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978-0-521-86566-1 - Ethics in Action: The Ethical Challenges of International Human Rights Nongovernmental Organizations

Edited by Daniel A. Bell and Jean-Marc Coicaud

Excerpt

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INTRODUCTION

Reflections on Dialogues between Practitioners and Theorists of Human Rights¹

Daniel A. Bell

International human rights and humanitarian nongovernmental organizations² (INGOs) are major players on the world stage. They fund human rights projects, actively participate in human rights and humanitarian work, and criticize human rights violations in foreign lands. They work in cooperative networks with each other, with local NGOs, and with international organizations. They consult and lobby governments and international organizations, sometimes participating in high-level negotiations and diplomacy for global policy development. They cooperate and negotiate with economic and political organizations in the field for the implementation of their projects, whether this be monitoring or assistance. In short, they are generating a new type of political power, the purpose of which is to secure the vital interests of human beings on an international scale, regardless of state boundaries.

¹ I thank Joe Carens, Jean-Marc Coicaud, Avner de-Shalit, Jibecke Jönsson, and Thomas Pogge for helpful comments.

² An INGO is defined here as an organization with substantial autonomy to decide on and carry out human rights and/or humanitarian projects in various regions around the world. According to this definition, the Danish Institute for Human Rights, for example, is an INGO because it has substantial autonomy to decide on and carry out projects in Asia, Africa, and elsewhere (although its funds come largely from the Danish Ministry of Foreign Affairs and most its staff is Danish). The core mission of a human rights INGO is to criticize human rights violations and/or promote human rights in various ways (in contrast, say, to religious organizations that may promote human rights as a by-product of missionary work). Humanitarian organizations may employ the normative language of human rights, but they are distinguished by what they do, that is, provide immediate assistance to those whose rights (especially the rights to food and decent health care) are being violated. These missions often overlap in practice and some organizations such as OXFAM do both. This book focuses largely on human rights INGOs that criticize human rights violations and/or engage in long-term development work. For a brief account of the ethical dilemmas of humanitarian INGOs, see Daniel A. Bell and Joseph H. Carens, "The Ethical Dilemmas of International Human Rights and Humanitarian NGOs: Reflections on a Dialogue between Practitioners and Theorists," *Human Rights Quarterly* 26, no. 2 (May 2004): 317–20.

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Needless to say, good intentions are not always sufficient to produce desirable results. In an imperfect and unpredictable world, human rights INGOs often face ethical dilemmas that constrain their efforts to do good in foreign lands. How do people who want to do good behave when they meet obstacles? Is it justifiable to sacrifice some good in the short term for more good in the long term? And which human rights concerns should have priority? Like other organizations, INGOs are constrained by scarce time and resources and must choose between competing goods. Human rights practitioners experience hard choices, compromises, and prioritizing as ongoing features of their moral world. In such cases, long lists of fairly abstract desiderata such as the Universal Declaration of Human Rights (UDHR) that do not take real-world constraints into account do not help much.³ So how do human rights INGOs set their moral priorities? On what basis do they choose how to do good and where to do it? How should their decisions be critically evaluated? Can their choices be improved? What role, if any, can theorizing about human rights contribute to these questions?

The purpose of this book is to discuss the ethical challenges that human rights INGOs encounter as they attempt to do good at home and abroad and to refine thinking on the relative merits and demerits of ways of dealing with those challenges. These organizations are often viewed as “good” counterweights to authoritarian state power and exploitative multinationals or “bad” agents of liberal capitalism and Western values. A more nuanced evaluation of human rights INGOs needs to delineate the typical constraints and dilemmas they face in their attempts to achieve their aims. The idea is to see what kinds of questions and problems emerge when one thinks of human rights from the perspective of people or organizations that have to make choices about how best to promote rights in concrete contexts rather than simply from the perspective of abstract theory or even general policy recommendations. Such knowledge is essential for minimizing the harm unintentionally done by lack of knowledge of how the world actually works. On the other hand, the conceptual resources, normative frameworks, and historical knowledge provided by academic theorists might help to guide moral prioritizing of human rights INGOs as they choose among various possible ways of doing good. Moral theorizing that is sensitive to the actual constraints of practitioners can perhaps provide a sounder basis for decision making than ad hoc adaptation to less-than-ideal circumstances. In short, both theorists and practitioners of human rights can benefit from engagement with each other.

