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#### ABSTRACT

There is a risk that the otherwise welcome move to challenge the northern hegemony over elements of human rights activism can be pursued to an extreme. The author draws on experiences of working internationally and domestically on human rights protection to offer some reflections about how such efforts complement each other and the importance of not undermining—albeit quite inadvertently—the primacy of domestic human rights efforts.

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#### KEYWORDS

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## ESSAY

# ARE WE THROWING OUT THE BABY WITH THE BATHWATER?: THE NORTH-SOUTH DYNAMIC FROM THE PERSPECTIVE OF HUMAN RIGHTS WORK IN NORTHERN IRELAND

Maggie Beirne

## 1 Introduction

Human rights activism in Northern Ireland (NI) could be portrayed as a purely 'northern' endeavour: the jurisdiction forms part of the United Kingdom, a former colonial power and a permanent member of the Security Council; the population benefits from universal primary and secondary-level education, a majority mother-tongue that is an important world language, and one that is relatively rich with easy access to modern communications; and NI has all of the trappings of a society governed by the rule of law (an independent judiciary, a vocal media, democratic elections and a vibrant civil society). What could human rights activism in Belfast have in common with Beirut, or Bangalore, or Bogota, or Bangui? Yet, it could equally be argued that these places do share some common concerns: for more than thirty years, NI's political, economic and social divisions were deepened by violent conflict arising from and contributing to discrimination and inequalities (WHYTE, 1990). Human rights activism itself was seen as contentious and controversial and domestic human rights groups in Northern Ireland saw many parallels between their work and that of sister groups in the southern hemisphere, and fruitful exchanges in both directions occurred.

## 2 North-North cooperation<sup>1</sup>

Before turning to the richness that can flow from south-north exchanges, it may be useful to reflect briefly on how a human rights group based in NI tried to lever out pressure from other northern-based entities. Taking as a case-study the human

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rights NGO the Committee on the Administration of Justice (CAJ),<sup>2</sup> it is clear that support was sought from at least three external<sup>3</sup> (northern) sources: NGOs in neighbouring jurisdictions, NGOs with an international brief and third-party governments and inter-governmental bodies.

CAJ's first decade of work was largely inward-looking, with an emphasis on data-gathering, publicising abuses and trying to mobilise *domestic* actors (media, politicians, civil society) to effect change. But in the words of a former chairperson, "It is becoming increasingly obvious that the only way positively to influence the government is through international pressure – CAJ therefore needs to build up its work in this area".<sup>4</sup> Accordingly, the organisation started to reach out beyond its immediate networks and to deepen its contact with neighbouring NGOs in England, the Republic of Ireland and Scotland. All these NGOs were members of the *Federation Internationale des Droits de l'Homme* (FIDH), so together they formed an FIDH "British Irish Panel", organised regular meetings and strategized closely together, particularly in the lead-up to the negotiation of the 1998 NI peace agreement.<sup>5</sup> These cooperative endeavours were soon complemented by outreach to international NGOs beyond FIDH: there had long been links to Amnesty International, and a visit to New York to seek the active support of groups such as the Lawyers Committee on Human Rights (now Human Rights First) and Human Rights Watch proved very productive. CAJ urged that they give greater priority to work on NI on the grounds that well-respected human rights groups, which could not be accused of having either a "British" or an "Irish" agenda coming to their own independent conclusions about the human rights situation in Northern Ireland, could bring great leverage to internal debates.

This proved to be the case, and the strong working relationships that developed between national and international NGOs opened up powerful new opportunities for exerting influence on third-party governments and inter-governmental organisations.<sup>6</sup> For example, CAJ's affiliation to FIDH gave it direct access to the various UN scrutiny bodies;<sup>7</sup> the LCHR/HRF's contacts led to the holding of several US Congressional hearings on different human rights aspects of the NI conflict at which CAJ routinely testified;<sup>8</sup> and Amnesty International, HRW and others sent missions, collaborated in the monitoring of contentious public order events, and published seminal reports which were widely distributed beyond NI itself.

