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COMMEMORATIVE ISSUE
HUMAN RIGHTS IN MOTION



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INTRODUCTION



HUMAN RIGHTS IN MOTION: A MAP TO A MOVEMENT'S FUTURE

Lucia Nader (Executive Director, Conectas)
Juana Kweitel (Program Director, Conectas)
Marcos Fuchs (Associate Director, Conectas)

Sur Journal was created ten years ago as a vehicle to deepen and strengthen bonds between academics and activists from the Global South concerned with human rights, in order to magnify their voices and their participation before international organizations and academia. Our main motivation was the fact that, particularly in the Southern hemisphere, academics were working alone and there was very little exchange between researchers from different countries. The journal's aim has been to provide individuals and organizations working to defend human rights with research, analyses and case studies that combine academic rigor and practical interest. In many ways, these lofty ambitions have been met with success: in the past decade, we have published articles from dozens of countries on issues as diverse as health and access to treatment, transitional justice, regional mechanisms and information and human rights, to name a few. Published in three languages and available online and in print for free, our project also remains unique in terms of geographical reach, critical perspective and its Southern 'accent'. In honour of the founding editor of this journal, **Pedro Paulo Poppovic**, the 20th issue opens with a biography (by João Paulo Charleaux) of this sociologist who has been one of the main contributors to this publication's success.

This past decade has also been, in many ways, a successful one for the human rights movement as a whole. The Universal Declaration of Human Rights has recently turned 60, new international treaties have been adopted and the old but good global and regional monitoring systems are in full operation, despite criticisms regarding their effectiveness and attempts by States to curb their authority. From a strategic perspective, we continue to use, with more or less success, advocacy, litigation and naming-and-shaming as our main tools for change. In addition, we continue to nurture partnerships between what we categorize as local, national and international organizations within our movement.

Nevertheless, the **political and geographic coordinates** under which the global human

rights movement has operated have undergone profound changes. Over the past decade, we have witnessed hundreds of thousands of people take to the streets to protest against social and political injustices. We have also seen emerging powers from the South play an increasingly influential role in the definition of the global human rights agenda. Additionally, the past ten years have seen the rapid growth of social networks as a tool of mobilization and as a privileged forum for sharing political information between users. In other words, the journal is publishing its 20th issue against a backdrop that is very different from that of ten years ago. The protests that recently filled the streets of many countries around the globe, for example, were not organized by traditional social movements nor by unions or human rights NGOs, and people's grievances, more often than not, were expressed in terms of social justice and not as rights. Does this mean that human rights are no longer seen as an effective language for producing social change? Or that human rights organizations have lost some of their ability to represent wronged citizens? Emerging powers themselves, despite their newly-acquired international influence, have hardly been able – or willing – to assume stances departing greatly from those of “traditional” powers. How and where can human rights organizations advocate for change? Are Southern-based NGOs in a privileged position to do this? Are NGOs from emerging powers also gaining influence in international forums?

It was precisely to reflect upon these and other pressing issues that, for this 20th issue, SUR's editors decided to enlist the help of over 50 leading human rights activists and academics from 18 countries, from Ecuador to Nepal, from China to the US. We asked them to ponder on what we saw as some of the most urgent and relevant questions facing the global human rights movement today: 1. Who do we represent? 2. How do we combine urgent issues with long-term impacts? 3. Are human rights still an effective language for producing social change? 4. How have new information and communication technologies influenced activism? 5. What are the challenges of working internationally from the South?

The result, which you now hold in your hands, is a **roadmap for the global human rights movement** in the 21st century – it offers a vantage point from which it is possible to observe where the movement stands today and where it is heading. The first stop is a reflection on these issues by the founding directors of Conectas Human Rights, **Oscar Vilhena Vieira** and **Malak El-Chichini Poppovic**. The roadmap then goes on to include **interviews** and **articles**, both providing in-depth analyses of human rights issues, as well as **notes from the field**, more personalized accounts of experiences working with human rights, which we have organized into **six categories**, although most of them could arguably be allocated to more than one category:

Language. In this section, we have included articles that ponder the question of whether human rights – as a utopia, as norms and as institutions – are still effective for producing social change. Here, the contributions range from analyses on human rights as a language for change (**Stephen Hoggood** and **Paulo Sérgio Pinheiro**), empirical research on the use of the language of human rights for articulating grievances in recent mass protests (**Sara Burke**), to reflections on the standard-setting role and effectiveness of international human rights institutions (**Raquel Rolnik**, **Vinodh Jaichand** and **Emílio**

Álvarez Icaza). It also includes studies on the movement's global trends (**David Petrusek**), challenges to the movement's emphasis on protecting the rule of law (**Kumi Naidoo**), and strategic proposals to better ensure a compromise between utopianism and realism in relation to human rights (**Samuel Moyn**).

