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FOREWORD: HUMAN RIGHTS AND NON-GOVERNMENTAL ORGANIZATIONS ON THE EVE OF THE NEXT CENTURY

*Michael Posner**

THE human rights movement is almost fifty years old. It evolved out of the Holocaust and the international community's commitment to prevent future acts of genocide and other gross human rights abuses. The creation of the United Nations after World War II provided a forum for discussing human rights issues. A year after the United Nations was formed, it established a commission on human rights. Under Eleanor Roosevelt's active leadership, the commission immediately began drafting a set of international human rights principles. The result of their labors was a short, but important document—the Universal Declaration of Human Rights.¹

Adopted by the U.N. General Assembly in December of 1948, the Universal Declaration has become the cornerstone of the international human rights movement. The document, which Eleanor Roosevelt called a Magna Carta for all mankind, embraces an expansive view of rights including civil, political, economic, social, and cultural rights. Though not a binding legal treaty, it established a broad conceptual framework on which subsequent human rights treaties are based.

For the first fifteen years after the adoption of the Universal Declaration, the discussion of human rights issues at the United Nations was largely a discussion among states. Beginning in the 1960s the debate began to be more inclusive, opening the way for the involvement of non-governmental organizations ("NGOs"). This was due, in large measure, to the extraordinary growth and development of Amnesty International. Created in 1961, Amnesty International grew quickly and evolved into the leading non-governmental voice on these issues. It gained international credibility and stature, derived in large part from the accuracy of its reporting on human rights issues and cases. Following Amnesty International's lead, NGOs began to enter the human rights debate. Their involvement changed the tone of that debate. They also helped give structure to the manner in which international human rights laws and international institutions, like the United Nations, can work practically to protect people in need. This has been an extremely important development.

During the past twenty-five years, there has been a steady evolution in non-governmental human rights advocacy by Amnesty Interna-

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1. G.A. Res. 217A(III), U.N. GAOR, 3d Sess., Supp. No. 1, at 71, U.N. Doc. A/810 (1948).

tional and other internationally-focused NGOs. There has also been a dramatic increase in non-governmental rights advocacy at a national level. In the last twenty years, non-governmental human rights groups have formed in every region of the world. In many countries the existence of such groups was unprecedented.

Both the growth of internationally-focused NGOs and the creation of NGOs at a national level calls for reevaluation of the scope, methodologies, and strategies of human rights NGOs. To date, the scope of human rights work has been too narrowly defined. In principle, the major international human rights organizations embrace the range of rights contained in the Universal Declaration of Human Rights. In practice they focus mostly on a narrow range of civil rights. On the other hand, while many national human rights organizations have a broader focus, they often lack access to the international debate, or the resources to address a broader rights agenda in a fully effective manner.

Looking to the future, one of the great challenges facing the human rights movement will be how to give practical meaning to economic and social rights. To accomplish this, it is necessary to develop more precise definitions and standards for these rights. There is also a pressing need to develop enforcement strategies on both national and international levels.

Some new thinking is also needed in terms of methodology. The conventional methodology of rights groups, particularly internationally-focused rights groups based in Europe and North America, has been to stigmatize governments. By publishing detailed reports and generating press coverage, they shine an international spotlight on rights violators. While such public scrutiny can be a useful starting point, often it is not enough. Twenty-five years ago, there was little reliable information on human rights conditions in most countries. Today, detailed reports exist on most countries, and often there are a series of reports by different organizations concerning the same countries. After a certain point, merely reporting the violations yields diminishing returns. This is particularly true if such reporting is not accompanied by follow-up efforts that are likely to address the problems in a concrete manner.

