

Diverse Partners

Non-Governmental Organizations in the Human Rights Movement

The Report of a Retreat of Human Rights Activists

**Co-sponsored by
Harvard Law School Human Rights Program
and Human Rights Internet**

Henry J. Steiner

**A Publication of the
Harvard Law School Human Rights Program
and Human Rights Internet**

The Harvard Law School Human Rights Program, founded in 1984, fosters coursework, the participation of students in human rights activities, assistance to the worldwide human rights community, and research and scholarship. Through its student summer internships with NGOs, its visiting fellows who spend from two to twelve months at the Law School, its visiting speakers and its applied research, the Program forges cooperative links with a range of human rights workers and organizations from all parts of the world. It plans and directs international conferences and retreats on human rights issues. A brochure describing Program activities, including opportunities for visiting fellows (activists and scholars), is available on request.

Director: Henry J. Steiner. *Administrative Director:* Jack Tobin.
Address: Human Rights Program; Pound Hall 401; Harvard Law School; Cambridge, MA 02138; USA. *Tel:* (617) 495-9362.
Fax: (617) 495-1110.

Human Rights Internet, founded in 1976, is an international network and clearinghouse on human rights dedicated to serving the information needs of the human rights community worldwide. Internet publishes the *Human Rights Internet Reporter*, human rights directories, and other resources for research, education and networking. Internet was based at Harvard Law School from 1985-1990, and is now located at the University of Ottawa where it works in close collaboration with the University Human Rights Centre and the Montreal-based International Centre for Human Rights and Democratic Development. For further information, please write to Internet.

Executive Director: Laurie Wiseberg. *Address:* Human Rights Internet; c/o Human Rights Centre; University of Ottawa; 57 Louis Pasteur; Ottawa, Ontario K1N 6N5; Canada. *Tel:* (613) 564-3492.
Fax: (613) 564-4054.

Table of Contents

Preface	iv
Glossary	vii
1. Goals of the Retreat	1
2. The Diversity of NGOs and Their Mandates	4
A. What Makes a Group a "Human Rights" NGO?	
B. NGO Mandates: Their Range and Evolution	
3. Partners With Differences: First World and Third World NGOs	17
A. First World NGOs	
B. Third World NGOs	
4. Special Functions of NGOs	41
A. Monitoring Economic and Social Rights	
B. Programs of Education	
5. Special Situations of NGOs	51
A. Political Transformation after a Period of Repression	
B. Foreign Occupation	
C. Internal Armed Conflict	
6. Relationships: INGOs, NGOs, and Other Institutions	61
A. INGOs and Their Problems	
B. Relations between INGOs and National NGOs	
C. NGOs' Relationships to Political Processes and Parties	
D. NGOs and Mass Mobilization or Peoples' Movements	
E. NGOs and Religious Institutions	
7. Internal Organization and Methods of NGOs	77
8. The Retreat in Retrospect	81
Annex A: Participants at Retreat	83
Annex B: Methods for the Retreat and for the Writing of the Report	89

Preface

The Harvard Law School Human Rights Program and Human Rights Internet held a retreat for human rights activists associated with non-governmental human rights organizations (NGOs). The retreat explored the contributions, dilemmas, failures and prospects of NGOs as part of the post-World War II human rights movement. It took place in Greece, on the island of Crete, from June 5-10, 1989. The thirty-two participants came from twenty-one countries. They were associated with twenty-five NGOs and several academic institutions.

Three organizers were responsible for the retreat: the heads of the two sponsoring institutions—Henry Steiner, Professor and Director of the Human Rights Program at Harvard Law School, and Laurie Wiseberg, Executive Director of Human Rights Internet—and Philip Alston, Professor and Director of the Centre for International and Public Law at Australian National University. Kenneth Anderson, a lawyer active in human rights work, participated as coordinator in the planning and administration of the retreat. Dr. Michael Lawler, an expert in group discussions and interaction, contributed as a consultant to the planning and organization of the retreat.

The retreat's expenses were met by contributions from several institutions. The Marangopoulos Human Rights Foundation (Athens) arranged for the retreat to be held at the isolated site of the Orthodox Academy of Crete. Institutions from five additional countries granted the necessary funds: DANIDA (Denmark), Misereor (Federal Republic of Germany), NOVIB (Netherlands), SIDA (Sweden), the Ford Foundation (USA), and the Norman and Rosita Winston Foundation (USA). We are grateful to these institutions. We also appreciate the help given us in the administration of the retreat by Alexandros Papaderos, executive director of the Orthodox Academy of Crete, and his cordial and attentive staff.

The invitation to participants described the event as a "special discussion, in the nature of a retreat." The retreat proposed to bring together human rights activists associated with NGOs to examine the achievements and failures of the NGO movement, its present problems, and its future development. Inevitably a broadly-based discussion of NGOs would involve fundamental themes of the human rights movement itself.

Participants came from Africa, Asia, East and West Europe, Latin America and the Caribbean, the Middle East, and the United States—the majority of participants from the Third World, a quarter of them women. The human rights institutions with which they are associated display great variety: some very large and many small, most national and some international in scope, some with a general jurisdiction and others with focused mandates. These NGOs work in different political and cultural contexts, pursue a range of policies, and employ a variety of strategies.

The organizers invited a diverse group of activists who had made some mark in human rights work and who could be expected to contribute to our primary goal, a free exchange of ideas. For that reason, invitations were addressed to individuals rather than organizations. Participants spoke in their individual capacities and not as representatives of the NGOs or other institutions with which they are affiliated. Annex A contains a list of the participants and their institutional connections.

Rather than convene a traditional conference with a few speakers and many listeners, the organizers sought the engagement of all participants in the small and large group discussions. The structure of the retreat and the processes designed to realize the goal of active participation are described in Annex B.

Henry Steiner wrote this Report. Philip Alston and Laurie Wiseberg contributed importantly to it by providing notes of the separate meetings that they attended, and by reviewing

both the initial and revised drafts. Kenneth Anderson also gave special attention to a review of the drafts. All the participants at the retreat had an opportunity to comment on a first draft of the Report, although it was necessarily the author who decided how to take account of the comments made.

*Henry J. Steiner
Harvard Law School
Cambridge, Massachusetts*

December 1990

Glossary

Institutions

NGO: Non-governmental human rights organization.

INGO: International non-governmental human rights organization.

IGO: Intergovernmental human rights organization.

ECOSOC: Economic and Social Council of the United Nations.

International Instruments

UDHR: Universal Declaration of Human Rights (1948).

Civil-Political Rights Covenant: International Covenant on Civil and Political Rights (effective in 1976).

Economic-Social Rights Covenant: International Covenant on Economic, Social and Cultural Rights (effective in 1976).

Terms

First World: Refers principally to countries in West Europe and North America and to certain Commonwealth countries such as Australia.

Third World: Refers to most but not all countries in Africa, Asia, Latin America and the Middle East.

Acronyms for some non-governmental organizations, most such organizations being referred to in the Report by full name

ACLU: American Civil Liberties Union.

ACRI: Association for Civil Rights in Israel.

AI: Amnesty International.

ICJ: International Commission of Jurists.

LCHR: Lawyers Committee for Human Rights.

LDF: NAACP Legal Defense and Education Fund.

SERPAJ: Servicio Paz y Justicia.

1. Goals of the Retreat

Why hold a retreat for active and creative leaders in non-governmental human rights organizations (NGOs)? Our purpose was to consider the dynamic growth of NGOs and the human rights movement over the last two decades, a growth involving the expansion of established organizations as well as the birth of many new ones.

NGOs have become indispensable to the human rights movement through their characteristic activities: monitoring, investigating and reporting on delinquent states; lobbying national governments and intergovernmental human rights organizations (IGOs); mobilizing interest groups; educating the public; and representing clients in their dealings with national officials or before courts and international organs. These are impressive and encouraging developments. Whatever the present shortcomings of the human rights movement as a whole, it is sobering to contemplate how much less that movement would have accomplished without the contributions of its public interest sector acting independently of governments.

This prominence of NGOs in human rights work suggested the value of giving some of their leading members an opportunity to assess NGOs' achievements, failures, predicaments and aspirations—and in the process, to engage in critical self-assessment. The retreat was not meant to be policy-oriented in the sense that selected problems would be systematically examined with a view toward developing proposals for their solution. Nor was it meant to produce a practical manual for human rights work by canvassing concrete and technical problems of NGOs. Rather the purpose was to encourage participants to explore what was disputed as well as what was shared, frustrations as well as satisfactions. Members of NGOs from all regions of the world would clarify their disagreements, heighten mutual understanding, learn from each other, and thereby strengthen the human rights movement as a whole.

One basic question before us was how that movement—a complex of newly developed norms, institutions and processes—was understood from the varying perspectives of NGOs. To what extent was it perceived as a coherent scheme of norms and institutions that was designed to realize basic human rights? Alternatively, did NGOs see it as composed of disparate organizations working toward sometimes common, sometimes diverse, and sometimes conflicting goals? Did a shared rhetoric of rights underlie a common vision of a better world, or did NGOs differ widely about what that world should look like?

This Report describes the views about these issues that participants expressed at the retreat as well as related responses and criticisms. Hence it can have no “conclusion” in the sense of recommendations on which participants agreed. Moreover, it describes a number of ideas that were raised in a suggestive and exploratory manner but that were not pursued systematically at the retreat. Those ideas can best be examined in specialized conferences or through published writings building on this Report.

After consultation with the participants, the organizers set most topics before the retreat began. Some additional topics, proposed and selected by vote of the participants, were introduced at the retreat in the manner described in Annex B. Under the pressures of time, matters of obvious importance to a systematic survey of NGOs were omitted or entered discussions only briefly: the role of NGOs in ethnic conflict or in disputed land rights of indigenous peoples, the work of NGOs in overcoming gender discrimination, the dilemmas of fact finding, NGO strategies before intergovernmental organizations, attitudes of NGOs toward amnesty laws, or the experience of NGOs with regional organizations.

In selecting the invitees, the organizers sought to include a broad range of viewpoints. They made no effort to achieve some kind of “balance” of perspectives or ideologies. Nor does this Report aim at any such balance in describing the discussions at the retreat. No more than those discussions

does the Report seek to contrive a unity of vision or strategies. It means to describe the ideas expressed rather than to endorse or refute any among them.

support advocacy before national institutions often amounts to a question of strategy. Employing domestic standards rather than international law might be politically expedient—more political clout, less risk that an NGO will be viewed as inspired by alien doctrine. On the other hand, international law has strategic advantages in countries whose domestic legal norms are of little assistance. Sometimes, however, international law gives equally little help. National NGOs examining, for example, land rights of indigenous peoples or of persons displaced by development projects find it difficult to press their advocacy effectively because of the sparse support for their arguments in human rights law.

Participants suggested other reasons for national NGOs to rely on domestic law. In countries that have ratified few covenants, NGOs arguing before national courts can criticize domestic law or conduct as violating international norms only by invoking the less determinate customary international law. Some countries have both strong constitutional guarantees of civil and political rights and independent courts exercising judicial review of legislative and executive action to enforce those guarantees. The United States fits these circumstances. Therefore public interest groups in the U.S. that vindicate civil and political rights—for example, the American Civil Liberties Union (ACLU), or the NAACP Legal Defense and Education Fund (LDF), an NGO committed to ending discrimination against blacks—base their advocacy on domestic constitutional law and only rarely refer to international human rights. Nonetheless, from an international perspective, these groups are as much “human rights” NGOs as, say, Tutela Legal in El Salvador, which invokes primarily international standards and has close links with INGOs.

Public interest groups in fields like consumer or environmental protection or workers' safety regulation fall within more ambiguous categories. Whether they are classified as “human rights” organizations does not, however, appear to have operational significance. Any effort to exclude such groups from the human rights field seems to be a way of trying

to draw fixed and unchangeable boundaries around the movement as a whole.

Compared with national NGOs, INGOs as a group base their advocacy more consistently on international law. This tendency has a number of explanations. Organizations doing human rights work in many states will naturally rely on international standards that are applicable to all the states being investigated. NGOs invoking norms declared in international instruments can blunt charges of imposing Western-derived norms on the alien cultures of other countries. Thus several INGOs based in the United States, and others like Amnesty International or the International Commission of Jurists, draw on fundamental principles of the Western liberal tradition including natural rights, but they also cite the UDHR and the Civil-Political Rights Covenant.

Many participants concluded that self-perception and self-definition by NGOs constitute the only sensible method of identifying human rights organizations. It would be impractical and unwise to maintain a protective boundary around some core or traditional preserve of human rights work, such as the protection of individuals against violence or discrimination. Who would define and monitor such a boundary, and what sanctions could be imposed on organizations crossing it but still claiming to be human rights NGOs? An attempt at authoritative definition could block a natural and important growth of the human rights movement, such as its earlier evolution toward economic and social rights, or its present initiatives toward linking human rights concerns with developmental and environmental issues. Other participants, however, stressed that to be effective, it was important for NGOs to hold to clearly defined mandates based on consensual legal norms.

Like the human rights movement itself, NGOs are in a state of flux. The costs of such change and uncertainty—a threat to the human rights movement's core identity, a blurring of fields, disagreements about whether employing the rhetoric of "human rights" for certain goals will strengthen or hurt the

movement as a whole—inhere in a dynamic, decentralized, multicultural, universal movement. Despairing of the retreat's achieving a consensus on questions like the primary tasks of NGOs, one participant feared that our discussions would resemble an "ideological Tower of Babel." They would reveal not one human rights movement populated by NGOs but several. Whatever the costs, one fact became clear. The NGO movement had no single inspiration or aspiration, neither a spiritual nor secular authority to define one belief for all within it, no pope and no central committee.

B. NGO Mandates: Their Range and Evolution

The participants used the term mandate to refer to a more-or-less formal expression of an NGO's functions and goals contained in a charter, a policy statement, or any other form of public self-identification. Mandates of some of the NGOs to which participants were linked confine an organization regionally or functionally—for example, restrictions to exposing violations in its home country, or to exposing violations of rights to physical security. Others are more expansive, reaching designated types of violations anywhere, or looking toward reform of a country's social structure.

Mandates and agendas have been dynamic. Initial formulations have bowed to changing circumstances and to fresh perceptions of what is important and possible. Relative to the 1970's, NGOs' mandates and agendas have become more diverse and diffuse. This trend mirrors the expansion of the human rights movement as a whole to cover more state activities. Thus a growing number of NGOs that kept away from, say, overt political participation have become engaged in the political processes of reform.