Themes. Here we have included contributions that address specific human rights topics from an original and critical standpoint. Four themes were analysed: economic power and corporate accountability for human rights violations (**Phil Bloomer, Janet Love and Gonzalo Berrón**); sexual politics and LGBTI rights (**Sonia Corrêa, Gloria Careaga Pérez and Arvind Narrain**); migration (**Diego Lorente Pérez de Eulate**); and, finally, transitional justice (**Clara Sandoval**).

Perspectives. This section encompasses country-specific accounts, mostly field notes from human rights activists on the ground. Those contributions come from places as diverse as Angola (**Maria Lúcia da Silveira**), Brazil (**Ana Valéria Araújo**), Cuba (**María-Ileana Faguaga Iglesias**), Indonesia (**Haris Azhar**), Mozambique (**Salvador Nkamate**) and Nepal (**Mandira Sharma**). But they all share a critical perspective on human rights, including for instance a sceptical perspective on the relation between litigation and public opinion in Southern Africa (**Nicole Fritz**), a provocative view of the democratic future of China and its relation to labour rights (**Han Dongfang**), and a thoughtful analysis of the North-South duality from Northern Ireland (**Maggie Beirne**).

Voices. Here the articles go to the core of the question of whom the global human rights movement represents. **Adrian Gurza Lavalle** and **Juana Kweitel** take note of the pluralisation of representation and innovative forms of accountability adopted by human rights NGOs. Others study the pressure for more representation or a louder voice in international human rights mechanisms (such as in the Inter-American system, as reported by **Mario Melo**) and in representative institutions such as national legislatures (as analysed by **Pedro Abramovay and Heloisa Griggs**). Finally, **Chris Grove**, as well as **James Ron, David Crow and Shannon Golden** emphasize, in their contributions, the need for a link between human rights NGOs and grassroots groups, including economically disadvantaged populations. As a counter-argument, **Fateh Azzam** questions the need of human rights activists to represent anyone, taking issue with the critique of NGOs as being overly dependent on donors. Finally, **Mary Lawlor and Andrew Anderson** provide an account of a Northern organization's efforts to attend to the needs of local human rights defenders as they, and only they, define them.

Tools. In this section, the editors included contributions that focus on the instruments used by the global human rights movement to do its work. This includes a debate on the role of technology in promoting change (**Mallika Dutt and Nadia Rasul**, as well as **Sopheap Chak and Miguel Pulido Jiménez**) and perspectives on the challenges of human rights campaigning, analysed provocatively by **Martin Kirk** and **Fernand Alphen** in their respective contributions. Other articles point to the need of organizations to be more grounded in local contexts, as noted by **Ana Paula Hernández** in relation to Mexico, by **Louis Bickford** in what he sees as a convergence towards the global middle, and finally by **Rochelle Jones, Sarah Rosenhek and Anna Turley** in their movement-support model. In addition, it is noted by **Mary Kaldor** that NGOs are not the same as civil society,

properly understood. Furthermore, litigation and international work are cast in a critical light by **Sandra Carvalho and Eduardo Baker** in relation to the dilemma between long and short term strategies in the Inter-American system. Finally, **Gastón Chillier and Pétalla Brandão Timo** analyse South-South cooperation from the viewpoint of a national human rights NGO in Argentina.

Multipolarity. Here, the articles challenge our ways of thinking about power in the multipolar world we currently live in, with contributions from the heads of some of the world's largest international human rights organizations based in the North (**Kenneth Roth** and **Salil Shetty**) and in the South (**Lucia Nader, César Rodríguez-Garavito, Dhananjayan Sriskandarajah** and **Mandeep Tiwana**). This section also debates what multipolarity means in relation to States (**Emilie M. Hafner-Burton**), international organizations and civil society (**Louise Arbour**) and businesses (**Mark Malloch-Brown**).

Conectas hopes this issue will foster debate on the future of the global human rights movement in the 21st century, enabling it to reinvent itself as necessary to offer better protection of human rights on the ground.