In view of these considerations, we organized a multiyear dialogue on human rights between high-level representatives of human rights INGOs and prominent academics from various backgrounds and disciplines that work on the subject of

³ None of the INGO representatives suggested that the UDHR and related human rights treaties could provide useful guidance for dealing with the ethical challenges discussed in this book. In Chapter 2, Mona Younis explicitly points out that the UDHR did not feature in the deliberations regarding her organization's funding priorities.

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human rights. The overall project was coadministered and funded by the United Nations University (Tokyo) and the City University of Hong Kong and was also supported by a generous grant from the Open Society Institute. Workshops were held in New York (twice) and Hong Kong, and this book includes thirteen of the papers that were presented at these workshops. The first workshop, held at the Carnegie Council on Ethics and International Affairs in New York in February 2002, consisted of papers by representatives of international human rights INGOs. The second workshop, held at the City University of Hong Kong in October 2003, consisted of papers by academics. The third workshop, held at the United Nations University (New York branch) in August 2005, consisted of reflections on the papers by human rights INGOs and academics that were asked to draw implications for human rights work at the UN. The papers were subject to extensive critical commentary by workshop participants and were further refined through e-mail exchanges. Some of the disagreements could not be resolved, particularly regarding the question of how best to promote economic rights, and the sharpest exchanges are reproduced in this book.

The book is divided into three sections that correspond roughly to themes that generated the most debate at the aforementioned workshops: the ethical challenges associated with interaction between relatively rich and powerful Western-based human rights INGOs and recipients of their aid in the South; whether and how to collaborate with governments that place severe restrictions on the activities of human rights INGOs; and the tension between expanding the organization's mandate to address more fundamental social and economic problems and restricting it for the sake of focusing on more immediate and clearly identifiable violations of civil and political rights. Let us discuss each theme in turn, drawing on the papers as well as comments from the workshops and subsequent e-mail exchanges. Each section contains chapters by practitioners constituting reflections on the ethical challenges of their particular organizations, as well as by academics who aim to provide more explicit normative guidance.

**SECTION I. NORTHERN INGOs AND SOUTHERN AID RECIPIENTS:
THE CHALLENGE OF UNEQUAL POWER**

Most human rights and humanitarian international nongovernmental organizations (INGOs) are based in the West.⁴ With their executives and offices centralized in key Western cities, program officers and coordinators are then sent to the field.

⁴ It is worth clarifying the potentially misleading terminology. The "North" refers to wealthy capitalist liberal democratic countries, most of which are based in the Northern Hemisphere (but not all, e.g., Australia would be considered part of the Northern camp). The "West" refers to Northern countries with a Judeo-Christian heritage (Japan would therefore not be part of the West on this account). The "South" refers to relatively poor countries that are largely based in the Southern Hemisphere (but not all; for example, China and India would be considered part of the Southern camp).

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As Alex de Waal notes, “[i]n its basic structure, the ethics business is like many global businesses [with] its headquarters in a handful of Western centers, notably New York, Washington and London.”⁵ From a practical point of view, this may present a special challenge in foreign lands where detailed knowledge of different linguistic, social, cultural, and economic circumstances is more likely to ensure success. The history of aid projects in the developing world is littered with blunders that could have been avoided with more detailed local knowledge.⁶ It is not merely a strategic matter of understanding and using “the other” for the purpose of promoting one’s fixed moral agenda, however. INGO representatives must also grapple with ethical dilemmas that arise when they are trying to help people in poor Southern countries. There are different ways of dealing with these dilemmas, and the contributions to this section discuss some of the possible responses along with associated advantages and disadvantages.