### 3 North-South cooperation

Work to uphold and promote human rights in Northern Ireland benefited importantly from north-south as well as north-north cooperation. For example, though the different UN scrutiny bodies were referred to earlier (in part, because offices and meetings in Geneva and New York imply a "northern" perspective), it was their roots (in membership, staffing and activities) in southern experiences that was the most important. Committee members frequently empathised with the testimony they received from NI human rights victims, found parallels with

abuses going on in very different parts of the world and were (normally) unafraid to challenge urbane government delegations.<sup>9</sup> For their part, most committee members involved in regular critiques of southern abuses of human rights were pleased to be provided with reliable information highlighting problems in a northern hemisphere power: such material allowed the UN to evidence its own impartiality, but also highlighted the hypocrisy of those member states who were willing to criticise the records of others, but often rejected any serious scrutiny of their own behaviour.

In terms of bi-lateral relations, states are often more amenable to interventions by those perceived to be their friends and allies, and in the case of the UK, this led to a CAJ focus on litigating before the European Court of Human Rights, lobbying for human rights provisions in EU grants, and mobilising the US Administration and other similar political actors. However, even if efforts to deploy southern states were rare,<sup>10</sup> their nationals were seen to have much to offer and CAJ invited numerous foreign guests to speak at its events over the years.<sup>11</sup> UN rapporteurs and human rights activists came from Guatemala, Malaysia, South Africa and the former Yugoslavia to share their know-how and experience, both about the contribution of human rights violations to conflict and how addressing those issues could contribute to peace building. At other times, delegations of visitors to the UK visited NI under the auspices of local universities, trade unions or associations like the British Council: participants frequently commented on how valuable the NI leg of their visit was, since it offered many more direct parallels with their experience on the front line of human rights defence in their home countries.

In turn, CAJ was invited to work with groups and organisations in the south, sharing its challenges and responses and exploring together the wider learning. The author served for several months on an official policing commission in Guyana; colleagues attended conferences and shared information sessions with lawyers in the Middle East and Asia; yet others served as members of international observation missions. Without fail, southern partners expressed their appreciation of exchanging learning with people who faced similar problems albeit in a very different part of the world.<sup>12</sup>

In a number of instances, CAJ's partnership with southern academics and human rights NGOs was more extensive. For example, with the initial ceasefires in 1994, the organisation wanted to move beyond the traditional tactics of "naming and shaming"<sup>13</sup> and study good practice policing models from elsewhere, so a piece of international comparative research was commissioned. CAJ's researchers concluded that "the policing problems in NI are similar to those that confront other countries, and differ more in degree than in nature" but found an examination of the major political, constitutional and legal changes discussed or introduced in El Salvador and South Africa to be of particular value (CAJ, 1997). In the highly toxic and divisive political debates in NI, some argued that the old policing arrangements should be completely disbanded whilst others argued for minimal change. CAJ's researchers examined the radical overhaul of policing arising from the El Salvador peace accords and the more gradual adaptations undertaken in South Africa and returned to NI to argue that the "disband/no change" dichotomy was unhelpful and

indeed irrelevant. Instead, CAJ used the Salvadorean and South African experiences to argue that any transition from violent conflict to peace would inevitably require that the people in NI (regardless of their political stance) discuss and agree on how best to recruit from previously under-represented groups; whether or not to introduce a vetting system for new recruits and long-serving officers; what training would ensure human rights-compliant policing in future; and how we should transform a highly militarised, disproportionately male, hierarchical and weapons-dependent police *force* into a policing *service*?

Experience from the south and southern-based human rights NGOs was even more relevant when CAJ and other NI NGOs decided to increase the priority they accorded to the fulfilment of economic, social and cultural rights. Conferences were organised and partnerships were established with socio-economic activists in Brazil, Nigeria and further afield. Despite the very different material conditions on the ground, NI activists found that there were important lessons to learn from the legal, campaigning and other tactics which had long been in use in the global south but which were relatively new to many northern-based human rights NGOs.

#### 4 International cooperation

Most would agree that the best long-term defence and promotion of human rights rests ideally at the domestic level, and therefore logic requires that the primary goal of *all* human rights defenders ought to be to build and reinforce the work done at that level. There are, of course, parts of the world where there is no local tradition of human rights work or where local human rights defenders exist but are isolated and under extraordinary attack: in such instances, the global human rights community clearly has a particularly vital role to play.<sup>14</sup>

Indeed, the NI experience highlights that, even in jurisdictions with a reasonably well-developed, indigenous human rights community, great support and help were offered by human rights defenders in neighbouring jurisdictions, in south-north links, and by way of “international” human rights NGOs. What learning can be distilled from this experience? Firstly, if domestic NGO pressure is non-existent or inadequate, the support of other NGOs with different political and other levers at their disposal must be worth exploring. Secondly, the intervention by “external” actors can require a conscious effort to arouse their interest, so that they understand the unique contribution that they alone can make. Thirdly, the experience of NI suggests that external involvement can be ill-targeted, or even counter-productive, if it is not expertly guided by domestic actors. Success requires that all involved show respect for the different but complementary roles to be performed.

