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Overview

International human rights non-governmental organizations (human rights INGOs) often encounter ethical challenges during the course of their work. This brief reflects a multi-year dialogue between leading human rights theorists and high-level representatives of INGOs, organized by United Nations University and City University of Hong Kong, which studied the interaction between relatively rich and powerful INGOs and their poorer recipients; collaboration with governments that place severe restrictions on INGO activities; and the tension between expanding human rights INGO mandates to address social and economic problems and restricting their focus to violations of civil and political rights. It provides recommendations for human rights INGOs in the field and at the United Nations.

Policy Brief written by Daniel Bell and Jean-Marc Coicaud

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The Ethical Challenges of International Human Rights NGOs

International human rights and humanitarian nongovernmental organizations (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.

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 that do not take into account of real world constraints do not help much. 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 Need for Dialogue between Theorists and Practitioners of Human Rights

The purpose of this policy brief 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 between various possible ways of doing good. Moral theorizing that is sensitive to 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, the United Nations University and the City University of Hong Kong sponsored a multiyear dialogue on human rights between high-level representatives of international human rights INGOs and prominent academics from different backgrounds and disciplines that work on the subject of human rights. Project participants were asked to think about how INGOs deal with the ethical challenges they experience during the course of their work, how they ought to deal with those challenges, and then to draw implications for human rights INGO work at the United Nations. Three workshops dealt with those respective themes. The first workshop was held at the Carnegie Council on Ethics and International Affairs in New York (February 2002) and consisted of papers by high-level human rights INGO practitioners, with comments by theorists of human rights. The second, at the City University of Hong Kong (October 2003), consisted of papers by human rights theorists, with comments by practitioners. The third, at the United Nations University (UNU) in New York (August 2005), was a brainstorming session with human rights practitioners and theorists. Let us turn to the main ethical challenges discussed at the workshops.

The Challenge of Unequal Power

The first challenge is that of unequal power between Northern human rights INGOs and their Southern aid recipients. Most human rights and humanitarian international INGOs are based in relatively wealthy Northern countries. With their executives and offices centralized in key Western cities, program officers and coordinators are then sent to the field. From a practical point of view, this may pose a special challenge in foreign lands where detailed knowledge of different

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linguistic, social, cultural and economic circumstances is more likely to ensure success. The story of aid projects in the developing world is littered with blunders that could have been avoided with more detailed local knowledge. Is it 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.

Another challenge for Northern INGOs lies in the conflict between human rights norms and local cultural norms. 'Culture talk' has been misused by privileged elites in the Asian and African values debates for the purpose of holding on to power, but in cases like gay and lesbian rights the deployment of culture talk to challenge the work of INGOs has deeper social roots. In such cases, the INGO need not alter its normative vision, but it can opt for a gradualist approach to promote the contested right in the long term or it can confront the perceived injustice head-on. Neither approach is ideal, however. The gradualist approach carries the cost of sending the message that the interests of the vulnerable individuals 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.

Human rights aid is often most effective if grantees play a role in articulating and pursuing what they perceive to be the most pressing problems in their community

There are different ways of dealing with these dilemmas and each response has associated advantages and disadvantages. The need to raise funds has generated ethical questions with 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.

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.

The Challenge of Dealing with Governments

Human rights INGOs 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 indepen-

dence, as illustrated by the acute dilemmas forced upon INGOs working in coalition-occupied Iraq that had to rely on coalition authorities for funding and security.

dissidents. The engagers argue for an international division of labor, with organizations such as Human Rights Watch adopting a confrontational approach while engagers cooperate

Human rights INGOs should learn from organizations in the South that have successfully employed new methodologies, such as education and mass mobilization

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 of Human Rights find it advantageous to collaborate with such governments to achieve any improvement in human rights or any success in pursuing humanitarian goals, but at the cost of avoiding politically sensitive issues such as press freedom and the political rights of

with the governments on long-term projects, but the less-than-democratic governments can use their cooperation with engagers as evidence that their policies on human rights are not so bad and are getting better, thus weakening the force of criticisms put forward by other organizations.

Another problem with the collaborative approach aimed at improving human rights in less-than-democratic countries is that human rights INGOs often face hostility and suspicion in the bureaucracy to foreign cooperation regarding matters of human rights. Such problems can be avoided by dropping the language of human rights and democracy for more 'politically correct' terms such as the rule of law and governance, but Western INGOs often face pressure from their own constituents and donors if they adopt this tactic.