Finally, we would like to emphasize that this issue of Sur Journal was made possible by the support of the Ford Foundation, Open Society Foundations, the Oak Foundation, the Sigrid Rausing Trust, the International Development Research Centre (IDRC) and the Swedish International Development Cooperation Agency (SIDA). Additionally, Conectas Human Rights is especially grateful for the collaboration of the authors and the hard work of the Journal's editorial team. We are also extremely thankful for the work of Maria Brant and Manoela Miklos for conceiving this Issue and for conducting most of the interviews, and for Thiago Amparo for joining the editorial team and making this Issue possible. We are also tremendously thankful for Luz González's tireless work with editing the contributions received, and for Ana Cernov for coordinating the overall editorial process.



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Multipolarity

LUCIA NADER

Solid Organisations in a Liquid World

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INTERVIEW WITH LOUISE ARBOR

“North-South solidarity is Key”



DHANANJAYAN SRISKANDARAJAH

Dhananjayan Sriskandarajah is Secretary General & CEO of CIVICUS. He has previously held senior posts at the Royal Commonwealth Society, Commonwealth Foundation, and Institute for Public Policy Research. He writes regularly on international migration, economic development and civil society. He can be found @civicussg on Twitter and Facebook.



MANDEEP TIWANA

Mandeep Tiwana is the Head of Policy and Research at CIVICUS. He specialises in legislation affecting the core civil society freedoms of expression, association and assembly. Prior to joining CIVICUS in 2008, he worked on a range of human rights and social justice issues in India. Mandeep has a keen interest in issues related to civil society space, development and international relations.

ABSTRACT

This paper examines the imbalance between northern and southern civil society organisations (CSOs) in their engagement at international forums. It delves into some of the internal and external factors that inhibit southern CSOs from playing a bigger role in global governance discussions and in shaping the agenda of intergovernmental organisations. Finally, it makes some recommendations towards creating a “multipolar” civil society in line with the contemporary realities of a changing world order.

KEYWORDS

Multipolarity – Civil society – Emerging democracies – Global governance



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This paper is available in digital format at <www.surjournal.org>.

TOWARDS A MULTIPOLAR CIVIL SOCIETY

Dhananjayan Sriskandarajah and Mandeep Tiwana

In a speech delivered at Stanford University in 2013, UN Secretary General, Ban Ki-moon dubbed the present a time of “Great Transition.” He urged his listeners to become global citizens as “we move increasingly and irreversibly to a multipolar world order” (KI-MOON, 2013).

Almost everywhere we look — from economics to demography to air travel to innovation — this shift to the so-called “emerging” markets is palpable. But when it comes to the civil society landscape, the transformation is less visible. Many of the largest, most visible and most vocal civil society organisations (CSOs), especially those working explicitly on human rights, were founded in the global north and remain headquartered there. While some of these organisations are decentralising (e.g. Amnesty International) or have relocated to the south (e.g. Action Aid International), the overall pace of transformation in civil society seems much slower than in other areas. Indeed, there is a real possibility that northern CSOs will continue to have a higher profile, disproportionate influence and control over resources in the civil society sector for some time yet, bucking the trend of restructuring of global power relations.

This is a particular concern for the organisation we both work for. Headquartered in Johannesburg, South Africa and with members all over the world, CIVICUS was founded twenty years ago to nurture a healthy and independent civil society, especially in places where freedom of association and participatory democracy were under threat. One of our key priorities is to empower civil society in the global south to play its rightful role on the local *and* global stages.

In our experience, there is a range of internal and external factors that limit the ability of southern CSOs to engage on the global stage, whether it is to raise the issues that matter to them most, to influence international affairs or to access funds. In this article, we discuss some of these impediments, as well as some opportunities to enhance southern civil society’s participation in global debates. We argue that the global human rights agenda would be strengthened significantly if southern civil society actors themselves do more to look beyond their national boundaries and become global citizens in today’s interconnected, multipolar world.

Notes to this text start on page 517.

1 A disabling operating environment

The first major impediment is the very conditions that many southern CSOs work in. Despite international law and constitutional protections, the legal and policy environment for CSOs remains a contested space in much of the developing world. CIVICUS' 2013 State of Civil Society Report highlights this trend, which is most prevalent in the Global South, although there has been regression in civil society freedoms in developed countries, too (CIVICUS, 2013). Given the ground realities, it is thus very difficult for CSOs in the south to shine on the international stage when their position at home remains tenuous due to restrictions imposed on their activities.

