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COMMEMORATIVE ISSUE  
HUMAN RIGHTS IN MOTION



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HUMAN RIGHTS

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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 20<sup>th</sup> 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 20<sup>th</sup> 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 20<sup>th</sup> 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 21<sup>st</sup> 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 21<sup>st</sup> 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**

# **Voices**

**FATEH AZZAM**

Why Should We Have to "Represent" Anyone?

**MARIO MELO**

Voices from the Jungle on the Witness Stand of the Inter-American Court of Human Rights

**ADRIAN GURZA LAVALLE**

NGOs, Human Rights and Representation

**JUANA KWEITEL**

Experimentation and Innovation in the Accountability of Human Rights Organizations in Latin America

**PEDRO ABRAMOVAY AND HELOISA GRIGGS**

Democratic Minorities in 21<sup>st</sup> Century Democracies

**JAMES RON, DAVID CROW AND SHANNON GOLDEN**

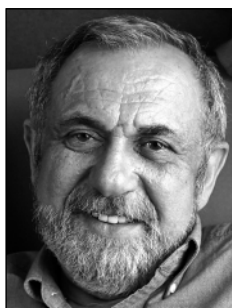
Human Rights Familiarity and Socio-Economic Status:  
A Four-Country Study

**CHRIS GROVE**

To Build a Global Movement to Make Human Rights and Social Justice a Reality for All

**INTERVIEW WITH MARY LAWLOR AND ANDREW ANDERSON**

"Role of International Organizations Should Be to Support Local Defenders"



FATEH AZZAM

Fateh Azzam is the Director of the Asfari Institute for Civil Society and Citizenship and Senior Policy Fellow at the Issam Fares Institute for Public Policy and International Relations, both at the American University in Beirut. He previously served as the Middle East Regional Representative of the UN High Commissioner for Human Rights, Director of Forced Migration and Refugee Studies at the American University in Cairo, Human

Rights Program Officer at the Ford Foundation in Lagos and Cairo, and Director of the Palestinian organization Al-Haq. He led the process of establishing the Arab Human Rights Fund ([www.ahrfund.org](http://www.ahrfund.org)). Azzam holds an LLM in International Human Rights Law from the University of Essex.

## ABSTRACT

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The question of “who do we represent?” has dogged the global human rights community for some time now and a recent flurry of articles have appeared that question the legitimacy of human rights and other NGOs by juxtaposing them against social or grassroots movements. Several authors have noted that because of NGO dependence on donors, their agendas and political outlook are necessarily affected and even subjugated and their links to the community are weakened. Having been involved in these debates in the Arab region for over twenty years and taking the example of Palestine as an extremely aid-dependent and politically volatile society, the author of this article takes issue with some of the assertions made, whether they concern human rights or civil society organizations more generally. Rather than pose either/or propositions, this article posits that it is important to adopt a more inclusive attitude that recognizes the diversity of approaches as enriching the creative and mutually supportive components of civil society. In Palestine, it is the very multiplicity and variety of civil society that is perhaps the only glimmer of hope in a grim political environment.

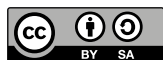
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ARTICLE

## WHY SHOULD WE HAVE TO “REPRESENT” ANYONE?\*

Fateh Azzam

One of the queries posed for this anniversary issue of the Journal is “who do we represent?” This is a question that has dogged the global human rights community for some time now and a recent flurry of articles have appeared that question the legitimacy of human rights and other NGOs by juxtaposing them against social or grassroots movements and accusing them of corruption (DANA, 2013), criticizing “NGOisation” (JAD, 2014), and extolling the virtues of volunteerism vs. “professionalism” (SURESH, 2014). The authors note that because of NGO dependence on donors, their agendas and political outlook are necessarily affected and even subjugated and their links to the community are weakened. They propose that civil society should move away from “NGOisation” towards some idealized and more “politically correct” form of mobilized grassroots movement in order to gain legitimacy. Interestingly, nearly all of those articles focus on civil society efforts in the Global South.<sup>1</sup>

Having been involved in these debates in the Arab region for over twenty years, I take issue with some of the assertions made, whether they concern human rights or civil society organizations more generally. This discussion will focus more on the experiences in Palestine, an extremely aid-dependent and politically volatile society where these concerns take on heightened importance and where the advocacy for human rights is tightly interwoven with the politics of resistance and liberation. Rather than pose either/or propositions, this article posits that it is important to adopt a more inclusive attitude that recognizes the diversity of approaches as enriching the creative and mutually supportive components of civil society. In Palestine, it is the very multiplicity and variety of civil society that is perhaps the only glimmer of hope in a grim political environment.

