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Recent Trends in the Expanding Universe of Nongovernmental Organizations Dedicated to the Protection of Human Rights

Keywords

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I. INTRODUCTION

The struggle for human rights—for economic and social justice, for cultural expression, and for personal freedom—has indisputably been a persistent theme throughout history, although it has not always been so labeled. Therefore, what is distinguishing in the 1970s is not the manifestation of a new phenomenon but, rather, that the factors Brzezinski points to (the impact of World Wars I and II, the spread of education and literacy, and the establishment of new nations) have made it possible for the aspirations of individuals and peoples to be expressed and heard at the global level. While it may be true that man's political consciousness has been dulled by a sense of the inevitability of suffering, the struggle for human dignity is not unique to the 1970s. Rather, the technological revolution, and the shrinkage and interdependence of the globe which accompanied the spread of communications, industrialization, and "modernization" has meant that those fighting oppression can now internationalize their local struggle. Their appeals, in international forums or to international public opinion, are made all the more meaningful by the realization that, all too frequently, those regimes which violate their human rights are bolstered or supported by foreign interests. As a consequence, liberation from oppression is no longer conceivable solely in local terms. While the attainment of human rights is a struggle by indigenous forces against indigenous oppressors, success is often dependent upon the configuration of international forces.

* Adapted from a presentation made at a conference on human rights, hosted by the International Legal Studies Program, College of Law, and the Graduate School of International Studies, University of Denver, and the Department of Political Science, University of Colorado (Boulder), and held at Denver-Boulder in Spring 1978.

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If Brzezinski, in proclaiming human rights as "the genuine, historical inevitability of our times,"¹ meant to imply that the last quarter of the 20th century offers hope for the realization of more humane national societies and a more humane international order, he is perhaps unduly optimistic. While there are reasons for taking satisfaction in signs of progress in the human rights struggle, there are also reasons for sombre reflection concerning the growing strength of the forces of repression. Indeed, from an historical perspective, Jerome J. Shestack is probably more accurate in characterizing the human rights struggle as the struggle of Sisyphus: it is a continuing struggle of small advances in the face of an omnipresent threat.²

The purpose of this paper is to examine one aspect of the human rights struggle: that of the role played by nongovernmental organizations (NGOs) in the protection of human rights. In particular, we wish to assess recent developments that have, in part, been stimulated and magnified by President Carter's human rights policy. Additionally, we wish to assess the policy impact or effectiveness of the frenzy of activity that has been evident during the past two years.

A caveat is necessary at the outset, and that is that NGOs have been active in the field of human rights long before President Carter helped make international human rights a prominent item of the global political agenda. Moreover, concern with international human rights is not in any way exclusively American. While many NGOs active in the arena are Western-based groups, the roots of these organizations are as much in Europe as the United States. And, while human rights NGOs are still few in number and relatively weak in Third World nations, the paucity of Third World NGOs should in no sense be taken to imply a lesser commitment to human rights protection in the developing world than in the industrialized world.

II. THE EXPANSION OF THE UNIVERSE OF HUMAN RIGHTS NGOs

In early 1979 a *Human Rights Directory* was published in

1. Speech by Dr. Zbigniew Brzezinski, White House Commemoration of the 30th Anniversary of the Universal Declaration of Human Rights (Dec. 6, 1978), reprinted in 78 DEP'T STATE BULL. 3 (Jan. 1979).