For instance, in Zambia, NGOs are required to obtain approval of their areas of work from the government-dominated NGO Board as well as harmonise their activities in accordance with the national development plan (MORE THAN..., 2013). Bolivian NGOs and foundations are required to contribute to the economic and social development of the country taking into account guidelines laid in national plans and sectoral policies (ERÓSTEGUI, 2013). Algeria's law on associations limits the scope of activities for civil society groups to "professional, social, scientific, religious, educational, cultural, sports, environmental, charitable and humanitarian domains," thereby indirectly preventing them from undertaking activities relating to human rights, democracy promotion and gender equality (NGO..., 2013). Indonesia's law on mass organisations prevents CSOs from propagating ideology that conflicts with "Pancasila," the state philosophy (INDONESIAN..., 2013). Nigeria's anti-gay law potentially criminalises the entire community of progressive civil society groups and human rights defenders by making it illegal to support gay clubs and organisations (NIGERIA..., 2014). In Saudi Arabia's extreme example, civil society groups don't even have legal cover for their programmatic and fundraising activities through an associations law (CIVIL..., 2013).

So, a first priority for strengthening the global role of southern CSOs will be to ensure that they operate in a stable legal and policy environment in which they are free to expand the scope of their activities without unwarranted state interference.

2 The challenge of raising funds

A second challenge relates to the inability of southern activists and CSOs to receive financial backing from local sources, often forcing them to look abroad for funding. This, in turn, often reduces their credibility locally (e.g. they are accused of being "foreign agents") or locks them into hierarchical relationships (e.g. where they become local "implementing" partners to northern CSOs, who control the policy and purse strings). Notably, the reliance on foreign funding also gives governments powerful leverage over groups that expose corruption and state complicity in human rights violations.

India's Foreign Contributions law requires CSOs to get official clearance before they can receive funds from international foundations and development agencies. Because the authorities have discretion to designate an organisation as

being of “political nature” and thereby prevent it from receiving foreign funds, a number of human rights groups in the country remain in a perpetual state of uncertainty with regard to their future activities (RAZA, 2013). In Ethiopia, human rights advocacy groups that previously relied on international funding due to scarcity of resources within the country have been severely decimated due to the restrictive charities and societies law, which puts restrictions on various types of activities for organisations that receive more than 10% of their funds from abroad (ETHIOPIA..., 2012). Russia’s government has gone so far as to require CSOs receiving funding from abroad to designate themselves as “foreign agents,” a derogatory term that undermines their credibility with the public (MOVES..., 2012).

Despite these challenges, there are two potential reasons for hope. The first is an expectation of sharp growth in local philanthropic bases in the global south due to an improvement in standards of living. A recent report by the Charities Aid Foundation argues that philanthropic giving by the expanding middle class in the global south holds great potential to transform societies especially because the share of developing countries in global GDP will exceed that of the traditionally rich industrialised OECD countries by 2030 (after purchasing power parity adjustments) (CHARITIES AID FOUNDATION, 2013). Another reason for optimism is that some funders, including official agencies and private foundations, are starting to recognise the need to fund southern CSOs directly, rather than through northern-based intermediaries. Initiatives such as NGOsource¹ make it easier to verify the credentials of southern-based organisations and campaigns such as Fund the Front Line² are trying to build donor interest in directly funding the activities of smaller CSOs on the ground.

3 Barriers to access global governance institutions

A third key factor that inhibits southern CSOs from engaging in global governance debates is their lack of access to major intergovernmental institutions, the overwhelming majority of which are based in developed countries. On a practical level, discriminatory visa regimes and the high cost of the travel and accommodation at these locations act as a major deterrent for southern CSOs. Hence the participation of southern CSOs when major debates take place at the United Nations (UN) and other intergovernmental organisations can be lopsided vis-à-vis northern CSOs. A report on the role of civil society in global governance published by Bertelsmann Stiftung estimates that a third of the 3345 ECOSOC registered NGOs with a specific headquarters were based in Europe and a further quarter in North America (FRIES; WALKENHORST, 2010). Despite being home to three-quarters of the world’s population, Africa and Asia only accounted for a quarter of UN-accredited NGOs.