Our discussions illustrated certain patterns of change. Some groups initially addressed only interrelated environmental and developmental issues, examining them from the perspective of victims of developmental strategies that injured estab-

lished ways of life. These groups rarely employed human rights concepts except when advancing the claims of indigenous peoples, which formed a distinct if fragile category in the developing international law. Their attention to traditional human rights concerns grew, however, as they sought to apply pressure on political decision-makers through the mobilization of local communities in rural villages, the organization of marches or rallies, and the creation of ongoing interest groups. When these strategies scored some successes, they prompted governmental interference or repression. Such official reactions to collective protest raised conventional human rights issues like free speech and association and the right to participate in political processes.

At the extreme, these politically involved strategies of ecological and development groups were met by governmental violence: physical abuse, arbitrary arrest, and other traditional human rights violations. The mandates of these groups necessarily expanded to include human rights issues, not principally because of an initial conceptualization of ecological or developmental issues as so-called third-generation human rights norms, but rather because the strategies used by these organizations depended for their effectiveness on governmental adherence to basic human rights norms. That is, the expansion of concerns and the resort to the rhetoric of human rights was functional, practical and logical.

The large majority of today's human rights NGOs did not start as ecological or development groups, but as critics of governmental repression of political activity through intimidation or violence. Most NGOs continue to limit themselves to such traditional work. Groups like Tutela Legal in El Salvador stressed that the demands on their energy made by massive governmental violations made it impossible for them to expand their mandate, say, to work involving economic rights. The strain on resources would be too great.

Nonetheless, there emerged from our discussions the sense of a trend of NGOs in some Third World countries from an initially specific and limited mandate toward broader inter-

ests. There are several explanations. Some NGOs feel increasingly frustrated because they are examining symptoms rather than causes—causes, say, of the systematic repression of protests, or of the disappearances of activists in a village-based land reform movement. Participants in these NGOs have come to feel the need to examine the contexts of and linkages among human rights violations, and thus the need to pay attention not only to cases of individual abuse but also to patterns of cases and their explanations. They are well aware of the difficulties in this undertaking. As a Latin American participant stated: “When it is a matter of repression, it is something very evident, you can get solidarity. But what do you do with structural problems? That is more difficult.”

Just as groups initially concerned with ecological problems grew interested in basic human rights issues, some Third World NGOs that initially had limited mandates have become involved in issues like the environmental effects of development policies. Such an evolution in mandates can be characterized in several related ways: a trend from the reactive to the proactive, from the restricted to the broad, from the individual case to the systemic issue.

Participants sketched recent experiences of a number of NGOs in broadening their mandates.

Since Zimbabwe's independence in 1980, the *Catholic Commission for Justice and Peace* has moved from its initial stress on racial (black-white) issues and its carefully preserved distance from the Smith government that it had criticized toward a more cooperative relationship with the Mugabe government. Through local committees it seeks to facilitate solutions to problems, and encourages the two post-independence parties to cooperate with each other.

The *Tunisian League for the Defense of Human Rights* had its major demands met through the political changes in the late 1980's that appeared to end core violations of human rights. It now stresses other goals

that it believes to be "as important as political rights," particularly goals related to economic and social rights.

The LDF experienced strong internal disagreement as some members came to believe that the organization should go beyond its traditional work on racial discrimination—principally court litigation but also lobbying on legislative measures—to explore related but more diffuse policy issues. For example, some urged the LDF to deal with poverty issues as such, a change that would require closer coordination with activist groups working on a nonracial basis on problems like housing. There were attempts to link the LDF's traditional concerns to such welfare issues, but also fears that too rapid an expansion of the mandate would impair the organization's effectiveness and lead to loss of members.

Amnesty International (AI) has broadened its original mandate—attempting to obtain the release of prisoners of conscience. AI now exerts pressures to hold fair trials for political prisoners, to end torture, to stop extrajudicial executions, and to abolish capital punishment. Some of these newer efforts, such as campaigns against extrajudicial executions, developed because of rapidly escalating violations of human rights in many countries (in the case of extrajudicial executions, principally in Latin American countries), and resulting pressures on AI from local Amnesty groups to take steps to end the violations. At the time of the retreat, AI was considering whether to expand its mandate further to include three issues that were likely to prove more contentious among its membership: imprisonment for homosexuality, deportation and the prevention of emigration, and hostage taking and similar acts by groups opposing a government. It was noted that one restraint on expanding the mandate was the awareness that some kinds of extensions do not lend themselves readily to AI's basic strategy of

membership action.

The *People's Union for Civil Liberties* (India) started with a narrow focus but gradually expanded its reports to include problems of resource use by the central and state governments and cultural rights, partly because popular concerns about these problems required it to adopt a broader mandate. To some extent, the broad directive principles in the Indian Constitution pointed in the new directions. Other Indian NGOs remain closer to their initial mandates, but few confine themselves exclusively to traditional human rights issues like violations of personal security.

Helsinki groups in several East European countries had concentrated on such forms of governmental repression as arrests of dissidents, political trials, and censorship of the arts. In light of the political transformations of the last two years, those groups are developing mandates that treat more comprehensively the necessary political rights in democratic societies.

Despite the recounting of these experiences, participants did not assert that expanding mandates was a necessary path for NGOs to follow. Specialization with respect to a problem or region, or a particular professional concern, offers certain benefits: the development of expert knowledge including appropriate methods of investigation and analysis, and strong appeal to a (membership) constituency particularly concerned with the NGO's special focus. Thus Physicians for Human Rights, an INGO based in the United States, concentrates on medical issues including abuses of rights by the medical profession and abuses of that profession. It attracts much support from concerned physicians. The Lawyers Committee for Human Rights (LCHR) enlists considerable support from the legal profession, and has actually narrowed its operating mandate to give more attention to relationships between human rights and the norms of national legal systems.

From these descriptions emerged the view that the mandates of NGOs are, in the words of a participant, "products of social action, history and culture." The political context in which a national NGO is born determines its initial mandate. Thus NGOs created to combat brutal repression naturally emphasize rights to personal security. Indeed, changing circumstances such as a shift from an open society to authoritarian control can persuade NGOs with broader concerns to devote all their energies to the dominant new threat. When murders, disappearances and torture are rampant, a powerful sense of "first things first" requires this concentration of efforts. Moreover, emphasis on violent conduct by a government has the best chance of enlisting support from broader groups in the country, as well as from INGOs.

Gross generalizations about patterns of change in mandates were difficult to make. From accounts given by participants, many factors seem relevant to whether, when, and how mandates evolve. Some examples follow.

- (1) Changing political contexts can lead to a transformation: openings toward pluralism or even democracy as in the case of Helsinki groups, or a political closing in countries like Kenya that led to more emphasis on violations of rights to personal security.
- (2) The particular institutional context is relevant to the direction of the expansion. Organizations created within religious institutions like the Catholic Church or linked to economic institutions like trade unions retain their initial relationships and character as they evolve into groups with a broader focus.
- (3) Ideological positions and geographical locations are relevant. Western NGOs committed to the liberal tradition stress the protection of civil and political rights, whereas NGOs within Third World states of massive poverty give more attention to economic and social rights.
- (4) Practical issues of membership and raising funds

influence mandates. Stress on individual rights and on dramatic cases of personal abuse may enlist a more supportive and engaged membership.

(5) Concerns for maximizing an NGO's achievements bear on a mandate. NGOs that concentrate on discrete types of violations of rights often perform their work more effectively and with clearer results than NGOs with diffuse goals, thereby gaining credibility and legitimacy.

(6) Self-perception about lack of effectiveness is relevant. Many Third World NGOs, such as the Free Legal Assistance Group in the Philippines, started by following traditional First World groups and emphasizing actual violations, only later to perceive the need for a broader focus to identify structural factors underlying violations.

(7) Pressures from local groups or other institutions influence expansions. Some participants noted that mandates including problems of groups like women or children, or concerns like the environment, develop in response both to external pressures from INGOs and to grassroots pressures from the suffering groups.

The processes for changes in mandates range from the summary to the elaborate, depending on the constitution and membership of the NGO. In each organization, the question can be phrased as, "who decides, and by what procedure." Amnesty International felt pressures to expand its mandate as its membership broadened to become more multicultural. At the same time, the proposals now before it have provoked polar reactions within that broad membership. Historically, AI's emphasis on individual rights and on action by membership groups to aid individual victims has been effective in gaining members. Indeed AI's limited mandate has helped it to maintain a broad coalition of members.

Similar concerns were expressed by members of other NGOs. For example, the Association for Civil Rights in Israel fears a

loss of credibility and of opportunities to influence Israel's Jewish population if it becomes too involved in events within the occupied territories, or too involved in the controversies between religious and secular forces. ACRI has been subjected to charges of disloyalty, as have NGOs in some African and Asian countries that have been accused of taking sides in tribal or ethnic conflicts so as to threaten the territorial integrity of the state. Such pressures initially led ACRI to confine its work to problems within Israel. Becoming involved in the occupied territories or being viewed as a movement allied with forces on the liberal or left side of the political spectrum could also prejudice ACRI's connections with the government and hence its valued access to the school system and army for purposes of human rights education. On the other hand, ACRI risks some loss of credibility by ignoring problems in the occupied territories. It has recently become involved in litigation related to events in the territories.

3. Partners With Differences: First World and Third World NGOs

Although NGOs everywhere share a commitment to “human rights,” their understandings about goals, priorities and strategies are not identical. What differences exist, and what do they reveal about the human rights movement as a whole?

Different mandates may be complementary; one group looks at occurrences of torture or disappearances, another at violations of free speech and association. Or they may differ to the point of apparent conflict; a group may give so strong a priority to implementing one set of norms within human rights law (say, civil-political rights) that it may be viewed as implicitly devaluing the set (say, economic-social rights) emphasized by another group.

These distinctions among NGOs mirror the discussions in the scholarly literature about the relative significance of, say, individual rights or group rights, of the ideal of integration or the ideal of autonomy for a minority group, and so on. Participants’ different emphases in our discussions and the different proposals that participants advanced were surely influenced by their organizations’ regional and cultural contexts. But in no instance did the diverse views about priorities amount to a true conflict between different understandings of human rights—that is, to irreconcilable differences, to a stark conflict of the type figuring in assertions about the culturally relative character of human rights norms.

Thus no NGO associated with participants defended, say, gender discrimination or restrictions on a minority’s religious practices or a one-party state by arguing that they were consistent with human rights norms or otherwise justifiable. No NGO urging more attention to, say, economic and social rights doubted the significance of civil and political rights. Nor did NGOs stressing the latter doubt the importance of meeting basic economic needs, whether or not they all viewed the

rhetoric of rights as compelling, helpful, or even appropriate in this respect.

A caution about method

The principal differences among NGOs that emerged from the discussions can best be portrayed by classifying the positions taken by participants within two familiar categories: First World and Third World. These categories (as indicated by the definitions in this Report's Glossary) are rough ones, convenient approximations. Hence they are over-inclusive. Not all NGOs from the First or Third World, and not even all NGOs associated with participants at the retreat, fit within the following generalizations. Nonetheless, extensive subcategories for the views of different participants would veil common themes and paint a more fragmented picture than the retreat's discussions justify. Hence this Report will generalize while signalling as necessary the divisions among participants within one or another group.

The Report occasionally describes views of more limited groups of participants, particularly those from United States or Asian NGOs. The same observation about possible over-inclusiveness applies. Not all participants from either category agreed with all the ideas attributed to that category. Moreover, members of other U.S. or Asian NGOs who were not present at the retreat might have taken different or even conflicting positions. Here as elsewhere, the ideas that are described in this Report depend to some extent on the contingency of who was invited and who was able to attend.

The sharp critical thrust in these discussions was consistent with the basic purposes of the retreat. Our purpose was to explore the problems and disagreements within the NGO community, in order to induce reflection by all participants about what NGOs' roles are and might become.

ew

A. First World NGOs

Characterizations and self-perceptions

As used in this Report, the term "First World" NGOs both signifies an organization's geographical base and typifies certain kinds of mandates, functions, and ideological orientations. It describes such related characteristics as a concentration on civil and political rights, a commitment to fair (due) process, an individualistic rather than group or community orientation in rights advocacy, and a belief in a pluralist society functioning within a framework of rules impartially applied to protect individuals against state interference. In a nutshell, "First World" NGOs means those committed to traditional Western liberal values associated with the origins of the human rights movement. Many of these NGOs work exclusively within their home countries, but the "First World" category also includes most of the powerful international NGOs that investigate events primarily in the Third World.

Given the ideological commitments of these NGOs, their investigative work naturally concentrates on matters such as governmental abuses of rights to personal security, discrimination, and basic political rights. By habit or established practice, NGOs' reports stress the nature and number of violations, rather than explore the socioeconomic and other factors that underlie them.

Although committed to civil-political rights and in this sense taking clear moral and political positions, First World NGOs prefer to characterize themselves as above the play of partisan politics and political parties, and in this sense as apolitical—a characterization explored in part 6(c) of this Report. Their primary self-image is that of monitors, objective investigators applying the consensual norms of the human rights movement to the facts found. They are defenders of legality.

The discussions about First World NGOs that work exclusively in the countries where their headquarters are located

concentrated on the American Civil Liberties Union. Despite the ACLU's distinctive organizational base in a broad and influential membership, participants viewed its work as typical in many respects of NGOs within First World countries—defending individual liberties, primarily through litigation. (In fact, the ACLU increasingly engages in legislative lobbying and public education.)

The discussion focused on the almost exclusive concentration of the ACLU on defending civil and political rights. It was explained that the ACLU seeks to decide what are the “enduring values of the Bill of Rights” in order to allocate its resources among competing claims. It tries to follow a basic distinction between “desirable social or economic policy”—the ongoing struggles of political life from which it keeps distant—and civil liberties deserving protection as a matter of constitutional right.

Despite continuing pressures from within the organization to extend its agenda to economic rights, most members believe that such an expansion will bring to the surface conflicting views about the nature of the United States socioeconomic system and hence about the role of the ACLU. Such a battle over ideology and institutional commitment risks dividing a membership now united in its fight for civil liberties. Thus far the ACLU has become involved with economic rights like housing or education only to the extent that governmental action raises traditional civil-political constitutional issues—for example, charges of racial discrimination in housing subsidy programs.

