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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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Human Rights in Motion

Multipolarity

LUCIA NADER

Solid Organisations in a Liquid World

KENNETH ROTH

Why We Welcome Human Rights Partnerships

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INTERVIEW WITH SALIL SHETTY

“Human Rights Organisations Should Have a Closer Pulse to the Ground” Or How We Missed the Bus

INTERVIEW WITH LOUISE ARBOR

“North-South solidarity is Key”



EMILIE M. HAFNER-BURTON

Many human rights activists and scholars fear state power – and justifiably so. Often with the powers of a Leviathan, States are responsible for massive human rights abuses at national level and also abroad. Yet, others, like Emilie M. Hafner-Burton, author of the 2013 Princeton University Press-published book *Making Human Rights a Reality*, argue that “States are at the center of the human rights problem and so they have an important role to play in the

solutions.” In sum, human rights activists, scholars, and policy-makers ought to make the best use of state power, including promoting human rights abroad.

Hafner-Burton, in a thought-provoking interview with Conectas’ director, Lucia Nader, strongly defends what she calls a ‘steward’ role for States at international level. While being cautious in not defining stewardship as an “entitlement or privilege” of only certain Western countries, Hafner-Burton, herself critical of US foreign policy including Obama’s, assigns an important role to Southern countries as well as human rights organizations from the South in promoting human rights abroad. As she argues in this interview, “human rights promotion will gain more traction if more governments get into the business of responsibly promoting human rights in their region, launching more power for human rights from beyond North America or Europe.”

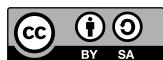
Her interest in issues of state power and international law is not new. As seen in this interview with Conectas, Hafner-Burton cares deeply about finding ways to narrow the gap between international human rights norms on paper and their reality on the ground. Two decades ago, Hafner-Burton moved to Geneva, Switzerland and started working for an international nongovernmental organization dedicated to promoting human rights and disarmament. From that moment on, she had the opportunity to take an inside look at how the United Nations functions, experiencing first hand the difficulties of human rights advocacy. Ever since, she has been working to craft more effective solutions to the persistence of human rights abuses globally.

Emilie Hafner-Burton’s academic experience reflects this concern. She is a professor at the UC San Diego’s School of International Relations and Pacific Studies and is the Director of the School’s new Laboratory on International Law and Regulation. Looking across a wide array of issues, including human rights and security, the Laboratory explores when (and why) international laws in fact operate. Additionally, Hafner-Burton’s academic background extends to other renowned universities, such as Princeton, Oxford, and Stanford.

In the following interview, Hafner-Burton reflects upon the legitimacy of international human rights system, the role of States and international human rights organizations in it, as well as presents a critical view of the US foreign policy in human rights. With a realistic yet encouraging tone, Hafner-Burton makes clear that “in an ideal world States would stay out of each other’s business. We don’t live in that world.” And, as much as the United States’ human rights record has been constantly criticized whenever the US promotes human rights abroad, Hafner-Burton warns that Southern countries, such as Brazil, India, and South Africa, need to mind their human rights record at home too if they want to promote human rights abroad responsibly.

Original in English.

Interview conducted in July 2014 by Lucia Nader (Conectas Human Rights)



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INTERVIEW

“AVOIDING USING POWER WOULD BE DEVASTATING FOR HUMAN RIGHTS”

Interview with Emilie M. Hafner-Burton

*Conectas Human Rights: You mention in your book **Making Human Rights a Reality** that the international human rights system, particularly the UN, is facing today a crisis of legitimacy and relevance because it is packed with countries that have no intention (or ability) to honor its norms. Some other experts would argue that this crisis is mainly due to the fact that this same system suffers a crisis of representation. Its lack of legitimacy would come not from “bad States” but because “western countries” manipulate the system to get only what they want from it.*

Emilie M. Hafner-Burton: We agree that the UN is facing a crisis of legitimacy and relevance. One reason is precisely that States—all States, not only “western countries”—manipulate the UN system to get what they want from it. That politicking helps explain why the track record of states’ compliance with international human rights norms is quite low. Its central human rights body—the UN Human Rights Council—is responsible for the promotion and protection of all human rights around the globe. That council is by design highly representative, open to balanced participation (through election) by countries from all of the world’s main regions.