2. Shestack, *Sisyphus Endures: The International Human Rights NGO*, 24 N.Y. L. SCH. L. REV. 89 (1978).

the United States which, while by no means comprehensive, provides information on over 200 U.S.-based organizations which work to some significant extent on the promotion and/or protection of international civil and political rights.³ A similar directory has just been published in Britain,⁴ focusing largely on U.K.-based organizations; and it, too, treats over 200 NGOs engaged in international human rights work. Such comprehensive surveys have not been made for other countries.⁵ It is, nonetheless, clear that there is a very large and growing number of voluntary organizations in the West concerned with human rights.⁶ Groups have also emerged in Eastern Europe and the Third World in recent years. While a core of the groups that comprise the NGO human rights universe has been active in the human rights arena for many years—*e.g.*, the International Committee of the Red Cross (Geneva-based) was created in 1863; the Ligue française pour la défense des droits de l'homme et du citoyen (Paris) in 1902; the International League for Human Rights (New York) in 1942; the International Commission of Jurists (Geneva) in 1951; and the Anti-Slavery Society (London) in 1909⁷—there has been a veritable mushrooming of organizations that have only recently become active in the politics of human rights protection.

In the United States context, it is important to remember

3. HUMAN RIGHTS DIRECTORY: 1979, a joint project of the Human Rights Internet and Members of Congress for Peace Through Law Education Fund (1979).

4. THE HUMAN RIGHTS HANDBOOK (comp. M. Garling 1979).

5. The Human Rights Internet, is, however, currently planning to undertake a World Directory project, to document NGOs working on the protection of civil and political rights, and rights concerning the integrity of persons, worldwide.

6. Considerable information on the activities of human rights NGOs is regularly published in the HUMAN RIGHTS INTERNET NEWSLETTER, coedited by the authors of this article [hereinafter cited as HRI NEWSLETTER].

7. For an analysis of some of these organizations, see Scoble & Wiseberg, *Human Rights and Amnesty International*, 413 ANNALS 11 (1974); Scoble & Wiseberg, *Amnesty International: Evaluating the Effectiveness of a Human Rights Actor*, INTELLECT 79 (Sept.-Oct. 1976); Scoble & Wiseberg, *Human Rights NGO's: Notes Toward Comparative Analysis*, 9 HUMAN RIGHTS J. 611 (1976); Scoble & Wiseberg, *The International League for Human Rights: The Strategy of a Human Rights NGO*, 7 GA. J. INT'L & COMP. L. 289; Scoble & Wiseberg, *Monitoring Human Rights Violations: The Role of Human Rights NGO's*, in HUMAN RIGHTS AND U.S. FOREIGN POLICY (Rubin and Spiro eds.); Weissbrodt, *The Role of International Non-Governmental Organizations in the Implementation of Human Rights*, 12 TEX. INT'L L. J. 293 (1977); D. FORSYTHE, HUMANITARIAN POLITICS: THE INTERNATIONAL COMMITTEE OF THE RED CROSS (1977); and Sheslack, note 2 *supra*.

that ever since the historic "Dulles Doctrine" of 1953 (which ended the Bricker Amendment battle),⁸ American organizations which were defined specifically as international human rights concerns tended to focus their attention on the United Nations arena in New York and not on the congressional arena in Washington. Of course, there were groups concerned with influencing U.S. policy in what we would today define as a prohuman rights direction, but these groups rarely defined their goals in these terms. The heightened interest in the U.S. in human rights is, thus, only partly a consequence of Carter's foreign policy and of congressional and public concern (in the wake of the demoralization of Vietnam, Chile, and Watergate) that the U.S. abandon the amorality/immorality of *Realpolitik*. It is a definitional question to some extent: groups long active in human rights are for the first time so defining their objectives.

Indeed these groups were as much the stimulus as the result of the new U.S. focus on human rights. A prime example is the Coalition for a New Foreign and Military Policy, which grew out of the merger of the *ad hoc* Coalition for a New Foreign Policy and the Coalition on National Priorities and Military Policy. This new Coalition set up its first task force, the Human Rights Working Group (HRWG), in order to lobby for the passage of the Harkin amendment on the economic aid authorization bill (signed into law in the fall of 1975) and the Fraser-Solarz amendment on the Security Assistance and Arms Export Control Act of 1976 (adopted in committee in 1975). These were the first major legislative victories of the current human rights thrust in the United States. Earlier still, Clergy and Laity Concerned (CALC), which was created in response to the Vietnam war, had set up a Human Rights office in Washington and numerous groups had provided the impetus and support for the benchmark hearings of Donald Fraser's Subcommittee on International Organizations (the first comprehensive human rights hearings ever held by the U.S. Congress).⁹

8. Weissbrodt, *United States Ratification of the Human Rights Covenants*, 63 MINN. L. REV. 35 (1978); and T. BUERGENTHAL & J. TORNEY, *INTERNATIONAL HUMAN RIGHTS AND INTERNATIONAL EDUCATION* (1976).

