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ABSTRACT

In this article, the two authors answer questions put to them by the editors of this issue of *Sur Journal*. On the representativity of human rights NGOs, the authors argue that the organizations' legitimacy springs not from their majority support but from the integrity of their approach. With regard to new ways of improving NGOs' current performance with a view to better long-term impacts, the authors suggest that the prospects for enhancing respect for human rights will improve only if there is greater diversity both among the organizations themselves and their action strategies in particular. As for the language of human rights, the authors believe in its current transformative potential, arguing that human rights have made, and continue to make, a substantial contribution in terms of discourse and practice. With regard to new forms of technology, the authors consider that the challenge faced by the organizations is to try to understand what their new role is. Finally, they analyze North-South interaction on the international stage, arguing that the Global South increasingly questions the perception that only the organizations of the North are truly international, while those in the South remain focused on the local agenda.

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REFLECTIONS ON THE INTERNATIONAL HUMAN RIGHTS MOVEMENT IN THE 21st CENTURY: ONLY THE ANSWERS CHANGE

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Many of the questions asked by the editors of Sur Journal have much in common with the many different questions we asked ourselves in the course of establishing Conectas Human Rights, an international organization based in the South, over ten years ago.

The editors' questionnaire asked us to try and identify the changes that have influenced the policies of human rights organizations over the past decade. The famous justification presented by Albert Einstein is apposite. When asked why he would give the same test to the same students two years in a row, he replied, "the questions are the same, only the answers change".

This aphorism rings even truer today. The basic issues are still highly relevant, while the answers have been enriched with everyday learning, experience, errors, achievements by new actors and causes that have gained visibility and recognition.

Perhaps the most striking change has been the increasing democratization and participation of civil society. This is true even of the emerging countries that now play a key role in the globalization process. The emergence of countries that define themselves as the "Global South" has led to new demands and a new *modus operandi* in the language of human rights.

Over a decade ago, we were already beginning to realize that the advent of democracy did not necessarily coincide with universal respect for human rights. We asked ourselves what was needed to protect "vulnerable groups" and to monitor the proper functioning of the institutions that sustain democracy and ensure compliance with laws that should apply equally to everyone?

There is always a degree of dissatisfaction with the inability of new democracies to overcome obstacles and the legacy of arbitrary rule. Persistent and growing social inequality, unfulfilled promises of a better life and the lack of accountability of public policies create frustration not only within political regimes but also in the human rights organizations themselves. This has led to new forms of participation and protest, as can be seen by the street demonstrations that have

mushroomed in Brazil and throughout the world over recent years. The most significant achievement has undoubtedly been the beginning of a discourse of greater plurality and tolerance.

What is the role of NGOs in this new scenario of growing popular demand? NGOs are essentially goodwill organizations that renounce the interests of the market, which is mainly interested in maximizing profit, and of political parties, who aim to maximize power. In this sense NGOs are “micro-powers” that can “destabilize” traditional policies and create difficulties for the leaders of both democracies and autocracies when it comes to demanding justice based on rights. However this does not mean that they have the power to pursue or implement a broader agenda.

Perhaps the new restlessness of human rights NGOs nowadays has something to do with redefining their roles when faced by the proliferation of the different types of micro-powers. How can a human rights NGO make itself visible, to significantly influence public policies, and at the same time retain a crucial role by knowing how to listen, see and dialogue with these new forms of protest?

1 Who do we represent?

Human rights organizations are not “representative”, in the strictest sense, insofar as they are not delegated to act on behalf of individuals or collectives. Human rights organizations are by nature identity-based. They are established to promote a wide range of legal, political and moral rights with which their members identify. The legitimacy of these organizations is not the same as that required by the membership of political parties, movements, trade unions or governments. These, claiming to exercise power on behalf of others, aim to be regarded as representative. In the case of human rights organizations, however, their legitimacy is of a different kind, deriving from the integrity with which they seek to promote the rights that have been politically recognized by the international community throughout history.