Some participants from the United States suggested that NGOs in the U.S. have difficulty in viewing economic and social rights as an integral part of the scheme of liberties, despite distinguished scholarly support for the constitutionalization of many of these rights, and despite the institutionalization of welfare policies in familiar legislative schemes that have grown out of political struggle and have gathered broad political support. It was surely relevant to the NGOs that the U.S. Supreme Court has given these rights little

or no constitutional recognition.

Moreover, the fear was expressed that attention to economic and social rights would qualify the importance of civil and political rights. Those traditional rights would be seen not as paramount but rather as part of a broader and more ambiguous scheme. The two sets of rights could be understood to conflict in ways that could impair the traditional set.

It was noted that in a pluralist political system like the United States with many interest groups, other organizations better placed than the ACLU to pursue an economic and social agenda are now doing so. Political debates at the state and national level and political office-holders are more relevant to that agenda than courts, the institution of choice for the ACLU. The allocational and distributional decisions involved in economic (welfare) policy grow out of the play of contingent political forces. An NGO incorporating such questions into its active agenda could readily turn into another economic interest and lobbying group.

In the case of the ACLU, such a shift in agenda could cause it to be seen not as "everyone's" group but as a "poor person's" group. That development would undermine the ACLU's effort to persuade the public to understand its agenda not as a political program, but rather as the neutral working out of principled constitutional argument. A sensible division of labor between NGOs defending civil-political rights and other lobbying groups urging social welfare policies—a division that corresponds to the traditional separation in liberal thought between law (institutionalized rights and principles) and politics (disputed policies, power)—would best satisfy the interests of all constituencies.

The discussions included INGOs with headquarters in the First World—in particular, Amnesty International, the Lawyers Committee for Human Rights (LCHR), and Human Rights Watch. (AI, as a membership organization with Amnesty groups in many countries, has a less specific national character.) These prominent INGOs emphasized the defense of basic civil-political rights. An INGO like the LCHR also

recognizes the importance of economic-social rights and takes action on their behalf in a few contexts, such as urging U.S. ratification of the Economic-Social Rights Covenant. Some Western-based INGOs such as the International Commission of Jurists (ICJ) give noticeable attention in their practical operations to such rights.

Criticisms of First World NGOs

Most criticisms of the mandates and activities of First World NGOs came from Third World participants. The themes emerging from our discussions were intricately intertwined. Hence the descriptions below cannot avoid some overlap, for the same themes recur in different contexts.

The criticisms amount principally to charges of "omission" rather than of "commission." They apply both to national and international NGOs, although they have particular cogency for the INGOs that report mostly about Third World countries. The critics sought an expanded role of INGOs and not an abandonment of their traditional work. No one at the retreat doubted INGOs' contributions to the growth of the human rights movement as a whole and to heightening consciousness about rights in general, thereby influencing the directions and pace of change. No one doubted the vital importance of INGOs' activities: monitoring, investigative reports, publicity, education, and lobbying or interventions before national and intergovernmental bodies. These were shared perceptions, points of departure, almost taken for granted as the retreat got on with its primary business of exploring differences.

Individualistic orientation and inattention to structural factors

Critics stressed the tendency of First World NGOs to concentrate on individual cases involving governments' violations of identifiable persons' rights to personal security. This

individualistic orientation characterizes most well-known INGOs. Amnesty International's mandate and processes represent its extreme manifestation and therefore figured importantly in the discussions.

It was a shared perception that emphasis on individual cases has a humane foundation and appeal. It grounds an NGO's activities in graphic facts or events—a murdered or tortured or jailed victim, “human rights with a human face.” Others can empathize with that victim, and support for the victim's cause can more readily be organized. Not only is the victim graspable, as a person rather than a statistic, but the problem itself seems manageable. The task is not to save society but to save a victim or punish a victimizer. By successfully arresting harm intended for another or bringing outlaws to account, the problem is solved—or at least may seem solved. Human rights work in this idiom produces tangible satisfactions, the sense of a discrete job undertaken and successfully done.

A main point of the critics was that stress on individual cases, even as those cases are aggregated into statistical data, may blur the big picture, the systemic and structural issues that underlie and in some sense explain violations: landholding patterns, rooted forms of control through intimidation of workers and rural labor, ethnic and class discrimination, unrepresentative political formations, maldistribution of resources and power. The whole is lost in a bundle of particulars. Satisfaction for saving someone from harm or bringing an offender to justice is surely earned. But victims and victimizers are in plentiful supply, and new cases will soon arise. What must be examined are the reasons for so impressive a supply.

Ultimately, argued the critics, the concentration of many INGOs on harm to identified individuals or small groups of victims, and their related efforts to publicize the abuses and seek sanctions against abusers, constitute important but perhaps symbolic human rights work. Such work gives an illusory sense of human rights violations as discrete and

fragmented. It fails to address the vital issue of long-term change. In situations of mass violations such as those a few decades ago in Indonesia or Uganda, stress by NGOs on the individual victims may even be counterproductive in that it can deflect attention from systematic abuse. The critics agreed that statistics and social analysis may be less persuasive than flesh-and-blood victims in mobilizing opposition to a government's actions. They insisted, however, that only through such analysis could one gain the understanding of violations' causes that was necessary for basic change.

For many First World NGOs, seeking that understanding lies outside the formal and legitimate scope of human rights work. It belongs to the realm of political, economic and social theory and analysis. A prominent example is Amnesty International, whose reports inquiring into human-rights conditions in many countries suffer from a failure to probe the contexts for violations in any among them.

Too narrow a mandate

It was argued that Western-derived norms stressing individual rights stem from a historical experience and from social formations that are alien to the Third World. Most of that world lacks a civil society that is both vital and relatively autonomous from the state, and that has the resources enabling it to influence and contain state policies. The conditions are lacking for the political life assumed by Western constitutionalism—namely, voluntary formation of political and other associations, interest groups giving a voice to many constituencies, and widespread citizen participation through elections.

For the First World, the assumption may well be valid that rights of speech, association and participation will bring about a vibrant and democratic political process. NGOs can efficaciously direct their resources to the protection of such rights. Those same protections would not have the same effects in many Third World countries where fundamental violations of rights can coexist with apparent freedoms of speech. The

victims of violations may remain outside the scope of debate and political contest.

Critics argued that Western-based INGOs must abandon their telescopic focus on selected political aspects of Third World life and on government-individual relations. They must inquire into the underlying structures which lead to poverty and loss of dignity, even to profound despair despite the forms (if they exist in a given country) of participatory government. INGOs must shed the illusion that implementation of mandates confined to civil-political rights and stressing individual victims can do anything more than temporarily arrest one form of violation of dignity while leaving intact deeper and endemic forms. Else, argued some Asian participants, INGOs will continue to remain apart, monocultural rather than multicultural organizations that risk becoming "irrelevant" to most of the world, even "prissy" in their dogmatic disregard of much that is vital within a larger vision of rights.

In particular, the critics continued, economic and social rights—and in the view of a few participants, group rights—must figure as parts of an integrated view of needs and rights in Third World societies. Properly understood, civil and political rights are necessary but insufficient conditions for progress toward the ideals expressed in the full range of the postwar human rights instruments.

INGOs denying or ignoring the interrelated character of rights are blind to fundamental human rights violations in the Third World, some of them stemming from First World policies. Bhopal provides an excellent example. In the words of a participant, "The root of many human rights violations lies in the First World. If they know the multinational corporation's role, then they will take up some of these issues. More than 5,000 died at Bhopal, and 5,000 were injured. Yet no U.S. human rights group has taken up the issue of Bhopal." It stood outside those groups' exclusive framework of civil-political rights, as do other policies of their governments or of multinational corporations that cause the Third World massive grief.

Provincial attitude

These observations of several participants applied particularly to national NGOs examining violations within the United States. Participants noted that, with rare exceptions, NGOs like the ACLU and the LDF employ only domestic constitutional arguments in their judicial advocacy.

How could one explain this failure of NGOs to invoke international human rights law as well? The explanation seemed to reach beyond the fact that NGOs could rely on a phenomenon not present everywhere: the strength of the U.S. constitutional tradition, including judicial review. It reached beyond the failure of the United States to join the most important human rights conventions, which meant that treaty rules were unavailable to NGOs in domestic argument. Despite that failure, international norms could be used by analogy, and customary international law could be invoked. Moreover, NGOs in the United States could become what they have never been—strong advocates of U.S. ratification of human rights treaties.

Part of the explanation for failing to take these steps, it was suggested, lies in a nationalist attitude that contrasts with the attitude of European states joining the European human rights system. It includes a belief in the superiority of the U.S. constitution as a tried and true instrument, and the view that neither NGOs nor the American polity have much to learn from an international human rights movement designed for less fortunate peoples. Moreover, this attitude blocks U.S. NGOs from coming to terms with the importance of rights not enshrined in their domestic legal-constitutional tradition, particularly economic and social rights and group rights. All such rights bore the onus of alien ideas, subordinate to the “real” rights found in the U.S. Constitution.

This same tendency influences the strategies of U.S.-based INGOs for enforcement of human rights norms. Some of these INGOs—Human Rights Watch was particularly noted—often give priority in their responses to human rights violations to

influencing U.S. foreign policy toward the offending countries. They urge the U.S. government to apply diplomatic pressures, to express public disapproval, or as a last resort to impose trade or aid restrictions. Because of such strategies, these INGOs were characterized by some participants as following a nationalist path to enforcement of international human rights. Rather than utilize universal or regional human rights organs, they work through their own government on the assumption that human rights are best defended within a system of bilateral state relations.

Given the status of the U.S. as a global power, critics did not doubt that this was a practical route to follow. Moreover, as a participant from a U.S.-based INGO argued, such a strategy rests on some strong justifications. These organizations could apply pressure on the U.S. government with respect to countries that it supported more effectively than on those countries themselves, or on U.N. organs which had a track record of political compromise if not paralysis when it came to exerting serious pressure. Moreover, it could be seen as appropriate for U.S. NGOs to concentrate on the U.S. role in ignoring or even supporting abusive action by foreign regimes. In fact, the strategy was not an exclusive one. U.S.-based INGOs like the LCHR work at times through U.N. or O.A.S. institutions and processes.

Nonetheless, the nearly exclusive attention with respect to remedies that some INGOs direct to their own government sends a nationalist message with respect to efforts to end violations. Participants contrasted such an approach with the invocation of universal norms and resort to international machinery of INGOs like AI or the ICJ. They also noted the contrast between this pattern of conduct and the growing internationalization of operations of US-based INGOs like Human Rights Watch, which now have foreign offices and more foreign staff members.

Another strand of criticism accused INGOs of an arrogance evidenced by their consistent concentration on problems in the Third World or in socialist countries. There were some

clear exceptions. The LCHR, for example, gives persistent attention to a domestic problem stemming from foreign events, the plight of refugees and asylum seekers as informed by the legal framework of U.S. and international law. But why did First World INGOs ignore important problems originating and rooted in their base countries or in the West in general?

Two sub-themes emerged. Wearing their civil-political blinders, these organizations do not perceive the pressing problems of poverty in Western countries as human rights issues—and this despite the obvious relationships between poverty and racial, ethnic or gender discrimination. In the investigative reports of most INGOs, poverty, discrimination, and related despair appear to be exclusively phenomena of the “other” worlds, despite the fact that many Western public interest groups examine such problems, publicize their seriousness, and fight politically for legislative responses to them. This concentration on problems of “the other” undermines claims to impartiality and impairs the credibility in the Third World of INGOs’ work.

Moreover, it was argued, INGOs generally ignore the fact that the roots of many Third World human rights problems are found in policies of the First World—from the activities of multinational corporations that threaten ecology and populations and sometimes bolster authoritarian governments, to the debt crisis growing out of earlier lending habits. In describing her country’s poverty and its government’s refusal to recognize rights of people to have their basic needs for survival met, a Latin American participant said, “orphaned and abandoned children are the concrete face of our external debt.” Why do not INGOs draw attention to such basic issues and address their own governments about them?

B. Third World NGOs

These discussions involved national NGOs operating within their Third World countries of formation, for few INGOs

originate outside the First World. (There are a number of regional NGOs like CODEHUCA in Central America.) Given the diversity of conditions and cultures in the countries of origin, this category constitutes a more diffuse one than First World NGOs. It embraces most participants from Africa, Asia, Latin America, and the Middle East. The NGOs with which they are affiliated face similar basic problems but also radically different ones.

Some differences among the Third World participants emerged from discussions. Two examples follow. First, most of these participants stressed the importance of economic-social rights, but it was principally some Asian participants who argued that NGOs should work toward transformative goals for society. Second, some types of NGOs within the Third World assume distinctive characteristics that transcend national boundaries, as evidenced by the similar themes advanced by members of church-based NGOs (in the retreat, all related to the Catholic Church) from different regions.

One phenomenon should be underscored at the start. Many Third World NGOs may speak a different language from the West to describe the character of the human rights movement and the explanations for violations. Thus the participants from Tutela Legal in El Salvador, the Vicaria de la Solidaridad in Chile, and the Servicio Paz y Justicia (SERPAJ) in Uruguay, held a range of views about which factors best explained the failure of governments to respect human rights. For example, one of these Latin American participants described the underlying human rights problem as one of North-South economic relations and stressed that without their reform no significant progress was likely in observing human rights norms.

Nonetheless, such NGOs often act in ways comparable to their Western counterparts. During the periods of extreme repression in these three states, the principal activity of each NGO involved the protection of human life. Exigent circumstances, and the notion of first things first, led to their exclusive attention to the same gross matters that occupied First

World INGOs doing investigative work in those countries. As severe repression ended in, say, Uruguay, differences between Third World NGOs and INGOs surfaced as SERPAJ sought new directions in social and economic work.

Attention to economic, social and cultural rights constituted the single strongest link among participants from Third World NGOs, and the single sharpest break from First World NGOs. The concrete problems posed in giving attention to economic-social rights merit a separate discussion in the following part of this Report.

Characterizations and self-perceptions

Analysis of social structure. The alternative to NGO work concentrating on abuse of specific individuals and reporting violation after violation consists in the analysis by NGOs of the structures of political and economic power and of the ideologies leading to violations. Given their intimate knowledge of their countries' culture and history, national NGOs are often better situated than INGOs to make that analysis—an observation, it would appear, at odds with the sharp criticism of INGOs by some Third World participants for not attempting such analyses. Moreover, analysis and prescription by national NGOs might be seen as more legitimate.