Yet that Council is routinely staffed by governments—including some “western countries”—that cannot or do not want to promote even the most basic human rights at home or abroad. The UN’s human rights laws are open to voluntary participation by any country. They too are regularly violated. Laws and rules that are routinely broken lack legitimacy and authority. They risk becoming another venue for cheap human rights talk.

Conectas: As an example of such risk of cheap human rights talk, as you put it, one could mention the Western selectivity in picking only those issues and countries they want to deal with. What is your opinion about this selectivity?

E.M.H.: We agree that the UN has a serious crisis of global representation—the UN Security Council is a case in point. And we agree that countries are selective in the human rights issues they raise and the countries they deal with. This is as a general (and inevitable) problem, not only a western one. When you look at the track record for which countries have been most targeted by the UN’s main human rights body, you see a complex picture. Powerful countries—“western” and non-western alike—have been the favored targets. These countries are also better able to avoid paying consequences for their wrongdoings. Additionally, countries that sit on the UN Human Rights Council are also getting political favoritism: they are less likely to be targeted for human rights violations than their neighbors.

These patterns of favoritism are prevalent at the UN. Another example is the UN Human Rights Committee. This is a treaty body responsible for reviewing claims filed against States (under the first optional protocol to the International Covenant for Civil and Political Rights). Victims file claims seeking help, but not all victims get a favorable ruling or compensation. Claims that a government has violated due process rights, civil liberties, or political freedoms have been the most likely ones to lead to a ruling in the victim’s favor. Claims about suffrage or the rights of women or children have been much less successful—for some reason, the committee has ruled less often for these victims, who are often among the most underprivileged and underrepresented in society. The UN Human Rights Committee has also found democratic countries (both “western” and non-western) to be in violation more often than other countries—including those where abuses were worse. In short, decision making within the key UN human rights institutions is based not solely or even mainly on the extent of violations of human rights but also on other factors including national and interstate politics. There is no such thing as neutrality in this system and that fact leads to inequalities not only among countries but also among issues and victims.

Conectas: You argue that, in order to protect human rights, we need “steward states” and that they must find ways to use power more effectively. One of the assumptions of this issue of Sur is that, over the past decade, we have seen emerging powers from the South assume an increasingly influential role in the definition of the global human rights agenda. Some might say we are now in a multipolar order, where power is not so clearly divided. Do you agree with it?

E.M.H.: I agree entirely. States are at the center of the human rights problem and so they have an important role to play in the solutions. “Stewards” are actors that have a strong interest in advancing human rights abroad, for whatever reason. Let me be very clear: stewardship is not an entitlement or privilege. It is a nonaligned description of a foreign policy decision that *any* State or organization can make to use its power in an effort to promote human rights. For a lot of different reasons, many States are already in the business of stewardship outside of the UN system.

While there are potential benefits in using power in the service of human rights, there are also great dangers. Power badly performed can backfire and cause harm, especially to the most vulnerable. And efforts to promote human rights from the outside—whether through brutal means such as war or more peaceful means such as funding—are often seen as foreigners imposing their interests on the rest of the world. Too often, the use of power to promote human rights is illegitimate, based on external motivations or understandings that are out of synch with the needs and perceptions of the people—including the victims—states’ policies are supposed to benefit. That helps explain why so many current efforts by stewards to promote human rights flop—even at times catalyzing anti human rights sentiment.

The solution is not for stewards to avoid using power altogether. That would be devastating for human rights and also unrealistic—states do this because it is in their interest and they are probably not going to stop. The solution is to find ways to use power more effectively and fairly. To partner with, rather than to lecture at, local communities. Steward states need to develop congruence with local beliefs and practices. And they need to engage willing local entrepreneurs, such as NGOs, religious leaders and national human rights institutions over sustained periods.

Conectas: How does the rise of emerging powers affect your “stewardship” argument? What could be the role of countries such as Brazil, India and South Africa in promoting

human rights? These countries have serious violations occurring at home – would this prevent them from promoting human rights abroad?