9. Scoble & Wiseberg, *The Human Rights Lobby in the United States* (paper

In some ways the explosive interest in international human rights is the direct result of Carter's policy and congressional monitoring. Not only have new groups emerged, coalescing around human rights as a prime concern: *e.g.*, WATCH, the U.S. Citizen's Helsinki Monitoring Committee (created in 1978); Freedom of Faith (1978); International Human Rights Law Group (1978); but many long established organizations, which had rarely manifested an interest in human rights issues, have begun to give serious attention to the violation of human rights. Notable has been the involvement of professional associations, committed to ending indifference to the fate of colleagues tortured and imprisoned in other countries. Equally significant has been the deepening involvement of churches, although this has had far less to do with the Carter administration's policies than with forces at work within the global structures of the churches. With the media increasingly willing to spotlight gross violations of the integrity and security of persons, there has been a snow-ball effect of drawing others into the movement.¹⁰

In Western Europe, NGOs with an explicit human rights concern have existed for many years, but the international spotlighting of the issue has created a new fervor there as well. Thus, in 1976 in Britain, a Human Rights Network was created embracing now over fifty organizations in a loosely structured cooperative enterprise. The Network grew out of cooperative efforts around the celebration of the 20th anniversary of the Universal Declaration in 1968, and was catalyzed largely by the initiatives of the Secretary of the Human Rights Committee of the United Nations Association of Britain (UNA-UK).¹¹ However, Britain is not immune to the actions of the United States. There are direct linkages between groups in the United States and Britain which have been strengthened by recent develop-

presented to the American Political Science Association annual meeting, New York City, Aug./Sept. 1978).

10. The enormously increased interest in international human rights issues has been evidenced in academia, as well as the political world, with numerous conferences being organized during the past two years, a very marked increase in the number of articles appearing in academic journals, the equal increase in the number of monographs being published, and the development of new courses in international human rights, especially in law schools.

11. 3 HRI NEWSLETTER 3 (Sept. 1977).

ments. One interesting illustration is the U.S.-U.K. Colloquium on the Role of Human Rights in Foreign Policy held at the Palace of Westminster in November 1978, jointly sponsored by American and British Sections of the International Commission of Jurists and the Parliamentary Group for Human Rights.¹²

The past few years have also seen the revitalization of the International Federation for the Rights of Man (the European counterpart and parent of the New York-based International League for Human Rights). Although the Federation was created in 1922, it was largely lethargic in the post-World War II period, until resuscitated in 1977.¹³ Similarly, the Dutch legal community has recently been reawakened to a concern for international human rights by the revitalization of the Dutch Section of the International Commission of Jurists, under the direction of dynamic, young law professors at the Universities of Leyden and Utrecht.¹⁴ In Rome, the Lelio Basso Foundation for the Rights and Liberations of Peoples was established in 1975.¹⁵ In West Germany, the Bertrand Russell Tribunal III, focusing on violations of human rights in that country—particularly on the practice of “Berufsverbote”—has generally raised the consciousness concerning international human rights standards.¹⁶ In Oslo, Norway, the Institute of Peace Research, in collaboration with UNESCO, held a conference on “Peace and Human Rights = Human Rights and Peace,” in December 1978;¹⁷ in Greece the Institute of Public International Law and Relations held a colloquium on “The Peace Movement and Humanitarian Law;”¹⁸ and in Paris a public meeting on “Human Rights After Helsinki and Belgrade” attracted more than 2,000 participants. Moreover, throughout Western Europe, Helsinki monitoring groups, or support groups for Helsinki monitors imprisoned in Eastern Europe, have arisen. The Help and Action Coordination Committee in

12. 4 *id.* at 46 (Nov./Dec. 1978).