The cooperation worked as well as it did in NI because the emphasis on local ownership of the human rights agenda ensured that the short-term decisions and initiatives of external actors could be rendered most effective and that long-term change was underpinned by the existence of strong domestic mechanisms for accountability. In current research into CAJ, the author concludes that the

changes that have come about in the course of NI peace-building would not have happened if there had been no indigenous expertise about human rights; equally, the changes could not have come about if that indigenous expertise had not been informed and enriched by the support of the wider human rights community.

The human rights environment is however changing and new challenges confront front-line human rights defenders. One of the newer developments is the fact that so-called “international” human rights groups (by which I refer to those organisations which often, but not exclusively, operate from the north whilst seeking to have a global reach) appear to be under pressure to radically change their *modus operandi*. The pressure to be more physically present in the south (by way of membership, staffing, offices, programmes, governance arrangements) stems from numerous sources—some worthy, others less so. There is rightly a growing awareness of the changing power relationships at the global level and increasing respect for indigenous expertise and experience; but there is also a demand for change being imposed on those organisations by their own members (in the case of Amnesty International) and/or by their traditional funders.<sup>15</sup> Some of this trend is entirely appropriate, but some problems could well arise.

One concern is that well-established international groups, by changing their focus, may no longer be able to play the useful role that they played previously in support of domestic and regional human rights groups, and it is not yet self-evident who will fill any gap that they leave. Another concern is that currently a number of organisations can offer know-how across all world regions: will a dramatic push towards greater diversity at regional and sub-regional levels not simply reduce over-centralisation (a good thing) but also result in excessive fragmentation? Might this move “closer to the ground”, deliberately or inadvertently, undermine further the concept of the universality of human rights? Worse still, will international groups developing strong presences in the south actually displace or undermine local efforts?<sup>16</sup> It is of grave concern that some groups based in the north do not appear to have consulted effectively with local groups prior to deciding to parachute in.<sup>17</sup> Yet once such groups are visibly on the ground, is it not likely that funds will migrate to those newly-arrived but better-known groups rather than to small, untested domestic human rights activists? Will the priorities and programmes established by the “international” presence not risk dominating, rather than complementing, domestic efforts?<sup>18</sup>

The Northern Ireland experience suggests that domestic and international efforts can be all the more effective by working in a complementary fashion; any trend that ignores the distinct contribution to be made by different actors or, worse still, risks undermining the primacy of domestic human rights efforts should be of grave concern.

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## NOTES

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1. It is not the purpose of this article to query the very notion of a dichotomous "North" and "South" global split; the distinction is being used in very general terms to raise questions of solidarity across both real and imagined divides.
2. See the website of the Committee on the Administration of Justice – CAJ, available at: <[www.caj.org.uk](http://www.caj.org.uk)>. Last accessed on: 22 July 2014. The author is currently writing a book on the work of the Committee on the Administration of Justice, winner of the 1998 Council of Europe Human Rights Prize.
3. For discussion of coalition building within Northern Ireland see Beirne, 2013.
4. The quote is taken from a CAJ planning paper (January 1992) on file with CAJ and the author which went on "we need to think in terms of a five year strategy, identifying the international pressure points and working out how information/submissions prepared for one forum can be re-circulated in others to increase the compound effect."
5. For full text of the agreement, see CAIN (Conflict Archive on the Internet) website, which contains information and source material on the politics of Northern Ireland, including text of the peace agreement, available at: <[www.cain.ulst.ac.uk/events/peace/docs/agreement.htm](http://www.cain.ulst.ac.uk/events/peace/docs/agreement.htm)>. Last accessed on: 22 July 2014.
6. CAJ's chairperson wrote in a planning document (January 1992) on file with CAJ: "*networking this time at the international NGO level is vital*". Later that year, CAJ reported back internally about a visit to the UN in Geneva "*to get Amnesty International, the Lawyers Committee for Human Rights and other respected NGOs to refer to NI, we need to lobby them better. The FIDH dropped an opportunity to speak on NI but our presence at the meeting gave CAJ special access which proved very valuable*".
7. This access immediately produced positive results; CAJ later testified to the UK Parliament that "*It is our belief that after interventions made to UNCAT in 1991, the Committee made*