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\*This article is a combined edited version of two previous online articles by the author: “In defense of ‘professional’ human rights organizations,” published on 13 January 2014 in OpenDemocracy/OpenGlobalRights, and “NGOs vs. Grassroots movements: A False Dichotomy,” published on 6 February 2014 in Al-Shabaka Palestinian Policy Network. See list of sources for original articles.

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*Notes to this text start on page 280.*

## 1 Are NGOs wrong by definition? And how Popular are People's Movements?

In Palestine, an issue regularly raised is that one of the results of the 1993 signing of the Oslo Accords between Israel and the Palestine Liberation Organization (PLO) was a shift in civil society organizations from grassroots committees "deeply-rooted in the national liberation movement" to NGOs as aid-dependent intermediaries between the global and the local (DANA, 2013). The picture, however, is more nuanced and complicated, and our understanding of it must begin with questioning whether the idealized "mass-based" movements were indeed "mass-based" and represented a popular national agenda rather than that of the competing political actors behind them.

NGOs were already active long before Oslo. A great many of the development, human rights and women's rights NGOs were established in the early 1980s and were already doing very good work long before the post-Oslo increase in funding. The Palestinian "popular committee" phenomenon of the 1970s and 1980s, such as the volunteer committees initiated by Birzeit University, the Medical Relief and Agricultural Relief committees and others, also did excellent work and helped to prepare the ground for the first popular Intifada. Political actors, especially the Communist Party, initiated many of those committees, but eventually the various political parties of the PLO established rival committees as well. At one point we had three medical relief committees and three "grassroots" women's committees, as well as others in other fields. Despite the good work these committees did, they were not free from political elitism and manipulation of nationalist sentiment for purposes of partisan political party mobilization. Moreover, the success of those mobilization efforts can also be questioned, evidenced by the weak state of those movements today. The reasons for that weakness must be studied in the context of their own history and modes of operation, rather than simply be blamed on the proliferation of better-funded NGOs.

Another more difficult question, given the current political fragmentation of Palestinian society, is whether or not there is a unitary or coherent "national agenda" beyond the general one that all agree on: liberation from occupation. The various political forces and currents in Palestinian society, including Fateh in the West Bank, Hamas in Gaza, the Left in general and even the "new globalized elite," do not necessarily share the same vision of future Palestinian society. They certainly should be able to articulate those visions equally and offer the general public competing agendas and pathways to achieve them. In that sense, advocates for human rights or the public good should also have the right to adhere or not to any of those interpretations of a "national agenda." Some political actors may disagree with a human rights vision of a future where internationally recognized universal standards of human rights and the rule of law may conflict with narrower definitions of rights and liberties based on other criteria.

Then there's the criticism that NGOs have hierarchal structures where power is concentrated in the hands of a few individuals who are only accountable to their Boards (if Boards do indeed exist or operate as they should) and not to their

community. This is not a new phenomenon in Palestine, or in the region for that matter, and it is not limited to the NGOs. Civil societies almost always reproduce the leadership models they are accustomed to. In Palestine and elsewhere, it is not only the director of many NGOs who has been in their post for 30 years, but also the head of state or a local committee or council, political party, and workers' organization, among others. To see this as a problem unique to NGOs is misplaced.

The assumption that social movements somehow can be free of political manipulation and simply operate on higher moral or ethical grounds is not necessarily well founded. In the Arab region, many human rights groups started as membership organizations with a social movement model in mind. Very quickly, and probably because of the lack of real political participation in the region, struggles for political control took place within those organizations, leading to paralysis and ineffectiveness.

Accusations are occasionally levied at NGOs for corruption, misappropriation of funds or over-spending on salaries and administrative expenses, as opposed to "help[ing] a rape victim or torture survivor" (SURESH, 2014). Corruption does happen and it requires daily vigilance, but it is not a problem unique to those professionalized organizations dependent on foreign funds. We see it in social movements, trade unions, political parties (of course), grassroots development organizations and, yes, in donor organizations as well (LEBANON DEBATE, 2013). Corruption is a human trait that must be fought with higher ethical human traits and with accountability and transparency mechanisms. But to point the finger at donor-dependent organizations and single them out as endemically corrupt seems unfair.