The need to raise funds has generated ethical questions within human rights INGOs. Those reliant on public support must choose between dubious but effective fund-raising tactics that enhance their capacity to do work on behalf of human rights and “appropriate” methods that limit fund-raising success and constrain its ability to do good. In Chapter 1, Betty Plewes and Rieky Stuart (then) of Oxfam Canada condemn the “pornography of poverty,” vivid images of helpless, passive, poor and starving Third World peoples that are used by Northern-based INGOs to raise money from the public for their development work. Emotional appeals of this sort based on notions of guilt and charity have been relatively effective at raising funds: “In 2004 in Canada the five largest NGOs (mainly child sponsorship organizations) raised about \$300 (Canadian) million from private donations. . . . [Child sponsorship organizations] tell us that these images of misery and passive victimization generate much more in donations than alternatives they have tested and that it is vital to raise large amounts of money to be able to carry out relief and development work.” Such images, however, convey other more destructive images.

Messages like these can undermine INGOs’ efforts to create a broader understanding of the underlying structures causing poverty and injustice. These images portray people as helpless victims, dependent and unable to take action, and convey a sense that development problems can only be solved by Northern charity. They ignore Northern complicity in creating inequality. At the very least, they convey a limited picture of life in Southern countries. At their worst they reinforce racist stereotypes.

In view of the drawbacks associated with charity-based approaches, Oxfam Canada rejects pornography of poverty images and instead uses positive images

⁵ Alex de Waal, “The Moral Solipsism of Global Ethics Inc.,” *London Review of Books* 23, no. 16 (23 August 2001): 15.

⁶ See, e.g., Michael Edwards, *Future Positive: International Cooperation in the 21st Century* (London: Earthscan, 1999).

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of poor people improving their lives and clever or ironic images, such as its award-winning ad during the O. J. Simpson trial that used only text to compare the amount of media coverage of that event with the much smaller coverage of the Rwanda genocide taking place at the same time.

Workshop participant Andre Frankovits noted that similar debates took place at Amnesty International (AI) but with a different outcome. The national office of AI in Australia had heated debates within the organization and with the advertising agency commissioned to assist with fund-raising over whether to use pictures of torture victims for fund-raising. AI had refused to use such pictures because it was felt they exploit the victims (who probably did not agree to being used in such images) and that AI should appeal to people's better nature. Eventually AI reversed policy, and the ad agency (working pro bono, it should be said) did use such pictures in fund-raising activities. This likely had a positive effect on fund-raising (although it is difficult to disentangle cause and effect) and increased AI's capacity to do its work on behalf of human rights.

Human rights INGOs also disburse aid to relatively poor Southern hemisphere countries, and this gives rise to another source of tension. On the one hand, INGO grant makers need to set clear mandates and do their best to secure successful outcomes. On the other hand, human rights aid is often most effective if grantees play an important role in articulating and pursuing what they perceive to be the most pressing problems in their local (Southern) communities. These conflicting desiderata are discussed in Chapter 2 by Mona Younis, Program Officer for the Mertz Gilmore Foundation (MGF).

MGF, one of the leading U.S. human rights funders, has been known in the philanthropic community for its readiness to fund controversial issues that most grant makers had been reluctant to support. It prided itself on being field-driven, with program staff members taking their cues regarding needs and opportunities from the respective fields with which they were engaged. MGF also provided direct funding to grantees, which enabled them to be more autonomous and responsive to local concerns, as well as open-ended renewable funding that afforded grantees a certain amount of security.

Taking its cues from local human rights groups in the South, MGF recognized the value of focusing on economic, and social and cultural rights (ESCR) as well as the interconnection between ESCR and civil and political rights (CPR). In the beginning of 2003, it decided to focus grant making on economic, social and cultural rights, including work in the South where even a small amount of resources can make a substantial difference, in contrast to the traditional focus on civil and political liberties by U.S. human rights groups. One problem, however, is that it is difficult to apply Western-style monitoring of grants to organizations without Western forms of due diligence. As Younis noted, "few U.S. foundations are willing to support grassroots groups abroad because of the costs involved in administering such grants and concerns regarding due diligence. Faced with a chicken-egg predicament – local groups require funding to establish institutions

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capable of meeting the standards of due diligence that funders require of groups they fund – U.S. funders and foreign grant seekers may not meet and grant makers may continue to prefer funding Northern intermediaries.”⁷ In the case of MGF, its initial foray into economic, social, and cultural rights–focused funding and direct support for NGOs in poor countries came to an abrupt end, partly because the foundation’s board doubted the effectiveness of scattered grants around the world. Instead, MGF decided to focus entirely on social and economic justice issues inside the United States.