Integrity means, in the first place, the inseparability between the goals that should guide the actions of human rights organizations and the means employed to achieve these goals. Given that the goals are necessarily linked to promoting, protecting and defending human rights, these activities cannot involve actions that would affront or undermine such rights. It follows that human rights organizations have less leeway than other organizations operating in a social and political context. The concept of integrity must also be linked to the accuracy, clarity and transparency with which the organizations pursue their actions, to avoid destroying the very idea of human rights.

Human rights organizations may have many different types of relationships with the community. However, when any organization makes representation its core mandate, it necessarily assumes a different nature, which can be legitimate and commendable, but this type of organization is not to be confused with a human rights organization in the strict sense.

Human rights organizations obviously need to build channels of dialogue with society, be sensitive to the concerns of the community and, among their multifarious action strategies, include communication tools that are essential for determining

priorities and increasing their prospects of success. In many circumstances, such as in the struggle against authoritarian, discriminatory, colonialist regimes and so on, the actions of human rights groups were, and remain, on the side of social movements and of the majority of the people in the societies where they operate. The mandate of a human rights organization should not however depend on the will of the majority, or of those in power— in a political party, a movement, the State, an economy or even in a community. Because if the majority is in favor of torture and racial discrimination at a particular place and time, it does not mean that human rights organizations should take up this cause. Being in tune with society and with the majority living in that society is an excellent way to advance human rights, but at times these rights are mechanisms that work against the majority.

Such an approach can turn human rights organizations into ineffective bodies that in some circumstances can be very vulnerable indeed. Their legitimacy depends, above all, on the integrity with which they fulfill their mandates.

It would appear therefore that human rights organizations should not be concerned with transforming themselves into full-blown “human rights political parties”. At the same time, this does not mean that they should not seek to influence political parties to work in favor of human rights or exert pressure for human rights to become state policies.

2 How to combine current and long-term impacts?

Once the idea of integrity of mandate has been accepted as a key factor that distinguishes human rights organizations from others, we should look at more diversified ways to implement this mandate, for a number of reasons. Given the enormous complexity of society and the links between social phenomena, there is no way that we can predict the outcome of a particular action pursued by a human rights organization. Losing a lawsuit can bring about unexpected effects: for example, an opportunity to bolster human rights in the wake of anger caused by some injustice. On the other hand, a brilliant report on a series of barbaric practices is simply left on the shelf. Thus, the chance of successfully enhancing respect for human rights will increase in line with growing diversity among the organizations and their action strategies. Opportunities for advancing human rights can emerge from a set of short- and long-term actions, from structural and economic actions or from actions with a public and diplomatic impact. Rather than trying to pursue a line of conduct that is theoretically more efficient than the rest, NGOs should establish their strategies on the basis of what they believe to be necessary and feasible, according to the human, financial and political resources at their disposal. It is vital to bear in mind that persistence, consistency and integrity are the secret keys to success.

While planning, organization and evaluation are certainly important, it must be remembered that an exaggerated level of professionalism can generate endless problems, such as bureaucracy, lack of flexibility and greater dependence on financial resources. Civil society organizations in general and human rights organizations in particular should not be too concerned about attempting to mimic

more complex organizations—commercial firms, political parties, trade unions and so on. Much of the success of many organizations stems from their ability to take risks, set goals, change plans, test multiple strategies and embrace opportunities. Excessively regulated civil society organizations, lack of flexibility and growing dependence on unwieldy professional, financial and organizational resources can undermine the autonomy and vitality of human rights organizations.

The most appropriate way to deal with extreme social complexity, low predictability and diminishing control over the outcome of actions is to seek, in the first place, to boost the plurality of organizations. Rather than engaging in a fratricidal contest for reputation, a thematic monopoly, media exposure and financial resources, organizations should act in a more concerted way, because changes can often be brought about by a combination of factors and not by a single organization. As for the internal functioning of organizations, they should be more pluralistic in staffing terms at the board and management level. Presenting action proposals to groups of people with multiple talents, backgrounds and outlooks can lead to a more positive approach in the field of human rights, to increase the range of partnerships and to reduce errors.