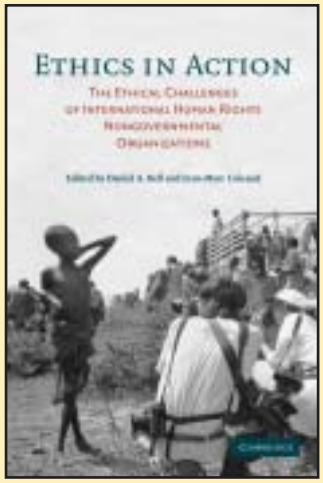
The Challenge of Dealing with Global Poverty

One consistent theme of calls for the internationalization of human rights discourse—as opposed to the U.S. government's prioritization of civil and political rights—is the demand for more focus on economic, social, and cultural rights, particularly economic rights. As things stand, however, Western governments still do not seem up to the task of promoting economic

This policy brief is based upon the findings of a United Nations University/ City University of Hong Kong project co-directed by Daniel A. Bell and Jean-Marc Coicaud. The findings are further elaborated in the book "Ethics in Action: The Ethical Challenges of International Human Rights Nongovernmental Organizations" edited by Daniel A. Bell and Jean-Marc Coicaud (Cambridge University Press, 2006).

The other contributors to the book are: Bette Plewes, Mona Younis, Steven Weir, Bonny Ibhawoh, Lyal Sunga, Brigit Lindsnaes, Hans-Otto Sano, Hatla Thelle, Sophia Woodman, Sun Zhe, Kenneth Roth, Neera Chandhoke, Curt Goering, Thomas W. Pogge, and Joseph H. Carens.

The book and this policy brief do not necessarily represent the official view of United Nations University.



rights abroad. Human rights INGOs have been grappling with the task of expanding their traditional focus on civil and political rights to place more emphasis on economic rights, although once again they are faced with certain inescapable dilemmas.

The two largest human rights international NGOs—Amnesty International (AI) and Human Rights Watch (HRW)—traditionally focused on civil and political rights (CP), but both organizations have decided to expand their concerns to include work in the area of economic, social, and cultural rights (ESC). In the case of HRW, it deploys the methodology of 'shaming': investigating, documenting, and publicizing behavior by states and nonstate actors that conflicts with international human rights norms. 'Shaming' is most effective when there is clarity regarding violation, violator, and remedy. The nature of the violation, violator, and remedy is clearest when it is possible to identify arbitrary and discriminatory governmental conduct that contributes to an ESC violation but the three dimensions are less clear when the ESC shortcoming is largely a matter of distributive justice. Critics of this approach argued that human rights INGOs should learn from organizations in the South that have successfully employed new methodologies for advocacy of human rights, such as education and mass mobilization and also that the focus on effectiveness might draw attention from key issues such as the global mal-distribution of wealth and power.

Like HRW, Amnesty International recently expanded its mission to include ESC rights. AI members raised a number of objections to the change, such as the worry that expanding the mandate to include ESC rights would cause the organization to lose its clear focus and that there was still a lot of work to be done in existing areas. But the AI membership decided that the advantages of expanding its mission to include ESC rights within its ambit of concern outweighed the disadvantages. There was strong support for an expansion of AI's mandate among branches in the South and AI responded to concerns that its CP focus was biased to male concerns and had sometimes led to misguided priorities that implicitly downplayed the sometimes more serious areas of human suffering.

The Relevance of Normative Theorizing for Human Rights Work

The main purpose of listing the ethical challenges commonly encountered by INGOs is to distinguish between and thus clarify the advantages and disadvantages associated with various responses to those challenges. Such an effort will hopefully allow INGOs to learn from each other's experience, avoid past mistakes (e.g, due to insufficient awareness and anticipation of the disadvantages associated with particular responses to ethical dilemmas), and increase the probability that human rights goals can be successfully implemented.