13. Interviews with members of the Belgian and French Liges (affiliates of the Federation), summer 1977, Brussels and Paris.

14. 3 HRI NEWSLETTER 19 (Sept. 1977).

15. *Id.* at 18.

16. 4 *id.* at 23 (Nov./Dec. 1978).

17. *Id.* at 27 (Sept./Oct. 1978).

18. *Id.* at 50 (Nov./Dec. 1978).

France regularly reports on the work of these groups;¹⁹ and in January 1979, a meeting was held of the Vorbereitungskomitee Für die Europäische Helsinki Groups in Switzerland, in an attempt to coordinate the activities of Helsinki monitors.²⁰

Much of this involvement of West Europeans in issues of international human rights has been stimulated and maintained by activities of the Council of Europe and its European human rights system, by the traditional human rights concerns of such countries as Sweden, by the caucusing of human rights NGOs based in Geneva and oriented to the U.N. system, and by the Helsinki and Belgrade meetings with their focus on "Basket Three." European-based groups have certainly played their part in placing human rights on the global political agenda: it was they, and not the Americans, who maneuvered "Basket Three" into the Final Act of Helsinki.²¹ Yet, the new climate created by U.S. concern has probably helped, even if many European-based groups have been critical of the thrust of the Administration's policy.

In Eastern Europe, the emergence of private nongovernmental human rights organizations—a Moscow-based Amnesty International Group, a Moscow Committee for Human Rights, the Charter 77 Movement in Czechoslovakia, the Polish Workers' Defense Committee—is an entirely new phenomenon in the evolution of East European Communist development.²² This is not to imply that protest within Eastern Europe is new, that demands for greater religious freedom, the right to emigrate, the right to free expression, or the right to national/cultural self-determination are only of recent origin. In fact, the *samizdat* tradition (the underground Russian press) has a hundred-year old history,²³ and resistance to Stalinist

19. The Help and Action Committee began publishing a newsletter in October 1977, and since that time it has systematically followed the activities both of East European dissidents and also of West European groups which support the dissidents. The Committee is based in Hericy, France.

20. 4 HRI NEWSLETTER 37 (Feb./Mar. 1979).

21. H. Molineu, *Human Rights and Détente: The Case of CSCE* (paper presented at the International Studies Association annual meeting, St. Louis, Mar. 1977).

22. It is new particularly in the sense that these groups have consciously sought direct or indirect affiliation with Western-based NGOs and have openly organized as private associations.

23. L. Alexeyeva, *The Tenth Anniversary of a Chronicle of Current Events, A CHRONICLE OF HUMAN RIGHTS IN THE USSR* 57 (Jan.-Mar. 1978).

totalitarianism has been a manifest theme of the post-Stalin period. However, the Helsinki Final Act provided substantial encouragement to East European dissidents in their demand to establish "Soviet legality," and new linkages with human rights activists in the West have given the struggle new characteristics. Instructive in this context is the fact that, as early as June 1971, the International League for Human Rights decided to accept the Moscow Human Rights Committee (founded in November 1970 by three Russian scientists) as an affiliate organization.²⁴ Shortly thereafter, a Moscow-based Amnesty International group was created. Since neither the Soviet Constitution nor the constitutions of other East European states prohibit the establishment of private/voluntary associations, the Communist regimes, under the glare of international scrutiny, have resorted to subterfuge and harassment to destroy these organizations. Nonetheless, they persist, despite political trials, the incarceration of dissidents in mental hospitals, and other tactics of repression.²⁵

In the Third World the situation has certain unique characteristics that require clarification. In examining the struggle for the promotion and protection of human rights in the Third World, one must avoid the danger of the institutional trap (or the trap of cultural myopia): the assumption that because there are few structures which replicate the Western type or corporate nongovernmental organization, there are no structures or processes for expressing human rights concerns. This caveat is necessary because there are still relatively few NGOs in the Third World with an explicit human rights platform. Where such groups exist, they are more like the dissident organizations of East Europe than the Western-based NGOs. This is to say that they focus heavily on the protection and expansion of human rights in their own country, rather than on events outside their borders.

