

THE SOUTH IN TRANSITION¹

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- *Towards a new ecology of the human rights movement* •
in the context of closing civic space

ABSTRACT

Human rights defenders across the world continue to face repression. Despite the rise of democratic regimes, in many contexts restrictions on civic space are increasing including the growing power of business over the state. These trends have in many ways curtailed “people power”. Within this context, the human rights movement has had to find new ways of organising, notably by strengthening the power and voice of human rights organisations in the Global South, so that human rights as an approach and way of working are evident in the way the movement itself operates. This article, based on the review of The Ford Foundation’s Strengthening Human Rights Worldwide global initiative, offers examples of how a number of Global South actors are responding to this new reality.

KEYWORDS

International NGO | Advocacy | Power | Global South | Movements

Tuesday 1 August 2017 - the last time that Santiago Maldonado, a 28-year-old Argentinian activist was seen alive. He had been participating in a protest with the Mapuches, an indigenous group fighting to protect their ancestral land in Patagonia after it was bought by the global fashion brand Benetton, when, according to witnesses, he was arrested by the Argentine National Gendarmerie – a security force that operates under the direct command of the National Security Minister. Whilst the Gendarmerie denied this charge, his disappearance sparked nation-wide protests demanding the national government adopt measures to bring back Maldonado alive and find who is responsible for the disappearance. “They took him alive, alive we want him back”, protestors chanted, a rallying call that had sinister echoes.² Years earlier, during the reign of Argentina’s military regime (1976 - 1983), responsible for the disappearance and death of more than 30,000 mostly young people, human rights organisations in the country had made the same plea.³ Sadly, Maldonado’s body was found in a river in southern Argentina on 19 October 2017.⁴

The kidnapping and killing of human rights activists is not a new trend, neither in Latin America, nor in the rest of the world. So when the question of *closing* of civic spaces arises, it begs another question – were they ever open? What is different today is that, on the very day of Santiago’s disappearance, human rights defenders in Singapore, London and Mexico were already aware of it. The protests were not only local, but global, thanks to online campaigns, and the case received widespread condemnation. The Inter-American Commission on Human Rights suggested that the case be investigated as a forced disappearance and as a result, the Gendarmerie was removed from taking an active role in the investigation.⁵ Furthermore, the United Nations (UN) Committee on Enforced Disappearances requested to oversee the investigation, which was accepted by Argentina. Amnesty International launched an Urgent Action calling for a thorough investigation whilst Human Rights Watch helped amplify the case through its own public channels.

1 • New Players, New Ecology

The Santiago Maldonado case exemplifies how, even though abuses continue to take place, often times in the context of clampdowns on civic society, the response by human rights organisations is changing, produced by shifts in the ecology of the human rights movement, most notably in the relationship between so-called Global North and Global South players.

There are positive trends emerging, including new and legitimate voices to deal with these restrictions. The Mapuches case is an example of battles to protect land rights against transnational corporations carried out by their own indigenous leaders. There is a transition within the human rights movement where traditional subaltern groups are now self-representing their interests. The traditional, and vertical model of local organisations collecting information to be analysed and disseminated by international non-governmental organisations (INGOs) is now becoming a more horizontal and collaborative way of defending human rights.

In the last few years there have been attempts by Southern-based human rights non-governmental organisations (NGOs) and Northern-based INGOs to further change the ecology of the human rights movement. They are more explicitly trying to identify how to maximise the value of all players, from local to international levels, recognising that effectiveness requires spaces in which organisations and individuals can bring issues, evidence, and experience into the broader movement. The review of The Ford's Foundation Strengthening Human Rights Worldwide (SHRW) global initiative, upon which this article is based, showed how groups in diverse countries are better able to build evidence of trends in abuses through collaborations. For example, whilst local, national and regional NGOs in the Global South are increasingly turning their attention to abuses by the private sector, they often struggle to find the leverage points for a multinational company that is committing abuses. Meanwhile, the experience and expertise from the very places where these abuses are taking place is critical to ensure human rights organisations adequately respond to the issues on the ground in terms that are appropriate for those impacted by the abuses.

Donors too are contributing to these efforts. The Ford Foundation's SHRW global initiative, which was launched in 2012, was a response to the shifting geo-political context, in which "the international human rights movement needed to adjust to this new global order to make human rights a reality for millions around the globe...to have an impact at the global level by focusing on a sort of 'enforcement from below' through a more multipolar approach."⁸ Through a five-year \$54 million investment, the initiative supported a cohort of Global South groups, and another cohort of international NGOs headquartered in the Global North⁹ but exploring new relationships, approaches and forms of regional or global organising.¹⁰ This paper presents key insights generated by the Review of the SRHW global initiative, which are particularly pertinent when considering specifically how organisations can respond to shrinking civic space.