Larger foundations, such as Ford and the Open Society Institute, do continue to disburse human rights aid to grantees in the South. But these grantees often need to change their organizational structure and conceptions of priorities to obtain funding and support from wealthy Northern INGOs.⁸ This pressure to “institutionalize” and “professionalize” means that local NGOs can lose vital linkages to their constituencies and ultimately limits their capacity to effect social change. As Younis puts it, “Emulating human rights NGOs in the North, where for decades human rights work has been treated as the preserve of lawyers and legal experts, would discourage popular engagement and participation – a vital resource in the global South. Given that, post-September 11, even U.S.-based human rights groups lament their failure to establish solid constituency-based support for human rights inside the United States, is it wise for U.S. funders to promote the same model for groups in the South?”

Such dilemmas are further explored in Chapter 3 by Steven Weir, the Asia and Pacific Director of Habitat for Humanity (HFH). HFH is an INGO founded in the United States in 1976 with the goal of helping people acquire adequate housing, which the organization sees as a basic human right and a prerequisite for the effective enjoyment of many other rights. Its mission is to secure the right to housing without discriminating against any ethnic group, religion, or sex. In practice, however, trade-offs must be made. Weir notes that “[t]he contextual reality for NGOs is characterized by trade-offs between competing human rights and, more frequently, between human rights and cultural norms that stand in opposition to human rights as they are defined in various UN texts.” The drawbacks of imposing human rights norms on reluctant “benefactors” is illustrated with HFH’s experience in Fiji and Papua New Guinea. HFH insisted that its projects be structured according to Western-style democratically elected rotating local boards, but this conflicted with the chiefly system that overseas local matters. Because HFH’s methodology insulted the local chief and was anathema to the villagers, its projects were relatively ineffective. In response to such experiences, HFH has developed different ways of dealing with the conflict between human rights and local cultural norms.

⁷ Comment from the Carnegie Council on Ethics and International Affairs workshop in New York, February 2002.

⁸ See Clifford Bob, “Merchants of Morality,” *Foreign Policy* (March–April 2002): 36.

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One response is to distinguish between short- and long-term ways of challenging local cultural norms that conflict with human rights norms, with immediate focus on “errors of commission” and “errors of omission” being challenged later: “For example, affiliates who discriminate in favor of the relatives of local committee members or fellow church members are immediately put on probation, whereas an uneven distribution of homeowner ethnicity and religion is corrected in the long run by improving systems development and continued monitoring for conformance.” Another strategy is to compromise on the human rights norm itself, assuming that some change is better than none. For example, HFH favors gender equity on local boards, but it compromises with local patriarchal norms by not insisting on more than 30 percent representation by women. A demand for full equality would not only be impractical, Weir comments, but it would also conflict with HFH’s commitment to local participation and control over the process.⁹ Perhaps the most culturally sensitive response is to allow for institutional learning in response to input from non-Western cultures. In the case of Fiji and Papua New Guinea, HFH created a broader regional organizational structure with a network of subcommittees or satellite branches that respect the local chiefly tradition, a strategy that seems to be resulting in increased cooperation and sustainability.

Chapter 4, by Bonny Ibhawoh of Brock University, draws on these dilemmas of North–South interaction and aims to provide constructive guidance to understanding and addressing them. Ibhawoh argues that the main problem does not lie in the geographic imbalance of the organizational structures of most human rights INGOs. Although based in the North, many INGOs have developed strong representations and networks in the South that keep them well connected with local situations. Moreover, Southern NGOs do not always welcome more INGO presence in their communities. In postauthoritarian African states such as South Africa and Nigeria, the influx of better-funded INGOs in the late 1990s was seen as undermining the local human rights NGOs and hampering their capacity-building efforts. In the competition for scarce donor funds, there was concern that the more influential INGOs would get funds for local projects that would otherwise had gone to them. Ibhawoh suggests a division of labor, with the larger and more established INGOs working with local NGOs to pursue domestic objectives.

