in the illustration of a heterogeneous coalition characterized not only by different ideological orientations,

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3 Transnational activism is here understood as political activities carried out by groups that target an international issue, or are part of transnational organizations such as a network, or develop transnational actions such as campaigns. These activities aim to have a public impact, are developed both as protest and proposal, and, at least in part, take place outside formal political institutions (Tarrow, 2005).
but also by different attitudes toward the relationship with the institutional system. The compromise has been found in a minimalistic, very flexible, and decentralized mode of working which has, nonetheless, proved effective.

The second aspect examined concerns the modalities through which the transnational mobilization on the death penalty engaged with the multilayered political opportunity structure of the global system (McAdam et al., 1996; della Porta and Tarrow, 2005). With reference to this kind of literature, the contribution of this paper consists in clarifying two distinct aspects. First, the continuous scale shifts among the local, national, regional, and global playing fields. Second, the relevance of the synergy between public institutions and non-governmental actors. The former point challenges the mono-level readings of civil mobilization, be they purely national or purely international. The latter point is intended mainly in opposition to those accounts that look at the competitive and contentious dynamics between governmental and non-governmental actors, thus missing the added value of hybrid coalitions (Marchetti, 2016a, b).

The third aspect that the paper analyzes is the specific persuasion strategies deployed by these transnational activists in terms of rationalistic frames and emotional story-telling (Widmaier and Park, 2012). With reference to the debate on the politics of framing, the significance of this paper resides in stressing the salience of the slow process of frame building through framing competition in the politics of norm change (Bob, 2012) and the implications deriving from formulating the frame of a transnational mobilization in line with a specific global masterframe. With reference to the debate on emotions in IR, conversely, this paper aims to expand the scope of the application of the emotional perspective beyond the traditional large constituency-oriented approach.

The interest in emotions has grown in the recent years. While for many years emotions were simply overlooked, more recently emotions have been reconsidered along two principal lines: as psychological states based on cognitive biases and bounded rationality (Jervis, 1976), a kind of deviation from the expected rational behavior, and as mobilizing factors that contribute to group identity (Lebow, 2008). A common expectation is in fact that a more rationalistic framework is expedient for persuading policy-makers, whereas emotions are more fitting for large public opinion campaigns intended also as a mechanism of broad constituency mobilization. Little attention is paid, however, to how emotions are used instrumentally by transnational actors to induce change in the decision-makers within the policy process: not only how emotions, once they are felt by laymen, mobilize the activists (Crawford, 2000), but also how emotions, such as fear of moral blame, compassion, or empathy, can be provoked intentionally by activists in order change the preferences of those decision-makers who play specific roles, such

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4 Here emotions are understood as inner states, as feelings that can act as genuine drivers for political actions. They are subjective experiences that can be provoked by a variety of different external inputs and remain anchored to various physiological, inter-subjective, and cultural components (Crawford, 2000).
as veto players or gate-keepers (Busby, 2007). This paper suggests that the role of emotions is larger than the traditional mass application and that emotion-based moves are deployed in relation to both the general public and specific actors in policy-making process. While emotion-based moves do not represent the only strategic move enacted by transnational actors, they do constitute an important, yet underestimated, component of their strategic outlook (Volkan et al., 1991). On this, the paper aims to confirm the role played by emotions in international affairs, and in particular within transnational activism.

This article examines the campaign for the moratorium on the death penalty as a case study to observe the strategies deployed by civil society actors in order to induce states to abolish or suspend capital punishment and to vote in favor of UN resolutions. The article analyses the specific strategies adopted by the transnational campaign in relation to the voting of the UN General Assembly on 18 December 2007 for the moratorium on capital executions and to the vote repeated four times with an increasing margin of victory in 2008, 2010, 2012, and 2014. The article looks at a multi-stage process of normative promotion that begins in a specific place (Italy), gets stronger by going transnational (transnational CSOs networking, EU, UN), returns to the different national domains instrumentally (target countries to be persuaded), and finally targets the international political level (UN). Such dynamics cannot be fully captured without exposing how the transnational and horizontal dimension of civil coordination is intertwined with the multilayered and vertical dimension of institutional interaction and coupled with different persuasion tactics. ‘Humanitarian diplomacy’ developed by CSOs through persuasion activities remains key. Such persuasion undertakings are constituted by two main components: the cosmopolitan framing of the right to life, and the empathic process generated by the narratives of individual cases (mainly, the stories told by people previously sentenced to death and now pardoned, or by their relatives). In both cases, CSOs played a central role as either reason-based frame creators or emotion-based narrative disseminators.

