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Human Rights in Motion

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ABSTRACT

The question of “who do we represent?” has dogged the global human rights community for some time now and a recent flurry of articles have appeared that question the legitimacy of human rights and other NGOs by juxtaposing them against social or grassroots movements. Several authors have noted that because of NGO dependence on donors, their agendas and political outlook are necessarily affected and even subjugated and their links to the community are weakened. Having been involved in these debates in the Arab region for over twenty years and taking the example of Palestine as an extremely aid-dependent and politically volatile society, the author of this article takes issue with some of the assertions made, whether they concern human rights or civil society organizations more generally. Rather than pose either/or propositions, this article posits that it is important to adopt a more inclusive attitude that recognizes the diversity of approaches as enriching the creative and mutually supportive components of civil society. In Palestine, it is the very multiplicity and variety of civil society that is perhaps the only glimmer of hope in a grim political environment.

Original in English.

Received in March 2014.

KEYWORDS

NGOisation – Palestine – Grassroots Movements – Legitimacy–Representation



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ARTICLE

WHY SHOULD WE HAVE TO “REPRESENT” ANYONE?*

Fateh Azzam

One of the queries posed for this anniversary issue of the Journal is “who do we represent?” This is a question that has dogged the global human rights community for some time now and a recent flurry of articles have appeared that question the legitimacy of human rights and other NGOs by juxtaposing them against social or grassroots movements and accusing them of corruption (DANA, 2013), criticizing “NGOisation” (JAD, 2014), and extolling the virtues of volunteerism vs. “professionalism” (SURESH, 2014). The authors note that because of NGO dependence on donors, their agendas and political outlook are necessarily affected and even subjugated and their links to the community are weakened. They propose that civil society should move away from “NGOisation” towards some idealized and more “politically correct” form of mobilized grassroots movement in order to gain legitimacy. Interestingly, nearly all of those articles focus on civil society efforts in the Global South.¹

Having been involved in these debates in the Arab region for over twenty years, I take issue with some of the assertions made, whether they concern human rights or civil society organizations more generally. This discussion will focus more on the experiences in Palestine, an extremely aid-dependent and politically volatile society where these concerns take on heightened importance and where the advocacy for human rights is tightly interwoven with the politics of resistance and liberation. Rather than pose either/or propositions, this article posits that it is important to adopt a more inclusive attitude that recognizes the diversity of approaches as enriching the creative and mutually supportive components of civil society. In Palestine, it is the very multiplicity and variety of civil society that is perhaps the only glimmer of hope in a grim political environment.

*This article is a combined edited version of two previous online articles by the author: “In defense of ‘professional’ human rights organizations,” published on 13 January 2014 in *OpenDemocracy/OpenGlobalRights*, and “NGOs vs. Grassroots movements: A False Dichotomy,” published on 6 February 2014 in *Al-Shabaka Palestinian Policy Network*. See list of sources for original articles.

1 Are NGOs wrong by definition? And how Popular are People's Movements?

In Palestine, an issue regularly raised is that one of the results of the 1993 signing of the Oslo Accords between Israel and the Palestine Liberation Organization (PLO) was a shift in civil society organizations from grassroots committees "deeply-rooted in the national liberation movement" to NGOs as aid-dependent intermediaries between the global and the local (DANA, 2013). The picture, however, is more nuanced and complicated, and our understanding of it must begin with questioning whether the idealized "mass-based" movements were indeed "mass-based" and represented a popular national agenda rather than that of the competing political actors behind them.

NGOs were already active long before Oslo. A great many of the development, human rights and women's rights NGOs were established in the early 1980s and were already doing very good work long before the post-Oslo increase in funding. The Palestinian "popular committee" phenomenon of the 1970s and 1980s, such as the volunteer committees initiated by Birzeit University, the Medical Relief and Agricultural Relief committees and others, also did excellent work and helped to prepare the ground for the first popular Intifada. Political actors, especially the Communist Party, initiated many of those committees, but eventually the various political parties of the PLO established rival committees as well. At one point we had three medical relief committees and three "grassroots" women's committees, as well as others in other fields. Despite the good work these committees did, they were not free from political elitism and manipulation of nationalist sentiment for purposes of partisan political party mobilization. Moreover, the success of those mobilization efforts can also be questioned, evidenced by the weak state of those movements today. The reasons for that weakness must be studied in the context of their own history and modes of operation, rather than simply be blamed on the proliferation of better-funded NGOs.