Participants used the term "structure" to include in different contexts diverse phenomena: landholding patterns; class and caste relationships; civilian-military relationships; patterns of discrimination involving race, ethnicity, and gender; the institutionalization of particular religious beliefs and practices; formation of political elites and political parties; and control of trade or industry. However used, the term implied systemic and rooted attributes of a society that had serious implications for the distribution, exercise and abuse of power. From the point of view of those stressing "structure," the significance of discrete violations—a prison rape, the disappearance of a labor leader, shutting down a newspaper—could be fully grasped only to the extent that they were

brought within recurrent patterns and larger contexts.

The assumption of those arguing for broader and deeper analysis by NGOs was that violations of rights could at best be temporarily arrested unless underlying socioeconomic or political structures were changed. As one participant said, the traditional work leads NGOs "to feel that they are at a dead end. We can't achieve more because of the prevalent systems in our countries. We are beginning to see more and more involvement of NGOs in the transformation process."

Some participants urged a more active, reform-oriented conception of NGOs—not an exclusive conception, for the critics agreed that functions now performed by NGOs should be continued. A larger number of human rights organizations should address needs not now met by the NGO community. They must propose and work toward changes—perhaps different political institutions, perhaps massive efforts in education to prepare for greater political participation, perhaps grassroots movements to exert pressure for reform—that will better contain state power and protect human rights. As noted by a Latin American participant, "When you look at the wider situation, protests about individual cases don't lead to an independent judiciary. How do we create effective democratic reforms? The international community is not as strong on these issues. This requires some form of mass mobilization, some economic leverage."

Explicit theories of causes of repressive state conduct and of necessary structural change must underlie a reform-oriented approach that can have other than a piecemeal, ad hoc character. But theories are precisely what most NGOs—national or international, First or Third World—do not explicitly develop and apply. Consensual norms about basic rights that are drawn from universal and regional human rights instruments are available. They are theory enough, safe and sufficient foundation for NGOs' mandates and tasks of monitoring and reporting violations.

Economic, political and social theory applied to social analysis and prescription could lead in many directions. For

example, a participant suggested that an NGO believing that much governmental repression was traceable to conditions stemming from an export-led model of economic development should face that problem directly, rather than stop at the defense of particular victims or at urging a government to ratify a convention prohibiting torture. Such legal aid and standard setting are helpful only so far as they go, palliative rather than cure. Another illustration involved NGOs that bring court actions to require a government to enforce existing laws protecting rural labor or a low caste. If government officials and agencies consistently ignore these laws because of the dominant position of elites hostile to their enforcement, such NGO activity becomes futile and other avenues toward structural change must be pursued. A further example involving violence against leaders of rural labor led to the claim that NGOs must examine patterns of land control that perpetuate master-slave relationships.

Participants addressed the violence stemming from economic development plans that unsettle peoples long rooted in the affected land, destroying their economy or even property. NGOs believing that such development plans violate the group rights of minorities or indigenous peoples, or even nondiscrimination rights, should challenge those plans directly rather than stop at protesting identifiable violence. Such examples in our discussions involving land rights and abusive power rooted in concentrated land ownership led a participant to remark that few national NGOs (and no INGO) now deal directly with that vital topic.

The illustration of unenforced laws signalled a problem of great importance for many Third World NGOs, that of accountability. NGOs must work to develop the requirements of human rights law so that governments will be understood to commit a violation of rights by failing to act to correct abuses and systemic injustice. Such neglect would be viewed as equivalent to active abuse like state violence against protestors. A national executive should not be able to hide behind unpublished statistics or accounts, behind immunities and

public apathy. Ways must be found to challenge and oust government officials who refuse, for example, to apply legislative measures (which may have been enacted on the plausible assumption that they would pacify an oppressed community without being enforced). NGOs must find ways to expose such cynical and malicious games at the expense of suffering masses.

Unless it proves possible to overcome state lawlessness, hypocrisy and apathy through changes that affect a state's structure, "we are fighting fire without seeking where the flames start." Serious changes, such as the effective and not merely legal abolition of bonded labor in India, require political solutions. The Western practice of invoking judicial processes to challenge violations rests on deep political traditions. Such recourse to courts may well be meaningful, either because violations are relatively discrete and can be effectively controlled, or because judicial decisions speaking to broad issues will be respected and followed by the executive.

In the Third World, however, not many genuine solutions will be found through the judiciary. Many judiciaries will respond from fear or tradition to executive pressure, or will observe self-limitations that insulate them from troubling issues with political consequences. The exceptional judiciaries that address basic issues of human rights are apt to have their decrees in favor of human rights plaintiffs ignored to the extent that those decrees require structural reform. Nor will significant reforms be achieved through proceedings instituted by individuals or NGOs before organs of IGOs. Third World NGOs must follow other routes.

Emphasis on community. Some participants, particularly those from Asia, criticized human rights law's emphasis on the state rather than society. Norms are mostly addressed to and to be enforced by the state. Within this conceptual and political framework of human rights law, the natural role of NGOs is to lobby or (through courts) "coerce" the state to act correctly.

In communally based societies, NGOs should rather direct

their attention to relevant communities and seek to bring them into dialogue with each other. Solutions, for example, to practices like Sati (burning a widow on the funeral pyre of her husband) must be found within the communities, not imposed by the state. By the same token, those communities must be reached through indigenous traditions and values, not by seeking to impose on them norms presented as universals but appearing alien.

Criticisms of Positions of Third World NGOs

Reporting of facts and analysis of social structure. Several observations, principally but not exclusively by First World participants, responded to the criticism of a "case-by-case" approach to NGO reports that stressed individual violations. Attention to the individual case or to the system, to the unique or to the statistical, are not unrelated methods of human rights analysis. Continual reporting of individual violations reveals a pattern, one with human faces rather than only statistics. As evidenced by the work of groups like the Madres de la Plaza de Mayo in Argentina, persistent attention to such violations can create the political space in which to challenge the system of oppression as a whole. It was not then accurate to characterize a stress on individual rights and violations as irrelevant to changes in the big picture.

Nor was it accurate to draw so sharp a contrast between attention to violations and analysis of their causes. Reports of INGOs, such as those of the LCHR or Human Rights Watch, briefly refer to such factors as military control over civilian government, unequal power among ethnic groups, and concentration of economic resources in a small elite. To be sure, social or political analysis is not the primary thrust of these reports, which are meant to bring violations to public light. In addition, INGOs do work in advocating sanctions and educating the public. The principal INGOs are more than the statisticians of violence that some participants seemed to suggest.

Moreover, there is the problem of "first things first." Who will report facts if most NGOs, national and international, did not? Facts are the point of departure, the essential primary information, for any serious human rights work. An acknowledged triumph of the human rights movement as a whole lies in its provision of facts, however inadequately they may be dealt with in public forums. One has to know what is happening before considering what ought to be done.

Intergovernmental human rights organs, caught up in global or regional power struggles, are not nearly as effective as NGOs in investigating and reporting facts. It is significant that government representatives in organs like the U.N. Human Rights Commission and independent experts in organs like the Human Rights Committee often rely on NGO reports as the best source of information about states being investigated for violations or about states whose periodic reports under human rights treaties are under review. NGOs represent a more reliable and objective source of information than do national governments.

Another aspect of "first things first" is important. Social analysis and reform are long run necessities. But the immediate necessity for human rights groups is to stop atrocities, to give support to victims subjected to abuse by their own governments while an apathetic world goes about its business. Which groups would perform this function if NGOs deserted their missions and reports for deep think? Did not the performance of such functions give courage to actual and potential human rights fighters in many countries? If not exactly a protective shield, NGOs' investigative missions and widely distributed reports give some measure of international protection to dissidents.

Goals of NGOs. Many observations of participants about the aspirations of some Third World participants for NGOs in general can be better characterized as questions or doubts than as criticisms. It was, for example, noted that participants urging NGOs to express broader goals had not illustrated

their proposals with descriptions of how particular NGOs had been able to combine successfully more ambitious agendas and transformative goals with the traditional work of fact finding and reporting.

Even though conceptions of right are surely relevant to broad-ranging advocacy for social change, proposals that NGOs challenge basic political and economic structures of a society differ dramatically from the NGO work of two decades. Where, it was asked, could a mandate for so enveloping a task be found within the corpus of human rights law? Was not the strength and success of the human rights movement attributable partly to the fact that norms were relatively discrete, set only basic ground rules, expressed no final vision of the good or just society, and rested largely on consensus? Some of the Third World participants sought to take discussions and proposals so far beyond any consensus as to erase the boundaries between human rights groups and religious or popular movements or partisan political parties. As a First World participant said, "we must also ask, what are the limits as more issues and causes are brought under the human rights rubric."

Ideals of social justice have characterized the aspirations of diverse religious and political movements throughout history. Once an NGO departs from the traditional work of monitoring and reporting violations, what special claim does it have to inspire among government officials or the public a confidence in its work or message? Armed with a transformative program and deeply critical of extant social structures, how could it acquire legitimacy among those who disagreed with its message or analysis? Why would it not be seen as but another group with a "calling," and encourage the formation of competing NGOs with competing callings?

To the extent that NGOs base their prescriptions for society not solely on a body of human rights norms but on broader social analysis, how are they to be distinguished from other institutions in the vast and controverted world of social analysis—think tanks, academics, government policy makers? As

one commentator among many on political choices, an NGO might repel or enlist our sympathies. But it would shed the objectivity that traditional human rights groups claim in their reporting of facts and judgments about violations. A claim of “accurate” analysis, of accurate diagnosis and prognosis, could not be supported in the way that, say, Amnesty International could support its account of violations and its condemnation of governmental action under a widely acknowledged norm prohibiting torture. The public interest sector of the human rights movement could lose its character as a defender of legality and readily merge into the broad political process.

Let me comment on the exchange of ideas described in this part of the Report that recurred in many different discussions and contexts. These ideas had an obvious importance for many participants. What appeared to underlie them was the sense of—even a puzzlement about—the vastness of the goal before the human rights movement of achieving greater respect for universal human rights.

From one perspective, the primary task of the movement and hence of NGOs must be the arrest of ongoing violations of a systemic character. The movement can best be understood as seeking to avert or terminate catastrophes for individuals that stem from gross abuses of state power—what might be called the movement’s “disaster” dimension.

The human rights movement can also be understood as having a complementary, broader and more diffuse “utopian” dimension. Its long-run goal would be the realization of a larger sense of human dignity within states. As the ideals expressed in the norms of the UDHR and the basic covenants suggest, the human rights movement would work toward socioeconomic and political changes that permit and encourage pluralism, the respect for differences among individuals and communities, broad political participation, and ongoing

possibilities of change.

Numerous tasks and disciplines are relevant to both the disaster and utopian dimensions of the human rights movement. Ending rather than temporarily checking systemic violations as well as realizing the broader aspirations will become possible only through political struggle. That struggle is inevitable, ongoing and relentless, for violations of human rights, particularly when systematic, are never gratuitous. Correctly or incorrectly, those holding power understand abuse and terror as instrumental to their retaining it. The fight over human rights will often involve the fight over the redistribution of power—sometimes direct and unadorned, sometimes imbedded in ideological combat or in complex ethnic conflicts.

The dominant work now performed by the human rights movement constitutes a vital component but only one component of the larger task of achieving through political processes the change necessary to the long-term curbing of violations and to the realization of broader human rights goals. The ideas developed at the retreat about the purposes and functions of NGOs may be understood to express different views about how large a component of these processes the human rights NGOs should attempt to become. Should they hold to the task in the “here and now” of exposing and curbing disasters? Fact finding and reporting are fundamental. Or should they also advance the long term and utopian aspirations of the human rights movement by working toward political and socioeconomic change in offending states? Analysis of structures and political prescription become relevant.

The more limited the role of the human rights movement’s non-governmental sector—say, investigative missions and reports of NGOs and lobbying for sanctions—the more distinctive will be its contributions to the larger task, and the greater its credibility and legitimacy within this defined field of activity. The more expansive the role of this sector—say, advocacy of programs of political change and active participa-

tion in political struggle—the closer the NGO movement may come to the core of the problem. But it risks its distinctive position by becoming more contentious and more assimilated to a movement for political change.

The nature of the discussions at a retreat that encouraged open exchanges of ideas between differently situated participants may suggest a deeper divide on these issues than exists. The suggestions of some Third World participants for a shift in the NGO movement toward broader social and political analysis to complement its fact-finding and reporting can be understood as an intermediate position, one that preserves for NGOs the vital tasks that they perform better than other organizations, while urging them to place the facts that they report in a framework that at least points toward the underlying issues.

4. *Special Functions of NGOs*

At several points our discussions concentrated on work of NGOs that went beyond investigating, reporting, and related activities designed to end violations of civil and political rights.

A. **Monitoring Economic and Social Rights**

Although many Third World NGOs believe that economic and social rights must figure in human rights work, few have had experience in systematically examining or protecting them. Participants recognized that the defense of economic rights poses novel and complex problems. Probably that very complexity has inhibited experimentation with investigating them.

Whatever the explanation, the lack of experience was unfortunate. When civil-political rights are at issue, Third World NGOs can learn about management of agendas and techniques of field work from many existing organizations. But very few INGOs examine economic-social rights, and the work of such specialized INGOs consists largely in collecting and distributing relief funds. An exception, perhaps, is Oxfam, which has also produced a number of economic analyses.

Teachers from experience are then hard to find. Governments of some major countries, particularly the United States, do not accept the notion that such matters constitute "rights." Skeptical or even hostile attitudes became more pronounced under the Reagan and Thatcher administrations.

A major block to the enlargement of mandates to include such rights lies in the problems of devising effective procedures for monitoring. With respect to civil-political rights, those problems are manageable. Information can be obtained about disappearances, the use of torture, or fraudulent vote counting. However difficult to verify, however approximate,

that information is known to constitute the critical indicators of violations. What are the comparable indicators for economic and social rights that NGOs should assemble and report?

Participants expressed their uncertainty both about what information their NGOs should seek, and about how it could be obtained. What, for example, constitutes a violation of the right to food or housing or medical care, given the elastic quality of the requirements imposed on states by the Economic-Social Rights Covenant (requirements to be satisfied progressively over time), and given the Covenant's caveat that resource constraints should be taken into account to determine a state's obligations? How can NGOs ascertain whether a state's resources should have been made available to satisfy economic-social rights, without consideration of other budget requirements? Would funds become available for welfare relief if corruption or excess expenditures for, say, the military were curbed or if taxes were raised? The fact that people were starving or homeless was not itself equivalent to finding a violation—unlike the fact of torture or a sham trial.