1 - Knowledge is Power

One of the key elements of a new and more representative human rights movement is generating knowledge from concrete experience and supporting transnational learning between groups from the Global South.

Southern NGOs are challenging the pattern in which knowledge production and validation is done predominantly by human rights NGOs and academics in the Global North. For example, Dejusticia, in Colombia, runs a programme promoting "action-research" where it hosts human rights defenders from countries in Africa, Asia and Latin America, offering training and support in research methods, writing and advocacy.¹¹ A comparison of first authors in the last three editions of this publication, *The Sur International Journal on Human Rights*, published by Conectas, one of the grantees in the SHRW, relative to two other international journals, *Human Rights Practice* published by Oxford University Press and *Human Rights Quarterly*, published by The Johns Hopkins University Press, shows that SUR had contributions from 37 authors from the Global South and 16 Global North first

authors. In comparison, *Human Rights Practice* had 4 from the Global South and 25 from the Global North and *Human Rights Quarterly* had 2 from the Global South and 43 from the Global North.¹²

According to Rodrigo Uprimny, a member of the United Nations (UN) Committee on Economic, Social and Cultural Rights, “Northern groups have global perspectives. Southern groups are normally involved in collecting information and their analyses tend to be contextual rather than substantive. When Northern groups set the agenda, they are often insensitive to the context and miss crucial points.”¹³ Moreover, in context of closing civic spaces, the specificity of local experience has to inform not only local strategies, but global understanding of the forces at work and how to address them.

2 - Creating a Mosaic of Actors

More and more, the international human rights movement is better understood and operationalised as a mosaic of diverse groups with diverse contributions rather than a ladder in which abuses happen at local level and are fed “upwards” to be address by international NGOs. This horizontality is illustrated by the International Network of Civil Liberties Organization (INCLO), which built a global evidence-base and campaign on the use of “non-lethal weapons” to control protests culminating in a report in partnership with Physicians for Human Rights, *Lethal in Disguise: The health consequences of crowd-control weapons*.¹⁴ This report is being used both to build a wider base of support to challenge the use of dangerous weapons against protesters and also to advocate - at national and international levels - for government and private sector accountability for the use of ostensibly non-lethal weapons in their efforts to close civic space. INCLO’s members, in turn, have done this research through deep engagement with local groups involved in and affected by the use of such weapons, thus validating the power of alliance building between groups working at local and national levels.

National-based groups in the Global South are increasingly finding ways to influence the human rights system through collaborations with groups working on similar issues and by targeting various international and regional forums. The Center for Legal and Social Studies (CELS), in Argentina, led a joint initiative with 16 other organisations to request the first regional hearing on drug policies at the Inter-American Commission on Human Rights in March 2014, explicitly linking drug regulation and related militarisation to the machinery of oppression, denying citizens rights. The report, *The Impact of Drug Policy on Human Rights*, was presented to universities, social organisations, UN agencies, and regional and sub-regional mechanisms in 10 cities.¹⁵ CELS strengthened existing collaborations, including with researchers analysing militarisation in the “war on drugs”, and added new ones with universities in Europe and Latin America. In addition, the organisation undertook advocacy work at the Human Rights Council, which passed its first resolution on drug policy in 2015, and also at the Office of the High Commissioner for Human Rights (OHCHR), which drew

on the expertise of CELS and its partners to draft a study on the world drug problem's impact on human rights. These in turn fed into a Special Session of the UN General Assembly in April 2016 on "the world drug problem". CELS also participated in the Commission on Narcotic Drugs (CND). They alerted CEDAW and the UN Working Group on Discrimination against Women to the dramatic ways in which women's rights are being affected by drug trafficking and drug policies. As a member of the Human Rights Council Network (HRC-Net) CELS made a presentation to the UN Secretary-General. Through this work, CELS forged alliances with and inserted a human rights perspective into the work of the international drug policy reform movement, joining the International Drug Policy Consortium and becoming an active participant in the Vienna NGO Committee on Drugs and the New York NGO Committee on Drugs, which enabled it to influence conversations with UN Agencies.¹⁶

In the traditional human rights ecology, national groups advocate to their own governments whereas INGOs advocate to *other* governments. However, in the emerging more equitable ecology of the human rights movement, national and regional human rights groups are challenging the system in other countries without the aid of INGO intermediaries. For example, collaborations between national members of the regional network Forum-Asia and human rights groups in Mongolia enabled them to influence the Mongolian government's motivations for its candidacy to the UN Human Rights Council. They used the moment of its candidacy to put pressure against the way Mongolia was closing civil spaces internally and succeeded in influencing the government to commit itself to move away from its regressive positions, which undermined freedom of expression, assembly and association.