Another more difficult question, given the current political fragmentation of Palestinian society, is whether or not there is a unitary or coherent "national agenda" beyond the general one that all agree on: liberation from occupation. The various political forces and currents in Palestinian society, including Fateh in the West Bank, Hamas in Gaza, the Left in general and even the "new globalized elite," do not necessarily share the same vision of future Palestinian society. They certainly should be able to articulate those visions equally and offer the general public competing agendas and pathways to achieve them. In that sense, advocates for human rights or the public good should also have the right to adhere or not to any of those interpretations of a "national agenda." Some political actors may disagree with a human rights vision of a future where internationally recognized universal standards of human rights and the rule of law may conflict with narrower definitions of rights and liberties based on other criteria.

Then there's the criticism that NGOs have hierarchal structures where power is concentrated in the hands of a few individuals who are only accountable to their Boards (if Boards do indeed exist or operate as they should) and not to their

community. This is not a new phenomenon in Palestine, or in the region for that matter, and it is not limited to the NGOs. Civil societies almost always reproduce the leadership models they are accustomed to. In Palestine and elsewhere, it is not only the director of many NGOs who has been in their post for 30 years, but also the head of state or a local committee or council, political party, and workers' organization, among others. To see this as a problem unique to NGOs is misplaced.

The assumption that social movements somehow can be free of political manipulation and simply operate on higher moral or ethical grounds is not necessarily well founded. In the Arab region, many human rights groups started as membership organizations with a social movement model in mind. Very quickly, and probably because of the lack of real political participation in the region, struggles for political control took place within those organizations, leading to paralysis and ineffectiveness.

Accusations are occasionally levied at NGOs for corruption, misappropriation of funds or over-spending on salaries and administrative expenses, as opposed to "help[ing] a rape victim or torture survivor" (SURESH, 2014). Corruption does happen and it requires daily vigilance, but it is not a problem unique to those professionalized organizations dependent on foreign funds. We see it in social movements, trade unions, political parties (of course), grassroots development organizations and, yes, in donor organizations as well (LEBANON DEBATE, 2013). Corruption is a human trait that must be fought with higher ethical human traits and with accountability and transparency mechanisms. But to point the finger at donor-dependent organizations and single them out as endemically corrupt seems unfair.

2 Donor agendas and other criticism

Another over-simplified juxtaposition is pitting the presumed donor-driven globalized agendas of NGOs against the (again presumed) more homegrown national agenda of popular social movements. There have certainly been a host of issues associated with foreign funding of local efforts, including the matching of donor and national priorities, the "black lists" established by the United States, growing dependency and many others, and funding can of course have an effect, since donors do come with their own agendas and priorities.

Indeed there are politics in social justice philanthropy (AZZAM, 2005), which is one of the reasons that, five years ago, a number of us established the Arab Human Rights Fund, the first such regionally owned philanthropy for human rights, which takes its funding cues from concerns on the ground and also seeks to educate international donors.² To date, however, we still are unable to reach anywhere near the volume of funding provided by European and North American donors, as potential national donors continue to fear being associated with what is perceived as a "political" issue. In many countries in our region, governmental authorization is required even to raise funds locally, let alone receive them from the outside. These issues, however, are symptoms of broader social and political problems, not those of the organizations themselves.

Donors often focus their funding priorities for their own reasons, some of which are strategic, some programmatic and some even political, and this does affect what issues get funded in any given year. No doubt, NGOs must research donor organizations’ priorities before submitting their proposals and many make decisions accordingly. Sadly, not all NGOs are able to negotiate with their donors to gain support for what they feel are priority issues. But to say that donors’ priorities eroded the capacity of Palestinian NGOs to produce plans based on national priorities—again, assuming we have the same national priorities—is unfair and sidelines the commitment and hard work of Palestinian NGOs. To give only one example, how is it a foreign agenda for the Palestinian Center for Human Rights in Gaza and al-Haq in Ramallah to use foreign funding to file war crimes cases against Israeli officials in Europe? Because of Palestinian NGOs’ creative and courageous efforts in that regard, and despite cowardly diplomats and courts in Britain and elsewhere changing their laws to avoid war crimes cases, Israeli officials periodically cancel travel for fear of prosecution (PFEFFER, 2012).