The single case study of the campaign on the moratorium for the death penalty was selected for a number of different reasons that have to do with its strategic framework. In terms of strategies related to both the political opportunity structure and the persuasion modes, the campaign illustrates vividly the clear strategic alternatives that the activists were presented with and how they have revised their strategy over time in an exercise of political approximation to their goal. The campaign at stake is a long and complex mobilization that allows for a time-sensitive and venue-sensitive analysis. The goal here is to sequence the development of the campaign and identify the key strategic decisions taken during it. In more general terms, the campaign constitutes a particularly insightful case in which the tension between power politics (embedded by great powers) and CSOs is highlighted. At the same time, the added value of hybrid coalition building, together with a number of country-specific characteristics related to Italy, are nicely illustrated by this case study.
Methodology

Methodologically speaking, the article uses a mixed, qualitative research technique applied to data deriving from multiple sources. Relying on secondary scholarly literature, the article develops a qualitative analysis of the data collected through the analysis of documents produced by public institutions and CSOs, personal interviews, and participatory observation.

The first set of data derives from the examination of official documents from both public institutions, CSOs, and the media. Documents from public institutions come from the UN, European Union, and a number of European Member States. From the UN, major sources have been the texts of the UNGA resolutions (1971, 1977, 2007, 2008b, 2010, 2012, 2014), the UNSG report on the moratorium on the death penalty of 2008 (2008a), and other country-specific documents (2011). From the EU and its Member States, key texts have been the EU guidelines (Council of the European Union, 2013), the European External Action Service background paper (European External Action Service, 2013), and the European Instrument for Democracy and Human Rights (EIDHR) document on the death penalty (2013). Significant documents from EU Member States come from the United Kingdom (Foreign and Commonwealth Office, 2011), Italy (Senato della Repubblica, 2002), France (Ministère des Affaires étrangères, 2012), and other countries. A second kind of data derived from publications produced by the main actors involved in the campaign, including Hands Off Cain (HOC) (Nessuno tocchi Caino, 2007; Zamparutti, 2007), Community of Saint Egidio (CSE) (Marazzitti, 2010, 2015), Amnesty International (AI) (Amnesty International, 2007, 2005), and the World Coalition Against the Death Penalty (WCADP) (Sculier, 2010). A third typology of written data was extracted from newspaper articles from major national and international media. These three kinds of documents have been examined using qualitative content analysis.

A second set of data were collected through interviews carried out with key informants on the campaign (see list at the end of the paper). A number of campaign officers were interviewed from each key CSO promoting mobilization. When possible a couple of interviews per CSO were carried out to deepen the coverage and increase the scope of the conversation. In order to triangulate the information received from the activists, a number of public officers connected to the campaign from the Italian Foreign Ministry and the European Commission were also interviewed. All former Italian Ministers of Foreign Affairs active during the most crucial phase of the campaign were interviewed. Here, also the interviewees were selected on the basis of their institutional role played during the campaign. The interviews were developed through a semi-structured process. Triangulation among the different interviewees was checked repeatedly to ensure reliability of the information gathered.

Finally, further data were gathered during participant observation carried out at the Task Force on Death Penalty set up by the Italian Ministry of Foreign Affairs. The author was invited to the preparatory meeting that preceded the 2014 UNGA
voting on the moratorium. There the political strategy was designed to maximize the impact of both intergovernmental and non-governmental action. In that, the author had the opportunity to see at work the synergic interaction between CSOs and a national institution in relation to strategic planning on the death penalty.

While this method is subject to a number of limitations, the article submit that the results are nonetheless valid insofar as they derive from accurate data collection and qualitative analysis. Limited resources did not make it possible to interview other civil society actors in the opposite camp or non-EU institutional voices. These would have added important insights for understanding the overall dynamics in explanatory terms, but are not ultimately necessary to grasp the strategic decisions taken by campaign promoters in terms of engagement with the international political opportunity structure and framing and emotional moves. The method adopted is considered the best approach to reconstruct strategic decisions taken within a complex dynamic involving several actors, in varying contexts over a long period of time.

The campaign for the moratorium on the death penalty

The specific mobilization for the moratorium on capital punishment developed primarily out of the encounter of three actors from Italian civil society: The CSE, AI—especially the Italian branch, and a sui generis NGO, the Non-violent Radical Party, Transnational and Transparty (NRPTT), in particular one of its constituent members HOC. While the final success of the campaign is due to a complex aggregate of social and political forces which are analyzed here, this article takes into consideration mainly these actors because of their centrality in the dynamics that led to the mobilization for the moratorium on the death penalty. Beyond these three single organizations, a special role was also played by the WCADP, a transnational, umbrella organization composed of many NGOs active on the death penalty issue in different countries.