Clearly more complex information gathering is necessary. Once identified, the relevant statistics can be provided both by the government concerned and by international agencies. Analysis of the data and decisions by the NGO about possible violations and appropriate responses would follow. That process, however, seems to require both a grasp of statistical and economic methods and a capacity for analysis of the political system, all within an interpretive framework derived from the Economic-Social Rights Covenant. Research, decision and action in this field necessarily lead an NGO more deeply into the basic structure of a society than does attention to discrete violations of civil and political rights.

It became clear from discussions that NGOs need advice and assistance in order to become effective critics and advocates, at least if they are to reach beyond general criticism to concrete arguments about violations. The newly formed Committee on Economic, Social and Cultural rights, acting

under the Economic-Social Rights Covenant, has begun to spell out criteria for monitoring and reporting. All remains at an early stage, but the Committee could become a guide and source of help. Its new methods for acquiring information through periodic reports of parties to the Covenant, and for evaluating that information within guidelines and a comparative framework, could point the way for NGOs to proceed.

The problems confronted by NGOs go beyond information gathering and analysis to the means by which pressure can be applied on a government to meet its obligations. Remedial paths under the Economic-Social Rights Covenant are weaker than under other human rights instruments. It was suggested that here too the new Committee could help the NGO community. For example, if NGOs were advised when a state report was due, they could stimulate press coverage about it within the reporting country, and could themselves provide information to the Committee. The state might be persuaded to take its obligations more seriously.

Some participants suggested that working relationships between NGOs and IGOs like the World Health Organization or the United Nations Development Program might underscore the seriousness of problems in a given country and heighten international as well as local pressures. But they warned that some international institutions might shun such relationships. There was a tendency among such institutions to avoid the "human rights" label, since it could impair access to states whose governments resented human rights "intervention" but were willing (often anxious) to admit technical experts or relief agencies restricted to economic matters.

The strategic choices about how to respond to violations also raised distinctive problems. If a state practiced torture, the obvious goal of an NGO was to end the practice. But if an NGO believed that a government had failed to take required and feasible steps under the Economic-Social Rights Covenant—for example, to increase the supply of food—how should it proceed? Demands for state action would have implications for the state budget as a whole—perhaps for its

tax system, perhaps for structural reform of the political system or of landholding patterns. The solutions for violations of economic-social rights are not discrete or separately manageable, but are imbedded in political and economic structures. Moreover, violations of rights often stem from the economics of the North-South relationships, and from the effects of ill-conceived foreign aid or developmental projects.

Other strategic problems were sketched. From what groups in an affected population should an NGO seek support? The concerned groups would probably differ from those supporting NGO work against killings or torture. As interested and often threatened groups, the middle classes were involved in the struggle for civil-political rights. Their support of NGOs was less certain when economic-social rights were at issue. There could indeed be opposition. On the other hand, NGO advocacy of economic-social rights opened ways to gaining the cooperation of churches and trade unions. The size of these adversely affected groups opened possibilities of organizing mass action.

Participants brought out other contrasts with civil-political rights, which benefited in certain types of states from significant judicial protection. Advocacy of economic-social rights did not rely on individual cases or on judicial relief. Most of these issues were not justiciable. In only a few countries had courts developed a jurisprudence protective of such rights. However inspirational the judicial decisions, their effectiveness in bringing about change was low. Weighty statistics rather than individual victims were relevant, and direct political action by NGOs appeared essential. Efforts to spur mass mobilization to protest the violation of economic rights would draw NGOs fully into political processes.

B. Programs of education

Many participants stressed the central importance of widespread education in human rights to realization of their long-run goals. Victories could only be ephemeral so long as those moving toward leadership positions failed to develop respect for human rights. On the other hand, few NGOs had given systematic thought to the problems posed by such education, or had made sustained efforts to influence the education system.

A number of questions were raised about the approach to educational institutions. At what level from primary school to the university should human rights education begin? Surely the recitation of the UDHR or of a leading treaty would itself be inadequate, but what materials should NGOs draw on that reached beyond formal texts and commentaries? How should the meaning (or meanings) of respect for human rights best be communicated—through lecture, through participation by students in the analysis of real or hypothetical situations, through the recounting of experiences by students themselves, through the very organization and (participatory) processes of the classroom? Participants questioned what aspects of the human rights movement should be stressed in the time available—economic and social rights as well as civil and political, group as well as individual rights? Who would decide? Education in human rights, it appeared, involves choices no less political than those by an NGO about what to place on its agenda.

Another set of questions explored the relationship between the content of a human rights course and the influence on students of other parts of their lives. How should instruction deal with issues such as the absolute or relative character of rights—speculatively, or dogmatically? Perhaps most baffling, how could human rights education succeed in many authoritarian societies, even if it were permitted (for many countries, a generous assumption) in the classroom? Would not the explicit or implicit messages of an authoritarian and

dogmatic character in the structure of family life or in the teaching of other subjects (national history, political science, religion) or the very processes of government undermine the classroom lessons in human rights? Was it possible to carve out from the body of the education system a few hours of study of the ideals expressed in human rights norms that could overcome the wisdom transmitted elsewhere: dutiful acceptance of authority, denigration of another group or nation, community obligation over respect for individual autonomy, national security over freedom of expression?

The upshot of our discussions was a shared view that educational policies and strategies depend on context. Political, ideological and cultural factors set boundaries to the possibilities. Human rights education in the United Kingdom, Kenya, Guatemala and India requires as diverse programs as, say, efforts to satisfy economic and social rights in those countries.

Participants noted the institutions other than schools through which education about human rights could be pursued: trade unions, churches, the military. The general public could be reached through informational bulletins, advertisements, mass rallies, or small discussion groups. Here also good informational materials tailored to the background and needs of particular cultures as well as effective techniques for their transmission were in short supply.

Although national NGOs are generally in a better position than INGOs to engage in human rights education, some participants regretted that there is so little cooperation between these types of NGOs. Teaching kits, including advice in organizing academic or mass programs, would be useful, as would be training seminars for teachers. In fact, INGOs have started to provide basic information on human rights to a broad community, information distinct from their investigative reports on a given problem or country. Amnesty International distributes summary descriptions about human rights norms and organs, and about access by individuals to such organs. The LCHR has given assistance to the Inter-American

Commission of Human Rights. The International League for Human Rights issues periodic bulletins about human rights topics of contemporary importance—for example, tracing the status of standard setting on a given issue. Some NGOs like the Minority Rights Group prepare general background reports describing conditions in one or another culture or region.

A number of participants spoke to their organizations' experiences with educational programs.

The Tunisian League for the Defense of Human Rights tries to educate public opinion through conferences on issues such as the right to information or the rights of women.

The *Jilani Foundation* in Pakistan became the first national organization to seek to educate the public about the extent of human rights violations. It held an international conference which summoned much attention to key issues and which challenged public disbelief in the effectiveness of well-meaning public interest groups.

ACRI developed an educational program for schools and army units, gives training courses for teachers and the police, and issues publications. It now seeks to go beyond ad hoc interventions and to implant human rights teaching in the schools. One purpose of this plan is to counter extremist views among Israeli youth on Arab-related issues, and to convert a pure majoritarian concept of democracy into one protecting rights of members of a minority. An inherent problem in ACRI's program is that it requires links with the government to gain access to the school system, police and military. Thus ACRI must remain an honest and uninhibited critic of the government, while maintaining sufficiently respectful relations with it to gain access to these institutions.

Al-Haq, based in the West Bank, seeks to develop the

capacity of Palestinians to identify themselves with human rights principles and the rule of law. It proceeds through programs in the schools, as well as through special educational projects concentrating on labor rights and women's rights. In view of the disruption of public institutions by the occupying forces, most of this education now takes place outside schools and formal channels.

Particular problems arise with respect to education in economic-social rights. The rhetoric of right in the Economic-Social Rights Covenant stirs audiences, but the problem is to educate those audiences about matters largely unknown but essential to judgments about violations: economic indices, budgetary data, unnecessary military procurement and other programs that lead to money shortages, and so on. Moreover, ratification of this Covenant appears to be important if not necessary for effective instruction in these rights, unlike the core civil-political rights which can be viewed as binding all countries as a matter of customary international law without regard to acceptance of particular treaties.

One participant suggested a reason for the nearly exclusive emphasis on civil-political rights in university curricula including human rights studies. Unfortunately, those studies have been captured by the law faculties. It is natural for law teachers to instruct in the more conventional and "legal" types of rights, which correspond with domestic traditions of constitutionally based civil-political rights and which give more sway to the quintessentially legal institution of courts. If human rights studies could penetrate other faculties as well—say, divinity or public health or philosophy faculties—it would be natural and almost inevitable for teachers to give greater emphasis to economic-social rights, given their correspondence with principal concerns of those faculties and their links to theories of religious or moral obligation and distributive justice. Much depends on the professional prism through which human rights studies are viewed.

However great the difficulties, some participants believed that it was the vital task of their NGOs to teach the public about economic and social rights. The chances of gaining general recognition for these rights depend on changing the perceptions and consciousness of a younger generation in the schools. The starving and homeless feel the injustice of their situation far more than do the schooled elites.

5. *Special Situations of NGOs*

These discussions covered special situations affecting a few of the NGOs associated with participants: problems of political transformation following a period of repressive government, problems stemming from occupation by foreign military forces, and problems of internal armed conflict.

A. Political Transformation after a Period of Repression

Redemocratization

The issue most discussed within the topic of redemocratization was transitions: the role NGOs should play as political life gradually opens, and as former democratic practices (if any) such as multiparty elections and press freedoms are reinstituted. Participants from Latin American countries, Greece and the Philippines spoke about NGOs' frustrations in these circumstances. During emergencies or periods of intense repression, a community of citizens can be mobilized to oppose the government. Once those periods end, many adverse effects of the repression remain, often in social and economic forms. Thus a participant described Chile as "a country where the sun seems to be willing to shine again but where we will not see a rainbow so soon."

Nonetheless, popular concerns about human rights fade, and INGOs once attentive to gross violations in the country redirect their energies. In the words of a participant expressing the resulting sense of isolation: "In the transition period, all these international groups drew back . . . Then we lost touch with those organizations. That's terrible for us because there is a kind of central decision, that when a country starts a new process, there is no longer any need for international action and support."

To many international observers, the end of systemic torture

and mass detention means the end of human rights violations. If the only statistics that are relevant to human rights monitors concern gross abuses, then a sharp decline in numbers would suggest that the serious problems have been solved. Special reports by INGOS about the country involved will end, both because of the objective signs of improvement and because a given INGO may be politically sympathetic to a successor regime and anxious to give it the chance to prove itself before exposing its shortcomings.

National NGOs that often waged the long battle with the support of INGOS are suddenly on their own in trying to direct their energies to other problems. It is almost as if they were in suspension until stark repression struck again—a “sudden lapse of activity,” in the words of one participant. What remains for many is the hope that the human rights community will “address serious human rights issues where there is very little change, even with change in the government.” Several experiences of participants speak to the reality of this hope.

SERPAJ in Uruguay was forced to redefine its goals at the time of the political opening. This church-related NGO had started its life with a broad understanding of human rights, but in the context of severe repression it necessarily worked full time to protect rights to personal security. Now it has recast its principal goals. But a public that has become politically involved in the country's growth remains apathetic to advocacy of economic-social rights.

SERPAJ believed it essential to document what happened under military rule, in the spirit of the *Nunca Mas* publication. Its early insistence on the trial of military figures alienated some of its former constituency and led to accusations of vengeance and of efforts to destabilize the fragile new democracy. Eventually an amnesty was approved by popular vote. SERPAJ has lost many of its allies who were once bound together by a common enemy but who are now involved with holders of political power to advance their present interests.

When the Greek repression ended, all domestic human

rights organs were dissolved, and the struggle in the Greek diaspora in the West to restore democracy was disbanded. Some groups moved to take up economic-social rights and promote broader political participation, particularly of women. But the powerful human rights sentiments nourished during, and perhaps by, the repression could not be sustained with the same intensity in other fields.

The role of INGOs themselves during transitional periods figured in the discussion. For example, during the "honeymoon" period with President Aquino, Amnesty International sent several missions to the Philippines and reported promptly after them. Some other INGOs were reluctant to send missions to report on the new threatening phenomena until the local NGOs had reported on them. They urged the local NGOs to be patient, to give the new government a chance. Frustrated NGOs sought other channels to give publicity to their concerns. The problem posed is the degree to which INGOs should abandon their usual concern with "telling it like it is" and temper their monitoring and reporting activities with considerations, whether wise or wrong-headed, of political expediency.

East European Transformation

Alone among the problems or regions discussed at the retreat, East Europe has experienced change at so astonishing a pace as to make the 1989 discussions of NGOs' roles somewhat dated. Human rights organizations are reformulating their methods and goals in the light of political transformations and related trends toward private ownership within some combination of state ownership and a regulated market. However, the main themes of the retreat's discussions, which included two participants from East Europe, remain pertinent to the new situation.

A principal issue involved the role of NGOs in creating or restoring "civil society," a concept much used and little defined. In its basic sense, participants appeared to refer to a

social order permitting voluntary associations that were not controlled by the state or by the official (i.e. Communist) party. The associations might be religious, political, economic, cultural, professional, athletic, social, regional or national. More generally, the concept refers to a pluralist society in which a diversity of viewpoints is tolerated or encouraged by a legal framework facilitating the vigorous life of a non-governmental sector that embraces a variety of cultures and movements. This broader notion of civil society is linked to the ideal of the rule of law, and of security against state interference for persons or associations acting within a neutrally applied legal system. Pluralism would ideally inform all sectors of life, not just the political.

The term also suggests that form of social and political organization in which civil society is supreme and the state exists principally to establish and enforce framework rules. In our discussions, it surely implied a market economy relatively autonomous from governmental control. At all levels, these notions of civil society correspond with deep strands in liberal political theory, and (assuming varying degrees of state regulation of the market) with contemporary versions of the democratic, private-property, welfare state in Western Europe.

To encourage the growth of civil society, some participants urged NGOs to play an educational role. They must go beyond their traditional functions in East European countries—the functions associated with Helsinki Committees or groups like Charter 77—of protesting censorship or detention, monitoring political trials, and representing political defendants. In these developing societies, the need for surveillance over governmental action to protect basic civil-political rights would of course continue. But other, transformative tasks become urgent in the campaign to overcome decades of indoctrination in an ideology imposed from without.