In fact, the power of donors to actively impose their own priorities or views on NGO work is more limited than is often assumed. For donor organizations, it’s damned if you do and damned if you don’t (WAHL, 2014). If donors are lax about the lack of institutional accountability, they are blamed for supporting inefficiency, undemocratic NGO structures and elitism. Yet if they become too insistent or “pushy,” they are accused of interfering in the work of national NGOs and imposing their agenda. Our attention should be focused instead on organizations’ own responsibility to be accountable and operate effectively and efficiently and be clear and insistent on their own agenda.

The argument that NGOs become implementers of foreign agendas, and that this happens at the expense of other, more indigenous forms of civil society formation, requires much clearer evidence; a cause-and-effect connection is not so easy to discern. It is true that some people choose to go after the money by forming NGOs, but that does not mean that every NGO is thus formed, nor does it explain why thousands of others have not joined or have abandoned “mass movements.”

3 Aid and political activism

Certainly the aid on which Palestine has become dependent is a harsh reality and the consequences this has had on the discourse and direction of development and politics deserve much evidence-based research. However, we need to dig deeper into whether or not the de-politicization of specific funded projects necessarily leads to the de-politicization of the NGOs or of Palestinian society as a whole as has been claimed (DANA, 2013), or whether the international development discourse or adherence to a universality of standards, as human rights require, perforce de-legitimize what should be Palestinian-specific discourse and priorities.

Human rights organizations have come in for much of that criticism, but the evidence is to the contrary. This is precisely because their starting point is the universality and international standards of rights and the moral and legal power to claim them against the Israeli occupation, the Palestinian Authority and Hamas.

Should women's claims for equality be subordinated to the national struggle for liberation (the usual "not now, we have to fight the occupation"), or will women's rights organizations be accused of "de-politicization" if they undertake a project—funded by an international donor—to bring Palestinian practices in line with international standards for women's rights?

Even if some NGOs do become de-politicized—and this is not *ipso facto* a bad thing—it does not mean that the entire society does, as well. The work and sacrifices of the Palestinian-inspired International Solidarity Movement, or the organizations documenting settlements and settler violations or house demolitions and the effects of the Apartheid Wall, all funded by international donors, attest otherwise.

It is sometimes asserted that knowledge production has also shifted towards a neoliberal or neocolonial "taming" of Palestinian society into accepting the peace process, and that we need to reinvigorate "anti-colonial" and liberating research. Knowledge is crucial, and the more that can be produced to inform policies and construct liberation approaches and methodologies of resistance, the better. But we do need to be careful of our value judgments. Knowledge must be based on truth and on credible analysis, whether that analysis is based in colonial, anti-colonial or neo-colonial frameworks. To demand that knowledge production and research should be directed or follow a particular model or analysis is a serious mistake and a form of suppression of and limitation on free inquiry. The world of ideas and debate requires creativity that can only come from freedom of scientific inquiry away from prescriptive ideological requirements.

4 Room for all approaches

The criticism of NGOs is well meaning and much of it, well placed. The desire to see civil society organizations as people-centered, participatory, democratic and representative in a legitimate and sustainable manner is laudable and certainly supportable. But it is inaccurate and unfair to tar all components of civil society with the same brush and to dismiss "professional" NGOs as simply tools in the hands of funders and implementers of a post-Oslo political agenda. The alternative of idealizing "popular movements," without taking a serious look at some of the political and organizational issues they have had, is seriously problematic. Subjecting NGOs to a more historical and empirical approach is a correct and important idea (JAD, 2014) but it should be applied to popular movements, as well. There is a lot to learn from the history of those movements and the reality of their work today, and if we can learn those lessons, perhaps then we can build social movements that can represent and advocate for the interests of their communities, free of political manipulation with or without funding.