The Italian origins

The origin of the Italian mobilization dates back to 1987 when the network ‘Non uccidere’ (Do not kill) was created as a response to the case of Paula Cooper, a 15-year-old American girl who was sentenced to death. The mobilization aimed to raise awareness especially in American public opinion, but the case of a teenager emotionally moved the conscience of many on both sides of the ocean. A significant petition was organized (two million signatures in Italy alone), together with strikes, public hunger strikes, and a mobilization week which ended with ‘abolition day’. Paula Cooper’s sentence was commuted to 60 years’ imprisonment and the network grew with the inclusion of many other organizations in Italy and abroad and the coordination with the like-minded American network, the National Coalition to Abolish the Death Penalty.
Following the Cooper initiative and the wider campaign against the death penalty re-launched by AI in 1989 under the title ‘When the State Kills’ (AI’s first campaign against the death penalty was in 1980), the idea of a moratorium, that is, of a temporary suspension of capital executions, emerged. It is worth noticing that the concept of the moratorium is an ‘imported’ concept. It had been used in environmental activism and later adopted with a strategic decision within death penalty activism. The first institutional proposal was drafted in 1989 in the Italian parliament as a motion aimed at pushing the Italian government to call for a moratorium of 3 years on any death penalty. The network ‘Non uccidere’ managed to put pressure on the parliament, the motion was approved, and the government was bound to promote the idea of the moratorium at international level. This was the first positive contact between civil society and political institutions that generated a public commitment against the death penalty.

The international scale shift and the first failure in 1994

The activism at the European level developed in parallel to and with continuous exchange with the national level. On the one hand, there were numerous contacts with European CSO counterparts. On the other, a clear effort was made to secure the endorsement of European institutions. Almost from the beginning, the strategic choice to develop the campaign on multiple institutional fronts was clear. In the minds of activists, an issue such as the death penalty had to be addressed through a mobilization able to take advantage of the opportunities offered by the multilevel system of global governance. A mono-level strategy was never considered a viable option. At the beginning, this goal was pursued first through both communitarian procedures and actions focused on key governments, and later on at the UN level. A key step in this direction was made by the members of the NRPTT who gathered in Brussels in 1993 to launch the international campaign ‘Hands Off Cain-Campaign of citizens and Members of Parliament (MPs) for the abolition of the death penalty by 2000’. The main goals of the campaign were two: the moratorium on the death penalty and the creation of an international criminal court. Among the members of the board was the AI coordinator for the campaign for the abolition of death penalty in the United States. Brussels was considered a strategic location in order to develop a multilayered initiative due to the support that the campaign received from a number of Members of the European Parliament (MEPs) affiliated to the NRPTT.

In 1994, the first Easter demonstration was organized by a diversified set of actors including the mayors of Rome and Sarajevo and other 86 city mayors from Italy, Caritas, HOC, and CSE. With the mobilization of the CSE, particularly during the religious celebrations and thanks to the support of the Pope, the campaign gained influence on the religious component of society which proved to be an important step in the mobilization ahead. Catholic religion remains in fact a major factor associated with the endorsement of the campaign by former retentionist countries (McGann and Sandholtz, 2012). Moreover, CSE managed also to develop intense
interfaith dialogue on the issue of death penalty, widening even more the global constituency of the campaign.

In 1994, a major scale shift occurred with the submission of the text for the moratorium at the UN (Bantekas and Hodgkinson, 2000). In June 1994 a new motion drafted at the Italian parliament by HOC MPs was signed by hundreds of MPs. It called on the Italian government to engage the United Nations Security Council (UNSC) in order to impose a moratorium on the death penalty in cases of a coup or civil war, and the UNGA in order to vote for a resolution on the moratorium. The motion was approved by a large majority and the government was then put under pressure to submit the text of the resolution to the next UNGA. A number of attention-grabbing initiatives were taken just before the vote, including the publication in the *New York Times* of a picture of the Italian film director Bernardo Bertolucci in an electric chair, which contributed to generating empathy in the wider international public. The text was voted on, but missed out on a majority by just eight votes at the 1994 UNGA. The result was negative, but it was nonetheless considered an important development within the UN action.

The search for a wider CSO coalition and alternative institutional channels

Given the limited success in New York, the campaign sought alternative avenues within the UN system. Two important successes were achieved at the Commission on Human Rights in Geneva in 1997 and 1998 with the vote for a text in favor of a moratorium. The significance of such voting lays not only in the provision of a new motivational driver for the activists, but also, and more importantly from an institutional perspective, on the fact that the death penalty was by then fully included in the UN agenda and was crucially moved away from the legal agenda (traditionally tied to sovereigntist positions) to the human rights agenda (by definition universalist and more vulnerable to activist pressure).

In 1998, the three principal actors of the mobilization joined together for the first time and signed a common appeal to suspend capital punishments by 2000. In the same year, the American sister Helen Prejean was in Rome to launch her ‘European mission’. Her bestselling book and movie *Dead Man Walking* managed to mobilize a wider audience with an intense emphatic relationship with those who are condemned to death. In Easter 1999, on Good Friday the CSE launched its appeal in favor of the moratorium which ‘unites the capital punishment of Jesus Christ and that of ordinary sentenced’ in a highly provocative manner.