The main challenge to the legitimacy of Northern-based INGOs lies in the ideological framework that underpins much of their work: “The first component is the hapless victim in distress, the second is the non-Western government whose action or inaction caused the violation, and the third component is the rescuer – the human rights INGO, the external aid agency, the international institution, or even the journalist covering the story – whose interests are seen as inseparable from those of the victim.” This framework is problematic because it assumes

⁹ Steven Weir, comment from the first workshop at the Carnegie Council on Ethics and International Affairs workshop in New York in February 2002.

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that the primary responsibility for human rights abuses lie with Southern governments and consequently pays insufficient attention to how the structures of globalization negatively affect human rights conditions in the South. This tendency is linked to another problematic feature of INGO work – namely, the disproportionate concern with civil and political rights at the expense of social and economic rights. Ibhawoh points to studies that draw links between the operations of International Financial Institutions and Transnational Corporations and human rights abuses in Third World countries, and he argues that Northern INGOs should pay more attention to the negative impact of economic globalization on economic rights in the South.

Another challenge for Northern INGOs lies in the conflict between human rights norms and local cultural norms. “Culture talk” has been (mis)used by privileged elites in the Asian and African values debates for the purpose of holding on to power, but Ibhawoh notes that in some cases the deployment of culture talk to challenge the work of INGOs has deeper social roots. Workshop participant Ndubisi Obiorah raised the example of human rights workers in Nigeria who welcome the work of INGOs in the country but state that it would be difficult, given local cultural and religious beliefs, to press for gay and lesbian rights. In such cases, Ibhawoh suggests that the INGO need not alter its normative vision, but it can either opt for a gradualist approach to promote the contested right in the long term or it can confront the injustice head-on, similar to the uncompromising U.S. civil rights movement. Neither approach is ideal, however. The gradualist approach carries the cost of sending the message that the interests of vulnerable and marginalized minorities do not rank high as a priority, and the confrontational approach risks alienating local communities and partners in the South and undermining the rest of the work of the human rights INGO.

The chapters in Section I focus mainly on the ethical challenges arising from the unequal power relationship between Northern INGOs and Southern NGOs. Another set of challenges arise from the interaction between INGOs and governments, particularly states that place severe restrictions on the activities of INGOs. These challenges are discussed in Section II.

SECTION II. INGOs AND GOVERNMENTS: THE CHALLENGE OF DEALING WITH STATES THAT RESTRICT THE ACTIVITIES OF INGOs

Human rights international nongovernmental organizations often need to grapple with the question of whether to deal with governments to help remedy human rights violations. One important area of controversy is the issue of government funding for INGOs. Many INGOs do accept government funds, and the main advantage, of course, is that they can carry out their projects without wasting too much time and money on fund-raising efforts. This raises questions about their independence, however: “Many of the largest and most respectable INGOs of today (such as Save the Children and Oxfam) were born and raised in opposition

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to government policy and vested interests at the time. But can this role continue when Northern NGOs are becoming more and more dependent on government support?"¹⁰

The dilemmas of dependence on government funds are vividly illustrated in Chapter 5, by Lyal Sunga of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law. Sunga discusses the acute dilemmas forced on INGOs working in coalition-occupied Iraq. Before the war, most INGOs vociferously denounced the Bush–Blair arguments for invading and occupying Iraq. Some representatives of INGOs did meet with U.S. government officials to clarify the extent to which they could operate freely inside Iraq, but these officials offered funds on the condition of a formation of a clear chain of command between U.S. authorities and INGOs.