Civil society organizations should not be subjected to such binary analysis or to prescriptive solutions. The struggle for social justice can be strengthened when grassroots social movements take up human rights as advocacy tools towards social justice, democratization and a more just and balanced social order. Indeed, such a social movement approach can exist side by side with more "professionalized" rights

defenders working on specific cases of torture, land rights, forced evictions, violence against women or freedom of expression. They play different and complementary roles.

Expecting human rights organizations to become social movements may be more difficult, however. What distinguishes human rights from other moral, political, religious or social systems and modes of work is that they are legal. They *require* law and legal advocacy in defense of individuals and communities. While it is certainly important to inculcate human rights *values* in all aspects of social and political life, what makes them *rights* is law and accountability, notwithstanding the personal political views of the advocates or the authorities. This requires a different set of skills, which are equally important as social mobilization skills. To say that either skill-set is better, more legitimate or more important than the other would be fundamentally wrong. We choose where to focus based on our proclivities and preferences, personal assessments of what is more effective and yes, even our political views.

There is room—indeed a desperate need—for a variety of approaches. Civil society actors do not all have to be the same or have the same goal, political outlook, or methods of work. Rather, creative ideas and solutions for today’s extremely complicated political, economic, legal and social problems can come from different arenas, different methodologies and from open debate, especially between conflicting points of view.

We should trust that the power of ideas and putting them into practice will uncover what makes the most sense or what works best at any given point in time. The success of the boycott, divestment and sanctions movement (BDS) is that a few people had a great idea and it has become a global movement because of the power of that idea.³ However, to say now that this or any other idea is the *only* way to liberate Palestine, and that other work by “institutionalized” NGOs in areas such as legal research, litigation, development or capacity building are simply the product of donor-inspired agendas, is not only wrong but a serious mistake. The malaise and failure of Palestinian national politics and mobilization strategies should not be blamed on others; neither the outside donors who do what they do nor the national organizations who may be supported by them.

Palestinian human rights actors opted for the “professional” institutional model, with a self-selecting board of directors or trustees, where they can go about their work free of partisan political interference. Despite doing very good work, debates continue as to their “failure” to establish or motivate social movements for human rights. At the same time, we have seen more and more development organizations at the regional level, such as the Arab NGO Network for Development, adopt human rights language and the rights-based approach.⁴

The Arab revolts since early 2011 have reinvigorated the social and political movements of the region, particularly with the participation of youth and the technological tools they brought. Those movements, however, have not yet succeeded in creating a democratic alternative to the dictatorships of the past, although they are still trying. On the contrary, they have been under increasing threat and their leaders are being imprisoned for speaking out and demonstrating, particularly in Egypt (REUTERS, 2014). Meanwhile, the “professional” human

rights organizations continue to defend them and to articulate a law-based vision of social, political and legal justice. They are “professional organizations” and may not match social movements’ mobilizing capacity, yet they provide the legal analyses and support necessary for social movements to take up. Social movements need to ally themselves to these organizations, rather than compete with them; they need each other.

A self-critical engagement with the above questions is necessary but it seems to me that some (not all) of the criticisms are misdirected and indeed contradict other values that we should hold dear: the freedom to express views and operate in any way we see best to serve our communities, and to trust in the power of ideas to influence change as well as public culture. Legitimacy should be gained as a natural outcome of what one does, not from some imposed criteria or set of representational notions that dictate one form or another of how acceptance should be granted. We should not have to “represent” anyone to gain legitimacy or to engage in work for the public good in human rights or other fields of endeavor.

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NOTES

1. As far as I'm aware, no one has raised the representational legitimacy of Human Rights Watch, for example, or Article 19, or the Center for Constitutional Rights, except perhaps some irate governments.

2. See The Arab Human Rights Fund, available at:

www.ahrfund.org. Last accessed on: 31 July 2014.

3. See Boycott, Divestment and Sanctions Movement, available at: www.bdsmovement.net. Last accessed on: 31 July 2014.

4. See ANND, available at: www.annd.org. Last accessed on: 20 July 2014.