The year 1999 marked another turning point when the text for the resolution at the Commission on Human Rights in Geneva was presented for the first time by the European Union and approved. A new wave of action was subsequently organized for the next UNGA. The CSE collected 1,600,000 signatures that were delivered to the President of the Italian Republic and the UNSG Kofi Annan. The mobilization seemed to gather momentum and yet the retentionist countries managed to approve
two amendments under which human rights issues were relegated to state sovereignty against new forms of western colonialism and subordinated to development and stability. As a consequence, fearing a public debacle, the EU decided to withdraw the resolution text it had already submitted.

Toward the end of 1990s an important change occurred in the North American civil society context. The American abolitionist movement shifted toward a unitary position. In 1999, the CSE was invited to the Pan-American Convention on the Death Penalty promoted by the National Coalition Against the Death Penalty, in which a convergence between abolitionist and pro-moratorium positions materialized (Kirchmeier, 2002; Baumgartner et al., 2008). This constituted a very important strategic move in terms of resolving the internal competition between pro-abolition and pro-moratorium factions. The main alternative goal, the abolition of the death penalty, was at last put aside. By allowing for an enlarged consensus on a common position, the defeat of the pro-abolition position strengthened the campaign. In 2000, with the Jubilee Year the campaign gained further strength out of its religious component with the explicit support of Pope John Paul II. The same year, a 3.2 million signature petition was presented at the UNSG with the support of different Nobel prize winners, the Dalai Lama, the Indonesian President, the Archbishop of Canterbury, Jimmy Carter, and Bruce Springsteen among others.

The last mile to the UN moratorium

With the provocative 2006 campaign ‘Hands Off Saddam’ to avert the killing of former Iraqi leader Saddam Hussein, HOC managed again to attract public attention to the issue of the moratorium. As a consequence, the Italian government (whose majority relied also on the support of MPs close to HOC) committed again to formally ask for inclusion of the moratorium in the agenda of the 2007 UNGA meeting. The final rush had begun.

CSOs decided to engage EU institutions directly bypassing their national governments. A letter was sent to the German Chancellor Angela Merkel, at that time rotating president of the EU, asking for full support to the initiative. This was controversial. In fact, some argued for postponing by 1 year (i.e. to 2008) the submission of the text on the ground that this would give more time to reach the goal of 100 co-sponsorships that AI considered a safe threshold. Moreover, postponing by 1 year would have also entailed passing the dossier to the French presidency, which had a larger staff at the UN and was considered in a better position to exert influence on the francophone community, especially the African component which tends to be decisive for many votes at the UNGA. However, on the one hand, the Italian pressure, and, on the other, the Portuguese argument for

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5 Traditionally, stronger retentionist countries able to take regional leadership are the following: Singapore for Asia, Egypt for MENA, Barbados for Central America, and Swaiziland for Africa.
discussing the dossier during its EU presidency (on the assumption that a presidency of a small country such as Portugal would be seen as more neutral than the French), managed to convince the Council to present the motion in 2007 (Kissack, 2008). The European Council gave a mandate to the Italian government to draft a text for the next UNGA. In the meantime, the Italian parliament voted for a constitutional amendment to fully abolish the death penalty from its legal system and for full support of the moratorium at the UN.

A particularly encouraging constellation of political events materialized at that time: the repeated successes at the Commission on Human Rights\(^\text{6}\) in Geneva, the EU commitment, and the Italian support ratified by a change in its national constitution all motivated the CSOs to intensify their initiatives. At the coordination committee of the WCADP, an agreement on the single goal of the moratorium was at last struck with the full support of the CSE and AI. The horizontal scale shift was then completed. The now-united-WCADP was invited by the EU Portuguese Presidency to attend a strategy meeting in Lisbon where a decision was taken to involve more third countries and to stick to the issue of the moratorium rather than full abolition. The diplomatic strategy included (a) bilateral lobbying of potentially swing countries, (b) securing the inclusion of the issue of the death penalty on the UN agenda on Human Rights (hence in the III commission on human rights rather than the VI commission on legal affairs), and (C) strengthening the dialectical skills for public defense of the cause. For this latter need, the EU Presidency relied on AI’s technical consultancy. Thanks to its 30-year experience, AI provided advanced support to the European delegation and managed to rebut effectively the objections raised by retentionist countries in the working of the III commission. On 15 November the III commission of the UNGA approved the resolution.

The success within the III commission was achieved not only thanks to the technical expertise of AI, but also thanks to the mobilization of the wide public opinion organized by the other CSOs. A five million signature petition in favor of the moratorium was delivered on 2 November by the WCADP to the UN. Other bilateral initiatives were launched in collaboration with the ministries of foreign affairs of a number of European Member States which persuaded a number of countries to accept a last minute adoption of the text. On 18 December 2007, the UNGA approved the resolution for the moratorium on the death penalty with 104 votes in favor, 54 against, and 29 abstentions (2007). After a 20-year mobilization, a remarkable achievement materialized at the UN.