## 2 Donor agendas and other criticism

Another over-simplified juxtaposition is pitting the presumed donor-driven globalized agendas of NGOs against the (again presumed) more homegrown national agenda of popular social movements. There have certainly been a host of issues associated with foreign funding of local efforts, including the matching of donor and national priorities, the "black lists" established by the United States, growing dependency and many others, and funding can of course have an effect, since donors do come with their own agendas and priorities.

Indeed there are politics in social justice philanthropy (AZZAM, 2005), which is one of the reasons that, five years ago, a number of us established the Arab Human Rights Fund, the first such regionally owned philanthropy for human rights, which takes its funding cues from concerns on the ground and also seeks to educate international donors.<sup>2</sup> To date, however, we still are unable to reach anywhere near the volume of funding provided by European and North American donors, as potential national donors continue to fear being associated with what is perceived as a "political" issue. In many countries in our region, governmental authorization is required even to raise funds locally, let alone receive them from the outside. These issues, however, are symptoms of broader social and political problems, not those of the organizations themselves.

Donors often focus their funding priorities for their own reasons, some of which are strategic, some programmatic and some even political, and this does affect what issues get funded in any given year. No doubt, NGOs must research donor organizations’ priorities before submitting their proposals and many make decisions accordingly. Sadly, not all NGOs are able to negotiate with their donors to gain support for what they feel are priority issues. But to say that donors’ priorities eroded the capacity of Palestinian NGOs to produce plans based on national priorities—again, assuming we have the same national priorities—is unfair and sidelines the commitment and hard work of Palestinian NGOs. To give only one example, how is it a foreign agenda for the Palestinian Center for Human Rights in Gaza and al-Haq in Ramallah to use foreign funding to file war crimes cases against Israeli officials in Europe? Because of Palestinian NGOs’ creative and courageous efforts in that regard, and despite cowardly diplomats and courts in Britain and elsewhere changing their laws to avoid war crimes cases, Israeli officials periodically cancel travel for fear of prosecution (PFEFFER, 2012).

In fact, the power of donors to actively impose their own priorities or views on NGO work is more limited than is often assumed. For donor organizations, it’s damned if you do and damned if you don’t (WAHL, 2014). If donors are lax about the lack of institutional accountability, they are blamed for supporting inefficiency, undemocratic NGO structures and elitism. Yet if they become too insistent or “pushy,” they are accused of interfering in the work of national NGOs and imposing their agenda. Our attention should be focused instead on organizations’ own responsibility to be accountable and operate effectively and efficiently and be clear and insistent on their own agenda.

The argument that NGOs become implementers of foreign agendas, and that this happens at the expense of other, more indigenous forms of civil society formation, requires much clearer evidence; a cause-and-effect connection is not so easy to discern. It is true that some people choose to go after the money by forming NGOs, but that does not mean that every NGO is thus formed, nor does it explain why thousands of others have not joined or have abandoned “mass movements.”

### 3 Aid and political activism

Certainly the aid on which Palestine has become dependent is a harsh reality and the consequences this has had on the discourse and direction of development and politics deserve much evidence-based research. However, we need to dig deeper into whether or not the de-politicization of specific funded projects necessarily leads to the de-politicization of the NGOs or of Palestinian society as a whole as has been claimed (DANA, 2013), or whether the international development discourse or adherence to a universality of standards, as human rights require, perforce de-legitimize what should be Palestinian-specific discourse and priorities.

Human rights organizations have come in for much of that criticism, but the evidence is to the contrary. This is precisely because their starting point is the universality and international standards of rights and the moral and legal power to claim them against the Israeli occupation, the Palestinian Authority and Hamas.

Should women's claims for equality be subordinated to the national struggle for liberation (the usual "not now, we have to fight the occupation"), or will women's rights organizations be accused of "de-politicization" if they undertake a project—funded by an international donor—to bring Palestinian practices in line with international standards for women's rights?

Even if some NGOs do become de-politicized—and this is not *ipso facto* a bad thing—it does not mean that the entire society does, as well. The work and sacrifices of the Palestinian-inspired International Solidarity Movement, or the organizations documenting settlements and settler violations or house demolitions and the effects of the Apartheid Wall, all funded by international donors, attest otherwise.

