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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

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“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”



MARK MALLOCH-BROWN

Mark Malloch-Brown was formerly Minister of State in the UK Foreign Office, covering Africa and Asia, and was a member of Prime Minister Gordon Brown's cabinet. He had previously served as Deputy Secretary-General and Chief of Staff of the United Nations (UN) under Kofi Annan. For six years he was Administrator of the United Nations Development Programme (UNDP), leading the UN's development efforts around the world. Other positions have

included vice-chairman of George Soros's Investment Funds, as well as his Open Society Institute (OSI), a Vice-President at the World Bank and the lead international partner in a political consulting firm. He began his career as a journalist on *The Economist*.

He serves on a number of non-profit and advisory boards. He is a member of the House of Lords and was knighted in 2007.

In this interview, Mark Malloch-Brown explains how he began to promote the concept of South-South cooperation in UNDP and also the limits of its application. Despite a modest beginning, countries like India, Brazil and South Africa - with their ability to focus on global economic policy - have helped to give new impetus to South-South cooperation. Malloch-Brown also discusses the strength of civil society in bringing a Human Rights agenda for South-South cooperation. At the end of the interview, Malloch-Brown also addresses the role and possible performance spaces in a new multipolar scenario.

Original in English.

Interview conducted in April 2014 by Maria Brant (Conectas Human Rights).



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

INTERVIEW

“WE ARE VERY MUCH A MULTI-POLAR WORLD NOW, BUT NOT ONE COMPRISED SOLELY OF NATION STATES”

Interview with Mark Malloch-Brown

Conectas Human Rights: How has the issue of South-South cooperation changed over time?

Mark Malloch-Brown: When my colleagues and I started promoting South-South cooperation at UNDP, it was still very much a new approach to development cooperation. There was, for example, very little Brazilian technical assistance outside Brazil. I worked on a project addressing social media and social behaviour involving Brazil and Mozambique. It was quite novel for Brazil, at that time, to be involved in such work. Two things have changed since then. Firstly, countries such as Brazil, India and most notably China, have become major donors in their own right. And, secondly, South-South economic links have become dramatically increased and enhanced, particularly for a commodity producer like Brazil and other countries in the South. These factors have overtaken the modest beginnings that I saw when I was at UNDP. Changes in the pattern of global political economy have meant that South-South cooperation has become a much more normal part of the development agenda.

Conectas: Could you give examples of where the South-South cooperation has worked well and also where it has not?

M.M.: One can consider government-to-government cooperation, or citizen-to-citizen cooperation. I think that government-to-government cooperation has had limited impact. Obviously, when countries such as Brazil, South Africa and India share advice at a policy level, it's useful - their policy experience is much more similar than that of North and South countries. But equally, the impact of that can be quite limited. Policy dialogue still tends to be in the hands of the big bi-laterals, or of the international development banks, like the World Bank or the Inter-American Development Bank. Where the impact has been greater in South-South cooperation is civil society-to-civil society collaboration. In fact, the value of South-South cooperation at the level of citizen-citizen, is, in many ways, much greater. There is the spark of an understood common experience. What is perhaps most notable about this citizen-to-citizen collaboration it is

not a strictly NGO-to-NGO, or Not-to-Profit to Not-to-Profit collaboration. There is a lot of business involved as well. You see, for example, multinational or international companies with an Indian, Brazilian or Chinese background engaging in agriculture, infrastructure and energy projects in other developing countries. This results in a significant transfer of know-how and experience. I, for example, chair an agriculture business, social enterprise in Ghana, where the middle managers are Brazilians. In West Africa there is a growing interest in Brazilian rice farming techniques, because of their apparent relevance to the agricultural conditions of West Africa, in terms of soils, water, etc. Therefore, it is this people-to-people level of South-South cooperation which is probably producing the most striking results.

Conectas: You talk above about businesses from the Global South and how there has been a positive sharing of know-how and expertise. However, some of these big businesses from the South have been criticized heavily by civil society because they are doing exactly what other Northern multinationals are doing in other Southern countries. How do you think human rights defenders can challenge violations caused by non-state actors? Is human rights language enough or is it out dated now that some of the main human rights violators are no longer states?