E.M.H.: The emergence of rising powers from the South provides a critical opportunity for human right stewardship to become more representative. Right now, stewards disproportionately target the developing world. The West tells the rest what to do, imposing norms, policies, and even laws. And telling others what to do undermines the legitimacy behind the messages. Illegitimate advocates can't effectively promote human rights. Human rights promotion will gain more traction if more governments get into the business of *responsibly* promoting human rights in their region, launching more power for human rights from beyond North America or Europe. Nothing prevents States in other regions or with less than fully democratic political systems from choosing stewardship. This is a decisive moment for countries like Brazil, India and South Africa to reshape the global human rights agenda through more active participation as stewards in their regions. If they decline stewardship, the status quo will continue. Nevertheless, like all stewards, these countries will face the same challenges of promoting rights responsibly faced by Western countries, or they too will cause more harm than good.

Conectas: With Obama's administration, maybe people thought we would see radical changes in the US foreign policy regarding human rights. As an American citizen, how do you evaluate this? Was there any substantive change? If any, what were the main positive and negative aspects?

E.M.H.: When Obama was elected, there was the hope among many in the human rights community in the US that things were going to change in some fundamental way. And there have been a great many substantive changes compared to his predecessor, George W. Bush. Yet there have also been a great many shortcomings. Obama inherited a country in crisis, with America's self-image as a global human rights leader in decline. Obama promised big changes that he and his administration have yet to deliver: closing the prison in Guantanamo Bay, ending wars in Iraq and Afghanistan, reigning in the use of torture and illegal violations of civil liberties by the US government and military. Guantanamo is still open, the US supported the invasion of Libya, Iraq has collapsed into an intractable civil war with devastating effect on millions of innocents, and Afghanistan is not far behind and little progress has been made on protections for basic liberties in the US or elsewhere. On all of these fronts, the US continues to face serious challenges.

Obama has made some genuine efforts to rebuild America's image as a world leader on human rights. His administration has taken steps toward improving US credibility through greater engagement on democracy and human rights promotion in some places—think Honduras after the coup in 2009 or Cote d'Ivoire after the election crisis in 2010-11—with a softer, less “preachy” tone than his predecessor. In 2009, the US joined the UN Human Rights Council with an eye toward reform and engagement. And total US government spending in support of democracy and human rights promotion has gone up under Obama.

But his administration also continues to downplay—sometimes altogether ignore—human rights issues in places where the US has prioritized other interests. It is not clear if that is a good or bad thing, but it is entirely consistent with predecessors before him. What is clear is that, partly in response to the rise of emerging powers from the South, the US under Obama no longer displays a “one-size fits all” approach to human rights promotion through its foreign policy. It has taken a softer stance. Democracy and human rights promotion through war is no longer a central doctrine.

And his administration has openly recognized the important role for emerging powers in the new global order, focusing more attention and resources to support the development of democracy and civil society in places like Indonesia, more through common commitments than threats.

Conectas: How does the US human rights record affect its legitimacy to promote human rights abroad or, in your terms, to act as a steward?

E.M.H.: We must be very realistic about what a better strategy for stewards like the US can and can't do. It can make efforts to promote human rights a bit fairer and a bit more effective. It can't erase the politics from human rights. And it cannot solve the problem of hypocrisy: that steward states are often guilty of abuses themselves. The United States is frequently a target of this criticism, as it leaves its fingerprints around the world in ways that sometimes cause rather than alleviate suffering. There is no excuse for human rights abuses committed by US troops and leaders in Afghanistan and Iraq, or anywhere else, including at home. But just because the United States must do more to prevent human rights violations and punish citizens (including government agents) who commit human rights crimes does not mean it has forfeited its ability to act as a steward—for better or worse it is still trying, if not always successfully, to promote human rights around the world.

Conectas: In your book, you say that local organizations could “broadcast, endorse, and legitimize foreign efforts within their communities.” This is a pragmatic and potentially effective strategy. However, some could argue this is quite a “patronizing” view, as if local organizations were instruments of “superior States” foreign policies. How do you respond to this criticism?