It is sometimes asserted that knowledge production has also shifted towards a neoliberal or neocolonial "taming" of Palestinian society into accepting the peace process, and that we need to reinvigorate "anti-colonial" and liberating research. Knowledge is crucial, and the more that can be produced to inform policies and construct liberation approaches and methodologies of resistance, the better. But we do need to be careful of our value judgments. Knowledge must be based on truth and on credible analysis, whether that analysis is based in colonial, anti-colonial or neo-colonial frameworks. To demand that knowledge production and research should be directed or follow a particular model or analysis is a serious mistake and a form of suppression of and limitation on free inquiry. The world of ideas and debate requires creativity that can only come from freedom of scientific inquiry away from prescriptive ideological requirements.

#### 4 Room for all approaches

The criticism of NGOs is well meaning and much of it, well placed. The desire to see civil society organizations as people-centered, participatory, democratic and representative in a legitimate and sustainable manner is laudable and certainly supportable. But it is inaccurate and unfair to tar all components of civil society with the same brush and to dismiss "professional" NGOs as simply tools in the hands of funders and implementers of a post-Oslo political agenda. The alternative of idealizing "popular movements," without taking a serious look at some of the political and organizational issues they have had, is seriously problematic. Subjecting NGOs to a more historical and empirical approach is a correct and important idea (JAD, 2014) but it should be applied to popular movements, as well. There is a lot to learn from the history of those movements and the reality of their work today, and if we can learn those lessons, perhaps then we can build social movements that can represent and advocate for the interests of their communities, free of political manipulation with or without funding.

Civil society organizations should not be subjected to such binary analysis or to prescriptive solutions. The struggle for social justice can be strengthened when grassroots social movements take up human rights as advocacy tools towards social justice, democratization and a more just and balanced social order. Indeed, such a social movement approach can exist side by side with more "professionalized" rights



defenders working on specific cases of torture, land rights, forced evictions, violence against women or freedom of expression. They play different and complementary roles.

Expecting human rights organizations to become social movements may be more difficult, however. What distinguishes human rights from other moral, political, religious or social systems and modes of work is that they are legal. They *require* law and legal advocacy in defense of individuals and communities. While it is certainly important to inculcate human rights *values* in all aspects of social and political life, what makes them *rights* is law and accountability, notwithstanding the personal political views of the advocates or the authorities. This requires a different set of skills, which are equally important as social mobilization skills. To say that either skill-set is better, more legitimate or more important than the other would be fundamentally wrong. We choose where to focus based on our proclivities and preferences, personal assessments of what is more effective and yes, even our political views.

There is room—indeed a desperate need—for a variety of approaches. Civil society actors do not all have to be the same or have the same goal, political outlook, or methods of work. Rather, creative ideas and solutions for today’s extremely complicated political, economic, legal and social problems can come from different arenas, different methodologies and from open debate, especially between conflicting points of view.

We should trust that the power of ideas and putting them into practice will uncover what makes the most sense or what works best at any given point in time. The success of the boycott, divestment and sanctions movement (BDS) is that a few people had a great idea and it has become a global movement because of the power of that idea.<sup>3</sup> However, to say now that this or any other idea is the *only* way to liberate Palestine, and that other work by “institutionalized” NGOs in areas such as legal research, litigation, development or capacity building are simply the product of donor-inspired agendas, is not only wrong but a serious mistake. The malaise and failure of Palestinian national politics and mobilization strategies should not be blamed on others; neither the outside donors who do what they do nor the national organizations who may be supported by them.

Palestinian human rights actors opted for the “professional” institutional model, with a self-selecting board of directors or trustees, where they can go about their work free of partisan political interference. Despite doing very good work, debates continue as to their “failure” to establish or motivate social movements for human rights. At the same time, we have seen more and more development organizations at the regional level, such as the Arab NGO Network for Development, adopt human rights language and the rights-based approach.<sup>4</sup>

The Arab revolts since early 2011 have reinvigorated the social and political movements of the region, particularly with the participation of youth and the technological tools they brought. Those movements, however, have not yet succeeded in creating a democratic alternative to the dictatorships of the past, although they are still trying. On the contrary, they have been under increasing threat and their leaders are being imprisoned for speaking out and demonstrating, particularly in Egypt (REUTERS, 2014). Meanwhile, the “professional” human

rights organizations continue to defend them and to articulate a law-based vision of social, political and legal justice. They are “professional organizations” and may not match social movements’ mobilizing capacity, yet they provide the legal analyses and support necessary for social movements to take up. Social movements need to ally themselves to these organizations, rather than compete with them; they need each other.