3 - Regional Institutions: A Key Part of the Equation

Often states accuse the international human rights system of having a Western bias and failing to understand the local context. And when activists criticise them, their governments often delegitimise the activists' claims by accusing them of being the puppets of Western forces or worse, shut them down. For example, the Kenya Human Rights Council is facing deregistration from the NGO board, a move that they say is political because of their support of the opposition party.¹⁷ Therefore, regional intergovernmental institutions continue to gain geo-political importance. Human rights groups based in the Global South are increasingly focusing work at the regional level to bring greater pressure on their governments. The Inter-American Commission on Human Rights' rapid intervention in the Santiago Maldonado case and their ability to lobby the Argentinian government is a clear indication of their relevance. Further afield and by way of illustration, the landmark ruling in 2010¹⁸ by the African Commission on Human and People's Rights (ACHPR) condemning the expulsion of the *Endorois* people from their land in Kenya was heralded as a major victory for indigenous peoples across Africa. But seven years on, the Kenyan government had still not implemented the decisions of the court, a common occurrence as governments fail to recognise the rights of citizens to organise and ignore decisions made by legal bodies – all part of the

dynamics of shrinking civic closing spaces. The Kenyan Human Rights Commission (KHRC), in partnership with the lead litigants, Minority Rights Group International (MRG), as well as the Economic Social and Cultural Rights Network (ESCR-Net) Strategic Litigation Working Group, joined hands with the community representatives, the *Endorois* Welfare Council (EWC), to keep up the pressure. In September 2014, the government finally heeded their calls and President Uhuru Kenyatta established a Taskforce to work on the implementation of the ACHPR ruling.¹⁹ Through joint strategic planning, workshops to share comparative experience and expertise from the Global South, and sustained advocacy both domestically and at ACHPR, they continue to fight to convert the court's decision into tangible justice for the *Endorois*.

4 - Fighting a New Enemy

Civil society organisations and social movements are increasingly taking action against the illegal acquisition or use of land, often belonging to indigenous communities, by private mining or other corporate interests, such as the Mapuche case. Civil society protests are however often met by egregious human rights abuses by government and private security forces, undercutting local communities' rights to protest. Local, national and regional NGOs, as well as INGOs are finding that joint work maximises each of their contributions. Across borders, NGOs have been supporting the frontline defenders and at the same time building up transnational data and implementing strategies to influence transnational corporations. For example, working with researchers on the ground in every region of the world, the Business and Human Rights Resource Centre (BHRRC) tracks and publicises companies' human rights impacts. Its report on the coal industry in India, Colombia, South Africa, and Egypt, *Digging Deeper: The Human Rights Impacts of Coal in the Global South*,²⁰ co-written with Dejusticia from Colombia, was instrumental in giving a Global South perspective of the sometimes-devastating consequences of extractive industries. The report was produced in time for the participating groups to use it for advocacy at the Conference of the Parties on Climate Change in 2015.²¹ These groups are also using the findings in diverse forums including in a Constitutional Court Case in Colombia taken by Wayuu indigenous groups and Afro descendant leaders, where the court ruled that *Cerrejon* coal cannot continue its works to divert the Bruno stream which residents in this desert zone alleged would impact their water sources.²²

5 - New Platforms for New Voices

Social media has had a tremendous impact in enabling national NGOs to amplify their own voice without being dependent on big international NGOs to represent them in the media. In the context of shrinking civic space, the use of social media is particularly relevant since traditional media is increasingly influenced by states or big business with ties to government. The use of this new medium has challenged the conventional wisdom that only INGOs are a legitimate voice for speaking about issues across the globe due to their social capital and media links. Today, "Netizens" are changing the

ecology of the movement. The categorisation – “Global North” and “Global South” – has less value when any group, effectively skilled and resourced, can influence global narratives through social media. Nevertheless, it is important to note that the findings of the SHRW Learning Review show that because of the high level of investment by some INGOs in communications, their platforms can significantly increase the global attention to and perceived legitimacy of claims made in the work of national NGOs. The key is to jointly strategise on messaging and audiences.

6 - Show Me the Money!