E.M.H.: This is an astute and important observation. Most victims of human rights abuse need help, and many cannot find that help from their own government or society because the government or society is the source of the problem. Sometimes, movements to protect rights emerge and succeed internally. Other times, help from the outside can make the difference—that, at least, is the idea behind most human rights foreign policy and international activism. But one of the big barriers to human rights promotion is that stewards (whether they are foreign States or organization) are seen as imposing their own interests on the rest of the world, and this imposition is not only unfair, it is often ineffective.

Foreign involvement usually works best when there is local support from human rights stakeholders, not when outsiders impose policies. That means that partnerships with local organizations are usually essential for effective human rights foreign policy. NGOs and other local organizations can attract, shape and help implement these promotion efforts, while raising the odds that those policies resonate with local issues, customs, and practices. They can broadcast, endorse, and legitimize human rights within their community and appeal to local stakeholders without whose support foreign efforts will likely fail. This strategy poses a great threat to human rights abusers because it can unite their local and foreign adversaries and boost the legitimacy of human rights by championing them at the domestic level.

But there are tremendous risks here too. One is that local organizations become instruments of “superior States.” This is the opposite of what is necessary for an effective foreign policy, which is for stewards to partner with—not control—local organizations on their own terms. When local organizations depend on foreign support they must walk a fine line. That support, on the one hand, is a signal that can

raise an organization's status and influence. On the other hand, it can also compromise their reputation or ability to operate in the local settings. Organizations can find their influence diminished when foreign funding or affiliation creates perceptions of collusion. Dependence on foreigners can also distort local social movements by introducing external agendas.

Another danger is that a large role for foreign funding and cooperation can make local governments feel insecure. Aggravated by a rise in local community activism and afraid of losing control, local governments can respond with intimidation that undermines the ability of local organizations to operate safely or effectively. The effects can be felt not only in organizations but also among citizens who, fearing revenge or other consequences, disengage from the movement.

Conectas: Working internationally from the Global South – some organizations, including Conectas, have been working to influence the foreign policies of their countries and other countries. How do you see the role of southern-based groups in working with foreign policy issues? Should this be limited to their “own” countries or they have the legitimacy to monitor and influence other countries’ foreign policies? What challenges do you see for them doing this work? Furthermore, how do you see the relation between organizations created in North (e.g., Human Rights Watch, Amnesty International, among others) and those created and rooted in the South?

E.M.H.: Southern-based groups have a central—and increasingly pivotal—role to play in the promotion of human rights, including through working with foreign policy issues in their own countries and abroad. If a strategy of better stewardship is ever to work, it will depend heavily on the activities of organizations like Conectas to mobilize support for Southern governments to make human rights a local policy priority but also a foreign policy priority. Without the actions of these organizations, stewardship will flounder.

Yet, as far as North-South partnerships are concerned, the many difficulties of partnering across borders are well known. There is no perfect method for managing the tension between the need for foreign stewards to link their efforts into local organizations and communities, and the fact that those very linkages are a potential source of suspicion and misaligned incentives. Yet there may be a few rules of thumb for establishing successful partnerships to ensure that local organizations are not made into instruments of “superior States” but act as autonomous partners. One is resonance between policy goals. Local organizations and stewards should only partner when they seek to advance the same objective—foreigners, whether they be States or activist organizations, should not buy local support. Resonance helps guide the creation of shared interpretations of a norm that legitimates and inspires community support rather than imposing foreign concepts that feel alien. Another is community buy-in. If organizations are entirely funded by external actors, that is where their accountability lies. When some backing comes from the local community, the organization represents that community.

In an ideal world there would be no need for stewards and States would stay out of each other's business. We don't live in that world. We need stewards because human rights are not adequately protected. And States are not going to stay out of each other's business. Stewards are going to keep making efforts, for better or worse, to promote human rights—that is not going to stop. But stewardship can become better, less harmful on innocents, more effective for victims. It can benefit from stronger engagement by the global South, on their own terms, and closer voluntary partnerships with local civil society who are on the front lines in the fight for human rights.

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