A self-critical engagement with the above questions is necessary but it seems to me that some (not all) of the criticisms are misdirected and indeed contradict other values that we should hold dear: the freedom to express views and operate in any way we see best to serve our communities, and to trust in the power of ideas to influence change as well as public culture. Legitimacy should be gained as a natural outcome of what one does, not from some imposed criteria or set of representational notions that dictate one form or another of how acceptance should be granted. We should not have to “represent” anyone to gain legitimacy or to engage in work for the public good in human rights or other fields of endeavor.

## REFERENCES

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### Bibliography and Other Sources

AZZAM, Fateh. 2005. The Arab Human Rights Fund—The Politics of Social Justice Philanthropy. *Alliance Magazine*, v. 10, n. 2, Jun.

\_\_\_\_\_. 2014a. In defense of ‘professional’ human rights organizaions. *openDemocracy*, openGlobalRights [online], 13 Jan. Available at: <http://www.opendemocracy.net/openglobalrights/fateh-azzam/in-defense-of-professional-human-rights-organizations>. Last accessed on: 20 March 2014.

\_\_\_\_\_. 2014b. NGOs vs. Grassroots Movements: A False Dichotomy. *al-Shabaka Palestinian Policy Network*, al-Shabaka Commentary [online], 6 Feb. Available at: <http://al-shabaka.org/ngos-vs-grassroots-movements-false-dichotomy>. Last accessed on: 20 March 2014.

DANA, Tareq. 2013. Palestinian Civil Society: What Went Wrong? *al-Shabaka Palestinian Policy Network*, Policy Brief [online], 15 Apr. Available at: <http://al-shabaka.org/policy-brief/civil-society/palestinian-civil-society-what-went-wrong>. Last accessed on: 20 March 2014.

JAD, Islah. 2004. The NGO-isation of the Arab Women’s Movement. *IDS Bulletin*, Sussex University Press, v. 35, n. 4, pp. 34-42, Oct. Available at: <http://www.ismitalia.org/wp-content/uploads/the-NGO-isation-of-arab-women-s-movements-byislah-jad-2004.pdf>. Last accessed on: 20 March 2014.

LEBANON DEBATE. 2013. Corruption Hits U.S. State Department’s MEPI Program in Lebanon. *Lebanon Debate* [online], 4 Jun. Available in Arabic at: <http://www.lebanondebate.com/details.aspx?id=134993>. Last accessed on: 20 March 2014.

PFEFFER, Anshel. 2012. Fear of Arrest Still Prevents Israeli officials from Visiting Britain. *Haaretz*, 20 May. Available at: <http://www.haaretz.com/news/diplomacy-defense/fear-of-arrest-still-prevents-israeli-officials-from-visiting-britain.premium-1.433452>. Last accessed on: 20 March 2014.

REUTERS. 2014. Egypt convicts activists in one case, opens probe in another. *Reuters*, Cairo, 5 Jan. Available at: <http://www.reuters.com/article/2014/01/05/us-egypt-activists-idUSBREA0407L20140105>. Last accessed on: 20 March 2014.

SURESH, V. 2014. Funds and Civil Liberties. *openDemocracy*, openGlobalRights [online], 6 Jan. Available at <http://www.opendemocracy.net/openglobalrights/v-suresh/funds-and-civil-liberties>. Last accessed on: 20 March 2014.

WAHL, Rachel. 2014. What's a funder to do? *openDemocracy*, openGlobalRights [online], 22 Jan. Available at: <http://www.opendemocracy.net/openglobalrights/rachel-wahl/whats-funder-to-do>. Last accessed on: 20 March 2014.

## NOTES

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1. As far as I'm aware, no one has raised the representational legitimacy of Human Rights Watch, for example, or Article 19, or the Center for Constitutional Rights, except perhaps some irate governments.

2. See The Arab Human Rights Fund, available at:

[www.ahrfund.org](http://www.ahrfund.org). Last accessed on: 31 July 2014.

3. See Boycott, Divestment and Sanctions Movement, available at: [www.bdsmovement.net](http://www.bdsmovement.net). Last accessed on: 31 July 2014.

4. See ANND, available at: [www.annd.org](http://www.annd.org). Last accessed on: 20 July 2014.

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