The reasons for this are easy to understand. Most Third

24. Scoble & Wiseberg, *The International League for Human Rights: The Strategy of a Human Rights NGO*, *supra* note 7, at 307.

25. The extensiveness of the *samizdat* literature is merely one indication of the persistence of these groups. For documentation on persecution of the dissidents, see S. BLOCK & P. REDDAWAY, *PSYCHIATRIC TERROR: HOW SOVIET PSYCHIATRY IS USED TO SUPPRESS DISSENT* (1977).

World countries are newly independent and the tasks of nation-building and development consume the energies of those struggling to actualize a more humane world. The entire anticolonial struggle and the concomitant struggle for racial justice have been the major contribution of the Third World to the promotion of human rights in the 20th century. And those struggles were carried on by nongovernmental (in fact, anti-government) organizations, not dissimilar to Western organizations: by labor movements, cultural associations, political parties, or liberation movements. However, since most colonial areas (with the notable exception of Southern Africa) have now attained at least formal independence, the continuing drive towards real independence, racial equality, and economic justice is now in the hands of governmental rather than nongovernmental groups. This is particularly the case with respect to concern for human rights at the global level (*e.g.*, solidarity with the liberation struggles in Southern Africa). Moreover, the limited resources of the Third World, both in the sense of persons with sufficient time to devote to an interest in international human rights, and in the sense of money and organizational skills available for manifesting that interest, militate against the elaboration of organizations devoted to the protection of human rights.

Despite this we have in the past few years seen the development of organizations in the Third World with a focus on human rights, expressing concern for greater observance of human rights in their own and other nations. Amnesty International, although still weak in the Third World, does have active sections in such countries as India, Egypt, and Costa Rica. In Thailand, the Coordinating Group for Religion in Society was founded in 1976 to collect and disseminate information about Thai political prisoners, identify misuses of governmental power, and sensitize the population to human rights concerns.²⁶ In South Korea, Korean civilian employees of the U.S. military formed a nationwide organization, the Korean Struggle Organization, to fight for the rights of the more than 14,000 base workers who are employed by the U.S. military outside its

26. 4 HRI NEWSLETTER 20 (Sept./Oct. 1978); and *id.* at 12 (Jan. 1979).

formal contracts.²⁷ In Paraguay, the Commission for the Defense of Human Rights, which has existed since 1967, held a major international human rights conference in Asunción in December 1978.²⁸ Indeed, throughout South America, and particularly in the Southern Cone, human rights groups have organized to counter the increasing coordination of the repressive regimes of that region. Recent conferences held by the Vicariate of Solidarity in Chile, by the São Paulo Archdiocesan Pastoral Commission for Human Rights and the Marginalized in Brazil, and by the Caribbean Human Rights and Legal Aid Co. in Surinam, also attest to global linkages and concerns between organizations in different nations.²⁹ Finally, one can make mention of parallel manifestations in Africa: the adoption of the "Freetown Declaration of 1979 on Human Rights in Africa" of the African Bar Association;³⁰ the formation of the National Council for Public Liberty in Tunisia,³¹ and the human rights conferences held in 1978 in Rwanda and in Dakar.³²