For instance, NGOs must stress by example and action the individualistic orientation and decentralized character of the societies now being born. To foster the liberation of the individual from subordination to the vast state apparatus,

education will be necessary in many settings, from schools to churches to trade unions. Workers must be weaned from their passivity toward management and from their welfare-state dependence. They must be encouraged to become assertive and to incur risks.

NGOs could play the role of persuading the citizenry that ordinary people are capable of thinking and acting for themselves, of cooperating to build institutions and make decisions independently of the state. Peasants particularly need assistance from NGOs if they are to understand themselves as bearers of rights that can be asserted against the state. The very existence of NGOs, argued one participant, is itself an example and encouragement for others to participate actively in the growth of a civil society.

What was striking in the remarks of the East European participants was their apparent faith that market-oriented shifts in social organization would solve a broad range of political and socioeconomic problems. That faith appeared to be unchecked by the experiences of market-economy countries that have found it essential to regulate actors and markets and supplement market allocation with public programs in order to achieve varied social and economic ends. Although there was recognition that the state would necessarily continue to provide a welfare system, emphasis was on market choice bounded by minimum state regulation.

The contrast between this orientation of some East European NGOs and the orientation of many Third World NGOs toward expanding state functions affecting economic and social rights could not have been more dramatic. It was as if decades of suppression of choice and individual initiatives had produced a reaction so powerful as to block for the while a consideration of the problems inhering in large social shifts. The task of NGOs was to foster that shift, rather than to address the related problems that would be faced by vulnerable groups, whether defined in class, geographical or ethnic terms. As in First World countries, civil and political rights were considered the strong priority.

B. Foreign Occupation

One participant was associated with an NGO in territory occupied by a foreign power—Al-Haq, with its office in Ramallah in the West Bank. Such an NGO faces distinctive dilemmas. Al-Haq does not belong to a state that it can seek to influence in the stance of a public-interest group composed of the state's citizens—as can, for example, ACRI within Israel. It has no institutions through which it can lobby as a protected participant in a political process. Rather it must try to influence a foreign authority: the Israeli army and the institutions staffed by Israelis that are in charge of all vital functions in the occupied territories. The committees, tribunals, or courts to which it may turn to protest violations of human rights are again Israeli. Al-Haq has utilized these channels, but the participant noted that its interventions before the Israeli Supreme Court have been largely unsuccessful.

Moreover, Al-Haq necessarily places violations of the humanitarian law of war at the core of its agenda. Although its reports focus on events familiar to most NGOs—detention, use of excessive force, prison conditions—the political and normative framework for analysis is the distinctive one of the Hague and Geneva Conventions and related customary law. This again distinguished Al-Haq from other NGOs at the retreat.

Al-Haq's primary strategy is to publicize violations through international channels, and to work with INGOs investigating conditions in the occupied territories. It engages in much field work, and issues periodic reports monitoring Israeli army regulation of the occupied territories. One of its goals is to reduce violations by seeking the help of third parties to influence Israeli authorities. Through conferences, reports and press releases, it attempts to inform foreign groups about the legal and human rights situation, and encourages foreign observers to attend trials.

Al-Haq's educational efforts about human rights are directed to the Palestinian population. A participant stressed

that these efforts reached beyond problems stemming from the occupation. In the expectation that the West Bank population would ultimately rule itself, Al-Haq has started to give attention to anticipated problems like religious or gender discrimination, or political pluralism. It sees its educational task as instilling beliefs and commitments that will influence the population about internal policies when it becomes self-governing.

One question raised by the discussions was the degree to which NGOs within the state of an occupying power and within the occupied territory could achieve close cooperation. There were clear risks for both parties in such cooperation, but also strong potential benefits. There have been cooperative relations between Al-Haq and Israeli NGOs giving principal attention to their government's actions within Israel, but more interchange has occurred between Al-Haq and Israeli NGOs doing extensive human rights work in the occupied territories.

C. Internal Armed Conflict

A growing number of countries experience internal armed conflict inflicting massive suffering on the population and raising distinctive issues for NGOs trying to curb human rights violations. Several participants in the retreat were members of NGOs in such countries: the Philippines, El Salvador and India. (The Report uses "internal armed conflict" as a general descriptive term and not as a term of art. Humanitarian law, including customary law as well as the Geneva Conventions and their Protocols, is acknowledged or claimed to be applicable to some but not all of these conflicts.)

The principal question discussed was whether NGOs should cover conduct by insurgents—guerrilla forces seeking political change, an ethnic or religious group seeking self-determination—as well as governments. A policy of NGOs that was close to uniform a decade ago views conduct by non-governmental groups, however destructive toward opponents or

unengaged civilians, as a matter for the state's criminal law. It lies outside the scope of human rights law, which deals with state action. That policy has changed in many instances in the light of the growing incidence and brutality of ethnic, religious and ideological conflicts, and in response to sharp criticism by governments of NGO reports that are critical of state action but silent about similar or worse behavior of insurgents.

Some NGOs have started reporting about insurgent groups in the light of the development of humanitarian law to govern both sides of certain (but not all) internal armed conflicts, and the incorporation of that law within the body of human rights norms on which most NGOs base their reports. Thus NGOs like Tutela Legal in El Salvador monitor violations by government and insurgent forces, as do INGOs such as Human Rights Watch when reporting on countries with internal armed conflict. Other NGOs, such as those in the Philippines, have been criticized for failing to report on actions by insurgents. Among the INGOs, Amnesty International has been reluctant to change its earlier policy, and was criticized for not reporting more fully on violence by insurgents against civilians in countries like Sri Lanka.

Several obstacles confront NGOs as they seek to avoid charges of political bias by reporting on violations by both sides. Problems in acquiring reliable information are often greater with respect to action by insurgents than action by the government's armed forces. Contacts are generally open between an NGO and government authorities, but it often is impossible to reach or be reached by insurgent authorities. Moreover, there are perils in covering as well as in not covering both sides to a conflict. NGOs are subject to charges of lack of "balance" in their reporting, with one side or the other claiming excessive attention to or exaggeration of its own conduct.

Insurgency, participants suggested, inevitably leads to more intense disputes over the content of human rights work. National NGOs in the country of conflict find their credibility

consistently challenged. Human rights groups themselves may line up on one side or the other—frequently a government-created and government-funded organization giving all its attention to actions of the insurgents, and a non-governmental human rights organization (a literal NGO) concentrating on the government's conduct. Conflicting reports often emerge from such groups, perhaps a matter of different methodologies and emphases, perhaps a consequence of conscious distortion of facts or repression of unfavorable information.

6. Relationships: INGOs, NGOs, and Other Institutions

These discussions stressed networking and relationships. After noting distinctive problems of INGOs and their links with national NGOs, this part of the Report describes relationships between NGOs and political parties, mass movements, and religious groups.

A. INGOs and Their Problems

Many Third World participants regretted that the leading INGOs are based in Europe and the United States. Their major criticisms of INGOs were related to this phenomenon. Even INGOs such as the International Federation of Human Rights (Paris) or the International League for Human Rights (New York), which have chapters or affiliates in Third World countries, did not escape these criticisms. Questions were raised of who set policy and whether the chapters or affiliates influenced matters such as decisions about missions. What was unclear was the operational significance of these links among affiliated institutions.

Participants observed that managing boards and executive directors of most INGOs include few people from the Third World, although most work of INGOs concerns those countries. Amnesty International has a more complex character. Its International Executive Committee includes a cross-section of Third World members, while its staff has a First World character and the great percentage of its members live in the First World. The upshot, some participants asserted, is that INGOs act in parts of the world that are little consulted about their own priorities and toward which INGOs have no accountability.

Some distinctive problems of INGOs emerged from these

discussions. For example, participants from INGOs emphasized their isolation, relative to national NGOs, from local political forces, including popular movements and grassroots groups. Thus the role of INGOs like AI is limited, for "real changes" can be brought about only by people in a country, not by "outsiders looking through windows."

This isolation of INGOs influences their strategies. INGOs and national NGOs appeal to different audiences—for INGOs, more world opinion than local opinion, and therefore more an opinion of educated and politicized elites than most national NGOs could rely on or would wish to. Many INGOs lobby principally in intergovernmental organizations. They seek to enlist the political support of member governments of IGOs to realize particular goals like a censuring resolution. They use their Consultative Status with ECOSOC to appear before organs like the U.N. Commission on Human Rights or its Sub-Commission. They assist delegates or experts in institutions like the Human Rights Committee by providing background information on countries whose governments are submitting periodic reports. Moreover, they have begun to stimulate debates within states about the reports prepared and submitted by their governments.

In this sense, INGOs have become a bridge between the real world of violations, "what happens out there," and legal-political and bureaucratic institutions in the human rights world. As a group, they are more sophisticated and effective transmitters of information than most national NGOs. Some INGOs have developed an educational role vis-a-vis the U.N. For example, the International League for Human Rights runs seminars for delegates from different countries on human rights issues. INGOs have also become monitors of how resolutions of U.N. and treaty organs are implemented.

At the same time, INGOs are concerned about maintaining a reputation for objectivity and a status as independent organizations that are not bound to any one state's position. Amnesty International, for example, keeps its distance from some aspects of U.N. work—for example, not participating in

the drafting of General Assembly resolutions and not becoming involved in diplomatic negotiations.

The principal criticisms of the work of INGOs echo some criticisms about Western NGOs in general that were described in part 3 of this Report. But most of the ideas that follow are distinctively relevant to the organizational forms and operations of the leading INGOs. For example, it was pointed out that many INGOs were created in the 1960's and 1970's in response to mass violations of civil-political rights in a number of countries. They were meant to address those fundamental problems. That early purpose led several participants to ask whether INGOs are capable of expanding their mandates and rethinking their methods to deal effectively with the kinds of problems stressed at the retreat.

Perhaps it is natural and convenient for INGOs, which are not rooted in the countries that they examine but are rather like professional visiting researchers, to concentrate on particular breakdowns of the legal and political systems of the countries visited, on discrete violations. Perhaps the relative advantage of INGOs over NGOs lies just there, matching what they are capable of doing accurately and efficiently with the types of international pressures that they are especially capable of exerting.

The very success of INGOs could inhibit a movement toward broader mandates. Amnesty International, for example, performs its job superbly. Its skill and prominence may suggest to others that its carefully limited mandate is the appropriate one for an INGO, and may thereby inadvertently discourage the development of INGOs with different goals and methods.

Criticism also addressed the reports issued by INGOs after investigative missions. A number of participants referred to the "report syndrome," the belief that when a problem is identified, the sufficient response is to assemble a mission and issue a 100-page report to solve it. Even if brilliant, reports are often filed away by their addressees. Many times it is not clear to what audience a report is addressed, for what purpose, and

how an INGO intends to get it acted on. Even when reports may help, they are often issued so long after the facts are gathered that their staleness strips them of significance, particularly when dramatic events such as a coup or a fresh outbreak of violence occur between the investigation and the release of the report.

Another strand of criticism questioned the ability of INGOs to grasp the complexity of the political phenomena generating violence in given countries. Some participants asserted that many reports growing out of INGO missions to examine conflict in the Punjab or in Sri Lanka are confused and superficial. They complained that INGOs sometimes select members of investigative missions not because of their expert knowledge about a given problem but because they are public figures whose presence on the mission can attract attention. It was suggested that INGOs could better achieve their goals by segregating functions: sending experts to master the facts and write a draft report, and then engaging other better known or "diplomatic" figures to give publicity to the report and discuss it with government leaders after being briefed by the experts.

While conceding that investigative missions composed of independent persons often lack a sophisticated understanding of the country and situation being investigated, other participants connected this problem to the broader dilemmas of human rights fact finding. The international NGO has some greater claim to objectivity. At least it stands outside the immediate struggle in a country. Its report may therefore command more attention, for it cannot as readily be discounted as partisan politics. On the other hand, the kind of structural analysis that this Report earlier described in part 3 would be more manageable in the hands of a local NGO. The process will never be perfect. Some trade-off between intimate knowledge on the one hand, and professional skill and distance and objectivity on the other, is inevitable.

B. Relations between INGOs and National NGOs

Benefits of cooperation

In many respects, the national NGO benefits greatly from cooperation with INGOs. It often feels isolated, carrying the sense of fighting local battles far removed from an apathetic world. The INGO brings a connection, even the sense of solidarity. Its investigative missions and its interventions before intergovernmental organs prove that the national NGO and its cause are not abandoned. INGOs help human rights workers by providing materials about the UDHR and basic treaties, by monitoring, and by training local advocates to take advantage of opportunities within the IGOs.

An INGO may be in a position to provide some funding for the national NGO. It may make available its formal Consultative Status before U.N. organs for use by members of the national NGO. (That path is not without its problems. A participant complained that "some INGOs make life difficult for us. We try to get accreditation, year in and year out, but now you need to lobby INGOs to speak under their auspices.") Of course the INGO may itself bring to the attention of those organs the violations in a given country. Such action, if followed by condemnation in U.N. resolutions, strengthens the position of the national NGO. Moreover, by drawing on national NGOs' reports of violations in the drafting of its own report, an INGO can give credibility to their authors.

Participants from NGOs like the Commission on Human Rights in Honduras spoke of benefiting from all these aspects of association. The Tunisian League for the Defense of Human Rights draws strength from its solidarity groups with Palestinians, its affiliated status with the ICJ and with the Arab Organization of Human Rights, and its relationships with AI. Networking with NGOs is vital for Al-Haq. Participants from East Europe indicated how the local Helsinki Committees have been strengthened through their links with the International Helsinki Federation and Helsinki Watch.

Fact-finding

Gathering information is the principal occasion for cooperation between NGOs and INGOs. Local groups have greater access to the facts and can provide better documentation. But no simple division of functions exists. National NGOs do not "find the facts" which INGOs then incorporate into their reports.

To the contrary, relationships based on fact-finding raise thorny issues. Different NGOs from the same country may insist on different versions of facts and different explanations for violence. Conflicting stories and statistics are inevitable in countries like El Salvador and Nicaragua which have joined the trend toward establishing governmental as well as non-governmental human rights groups. In situations of ethnic conflict, each group may offer its own account of harm, causation, and responsibility. Facts about human rights violations continue to serve as data subject to political manipulation.

Even when all NGOs in a given country have the same understanding of events, questions arise about the accuracy of information provided by the national organizations. From an INGO's perspective, its willingness to rely on national NGOs' reports depends on the fact-finding methods used (the proof required, method of examination of witnesses, cross checking, types of inferences drawn, and so on), and on the apparent objectivity of the NGOs compiling the information. The INGO must consider whether it should attempt to corroborate the information in NGO reports, or investigate independently. Some participants spoke of the value of setting common methodological standards for INGOs and NGOs.