3 Is the language of human rights still effective for producing social changes?

The language of human rights, as well as the ideas of democracy, the Rule of Law and transparency constitute an ideological repertoire that has helped to bring about rapid social emancipation in recent decades. While democracy and the Rule of Law are ideas that are more associated with the functioning of formal institutions, human rights have also succeeded in establishing emancipatory standards in the political, social, community and family contexts. Thus it would not be incorrect to say that human rights have made, and still make, a meaningful, practical contribution to the lives of all those whose dignity has been constrained by the authorities of the state or as a result of their own social environment. The true Velvet Revolution that we have experienced over the past decades, using the language of human rights as foundation, does not allow us to undermine the conceptual strength of human rights, particularly where socialism, as an ideology of social change, has proved wanting in its ability to convince, and where neoliberalism has proved incapable of transforming the fate of the most vulnerable groups in society.

It is difficult to say whether the systematic use of the language of human rights erodes its authority and impact or whether, on the contrary, it transforms human rights into a basic standard to justify what can and cannot be done.

It is even more difficult to answer this question one-dimensionally. While in some societies rapid structural changes appear to have taken place using the language of human rights, others appear to have regressed. Other competing languages or ideologies such as religious fundamentalism, extreme forms of nationalism, market supremacy or anachronistic developmentalism clash with the very logic of human rights in a variety of circumstances.

It is wrong to assert that there is no longer a need for standard-setting rights,

as if history had come to an end. We are constantly faced with the emergence of new struggles for recognition and new demands for well-being and a better life. Technological and environmental change is already powerfully influencing how we relate to one another and organize ourselves as a society. These changes also demand a constant need for the renewal, expansion and rebuilding of mechanisms that provide moral support to guide social interaction as well as society's relationship with the various forms of power to guarantee respect and concern for all human beings.

The normative approach to human rights clearly should not distract us from their political and social dimensions. Rigorous standards of equality and strident demands for freedom and dignity undoubtedly come up against obstacles that characterize the power structures of all kinds of societies. Hierarchies and abuses exist in all societies to a greater or lesser extent. It follows that any process of change involving human rights as a goal should consider the need to operate within both social structures and political institutions. In other words, the human rights ideal needs to be expanded through education and culture. Furthermore, human rights need to be established as non-negotiable for those seeking the legitimate exercise of power within society.

4 How do the new information and communication technologies influence activism?

The new information and communication technologies obviously have an impact on the field of human rights, as on virtually all other sectors of life. The monopoly over information is being substantially eroded and the time factor is increasingly truncated. Both these phenomena are extremely positive for the process of social emancipation in which the universal moral grammar of human rights competes. The big challenge for organizations now is to seek to understand what their new role is and to find ways of repositioning their programs to aid those who seek social change through human rights.

If we consider the recent street protests around the world that used social networks as a communication platform, the presence of human rights discourse was notable: demanding better quality public services, democracy and equality. The point at issue is whether human rights organizations still play a central role, as was the case in the closing decades of the last century. As with the print media and communication networks, our organizations need to find a new space for themselves or perish.

Positive changes are to be welcomed. There exists for example the real possibility today of mobilizing, at very low cost, large numbers of people to engage specific issues and topics. Technology is also invaluable for recording all types of human rights violations and bringing them rapidly to the notice of the entire world. These new developments are however no substitute for the need for our NGOs to galvanize the debate. The artificial, fragmented and cross-thematic way in which people appear to coalesce through the internet provides a vast new opportunity for the organizations to generate more systematic and consistent ideas which, if properly

disseminated, could well be leveraged in a new field of human rights activism.

5 What are the challenges of working internationally from the South?

Given that human rights are the result of a particular historical context and of a set of decisions taken at a particular time and place, they do not necessarily have the same impact on different cultures and societies. Politically, however, human rights have become a kind of moral anchor. Despite systematic violations by many governments, reluctant to address cultural and other tensions in their own countries, it has become very difficult for a regime or government to argue that such breaches of rights are legitimate.