III. RECENT TRENDS IN THE NGO HUMAN RIGHTS COMMUNITY

In addition to the proliferation and increasing diversity of human rights organizations throughout the world, a number of specific trends are discernable in the expanding NGO universe. The first is the manifest shift from a primary concern with the *promotion* of international human rights standards to the *protection* of the rights embodied in international instruments. A second trend, briefly touched on above, concerns the increasing involvement of scientific and professional organizations in the human rights arena. As an amplification of that, a third trend is the more active role that the legal profession has begun to play in seeking enforcement of human rights internationally. Fourth is the deepening commitment of churches to the struggle. A fifth trend is the growing concern for the plight of indigenous peoples, refugees, migrant workers, and other vulnerable groups. The sixth, seventh and eighth emerge from all of the above: increasing attempts at cooperation; experimenta-

27. American Friends Service Committee, Korea Report, No. 3 (July 1978).

28. 4 HRI NEWSLETTER 32 (Jan. 1979).

29. These conferences are reported in 4 HRI NEWSLETTER (Sept. 1978-Jan. 1979).

30. 4 HRI NEWSLETTER 28 (Sept./Oct. 1978).

31. 3 *id.* at 17 (Oct./Nov. 1977).

32. *Id.* at 30 (Aug. 1978), with respect to the Rwanda meeting. The International Commission of Jurists' Dakar meeting has not yet released its report.

tion in strategy and tactics; and strengthening linkages between action-oriented and research-oriented groups.

The remainder of this article will discuss these trends and consider their impact upon the struggle for human dignity throughout the world community.

A. *The Shift from Promotion to Protection*

The Universal Declaration of Human Rights was proclaimed in 1948 and the first two decades following the Declaration can largely be described as the years of promotion. During this period, much of the energies of NGOs were devoted to achieving the codification of the rights proclaimed in the United Nations Covenants on Human Rights and the myriad of other international human rights instruments drafted during these years. While that process of codification is by no means complete—there is still no convention on religious intolerance, and third generation or “solidarity” rights remain to be written into law—there does now exist a very large corpus of treaty law on international human rights.³³

Then, from the late 1960s on, NGOs which had directed the major thrust of their efforts toward *promotion* began to focus on the gap between promise and reality. While it is true that there have been some organizations, notably the International Committee of the Red Cross (ICRC) with respect to prisoners of war, and labor unions with respect to workers' rights, that have been engaged in the protection of human rights for many years, such organizations were the exception rather than the rule in the post-World War II period.³⁴ With the U.N. Human Rights Commission prepared to consider acting for the protection of those victimized by gross and persistent patterns of human rights violations,³⁵ the possibilities for NGOs of enhancing that protection expanded.

33. For a rapid survey of this corpus of law, see Bilder, *The Status of International Human Rights Law: An Overview*, in *INTERNATIONAL LAW AND PRACTICE* 1 (J. Tuttle ed. 1978).

34. Forsythe & Wiseberg, *A Research Agenda on Human Rights Protection*, forthcoming in *UNIVERSAL HUMAN RIGHTS*.

35. For a discussion of the new U.N. procedures initiated in 1969 and subsequently enhanced in 1970 as ECOSOC Resolution 1503, see Cassese, *Two United Nations Procedures for the Implementation of Human Rights—The Role that Lawyers Can Play Therein*, in *INTERNATIONAL LAW AND PRACTICE*, *supra* note 33, at 39.

Amnesty International (AI) typifies this new type of organization. Created in 1961 as a temporary campaign to appeal for the amnesty of Portuguese students imprisoned for peaceful protest, AI transformed itself into a permanent campaign to secure the release of all political prisoners as evidence mounted on the extensiveness of political imprisonment and prolonged detention without charge or trial. Subsequently, AI also incorporated campaigns against torture and capital punishment into its mandate. While AI has been active in human rights *promotion*, particularly in the drafting of a Declaration on the Protection of All Persons from Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted by the General Assembly in December 1975), the development of Standard Minimum Rules for the Treatment of Prisoners, and the elaboration of professional codes of ethics,³⁶ the primary thrust from the outset has been, and remains, affording *protection* to the real and potential victims of torture and unlawful punishment. Other organizations have also developed in the past decade in a direct effort to afford protection to persons threatened by repression: the Vicariate of Solidarity in Chile, TAPOL (the campaign for the release of Indonesian political prisoners), the International Defense and Aid Fund for Southern Africa, and L'Action des chrétiens pour l'abolition de la torture³⁷ are prominent examples. Older organizations, such as the International League for Human Rights, the International Commission of Jurists, and the International Association of Democratic Lawyers, have begun more aggressively to pursue the politics of protection.