The campaign not only contributed to having the UN pass a (non-binding) resolution with a global scope, but was also important in persuading a large number of countries to move from a retentionist to an abolitionist position. This is even

\(^6\) In 2006 the United Nations Commission on Human Rights (UNCHR) was replaced by the United Nations Human Rights Council (UNHRC).

Looking in terms of percentages at the same data about UN voting on the moratorium in the five sessions from 2007 onwards makes the trend even clearer. The ‘against’ camp is the fastest changing actor. Currently, the ‘for’ camp collects 60% of the total votes of the UNGA.

### Table 1. Trends in the United Nations (UN) voting on the moratorium (2007–14)

<table>
<thead>
<tr>
<th>Year</th>
<th>Absent and Abstained</th>
<th>Against</th>
<th>For</th>
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<tbody>
<tr>
<td>2007</td>
<td>34 (18%)</td>
<td>54 (28%)</td>
<td>104 (54%)</td>
</tr>
<tr>
<td>2008</td>
<td>40 (21%)</td>
<td>46 (24%)</td>
<td>106 (55%)</td>
</tr>
<tr>
<td>2010</td>
<td>42 (22%)</td>
<td>41 (21%)</td>
<td>109 (57%)</td>
</tr>
<tr>
<td>2012</td>
<td>41 (21%)</td>
<td>41 (21%)</td>
<td>111 (58%)</td>
</tr>
<tr>
<td>2014</td>
<td>38 (20%)</td>
<td>38 (20%)</td>
<td>117 (60%)</td>
</tr>
</tbody>
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Author’s elaboration with UN data.

### Organizational, institutional, and communicative strategies

Organizational strategic decisions laid the groundwork for the campaign. This mobilization was in fact only possible because a number of ‘rival’ CSOs decided to work together. Looking at the Italian dimension of the campaign, the CSE, HoC, and AI are organizations with significant ideological differences. From Catholicism to strong laicism (at times even anti-clericalism), thus finding common ground was not easy. Moreover, these CSOs also have different attitudes toward cooperation with public institutions. While HoC is a CSO with deep penetration in the political system, AI is by definition external to public institutions both in terms of funding and in terms of functions, having a watchdog role. And yet, despite the differences, these CSOs managed to find middle ground on an operative basis. This meeting of minds was not immediate: throughout the campaign the rivalry among the CSOs had ups and downs, and still today there is a subterranean competition to attribute merit for the campaign and subsequent public visibility. External opportunities were important push factors toward cooperation. But equally important was the modus vivendi arrangement which generated a loose coalition allowing for considerable freedom of action of each of its members.

As for institutional strategies, between pressure (hard dynamics) or persuasion (soft socialization), it is clear that the main approach of this campaign consisted in lobbying local, national, European, and global public institutions with soft persuasion initiatives. In terms of targets, the campaigning aimed principally at influencing public institutions and key actors within them. The selection of this specific strategy is clearly dependent on the type of goal the campaign set for itself. Affecting the existence itself of citizens, the issue of the death penalty is by definition at the core of any legal system aimed at providing security to its members.
Given such a nature, any change in its regulatory framework cannot but be in the hands of public institutions which can carry out executions legally. As a consequence, this kind of activism intended to modify the legislative position within countries and, in order to achieve that, it operated institutionally both at the national and international level. While other kinds of initiatives aimed at the wider public were successfully developed and secured broader public support, it is clear that public institutions entitled to promote legal reforms were prioritized as targets. However, public institutions were not only targets, they were also partners.

Most of the persuasive activities of the campaign were developed in synergy with public institutions which provided financial, political, or procedural support. Actors such as a number of City Councils in several countries, the Italian Government and Parliament, the Vatican State and a number of other European States, the European Council and Parliament, the Commission on Human Rights, and the UN General Assembly were selected as institutional counterparts in pro-moratorium advocacy effort. The Vatican State has been particularly active in supporting the campaign at different moments, as well as a number of European countries such as France, Germany, and Portugal. The European institutions played a very significant role in line with their own statutory principles which assign to human rights, and namely to the denial of the death penalty, a fundamental value for EU membership. CSOs supported and lobbied for the EU to actively campaign for the moratorium by using its traditional instruments such as official statements, demarches, declarations, conditionalities or by funding initiatives, seminars, and public conferences through the EIDHR. Pressure from the EU was indeed crucial in securing the endorsement of the pro-moratorium position by many states. Finally, the UN was also decisive, not only for the obvious reason that the voting took place there, but also and more importantly because it provided an institutional place where the slow convergence between abolitionist and retentionist countries was developed, albeit not without harsh debates.