Tensions in relationships

A persistent theme of participants from national NGOs was a felt paternalism in, and excessive direction from, the INGOs. Third World participants held forth the ideal of interdepen-

dence and mutual understanding to avoid the "helping hand strikes again" syndrome. National NGOs could educate INGOs about how to be most helpful to the Third World.

Related criticisms focused on the processes of decision-making in INGOs. Participants urged better coordination in the planning of trips, including giving particular NGOs a priority for investigating particular topics or regions. Coverage would then improve, and particular INGOs could develop expert knowledge by concentrating on a given country or topic. Moreover, Third World NGOs should participate in the decision whether to send a mission and write a report. Historically there has been little prior consultation, one consequence of which has been to give national NGOs a sense that they are not important to the process.

A participant, skeptical of these suggestions, expressed the view that NGOs "hated" coordination, prized their autonomy of decision making, and rarely came together to divide responsibilities or to arrange jointly a mission or campaign. This observation applied to national NGOs and INGOs, and was explained by the importance of egotistical struggles for power and for public recognition among leaders of many organizations. Those struggles led to fights over jurisdiction and strategies rather than to planning within a unified human rights movement.

Agreeing that such struggles could be damaging to an organization and to the movement as a whole, other participants stressed that independence of and diversity among NGOs had a positive value. Not organized within any hierarchical scheme, individual NGOs are not accountable to others for their decisions, including decisions about what and where to investigate. Sometimes they are starkly at odds with each other in beliefs and priorities. Hence the NGO movement as a whole may have a somewhat chaotic character. But this apparent chaos, better understood as decentralization and diversity, constitutes the movement's great strength: the dynamic and evolving character of NGOs, and their influence on human rights thinking as a whole.

Some participants from Third World NGOs doubted the effectiveness of INGOs relative to other sources of help, such as foreign governments or IGOs. The head of a Latin American NGO asserted that much time could be wasted contacting INGOs which have little international influence and often no influence within a given country. Even competent fact-finding and prompt reporting by such INGOs has problematic value.

In the case of Uruguay, a participant suggested that it was the intervention of the Canadian government that was particularly helpful during the period of stark repression, partly because the Uruguayan government was then negotiating a trade agreement with it. AI and other INGOs may have been useful in influencing international public opinion (whatever that concept may refer to), but they had little influence on what was happening internally. It was, however, true that the International Committee of the Red Cross had some effect on the treatment of prisoners. It was also true that INGOs were helpful in bringing cases from Uruguay to the individual petition procedure before the Human Rights Committee under the Civil-Political Rights Covenant. Still it was difficult to measure the effect of the different forms of U.N. activity.

Nonetheless, it is easy to overlook the varied pressures contributing in their totality to a growing international awareness of a country's problems, and to a willingness of a government to "bow to pressures" from another state in trade negotiations. The reports of INGOs are among those influences, part of a complex process of change such as Uruguay's which always defies clear causal analysis.

Proposals

Suggestions were made about how relations might be improved, most of them bearing on process and consultation. Some participants urged that the timing of a report by an INGO and the uses to which it should be put become matters of common planning with a national NGO. Where political

conditions permitted, Third World NGOs should become directly involved in INGO missions—both in their own countries and in other countries, as forms of South-South monitoring. Such cooperation took place in 1988 missions to Malaysia of the ICJ and the Asian Coalition for Human Rights. When reports are prepared, INGOs could submit drafts to national NGOs for their comments. In general, improved personal relationships—through, say, heightened Third World participation in the executive direction and staff of leading INGOs—would facilitate more effective cooperation.

Expansion of training sessions was also suggested. Since meetings are expensive, other training techniques of education were emphasized: films, questionnaires, kits of readable material. Participants stressed the importance of including people from the Third World among the instructors and providers, both to gain more perspective on the subject, and to avoid the sense of paternalism or the charge by a government of exertion of Western influence through the guise of human rights training.

A final theme addressed ways in which INGOs could contribute to the protection of human rights institutions and workers. A number of countries including India have enacted legislation restricting activities of NGOs in different ways, such as limiting their access to foreign (grant) funds. Protests by INGOs and efforts by them to persuade relevant opinion to oppose such restrictions could be helpful.

More significant, threats to human rights activists that sometimes culminate in detention or killings have become more common—so much so that, in the words of one participant, “what we need is not an umbrella of protection but a bullet-proof vest.” Publicity by INGOs about threats, and mobilization of strong protests against a government intimidating human rights workers, have been helpful. A government may be deterred if aware of the political costs of harming workers. The processes of AI have long been employed to extend such protection to prisoners of conscience. Some professional-group NGOs, such as the LCHR, have institu-

tionalized procedures for protest by fellow professionals if, say, a human rights lawyer is arrested or abused. Emergency procedures looking toward relief could be further developed.

A general caveat about INGO-NGO relations came from several participants. They spoke of the risks, political and physical, of association of a local NGO with an INGO. One could expect governmental efforts to discredit both institutions by charging that the NGO is a pawn controlled by "foreign interests," indeed is disloyal in cooperating with INGOs to damage the state's reputation before other governments and international organizations. Dirty linen, if washed at all, must be washed in the privacy of the home. Where these governmental attitudes prevail, it was suggested that an NGO believing that an international mission to its country was advisable should proceed discreetly in urging INGOs to act and should remain distant from any mission.

C. NGOs' Relationships to Political Processes and Parties

Are NGOs politically neutral institutions, committed to the observance of widespread norms, concerned with the objective monitoring and reporting of violations, rather like public prosecutors enforcing the Rule of Law? Or are they institutions similar to interest groups or even political parties, committed to political goals and engaged in the political process?

To explore these questions, which were examined from other perspectives in part 3 of this Report, it was necessary to sort out some meanings of "political" institutions. NGOs are clearly "political" in the sense that they are committed to action to vindicate moral and political principles that determine basic characteristics of a society. But NGOs are not viewed as political organizations in the sense of their competing for state power. Between these polar conceptions of "political" organizations lie many forms of involvement in political struggle.

NGOs differ in their self-understandings about their rela-

tion to political life. A number of participants stressed the importance of remaining detached from that life. Active involvement in political processes—campaign speeches for a candidate, drafting general platforms for a political party—deprives NGOs of distinctive characteristics that give them strength and integrity. It poses the risk of their becoming no different from other actors in the political drama. Nonetheless, not all NGOs maintain clear boundaries. During the Indian Emergency, many NGOs quietly urged citizens to vote against Indira Gandhi and helped to draft the new government's five-year plan. In the Philippines, many NGOs urged votes for Aquino.

Several participants expressed views about the risk of losing legitimacy because of engaging in political activity.

Amnesty International is unlikely to expand its own mandate in a significant way. Its membership feels that any mandate raising broad social issues and looking toward basic social change would draw it into full political debate and put its credibility at risk. AI sees itself as an impartial organization, concerned with the violations in each case that it examines rather than with the ideologies of either party to a dispute. It seeks compliance with imperative norms, not the realization of some ideal of a better world. Advancement of a particular ideology or a focus on social transformation will inevitably draw NGOs into political struggle.

The distinctive circumstances of *Al-Haq* have led it to remain carefully aloof from the internal politics in the West Bank, including the politics leading to violence among Palestinians. It self-defensively characterizes itself as above politics, and refrains from criticism of any of the competing Palestinian factions or of any general program. Attentive primarily to Israeli violations of human rights of Palestinians, it also educates the Palestinian population in human rights

norms. In the event of a political solution leading to Palestinian autonomy, Al-Haq does not want to be recognized as tied to any one faction and thereby risk losing its legitimacy as an organization committed to universal values transcending partisan politics.

The strategy of *ACRI* has been to keep aloof from party politics and political platforms in Israel, to avoid losing credibility with much of the public through charges of being another liberal political party with its own agenda. On the other hand, it is almost impossible to maintain the image of an apolitical organization when positions must be taken on national security issues, on issues in the occupied territories, and on religious-secular controversies. Still it is possible to deal with such problems in a case-by-case way without advancing broad positions about desirable outcomes.

On the other hand, NGOs acknowledge that they participate in a broader sense in political processes. To some extent, they operate as interest groups, their clients being the oppressed and abused. They seek to influence those holding political power to act in particular ways. In most respects, their lobbying, publicity about violations, and other forms of pressure against violators cannot be distinguished from actions of traditional interest groups in a democratic society—environmental groups, trade unions, pro-choice or pro-life groups on the abortion issue. The ACLU, for example, has full-time legislative lobbyists taking positions on pending legislation that has serious implications for civil rights. It recently participated in a political battle over the nomination of a Supreme Court Justice, and was described by a participant as “highly political but not partisan.”

Moreover, in a repressive society, a human rights NGO may be engaged in open struggle with the government from the moment of its birth. It will employ all available political strategies in order to survive and grow. As a Latin American

participant said: "We had to open political space. The government is not prepared to give you any space at all. We had to push. The space we have is because we have made it. It is a victory. It is nothing that we have been granted."

Important distinctions remain, however, between even politically involved NGOs and typical interest groups. Unlike human rights NGOs, most interest groups actively support candidates for office by encouraging their membership to vote in stated ways, by raising and contributing funds, and so on. NGOs differ in that they often represent the unrepresented population that lacks the vote or indeed any political voice. A participant from the Bonded Labor Liberation Front in India noted that the BLF "could not identify with any particular political party" even if it wished to, for bonded labor is treated by politicians as a marginal group of no use in electoral politics.

One could indeed say that the very ambition of many NGOs is to make their constituencies potent through electoral or other means so that they can pressure governments to open the political process. If the distinction between NGOs and the elites in many countries could be expressed by stating that the first represented justice without power, while the second represented power without justice, only political struggle can bring justice and power together.

Opinion was more unified about the danger of links between NGOs and a government. Most participants spoke strongly about the need to maintain a real and a formal independence from governments, which always wish to persuade or control their critics. NGOs should be wary of any governmental funding. Not only are the credibility and motives of the NGO at issue—for example, a less critical attitude toward government conduct may result—but the very association between a human rights NGO and a government tends to fortify the government's position vis-a-vis dissidents and to legitimate it vis-a-vis outside critics. Those human rights groups that were fully funded by governments and staffed by government appointees, as in El Salvador and Nicaragua,

were generally perceived as “political” rather than independent, perhaps as much a part of the problem as of the solution.

D. NGOs and Mass Mobilization or Peoples’ Movements

Principally Third World participants argued for greater involvement of NGOs in the task of mobilizing the powerless and building mass constituencies. They would engage in political struggle directly, not by lobbying with the established parties where their access and influence were slight. They would force the political system open rather than play the system’s game.

Such proposals have a practical base. For the most part there are no serious alternatives in many Third World countries. Context determines strategy. The courts, institutions of first resort for prominent NGOs in the United States, can help little. In societies hardened to the tragic circumstances of vast sectors of the population, public opinion can no longer be aroused by publicity about an individual outrage—a prison rape by a guard, the murder of a rural worker, beatings of some protestors. Rather “it has to be near genocide or sustained oppression which galvanizes us to action.” Publicity about mass violations can perhaps stir public and political opinion, and that publicity can best be achieved through mass protest.

The theme of alliance with the masses also stemmed from views of some participants about the superiority of a non-hierarchical path to achieve reform. Many NGOs in the world are elite institutions, managed bureaucratically by bourgeois intellectuals and activists, socially and culturally isolated from the constituencies (prisoners, oppressed minorities, child labor, rural women) that they assist. The image is hierarchical and paternalistic: the educated leader brings hope and perhaps salvation to the people. Rather, the path toward social change should start, in Gandhi’s words, with “the least of the least.”

Of course NGOs will play an essential role in encouraging

these "least" to believe in the possibility of change and to act. Their task will be to help in organizing, say, rural women and labor, providing legal aid to frustrate to the extent possible state repression of mobilization movements. The learning will be reciprocal. Conceptions of right will not be announced, as it were, from above, but learned through struggle and dialogue.

The strongest expression of these views came from Asian participants who expressed frustration as their societies became more homogenized, and as national groups with which their NGOs might have associated became more passive beneath the growing power of the state. But the theme of association with mass movements clearly touches experiences in other parts of the world, including Latin American countries that have seen the grassroots work of liberation theology. Such work has been important to many Latin American NGOs. A participant spoke about the experience of the Vicaria de la Solidaridad in Chile during the Pinochet period, when it did grassroots work with popular organizations to help people to organize, and assisted self-organized groups in housing and health matters.

E. NGOs and Religious Institutions

Six participants at the retreat were associated with NGOs established by or closely associated with the Catholic Church—NGOs in Chile, Ecuador, El Salvador, the Philippines, Uruguay and Zimbabwe. Despite the warnings of some participants that "one pays the price of collaboration" with any institution, religious or secular, these participants felt no explicit tension between the norms of human rights law and Church tenets. Nonetheless, it was clear that such tensions arise in issues such as rights of homosexuals, aspects of family law such as contraception and abortion, and the role of women in the Church.

Despite what one participant referred to as the

"nondemocratic character" of the Church, he saw the Church as the source of rights in the work of the religiously based NGOs. The Church's inspiration was said to be "Christian, ecumenical, and humanistic." In periods of extreme repression as in Chile, it "showed as never before its motherly and solidary image." The work of these NGOs reaches all groups, and particularly the everyday needs of the poor. In this sense, the church-related NGOs in Latin America and Africa have much in common with the other Third World NGOs stressing economic and social rights as well as grassroots work.

A polar perspective on relations of NGOs with religious institutions came from several Asian participants. One from Pakistan spoke of the struggles of NGOs with the Muslim clergy, and the frustration of early efforts to work with religious officials in order to exploit doctrinal differences among them on issues like women's rights. The contradictions between human rights norms and Islam could be found at many levels: rights of women and minorities, forms of punishment, Kadi discretion in judging, theocratic government. It was suggested that NGOs located in Muslim countries where they could openly organize should not accept religion as a source of the rights that they advocate, lest they become engaged in futile debates over the interpretation of sacred texts. Rather they must rest their advocacy on secular humanistic principles, even while believing and arguing that those principles find support in the Islamic tradition.

Other Asian participants spoke of the "dark forces of religious obscurantism" and of the "deadly fanaticism" of practices such as Sati. From this perspective, the role of the NGO should be to challenge the dark forces, uproot fatalistic dogma, and give people the sense of their power to change social life.