a number of extremely important findings with regard to NI. We are on record as reporting that, following the release of these findings, there was a marked decrease in the numbers of complaints of ill-treatment made by detainees" (UNITED KINGDOM, 2005/6). CAJ also credits strong interventions by the UN Committee on the Elimination of Racial Discrimination (CERD) for the (albeit very belated) UK government decision to extend important British anti-race discrimination legislation to NI.

8. See CAJ website ([www.caj.org.uk](http://www.caj.org.uk)) for listing of submissions to the US Congress; informed interventions from the US (given its close friendship with both the Irish and UK governments) were considered particularly influential.

9. The UK government routinely 'flattered' scrutiny bodies by submitting timely reports that were exhaustive (if often obfuscatory), and by sending high level delegations to the formal examination; on occasion, anglophile committee members appeared unduly impressed.

10. Indeed, on occasion, CAJ tried to avoid statements being made by certain UN delegations (if they were thought "unfriendly" by the UK) on the grounds that this might undermine rather than reinforce attempts to influence government policy.

11. In a 25<sup>th</sup> anniversary leaflet, CAJ lists examples of the many experts invited over the years to its events – South Africa figures several times with visits by luminaries such as Justices Richard Goldstone and Albie Sachs, Assistant Police Commissioner Zeldi Holtzman and Archbishop Desmond Tutu. Anniversary edition of *Just News* available at: <<http://www.caj.org.uk/files/2006/01/01/2006october.pdf>>. Last accessed on: 25 July 2014.

12. CAJ was invited to speak at an EU-Iran human rights event in Tehran in 2004 and reported "Iranians were eager to learn about the human rights abuses experienced in Northern Ireland and were interested in the fact that a major European power was being held to account by local NGOs, domestic media and regional and international human treaty mechanisms.... It was useful to have an opportunity for non-governmental groups from the different countries of the EU and Iran to exchange ideas and information (albeit in a carefully controlled environment)." Available at: <<http://www.caj.org.uk/files/2004/01/01/June2004.pdf>>. Last accessed on: 25 July 2014.

13. Numerous CAJ policing publications over the years had in turn addressed questions

of accountability, counter-terrorism powers, discriminatory practices, public order policing, the use of lethal force, etc.

14. Time does not permit for a critique of the argument that no such thing as a global human rights community exists (or will in future) – see Hopgood, 2013. The author instead shares the view expressed in a post from the Global Initiative for Economic, Social and Cultural Rights to the online OpenDemocracy forum that "...there are many actors working in solidarity, and while it is healthy in any movement to have different points of view, there is still one human rights movement. We aren't going anywhere. Without the human rights framework, these tools—rights with corresponding obligations set out in clearly articulated standards, accountability and remedies—would not be available to social justice movements of all kinds, in all parts of the world. The truth is that we need human rights now more than ever" (GLOBAL INITIATIVE FOR ECONOMIC, SOCIAL AND CULTURAL RIGHTS, 2014).

15. Traditional funders (just like Amnesty's membership) are predominantly based in the north, yet both charitable foundations and government agencies have recently started to privilege grants to "international" groups on the condition that they have offices/presences in the South.

16. In NI, some individuals were both members of CAJ (for domestic human rights concerns) and of Amnesty International (for wider campaigns); if, in the 1970s and 1980s, Amnesty had allowed/encouraged members to work on domestic issues, or had had a local office/presence to carry out such work, it is highly unlikely in my opinion that a "CAJ" or any other effective domestic human rights movement would have been established.

17. See undated e-mail (c. December 2012, on file with the author) to Amnesty's Secretary General from a number of Latin American human rights NGOs querying the impact of proposed regional hubs when, previously, "Amnesty International's role has been to accompany and complement our work globally".

18. Imagine the pressures that might arise if international groups want, for their own internal reasons, to emphasise issues that are not seen as an immediate priority by local human rights groups; alternatively a local group could become dangerously isolated if it chose to speak out on divisive issues—e.g. the rights of gays, refugees or other national/religious minority groups—when this was not a priority for the international human rights colleagues working alongside them in the field.