The partnership with Italian political counterparts constituted a significant strategic decision. The support of the Italian government proved key to providing inputs into the European and UN political procedures. As already happened in the previous cases of the campaign for the International Criminal Court (ICC) or for the ban on landmines, the establishment of a hybrid coalition between a middle-size government and CSOs proved vital (Marchetti, 2013). Through the Italian institutions, the campaign was able to reach many of those swing countries which proved crucial for the final voting. In those cases, a multi-track strategy was adopted which consisted of institutional pressure on third countries through Italian and EU diplomacy (track I), CSOs’ pressure on third governments and vice versa EU advocacy with local societies (track II), and CSOs’ advocacy with local societies through bottom-up initiatives (track III). There are a number of specifically ‘Italian’ factors that help provide a fuller account of why synergy occurred there and not elsewhere. They include (a) the hybrid nature of the Radical Party lying somewhere between institutions and civil society, but also with a transnational identity and
accreditation at the UN Economic and Social Council (ECOSOC); (b) the involvement of the Vatican and Christian networks and their influence both domestically and internationally; (c) the close relationship between the world of activism and the world of institutional politics, and the significant interchange between them on issues of foreign affairs; (d) the high level of participation among Italian citizens in CSOs and the subsequent public trust in them; (e) the weakness of umbrella organizations, which creates incentives for the individual action of Italian CSOs; and finally, (f) Italy’s middle power position in the international system, attenuating the ever present suspicion of Western neo-colonialism, while generating an incentive for the use of soft power (given the absence of other kinds of political resources) and collaboration with the EU. While other factors may be relevant as well, this study suggests that, at least in the Italian case and with reference to the domain of human rights, cooperation with government tended to be perceived by the CSOs as a necessary, though not sufficient, condition for influencing international decision-making. The informal and hybrid coalescing with the government was accepted with the expectation that it would help the Italian CSOs enter the intergovernmental playing field providing access and funding, but also increasing the diplomatic ‘respectability’ of the campaign. Governmental sponsorship also proved expedient for another reason, though it was important in enhancing domestic support. Not only did it indirectly create the conditions for preserving local support and fostering the emergence of new supporters, but it also acted as a ‘coral reef’, that is a broker facilitating the meeting and formation of trans-ideological coalitions among different Italian CSOs.

Two communicative moves had a particular importance in the campaign strategy: framing and story-telling. Beyond the strategic decisions to develop a transnational coalition and to enact multilayered lobbying, the specific tactical decisions that most characterized this campaign were very much based on the nuanced combination of reasons and emotions. On the one hand, the construction of a cosmopolitan frame mainly based on universal human rights, intended as a rational tool to challenge, from a legal point of view, the traditional understanding of the death penalty in terms of sovereignty (Marchetti, 2009). On the other, ‘humanitarian missions’ led by CSOs in swing countries, intended as an emotional tool to persuade institutional gate-keepers and veto players to change their position in favor of the moratorium (Busby, 2010).

The first strategic dimension of the campaign was the framing of the issue at stake. Underpinning the lobbying activity was the specific public understanding of the death penalty constructed by the campaign. Given that lobbying was carried out mainly as persuasion rather than pressure, the ideational component turned out to be of incredible importance. The issue of the death penalty was framed essentially in line with a straightforward universalistic understanding of human rights, at times integrated with either a religious or a fallibility component. The right to life was presented as an inalienable right, a fundamental entitlement of any human being that cannot be expropriated by the state. Capital execution was thus presented not only as an evil, but as an infringement of a fundamental human right which by
definition must not be trampled on. In addition, this cosmopolitan framing was at
times integrated also by both a religious framing based on the claim about the unav-
ailability of human life conceived as a gift of God, and an innocence framing
pointing to the imperfections of the system which may lead to irreversible mis-
carriages (Baumgartner et al., 2008). These two additional frames were very
important because they facilitated the second, emotional component of the dynamic
of persuasion by appealing to either God’s will or a dramatic circumstance which
anybody could unwillingly happen to end up in. Beyond these frames, other
secondary arguments for abolishing the death penalty used by the activists pointed to
the fact that the death penalty (a) does not deter criminality more than other forms of
punishment; (b) is a form of retributive justice rather than re-socialization, re-edu-
cation, and re-integration; (c) constitutes a cruel, inhuman, and degrading treatment;
and (d) its application is discriminatory, in that it is often used disproportionately
against the poor, minorities and members of racial, ethnic, and religious communities
(UNGA, 2008a: 7–9). Worthy of attention was also the limited competition in the
collective framing-building process within the campaign. Given the specific nature of
the issue of the death penalty, the exercise of convergence creation among the cos-
mopolitan, religious, and innocence frames has been relatively uncontroversial.
Moreover, such pluralist framing has provided additional ideological resources to
fight the normative battle with retentionists.