Despite the huge strides that have been made by both national and international NGOs to create a more equitable and effective human rights movement, changing the ecology of the movement would require deeper changes in the manner in which southern human rights organisations are funded and sustained. The funding terrain for human rights activism is fundamentally inequitable and is increasingly threatened by restrictions on, for example, cross border philanthropy. The majority of funds come from the West and go to the West, even for use elsewhere in the world.²³ There has been an increase in funders supporting social movements and human rights NGOs in the Global South. However, the Foundation Center and International Human Rights Funders’ Group data also shows that whereas human rights groups in North America and Europe are funded to work in their countries, large proportions of funds for work elsewhere go to organisations based outside the regions concerned. It is possible that groups receiving these funds give substantial emphasis to partnerships, but the approach is usually that it is they who decide where to focus their energy, while those living with human rights abuses seldom have the resources to shape the global strategies that may be needed to address their issues. There is a substantive difference between work *on* violations in some place and *experiencing* that violation. In seeking solutions to the closing of civil spaces, local groups need to be able to share their experiences with others, learn from others’ strategies, mobilise regionally and globally to put pressure not only on their own governments but governments anywhere that are closing civic spaces, but ultimately shape their own local interventions. Related to this, the Review also found that a barrier to effective participation of Global South groups in the international human rights movement is the continued provision of project funds and a managerial approach, which frequently requires human rights groups to predict their results in an unpredictable world. This is particularly problematic for human rights groups whose purpose is to address human rights abuses which are frequently unpredictable. In the current context of closing spaces, groups may need urgent funds to support human rights defenders who are being threatened, detained or killed, or to mobilise protests about legislation that closes space for public assemblies, or to prevent or address police from endangering protesters. Without doubt, the SHRW demonstrated that long term core funding provides national groups with the autonomy, flexibility and stability to shape their own strategies and make significant impacts on the human rights movement and on the system nationally, regionally and internationally, in order to address their own issues, build an international understanding of the dynamics at play, and stand in solidarity with others.

As regards funders establishing global “big bets”, the Review found that the best way to operationalise a funding strategy in one part of the world might not resonate with another because of different levels of capacity and diverse cultures of organising. Hence, irrespective of the location of the funder, substantial energy needs to go into the build up towards the funding initiative, with local consultations and as far as possible, co-creation of the theory of change with the groups that become grantees, and are really the local voices.

2 • Conclusion

The current clampdown on civic space is an attempt from economic and political powers to reduce the local capacity for reaction, protest and organisation. As the review of the SHRW global initiative has shown, a wide range of innovative processes have emerged, which other actors in the movement can learn from, both in relation to how they can respond to reclaiming civic space but also in how they must adapt more generally to succeed in this new reality. Guaranteeing local knowledge production, working in a mosaic-like way, validating the experiences and understandings of local communities and NGOs while leveraging these experiences to influence regional and international policy and practice – through collaborations between national, regional and international groups – are all critical methodologies in this undertaking. Despite the clampdowns, the human rights movement, it seems, is better positioned than ever, to keep fighting back.

NOTES

1 • The full report can be accessed here https://www.openglobalrights.org/userfiles/file/Towards%20a%20new%20ecology_SHRW%20Review%20Public%20Report_11_2017%20Final_compressed.pdf. As well as the authors of this piece, the review team also consisted of Maimouna Jallow Freelance Communications Consultant, Kenya and Marcelo Azambuja Lawyer for Civil Society Organizations, Brazil.

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- 7 · José Miguel Vivanco, "Disappearance of Protestor in Argentina." Human Rights Watch, August 16, 2017, accessed October 31, 2017, <https://www.hrw.org/news/2017/08/16/disappearance-protestor-argentina>.
- 8 · Martin Abregu, "Strengthening Global Human Rights Initiative." Convening, Greentree, New York, July 11, 2017.
- 9 · One of these, INCLO, although registered in the North, has its secretariat in the Global South, Argentina.
- 10 · For further information on the SHRW initiative, see The Learning Review report at https://www.openglobalrights.org/userfiles/file/Towards%20a%20new%20ecology_SHRW%20Review%20Public%20Report_11_2017%20Final_compressed.pdf.
- 11 · For more information, see: "Global Action-Research Workshop for Global South Activists," Dejusticia, June 15, 2017, accessed October 31, 2017, <https://www.dejusticia.org/en/education/global-action-research-workshop-for-global-south-activists/>.
- 12 · Nationality of authors is not presented in the *Journal of Human Rights Practice* so the Review Team has done its best to ascertain this from online searches.
- 13 · SHRW Review Team interview, 14 November 2016.
- 14 · See: "Lethal in Disguise: The Health Consequences of Crowd-Control Weapons," PHR, INCLO, March, 2016, accessed October 31, 2017, https://s3.amazonaws.com/PHR_Reports/lethal-in-disguise.pdf.
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