This leads to the need to reexamine enforcement strategies. In the 1970s and 1980s, human rights advocates sought to link human rights with the aid and trade policies of major industrial states. Linkage worked well when big nations, like the United States, had client states that were highly dependent on them for foreign aid. Often these relationships were set in a Cold War context. This was the context in which human rights issues were addressed in the 1980s in Central America. There, the U.S. government provided military and economic aid to the government of El Salvador, whose army and security forces were responsible for serious human rights violations. Rights

activists sought to condition U.S. aid to El Salvador, particularly military aid, to concrete progress on human rights. Although this strategy of linkage was appropriate in the 1980s, it does not work well in addressing many of the most pressing rights problems of the 1990s, nor are they likely to serve as the model for the future. The model linkage for the 1980s was the United States-El Salvador aid relationship. In contrast, the paradigm for the 1990s is the United States-China bilateral relationship, which is dominated by economic and trade considerations. Here linkage has failed, particularly the effort to link human rights to China's Most Favored Nation trade status.

The challenge for the future, with respect to China and other trading partners, is how to develop practical approaches that will address human rights problems effectively. Absent the kind of direct leverage that is inherently available when there are significant aid relationships, how should the United States and other major powers exert influence?

While there is no single answer to this question, several areas are worth exploring. First, absent a significant bilateral aid relationship, the U.S. government needs to shift its tactical focus to include allies in multilateral initiatives such as the United Nations, Asia-Pacific Economic Cooperation, or the Group of Eight, or to enter into other multilateral arrangements. It is simply no longer effective for the United States or any government to go it alone.

Second, the style of human rights diplomacy needs to change. For example, U.S. officials should become much better versed and comfortable in raising human rights concerns in the framework of international human rights laws and procedures. Skeptical governments, like the Chinese, are more likely to respond favorably to approaches based on international human rights standards. They will continue to resist unilateral assertions of what is right and wrong, whether coming from the United States or any other government.

Third, governments that wish to be effective advocates for human rights must be willing to participate in the international human rights system as a full partner. Again, I will use an example involving the United States and China to illustrate the problem. United States efforts to encourage the Chinese government to allow prison access to a U.N. working group on detention will fall on deaf ears if the United States denies full access to its prisons to the U.N.'s Rapporteur on Extrajudicial, Summary, and Arbitrary Executions. Also, the United States does not speak from a position of strength when it urges the Chinese government to ratify U.N. human rights treaties when it has failed to ratify many of the same treaties.

In sum, there is a need to review the operating strategies and assumptions, and to do some things differently. This is particularly true of the U.S. government's bilateral human rights initiatives.

There is, however, an equal need for non-governmental rights advocacy groups to reassess their methods and strategies. There is an evolving relationship between nationally-based indigenous human rights groups and internationally-focused human rights organizations. The former are working to challenge human rights violations from within their own societies, drawing on local history, culture, and laws to make their case. Quite properly, these nationally-based advocacy organizations are at the center of the rights debate. The emergence of these groups necessitates a fresh look at the relation between local advocates and international human rights groups, most of which are based in Europe and North America.

The national advocacy groups are pressing, quite rightly and helpfully, for the international rights organizations to review the scope of their work, tactics, strategies, and even the style of their advocacy. There may be different ways of doing things in different places—strategies may be more or less effective in different countries or regions. What is important is that these local human rights groups have the opportunity to help decide the agenda and be centrally involved in human rights initiatives in their countries.

There is now a healthy need for self-scrutiny and evaluation within the human rights movement. As governments seek to limit or control rights advocacy, there is a pressing need for NGOs to develop concrete strategies for enhancing the freedom of association for human rights activists. In the context of that effort, there is also a need to examine the responsibilities, rules, and standards for human rights advocacy. Some of this reflection must come from within the human rights community. I would, however, also welcome closer scrutiny and commentary by people outside of the NGO world.

Among the issues we need to address are the appropriate scope and standards for human rights work and the means for maximizing impartiality. We also need to explore realistic means for local enforcement and how human rights groups can best aid that process. In addition, we need to ensure the integrity and credibility of what human rights organizations do, both by enhancing their sources of independent funding, and by stressing the importance of human rights groups being politically independent, non-partisan, and operating in a manner that is open and enhances public confidence and credibility.

Much progress has been made in the past twenty-five years. As we look forward, this is an excellent moment to encourage self-scrutiny as a healthy sign that the human rights movement has come of age. Working together in this way, human rights NGOs will lead the way towards greater accountability by governments, and enhanced institutional safeguards to prevent human rights crises in the future.