In the opposite camp, the retentionist countries fought back and developed a
specific counter-frame to resist the attempt by the campaign to present an innovative
understanding of the issue of the death penalty. While being very different in
political nature, henceforth unable to create a formalized coalition, the outliers
managed anyway to put up strong resistance. Countries opposing the moratorium,
and a fortiori abolition, which were mostly concentrated in Asia and the
Middle East, appealed to arguments related to (a) justice reasons associated to the
impunity of criminals and the need for moral reparation; (b) national sovereignty
and state prerogatives, especially understood as a barrier against a certain
kind of ‘benevolent’ western neo-imperialism (this latter argument more often used
by countries in the south); (c) country specificities, including reasons of national
security; (d) religious reasons; and (e) relevance of national public opinion and
ultimately democratic support for the death penalty (argument most frequently
used by the United States). Significantly, for instance, in a Note verbale the Per-
manent Missions of 53 Member States to the UN (led by Egypt and
Singapore, including China, Iran, and Indonesia, but excluding the United States)
expressed their

persistent objection to any attempt to impose a moratorium on the use of the death
penalty or its abolition in contravention to existing stipulations under interna-
tional law for the following reasons:

(a) There is no international consensus that the death penalty should be
abolished. […]
(d) Capital punishment has often been characterized by some as a human rights issue in the context of the right to life of the convicted prisoner. However, it is first and foremost an issue of the criminal justice system and an important deterring element vis-à-vis the most serious crimes. It must therefore be viewed from a much broader perspective and weighed against the rights of the victims and the right of the community to live in peace and security;

(e) Every State has an inalienable right to choose its political, economic, social, cultural, legal and criminal justice systems, without interference in any form by another State. Furthermore, the purposes and principles of the Charter of the United Nations, in particular, Article 2, paragraph 7, clearly stipulates that nothing in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State. Accordingly, the question of whether to retain or abolish the death penalty, and the types of crimes for which the death penalty is applied, should be determined by each State, taking fully into account the sentiments of its own people, state of crime and criminal policy. On this question, it is improper to attempt to create a universal decision or to prescribe to Member States actions that fall within their domestic jurisdiction, or attempt to change, by way of a General Assembly resolution, the stipulations under international law that were reached through a comprehensive negotiation process;

(f) Some Member States have voluntarily decided to abolish the death penalty, whereas others have chosen to apply a moratorium on executions. Meanwhile, many Member States also retain the death penalty in their legislations. All Member States are acting in compliance with their international obligations. Each Member State has decided freely, in accordance with its own sovereign right established by the Charter, to determine the path that corresponds to its own social, cultural and legal needs, in order to maintain social security, order and peace. No Member State has the right to impose its standpoint on others (UNGA, 2011).

The normative battle between the pro-moratorium and pro-death penalty frames was fought in different political fora including the UN General Assembly, but the most important locus of dialectical challenge was at the UN Council of Human Rights. It is there that most of the framing and counter-framing clashes took place, ultimately in favor of the moratorium.

The second strategic dimension of the campaign as regards the dynamic of persuasion refers to the emotion-based activities of persuasion that the CSOs carried out in relation to targeted gate-keepers, mainly at the national level. The strategic decision to complement reason-based framing with more emotion-based approaches was explicit in the campaign and was based on the observation of the success of interpersonal communication with high-ranking officials and politicians. These activities took place within so-called ‘humanitarian diplomacy’, a term coined by the activists themselves to stress the role, be it direct and indirect, that CSOs played in convincing swing countries to vote in favor of the moratorium (and, sub-optimally, those countries that abstained in the past to keep abstaining)
(Marazzitti, 2010). It is worth noting that this kind of mission was organized independently by single components of the campaign rather than as a collective enterprise: each CSO, depending crucially on its local contacts, set up specific missions. This way, through bilateral missions (e.g. in the Philippines, Mexico, Japan, Ghana, Kenya, Sri Lanka, Mozambique, Mali, Liberia, Gabon, Uzbekistan, Kirghizstan, Mongolia, Maldives, Kazakhstan, Guatemala, El Salvador, Cuba, St. Lucia, Trinidad and Tobago, Grenada, etc.) and mini-lateral events (e.g. the International Colloquia ‘Africa for Life’), often carried out by Italian diplomats and CSOs altogether (‘institutional synergy’), the activists were able to prepare the ground for the voting at the UN. This strategy has been repeatedly deployed throughout the campaign. The last mission carried out on November 2014 in Sierra Leone and Niger by HOC, for instance, contributed to have the former cosponsor the motion and the latter to vote in favor in the following UNGA voting.

These ‘persuasion activities’ have been prioritized in the campaign. It is through this kind of ‘parallel diplomacy’, in fact, that CSOs were able to be part of a process of normative change in those countries that were de facto abolitionist and later shifted to the pro-moratorium position. In this regard, the persuasion of the gate-keepers who are part of the national decision-making process, such as Presidents, Prime Ministers, Ministers of Justice, or Constitutional Justices, was achieved not only thanks to the convincing force of the goals in themselves as presented within the aforementioned cosmopolitan frame, but also through an emotional process to which these actors were subjected.