The role of cultural capital, which can be described as the concentration of knowledge and access with regard to global governance institutions by a handful of well-resourced CSOs, most of whom are often based in the global north, cannot be understated. Over time, these CSOs and their staff (some of whom are employed just to do UN liaison) build up the cultural capital that gives them the access to

policymakers and opinion-formers. Cultural capital elevates some sections of global civil society whilst purposefully or inadvertently discriminating against citizens from a particular geographic location or class, or simply those who cannot travel often enough to New York or Geneva to build relationships with key actors. In a recent perception survey carried out by CIVICUS, CSOs based in Africa expressed much lower levels of satisfaction with the CSO outreach of intergovernmental organisations in comparison with their peers in Europe (CIVICUS, 2014). Despite efforts to improve the working practices of these institutions, there is widely agreed to be a bias in favour of those citizens who have been socialised in similar structures.

Although, this situation is a product of broader historic forces, it nevertheless contributes to reinforcing the status quo. It is also a reminder that any radical democratisation of whose voice is heard in global governance processes will require a concerted effort—by civil society itself and by intergovernmental institutions—to overhaul who gets access.

4 Preoccupation with domestic issues

Finally, the most disappointing factor of all is the fact that, for many CSOs in the south, the vastness of the challenges at home and in their immediate vicinity is the overwhelming priority—so much so that they find it hard to have the time or resources to engage on global issues. Additionally, resources from international donors to support initiatives on human rights and social justice are usually for in-country programmes, as opposed to influencing global debates and agendas. Thus involvement in international agendas remains restricted to a relatively limited number of well-resourced southern CSOs.

In our own experience, we have seen how difficult it can be to build southern-led campaigns on human rights issues. For example, when the Ugandan government was in the process of passing the draconian anti-homosexuality law, we wanted to canvass African CSOs to speak up against this, in part to provide an African-led complement to the countless western voices that were speaking up on this issue. We managed to get a respectable 25 signatories to our open letter to President Museveni (OPEN..., 2011) but it was clear that very few CSOs had the time or inclination to respond.

This example also demonstrated the need to find new ways in which southern-based civil society can speak up on issues beyond its borders. Many of our colleagues are concerned about what is going on in other parts of the world but are reluctant to issue public condemnations, often with the familiar caution that this is not the “African way” or the “Asian way.” Yet, when it comes to attacks on universal human rights, there is a positive obligation on all of us—including southern civil society actors—to speak up. We may well need to find more nuanced and appropriate ways, but we still have to speak up.

Additionally, we need to engage our governments on their foreign policies. Far too many southern civil societies have given their official representatives a free pass to carry out actions undermining human rights at international forums. Every regressive statement and every negative vote should be exposed at home to public

scrutiny. An effective way to enable this is to build national coalitions focusing on international affairs. CIVICUS is a founding member of the South Africa Forum for International Solidarity (SAFIS), a group of CSOs and activists committed to positively influencing South Africa's foreign policy to mirror constitutional principles and the values that underpinned the struggle against apartheid. In the coming years, we hope to be able to incubate such like initiatives where they don't exist and learn from experiences where they do.

In summary, we know the global civil society landscape needs to change to reflect the emerging multipolar world, and that more southern voices need to be present in the public sphere, in international governance discussions and so on. But this will not happen unless we redouble our efforts.

First, a good beginning would be for southern CSOs to prioritise advocacy at international forums such as the UN Human Rights Council (UNHRC) for a better and more enabling legal and regulatory framework which also encourages local philanthropy through tax breaks and other fiscal incentives. The UN Human Rights Council (UNHRC) recently organised a discussion in its March 2014 session on a safe and enabling environment for civil society, which will be followed by a report by the UN High Commissioner for Human Rights later this year (25TH SESSION..., 2014).

Second, we need to place greater emphasis through media and public awareness campaigns on the centrality of human rights and social justice so that attention can be focused on these areas by southern foundations and philanthropists who traditionally support initiatives related to poverty alleviation, education, health, etc., where results are more tangible. A number of southern countries, including emerging democracies like India, Brazil and South Africa, are in various stages of setting up development partnership agencies and financial institutions to support development. It is critical that southern CSOs are involved in focusing the agenda of these institutions towards the protection and promotion of human rights as well as ensuring that the resources from these institutions are also channelled to southern civil societies and not just government departments.

Third, southern CSOs need to make a concerted push towards becoming global citizens in today's inter-connected world by developing programmes on regional and international governance. They need to equip themselves with the skills and experience required to negotiate select international arenas which have been the traditional preserve of international NGOs based in the north. There has to be a realisation that the local is increasingly being impacted by the global and that it is necessary to engage in the region and beyond to do full justice to an organisational mandate.

In another twenty years, when Sur publishes its 40th edition and CIVICUS turns forty, let's hope that civil society is as multipolar as the political economy is likely to be.

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