The demise of the Saddam government flung the door wide open for INGOs to enter the country and set up their own operations, and the prewar fears over the independence, neutrality, and impartiality of INGOs proved to be well founded. In effect, the Bush administration forced NGOs either to disagree publicly with the U.S. government's policies or to accept quietly USAID funding for Iraq-related programs and surrender their prerogative to criticize U.S. policy, even if they felt that the use of military force worsened the humanitarian situation. Several INGOs, including the International Rescue Committee, CARE, and World Vision, made the difficult decision not to seek USAID funding under these conditions.

The independence of INGOs that chose to work in coalition-occupied Iraq was further curbed by being forced to rely on coalition authorities for security. The U.S. government linked the presence of INGOs in Iraq as an indicator of the coalition's success, which identified NGOs with U.S. policy and "thereby unnecessarily politicized NGO work throughout the country." Moreover, the White House policy to bring humanitarian aid to Iraq through the Department of Defense meant that soldiers were assigned to carry out humanitarian tasks in addition to their usual military duties, a policy that risked lending the erroneous impression among ordinary Iraqis that NGOs cooperating with coalition forces supported the coalition's invasion and occupation of Iraq. Many INGOs were concerned that their personnel would be indistinguishable from soldiers and thus be made the targets of attack, and they decided to leave the country.

Sunga draws implications for INGOs working in conflict zones. He argues that accepting funding from a belligerent in an armed conflict should not necessarily undermine an INGO's independence from government because not all governments have adopted the hard-line approach of USAID and the Bush administration. But when a government forces INGOs to toe the line, the kinds of

¹⁰ David Hulme and Michael Edwards, "Too Close to the Powerful, Too Far from the Powerless," in *NGOs, States and Donors: Too Close for Comfort?*, eds. D. Hulme and M. Edwards (Basingstoke: Palgrave Macmillan, 1996): 280.

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dilemmas experienced in Iraq are inevitable. Sunga therefore favors a division of labor between human rights INGOs whose calling is to draw attention in the most effective manner to human rights violations and humanitarian INGOs whose mission is to relieve suffering by extending assistance on a neutral basis and to refrain from political commentary.

Another important area of controversy regards the pros and cons of collaborating with less-than-democratic governments, such as that of China. INGOs such as the Ford Foundation and the Danish Institute for Human Rights focus on the necessity of collaborating with such governments to achieve any improvement in human rights or any success in pursuing humanitarian goals. It is obvious that such governments do not welcome critical perspectives from outside forces (not to mention inside forces), which puts human rights and humanitarian INGOs in a difficult position. Nonetheless, the INGO “engagers” argue that the advantages of collaboration outweigh the disadvantages.

The coauthors of Chapter 6, all from the Danish Institute for Human Rights (DIHR), outline the merits of the collaborative approach. The DIHR has been funding and supporting various human rights projects in China, including a program concerned with the prevention and use of torture and ill treatment by police in the pretrial phase, another program designed to train Chinese legal scholars and practitioners in European law and practice, a human rights center in a provincial capital, a project providing legal aid to women, and a death penalty study. These activities require active collaboration with the government sector: “In authoritarian states, where the local NGOs might be few or nonexistent within certain sectors, cooperation with governments might be the only option.” It would be a mistake, the DIHR implies, to always view less-than-democratic governments as evil perpetrators of human rights abuses. Sometimes government officials are sincerely committed to improving the rights situation in selected areas. Where human rights violations do occur, this may be due to institutional inertia rather than to active state-willed perpetration of violations. It could also be due to lack of technical skills and know-how, and the government might welcome INGO aid in this respect. In sum, it is possible to obtain good results by collaborating with certain governmental agencies and personnel even in states that place severe constraints on political rights.

The DIHR recognizes that there are drawbacks associated with this partnership with less-than-democratic governments approach. The most obvious is that INGOs working in China often choose to “avoid politically sensitive places” such as Tibet and Xinjiang and “avoid politically sensitive issues” such as labor rights, press freedom, and the political rights of dissidents. Another disadvantage of collaboration was pointed out at the first New York workshop by Kenneth Roth of Human Rights Watch (HRW). The DIHR argues for an international division of labor, with organizations such as HRW adopting a confrontational approach while engagers such as DIHR cooperate with the governments on long-term