An important moment in these emotion-based activities was the testimony by people who had previously been sentenced to death or by their relatives in the presence of the decision-makers. This is a vital constituency in this context. Since ‘they have directly suffered from crime, victims’ representatives enjoy a legitimacy that other stakeholders may lack’ (Robert and Alberman, 2007: 30). As a consequence, victims and their families who speak in favor of abolition have a particularly powerful voice and have been repeatedly addressed as key speakers in this campaign as well as in the many projects on the death penalty funded by the European Commission since the 1990s. The personal telling of specific, exemplar stories about the drama of the death penalty as experienced in first person was considered of the highest importance by many activists. While the lack of material resources precluded other forms of influence, CSOs considered this face-to-face moment between high-ranking politicians or officers and people who experienced the death penalty a crucial turning point in terms of persuasion, possibly even more important than street demonstrations or impersonal media campaigns. The assumption here is that only through a personal empathic experience can a materially poor CSO take maximum advantage of its moral persuasion potential. Even more so when it was associated with the two supplementary frames of religion and innocence. This way, CSOs deliberately coupled reason-based macro-frames and emotion-based micro-story-telling.

Such persuasive ability depended also to a large extent on the political ability of CSOs to become a reliable counterpart, an honest broker able to gain the trust of
local governments and societies. In opposition to the strategy often deployed by CSOs to ‘name and shame’, in this campaign the winning approach was based on a non-demonizing, respectful attitude: only by refusing a Manichean view according to which retentionist countries are associated with incivility were the CSOs able to engage in effective discussion with those countries and to implement persuasive moves. A contentious attitude would have precluded any persuasive effects. In these activities, CSOs were particularly qualified insofar as they were credible: they gained their legitimacy on the ground through previous activities such as the campaign for the ICC in the case of HOC and AI, or the local engagement in peacebuilding and development aid in the case of the CSE. In comparison with these CSOs, the credibility of pro-moratorium governments was much lower because of their perceived double-standard behavior as regards human rights protection.

In parallel to such hybrid diplomacy, the campaign developed also a number of more traditional initiatives intended to raise awareness in society at large, especially in the north. They included petitions with millions of signatures by well-known public figures, opinion leaders, and laypeople; appeals in support of the moratorium to be delivered to the major institutional counterparts (especially to the UN Secretary General); public hunger strikes, peaceful mass demonstrations in several capitals; and presence in the media with specific stories of people sentenced to death (often narrated by the relatives of those sentenced under the motto ‘not in my name’, in order to rebut the theory of comfort), which sentimentally captured public attention with their real cases. The emotional power of these accounts was again key in the micro-practices of persuasion toward a pro-moratorium position. Another important avenue for pro-moratorium activism was religion. Especially thanks to the contribution of the CSE, a catholic NGO, and the personal contribution of Pope John Paul II, who intervened repeatedly asking for the withdrawal of capital punishment in several specific cases, the appeal to the value and dignity of human life as based on religious principles was instrumental in delivering the message of the campaign in many countries (Ferrari, 2003).

Conclusions

In this article, emphasis has been placed on the strategic decisions taken by the transnational campaign for the diffusion of the pro-moratorium norm worldwide. On the one hand, the campaign grew horizontally among the groups previously mobilized in favor of abolition and those which were not active in this specific domain of the human rights. On the other hand, the campaign also managed to move vertically, or institutionally, on the national, regional, and global political stage. Looking at these shifts and at the multilevel strategies underpinning them, the article revealed in detail how and through which strategic moves the campaign for the moratorium advanced. Acting within this political dynamic, CSOs played an important role as a functional alternative to the limits of diplomatic politics.
Especially important in this was the persuasive endeavor of the mobilization which was developed mainly through two kinds of mechanisms: rational construction of the human rights-based frame and the emotional micro-experiences of the empathy-based story-telling about the death penalty.

Looking at this twofold mechanism or more precisely at the combination of these two different strategic moves, we are in a better position to understand the modes through which transnational actors try to socialize countries to human rights practices related to the death penalty. Through an in-depth examination of this campaign, the present study thus contributes to the debate on norm diffusion by highlighting the relevance of an approach that integrates the traditional understanding in terms of rational framing with the psychological dimension of the micro-practices of interpersonal empathy. Adopting a larger perspective, this research provides an input to formulate a generalizable mid-range theory on the strategic decisions carried out by transnational campaigners in their global normative effort. It is a theory-building exercise aimed at formulating a pluralist conceptualization of global politics characterized by new actors (CSOs), new communicative strategies (combination of masterframes and emotional registers), and new alliances (CSOs with governments and IOs).

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