M.M.: Human rights language certainly needs re-thinking and re-positioning for this reason. One reason why South-South state cooperation has been disappointing is because the southern states are not willing to weave a human rights dimension into their development partnership with other countries. For example, a country like Brazil is much less willing than a country like Norway to raise human rights concerns when it provides assistance to an African country. This issue is compounded when a lot of the companies which are entering southern markets are operating with the development experience from their Indian or Brazilian background, in particular, the availability of cheap labour. This is often an issue where the labour is migrant based and where the labour force doesn't enjoy a high degree of human rights protection. This is the uncomfortable flip side of importing relevant experience. Although relevant, this experience is stripped of the kind of protection and rights-based assumptions that are present in northern development thinking. There is a genuine problem here. Does this mean that human rights defenders need to rebuild what they are doing? Certainly, they need to broaden their work and engage in a much more thoughtful discussion about the economic and social agenda. There needs to be an appreciation and recognition of the trade-offs - the arriving business may bring crops and livelihoods which were not there before. Equally, however, there may be a loss of political rights and poor labour conditions. The human rights defender needs to be very focused on this. Often both are missed because not enough attention is paid to the economic and social issues, and also because the focus often remains on the state being the persecutor, not the corporate employer. This is a new lens, which has many more fronts to it.

Conectas: What do you think could be the role of institutions such as the G-8, G-20, World Economic Forum for the protection of the human rights?

M.M.: I think they've got a role in promoting norms, but no role at all in policing or enforcing those norms. These are business institutions with a business or governmental agenda. They are, by design, the property of all of their members. As a place for a dialogue about norms, they're useful, but as a new sort of alternative network of human rights compliance, they are not of much value.

Conectas: How do you think grievances and demands from the Global South could be heard and integrated into the policies and activities of those groups? Or do you think they are not the right place for that to happen?

M.M.: These institutions are often overrated for their ability to drive this kind of agenda. Take the World Economic Forum. It was driven in part to adopt concern for human rights issues as a competitive response to the World Social Forum. However, since the World Social Forum has rather lost its global impact, the World Economic Forum has slipped back to a less human rights-focused agenda. While it remains very interested in economic development issues, and is incredibly important in this regard, it doesn't have any real human rights voice, nor would it want it.

Conectas: Southern Human Rights institutions are still funded by Northern institutions (OSF, Ford). What do you think this means for Global South organizations? How could these southern organizations influence the agenda of their Northern funders?

M.M.: This is a nice problem to have. Organizations like O.S.F., where I serve on the Board, and Ford really work very hard to try and make sure that they understand and are sensitive and responsive to a southern agenda. O.S.F. doesn't think of itself as American and I'm sure Ford doesn't either. Even though O.S.I. has more of its money and people in the U.S., it has really been focusing on expanding into other places and on having a network of foundations in many parts of the world. George Soros, its founder, was an immigrant from Communist Hungary. Therefore, there's a real attentiveness to southern agendas. While it's not ideal and it is no substitute for a new generation of foundations from the South, this isn't the biggest problem. These organizations want as much southern street credibility as they can get.

Conectas: Do you think we are living in a multipolar world? If so, do concepts like North and South still apply?

M.M.: We are very much part of a multi-polar world. We are part of a world where there are a handful of countries that can project political and military power at a global level - but they can do so with much less effectiveness than in the past. Almost every situation requires regional partners, as well as global partners to resolve it. A Syrian solution needs Iran and Saudi Arabia as much as it does the U.S. and Russia, for example. One can go on and on listing the regional actors and power-brokers of particular conflicts or situations. We are very much a multi-polar world now, but not one comprised solely of nation states. The private sector, civil society and other groups are also power sharers in this new formula. So, does that make North-South a useful division? Much less so than it used to

be. But still a more useful term than ‘East-West’ is. While North-South is no longer a strict geographical line in the sand through the Equator and through the oceans, the fact remains that there are development challenges and income disparities which, still, are very much a feature of southern life, in a way that they are less so in northern life. So, there are still some useful defining characteristics of North and South, but you can no longer use that North-South template as the only way to group countries in the world. There are so many other factors which enable us to do so – whether it is integrated internationally, a trading economy, democratic in character, market oriented, you name it.

Conectas: You’ve mentioned when we were talking about South-South cooperation, and also linking to what you’ve just said, it seems that new powers or new poles have a more important role in the international sphere. What do you think that means for human rights? Brazil, China, India, South Africa, in terms of their concerns with human rights and how do you think it will change?

M.M.: In the short term, it’s a net deficit because you have countries which are prioritizing other agendas above the human rights agenda in terms of their international engagement. But, over time, I hope it will lead to a broadened ownership and commitment to the human rights agenda. Hopefully, the human rights agenda will escape the label of being a set of northern preoccupations which are imposed on the South. A more multi-polar global political economy means, ultimately, a more multi-polar human rights system of compliance, as well.

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