7. Internal Organization and Methods of NGOs

Most NGOs consist of a small group of policy makers and administrators without a broad membership. Some are effectively one-person organizations. Only the well known INGOs with their large staffs and sometimes bureaucratic or collective leadership, and the national NGOs in a few countries like the United States, stand outside this general description.

Some participants spoke of the dangers for the NGO movement of this typical organization. The cult of personality has become a reality, and few NGOs, despite the democratic aspirations in their work, are run in a participatory way. Of course NGOs are young; the movement is barely three decades old. But the personal style of leadership poses risks for the continuation of institutions.

The broad membership base of Amnesty International contrasts sharply with most NGOs affiliated with the participants. Some national NGOs such as the ACLU have had similar success in enlisting many members making annual contributions.

What intrigued participants from Third World countries was not only the content of the ACLU's agenda, but also its size and financial means. In contrast to the ACLU's nearly 300,000 dues-paying members, 95 salaried lawyers, and \$25 million annual budget, many Third World NGOs operate out of a member's house, consist of a few people, and rarely pay sustaining salaries. Membership dues amounting to a substantial percentage of an operating budget are unheard of. Human rights organizations in the First and Third Worlds mirror their worlds' differences in wealth as well as differences in political contexts.

In the Third World, the small membership of NGOs consists mostly of intellectuals, professionals and activists within the liberal tradition who work in conventional ways by resorting

to legal processes. Most NGOs experience great difficulty in enlarging the number of active members. Despite the many NGOs in the world, the small staffs and memberships meant that participants at the retreat were discussing a global movement that includes a modest number of active people, particularly if one excludes the mass members of a few large INGOs and national NGOs who satisfy their obligations by contributing funds.

Funding is a major preoccupation of all NGOs. It is generally difficult for NGOs in the Third World to gather local support. For reasons earlier sketched, activists are generally suspect about or hostile to the use of government funds. Some NGOs, particularly in African countries, depend to an important degree on that source. Attitudes of Third World participants to foreign funding, such as funding by foundations in the United States and Europe, varied. Some depend on such sources, while others are concerned that dependence on foreign money opens them to the characteristic charge of playing the foreigner's game.

There was discussion about the danger inherent in receiving most of an NGO's funds from a few powerful sources. Those sources may exert a strong influence over how the funds are used, and thus over what is investigated. Dependence on those sources may make an NGO hesitant to vary its agenda or mandate.

Great concern was expressed about recent governmental trends toward restricting the flow of funds to NGOs and otherwise inhibiting their activities. For example, ALIRAN in Malaysia was hurt by the government's denial of the right to publish reports in a national language and to establish branches. Statutory regulation in India requires groups receiving foreign funds to register annually, and the government has begun to refuse registration to certain groups in an effort to intimidate them.

Participants also spoke of the growing sophistication of governments in countering the adverse reports of NGOs about human rights violations. They have, for example,

begun to employ their own public relations firms. For similar strategic purposes, governments under sharp challenge from NGOs may express interest in programs like the U.N. advisory services, or in bilateral programs of aid for the improved administration of justice. All these relationships may represent attempts to divert attention from ongoing violations. Although such programs can have some real effects, they will often produce cosmetic outcomes while blunting the effectiveness of NGOs' work.

8. *The Retreat In Retrospect*

The final meeting of the retreat encouraged participants to express their views about the four days of discussion. The nature of those discussions and the purpose of the retreat argued against making policy recommendations by consensus or majority vote. Nonetheless, several proposals of a process-oriented or institutional character were discussed, including one for closer cooperation worldwide among NGOs through a representative institution in which they would have a voice. The decision was made that such proposals would be independently pursued by their authors with participants and other persons.

This Report's portrait of the discussions includes not only criticisms of NGOs and the human rights movement but also various proposals for changes in the functioning of the NGO community. Frequently the proposals represent particular positions in or perspectives on that community, so that they did not command the agreement of all participants or perhaps even most. No point would be served by assembling all such suggestions here.

What was striking at our last session was the intensity of views of many participants about how affirmative an experience the retreat had been. Despite, or perhaps because of, the frankness of the discussions and the related exchanges of criticisms, doubts, questions and proposals, several participants spoke to the sense of mutual understanding and solidarity that they brought from the meetings. For them, the retreat overcame for the time the sense of isolation and burn-out to which public-interest workers in general, and perhaps human rights workers in particular, are subject.

Beyond this sense of fresh relationship with a developing movement, many participants saw the retreat as a process of discovery about the differences within that movement, about how they and other human rights workers did not experience reality in the same ways or view identically the goals of human

rights work. These participants mentioned that the diversity of views in the discussions had led them to reflect freshly on their own work and on the human rights movement as a whole. They recommended the holding of similar retreats.

Annex A

Participants at Retreat

Swami Agnivesh

Swami Agnivesh is chairperson of the Bonded Labor Liberation Front, New Delhi, India. The Front leads the fight against bonded labor, child labor, and ostracism of the "untouchables" in India. He is author of books and articles on Indian spiritual and socialist thought, and editor of a Hindi monthly, *Kranti-Dharmi*.

Philip Alston

Professor Alston is Director of the Centre for International and Public Law at Australian National University in Canberra. He is an elected expert member of the U.N. Committee on Economic, Social and Cultural Rights, and UNICEF's Senior Legal Adviser on children's rights issues.

Kenneth Anderson

Mr. Anderson is an attorney in New York City, and works actively with the Americas Watch Committee and the Helsinki Watch Committee.

Michael Auret

Mr. Auret is chairman of the Catholic Commission for Justice and Peace in Harare, Zimbabwe. His work includes administration of the Catholic Church human rights office in Harare, and he has published papers on human rights problems in Zimbabwe.

Ahmed Chtourou

Maitre Chtourou is a member of the board of directors of the Tunisian League for the Defense of Human Rights in Tunis. He undertakes legal defense of civil rights and is also a member of the editorial committee of the independent journal *Ferrai*.

Ramon Custodio Lopez

Dr. Custodio, a physician, is President and General Coordinator of the (non-governmental) Commission on Human Rights of Honduras, and President of the Commission on Human Rights in Central America (CODEHUCA), which is an umbrella organization of human rights monitors in Central America.

Clarence J. Dias

Dr. Dias is president of the International Center for Law in Development, New York, and Secretary-General of the Asian Coalition of Human Rights Organizations. He has previously been a professor of law at the University of Bombay, and a founder of the Bombay Legal Aid Society. He is the co-author of several books on issues of poverty and the legal profession in the Third World.

Adama Dieng

Maitre Dieng is the Legal Officer for Africa and the Middle East of the International Commission of Jurists, Geneva, Switzerland; Vice-president of International Consultants for Human Rights; and an Executive Board member of S.O.S. Torture. He is the author of various publications on human rights.

Norman Dorsen

Professor Dorsen teaches at New York University Law School and is a member of the board of directors of the Lawyers Committee for Human Rights. He served from 1976 to early 1991 as president of the American Civil Liberties Union. He is the author or editor of many books on civil liberties and rights in the United States.

Arnel F. de Guzman

Mr. Guzman is executive secretary, Ecumenical Movement for Justice and Peace, and member, Counsel of Leaders of the Philippine Alliance of Human Rights Advocates, in Manila. He writes regularly for the quarterly journal, *Justice and Peace Review*.

Maria Julia Hernandez

Lic. Hernandez is director of Tutela Legal, the legal aid office of the Archdiocese of San Salvador, El Salvador. She is responsible for administering the legal aid office and reporting on abuses of human rights in El Salvador. Her publications include the *Reports on Human Rights of Tutela Legal*.

Hina Jilani

Ms. Jilani is a council member of the Human Rights Commission of Pakistan and a member of the board of directors of the Malik Ghulam Jilani Foundation for Human Rights. She is also the founder and past president of the Punjab Women Lawyers Association, and a founder of the Working Committee of the Women's Action Forum, in Lahore. Her publications include works on human rights and Islamic law.

Ferenc Koszeg

Mr. Koszeg is a member of the Independent Legal Aid Service, Budapest, Hungary; Coordinator of the Hungarian Helsinki Committee; and a member of the steering committee of the Alliance of Free Democrats. He was previously co-editor of Hungary's first samizdat magazine, *Beszelo*.

Smitu Kothari

Mr. Kothari, a human rights consultant in New Delhi, has been a council member of the Asian Coalition of Human Rights Organizations, and a national council member of the People's Union for Civil Liberties of India. His many publications address a range of human rights issues.

Mordechai Kremnitzer

Dr. Kremnitzer is Dean of the law faculty at Hebrew University, Jerusalem; a member of commissions to revise the Israeli penal code and prison law; and a board member of The Association for Civil Rights in Israel. His articles address human rights problems in Israel.

Michael Lawler

Dr. Lawler is a clinical psychologist in private practice in the Boston area. He has years of experience in community development, organizational consultation, and group interaction. His background includes work as a civil rights activist in the United States.

Alice Yotopoulos Marangopoulos

Dr. Marangopoulos is professor of criminology, University of Political and Social Sciences, Athens, Greece; president of the Greek League for Women's Rights; Vice-president of the International Alliance of Women; board member of the International Society of Criminology; and President of the Marangopoulos Foundation for Human Rights. Her major publications include writing on human rights issues.

Ian Martin

Mr. Martin is Secretary-General, Amnesty International, London, England. He is responsible for administration and coordination of the international secretariat of Amnesty International.

Michael McCormack

Mr. McCormack is Executive Secretary of the Guyana Human Rights Association and Caribbean Rights, which has put particular stress on using international channels and instruments to end violations.

Elsie Monge

Sister Monge is president of the Ecumenical Commission on Human Rights, Quito, Ecuador; and a board member of the Latin American Institute on Alternative Legal Services (ILSA). Her publications include writings on human rights.

Chandra Muzaffar

Dr. Muzaffar is president of ALIRAN, an organization concerned with freedom, justice and solidarity, Penang, Malaysia; and is an executive committee member of the Asian Human Rights Commission. He has published on human rights themes.

Luis Perez Aguirre

Father Perez, S.J., is director of the Documentation Center on Human Rights (CEDOC) of the Uruguayan affiliate of Servicio Paz y Justicia (SERPAJ). He is also the SERPAJ-Latin America representative to ECOSOC. His many articles include human rights themes.

Tanja Petovar

Ms. Petovar is a criminal defense and civil liberties lawyer in private practice in Belgrade, Yugoslavia. She is spokesperson for the Yugoslav Helsinki Committee and a member of the board of directors of the International Helsinki Federation. Her writings include articles on independence of the judiciary and penal reform.

Xanthi Petriniotis

Professor Petriniotis teaches economics at the University of Political and Social Sciences, Athens, Greece, and is the vice-president of the Greek affiliate of the International Alliance of Women.

Margo Picken

Ms. Picken is a Program Officer at the Ford Foundation in charge of the International Human Rights program. She was formerly a staff member of Amnesty International.

Roger Plant

Mr. Plant is a consultant on human rights and development. He has been a consultant to the I.L.O. and the U.N. on rural labor and land rights.

Michael Posner

Mr. Posner is executive director of the Lawyers Committee for Human Rights, New York. He has lectured on human rights at Columbia Law School and Yale Law School. His articles have addressed human rights themes.

Christian Precht

Monsignor Precht is Vicar-General of the Archdiocese of Santiago, Chile and was the first vicar of the Vicaria de la Solidaridad of Santiago. He has published on questions of the Church and human rights.

Raja Shihadeh

Mr. Shihadeh, an attorney, long served as co-director of Al-Haq (Law in the Service of Man), Ramallah, the West Bank. His publications include writings on the Israeli occupation and human rights.

Henry Steiner

Professor Steiner teaches at Harvard Law School, where he serves as Director of the Human Rights Program. He has published books and articles on international law and human rights.

Napoleon B. Williams, Jr.

Mr. Williams is an attorney with the NAACP Legal Defense and Education Fund, Inc., New York, and a board member of the American Civil Liberties Union. He has written on racial discrimination and desegregation in the United States.

Laurie Wiseberg

Ms. Wiseberg is Executive Director of Human Rights Internet, associated for the last five years with the Harvard Law School Human Rights Program, and has published numerous writings in this field. For the academic year 1990-91, she will be Professor of Human Rights at the University of Ottawa.

Annex B

Methods for the Retreat and for the Writing of the Report

The retreat's organizers rejected the traditional conference format of a few speakers and a passive audience. Rather their goal was to achieve the active involvement of all participants in the discussions. This Annex describes the steps taken to realize that goal as well as problems confronted in writing this Report about the discussions.

The organizers consulted participants months before the retreat began about the agenda. In addition to making suggestions, each participant submitted a paper on the goals, activities and dilemmas of his or her organization.

The thirty-two hours of meetings at the retreat were equally divided between small working groups and plenary sessions. There were two types of working groups. One type had an assigned membership of ten participants each. Each of the three groups among which the thirty participants were divided discussed a different assigned topic on the agenda. Each such group included among its members the diversity of viewpoints found in the retreat as a whole. A second type of working group grew out of suggestions at the retreat for discussion of topics not on the agenda. Voting determined the five most popular topics among the many proposed, and participants chose the group/topic that they wished to join—the groups varying in size from five to twelve members. Most of the plenary sessions built on discussions of one or another working group.

The Report draws on the twenty-six papers submitted by participants, and on notes taken at the small-group and plenary meetings at the retreat. Its writing posed some problems of method. A report in the nature of a formal summary of discussions, perhaps a condensation of the notes taken at each

session, would not have been helpful, even apart from its repetitiveness and disorganization. Major themes were elaborated in different contexts, while subordinate but important themes entered discussions briefly at different stages. Many discussions were blends of the particular and abstract, some participants drawing upon intense personal or institutional experience, others speaking in a more analytic mode.

An alternative approach appeared more likely to capture the experience of the retreat. The Report would identify the paramount themes emerging from the discussions. Its organization would not necessarily follow the titles given to the meetings themselves. It would allow for the flow of events and the dynamic character of the discussions.

At times, ideas suggested in fragments of conversation at the retreat are elaborated in the Report to make them more intelligible. At times contrasts are drawn and issues are joined in bolder terms than during the back-and-forth of the diffuse, many-party discussions. Although the Report occasionally comments on those discussions, its purpose remains to bring out as clearly as possible what they amounted to rather than to revise or criticize the ideas developed in them.