This new consensus on human rights as a precondition for the legitimate exercise of power does not mean, however, that arguments between nations about their content, or the ways in which they are implemented, have ceased. Strains between individualistic and communitarian approaches to human rights issues divide East and West. More liberal and social interpretations divide the North and the Global South. Although efforts are made to reduce these paradoxes and construct a more flexible discourse arguing for the inseparability and interdependence of “generations of rights”, the fact is that separate blocks of countries only focus on what they regard as convenient for them in this broad universe of human rights.

While this tension may be a sign of legitimate differences between nations, it can also be a mere subterfuge by countries that interpret human rights more broadly and selectively, to gloss over their lack of commitment to the cause. In short, states are selective when referring to and employing the tools of human rights.

Human rights NGOs, when defining their mandates, are to a certain extent also required to restrict their activities to specific spheres in the broad field of human rights. Since most organizations have carved out an international role for themselves from their base in the westernized countries of the North, they have tended to work toward an agenda more focused on civil and political rights, faced with the specific challenge of fighting arbitrary authoritarian right and left regimes around the world. Notwithstanding the enormous importance of these organizations, their activities began to be questioned, not only rhetorically by those who sought to evade their human rights obligations, but also by those whose criticisms were more legitimate and who realized that the one-dimensionality and control of the human rights agenda were undermining the cause of human rights.

With the third wave of re-democratization, which started in Spain and Portugal, passed through Latin America and then later embraced Eastern Europe and a number of African countries, a huge, vibrant mass of movements and organizations accepted the language of human rights as a guiding principle for their actions. As a result of the UN conferences of the 1990s and the advent of the new century, many of these organizations savored the chance to become more cosmopolitan, paving the way for the emergence of genuinely international movements with their roots in the South.

These organizations bring to the international agenda new demands and

political practices. They question not only the conduct of their own states, but also that of the “core” democracies. They also raise questions about the more traditional and hegemonic organizations of the North.

The most tangible result has been the incorporation of some of these new demands into the international agenda through new mechanisms such as the Millennium Development Goals and various platforms to combat poverty, AIDS and so on.

While the international human rights policy agenda expanded, more traditional hegemonic organizations such as Amnesty International and Human Rights Watch were obliged to qualify their discourse and activities by broadening the scope of protected rights and changing the pattern of their relations with so-called regional and local organizations.

These changes also gradually had an impact on the philanthropic and international cooperation field. The prevailing ideas that international organizations were necessarily rooted in the North and that the South should busy itself with its local agenda were robustly questioned by the Global South.

This was not a purely instrumental critique, aimed at increasing the power of organizations in the South, but a major shift designed to give a more cosmopolitan and integral dimension to human rights. In due course the rhetoric of civil rights came to be regarded with suspicion on account of its use by the liberal countries. On the other hand, the social rights discourse also began to be regarded as a hypocritical device used to conceal violations of civil rights.

The burst of optimism on the human rights front that occurred in the 1990s, mirrored in the Rio Conference (1992) and Vienna (1993), gradually faded as it became apparent that the commitment of the new democracies was partial, especially that of the new major international player, China, which has obdurately refused to commit to the imperatives of human rights. On the other hand, the extremely selective posture of the United States and some of its allies has also contributed to a less than constructive environment, internationally. The heated arguments over the inclusion of clauses related to justice, Rule of Law and security in the new Millennium Development Goals (particularly the resistance showed by the countries of the South to include these goals to benefit their own peoples) clearly demonstrates the level of tension.

North-South or East-West rhetoric has been used in many circumstances to conceal violations, exclusion and arbitrary acts or simply to boost hegemonic interests.

The challenge faced by local, regional or international organizations, whether North or South, West or East, is to focus on the foundational human rights dimension, which is to regard each person as an end in him/herself, and to treat individuals with equal respect and consideration within the many different contexts in which they find themselves.