What exactly is the point of normative reflections upon those challenges for INGOs? It is fruitless to search for universally right or wrong answers to the kinds of ethical challenges identified above; there are better or worse ways of dealing with these challenges that will depend on the context. No strategy will be cost-free, and the main task will be to select the strategy with the most advantages and the fewest disadvantages, something that can only be done by those intimately familiar with the details of the particular case. Normative views, however, may help

to determine outcomes in truly hard cases, that is, when the advantages and disadvantages of different approaches seem comparable and/or uncertainty renders different comparisons near impossible. Regarding the conflict between Westcentric human rights norms and local cultural norms, for example, the contestable nature of the international human rights regime speaks in favor of erring on the side of culturally sensitive approaches. There may also be good pragmatic reasons for Western-based INGOs to defer to local cultural outlooks in hard cases because more interventionist approaches can decrease the likelihood of successful implementation of projects. In China, for example, the legacy of Western intervention has left a deep and lasting effect on Chinese collective memory, and Western-based INGOs not sufficiently sensitive to the 'victim mentality' may run into resistance.

Amnesty International and Human Rights Watch have expanded their traditional civil and political concerns to include economic, social and cultural rights

An Exclusive Focus on the Alleviation of Severe Poverty?

Another potential contribution of normative theory lies in the possibility that there are dilemmas that representatives of human rights INGOs ought to experience but fail to do so due to lack of awareness of, or insufficient emphasis on, relevant moral principles. The philosopher Thomas Pogge, for example, put forward the moral principle that INGOs should direct their aid toward the most cost-effective harm protection projects, other things being equal. Given the empirical fact that severe poverty is the most pressing human rights problem in the contemporary world, Pogge argues that INGOs have an obligation to concentrate their limited funds in places that allow for the cost-effective reduction of poverty. By implication, INGOs that seek to spread their aid over many developing countries out of some misguided ideal of distributive justice are making decisions that are preventing fewer deaths and other harms than they might.

Pogge's view sparked intense controversy at the workshops. Joseph Carens, for example, argues that the people running INGOs are not free to follow Pogge's principle if it conflicts with the moral views of their contributors because of the trustee relationship between INGOs and contributors. In the real world, there are many different kinds of INGOs with different missions and priorities, and donors are likely to contribute only if they share the INGO's basic moral views and established priorities. So long as the INGO passes a morally permissible standard and does some good in the world—even if it's not the world's most urgent moral task—the representatives of INGOs should respect the moral priorities of their donors.

Still, Carens recognizes that Pogge's emphasis on cost-effective harm reduction could provide some guidance to INGOs on how to set priorities in spending their money on specific projects. If an INGO has moral discretion from its donors and it must choose between two projects, it should choose the one that does more good. This might well lead INGOs to

place less emphasis on geographical diversity, but few if any INGO participants at the workshops really confronted the challenge that they should restrict the geographical scope of their projects to places where they can do the most good. In this sense, INGOs might benefit from deeper engagement with the views of a moral theorist.

than the traditional focus on civil and political rights. If such report cards are to be effective, however, they must be seen to have some sort of international legitimacy: report cards issued by, say, the U.S. State Department or even U.S.-based universities are likely to be viewed with some skepticism in the non-Western world. As things stand,

INGOs should direct their aid toward the most cost-effective harm protection projects

Implications for INGO Human Rights Work at the UN

Human rights work relies not just on the principles formulated by moral theorists. To an important extent, it also relies on the principles and the mechanisms agreed on at the United Nations (UN). Jean-Marc Coicaud of the United Nations University discusses the challenges that INGOs experience during the course of their human rights work at the UN. There are dilemmas of ends, such as the need occasionally to sacrifice short-term goals in the pursuit of long-term ones, and occasionally to prioritize human rights concerns that may not be viewed as priorities by the victims of human rights. And there are dilemmas of means, such as whether to form coalitions with other INGOs to increase the likelihood of success, although coalition building may entail compromising on the INGO's ability to put forth its own agenda and speak out on sensitive issues. Notwithstanding the challenges of human rights work at the UN, most INGOs find it worthwhile to persist because the UN can perhaps most effectively highlight human rights on a global scale.

David Cingranelli put forth the recommendation for annual report cards that would be more comprehensive

the UN may be the only agency with the moral authority to confer international legitimacy. But the UN needs to distance itself from the political agendas of states with dubious human rights records. Such speculation points to the need for a truly independent, international agency sponsored by the UN to formulate and issue comprehensive human rights report cards.

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INSIDE:

Policy Brief

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Should international human rights NGOs work with or against oppressive governments? What should be the moral priorities of human rights NGOs?

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