B. *The Involvement of Scientific and Professional Associations*

It is precisely with respect to protection that scientific and professional associations have, in recent years, begun to make a commitment to the defense of international human rights. Thus, in 1977 the American Association for the Advancement of Science established a Clearinghouse on Persecuted Foreign Scientists under its Committee on Scientific Freedom and Responsibility with 33 of its 200 affiliates joining the Clearing-

36. AMNESTY INTERNATIONAL, ANNUAL REPORT 1977, at 20 (1978).

37. A description of all these organizations and their activities can be found in issues of the HRI NEWSLETTER.

house.³⁸ At the sixth World Congress of Psychiatry in Honolulu in August 1977, the World Psychiatry Association (WPA) condemned the abuse of psychiatry for political purposes and agreed to establish a committee to review abuse of psychiatry.³⁹ In 1976 the National Academy of Sciences created a Committee on Human Rights to focus on the plight of individual scientists, engineers, and medical personnel suffering severe repression. In 1978 the Overseas Press Club set up a Human Rights Subcommittee of the Freedom of the Press Committee, in response to the fact that a growing number of journalists around the world were being detained or tortured. Many other professional associations have become similarly engaged.⁴⁰

Historically, professional and scientific organizations have tended to avoid "sensitive" issues for fear of "politicizing" the organization, and have exhibited an inherent tendency to support the status quo. Thus, Schmidhauser and Berg, tracing the development of the American Bar Association, have noted the "understandable ambivalence" of its leadership with respect to matters of public policy: "When a subject did not meet their approval, recommendations were dismissed on the grounds that the problem was 'political.' Where the recommendations were considered ideologically sound, consideration was urged as essential to professional responsibility."⁴¹ However, the American Bar Association has not been unique in shunning politically "sensitive" issues. This has been documented time and again with regard to national organizations in the United States, and these same tendencies are further emphasized at the international level, where almost all professional and scientific organizations are necessarily based on the confederate form of government with nationality as the constituent unit. As an illustration, area associations, like the Asian Studies Association or the African Studies Association, have resisted taking

38. 2 HRI NEWSLETTER 12 (May 1977), and subsequent issues.

39. WPA Condemns Psychiatric Abuses at 90-88, a collection of press clippings selected from the coverage of the VI World Congress of Psychiatry (Hawaii, Aug. 29-Sept. 3, 1977).

40. For material on the formation and activities of these groups, see the HRI NEWSLETTER.

41. Schmidhauser & Berg, *The American Bar Association and the Human Rights Conventions: The Political Significance of Private Professional Associations*, 38 Soc. RESEARCH 362, 375 (1971).

policy positions on "politically sensitive" issues such as the Vietnam war or U.S. policy toward the liberation struggle in Southern Africa to the point that part of the membership split away to set up their own organization (the Committee of Concerned Asian Scholars), and another part of the membership created a separate organization to acquire the freedom of action deemed essential (the Association of Concerned African Scholars).⁴²

Similarly one can point to the intense resistance which confronted human rights activists attempting to encourage the World Congress of Psychiatrists to condemn the usage of psychiatric hospitals as prisons for political dissidents in the Soviet Union.⁴³ In Mexico City, at the fifth Congress of the WPA, association officials ruled out of order an attempt to introduce a resolution condemning psychiatric abuse for political purposes. However, the weight of the evidence accumulated in the six years between that fifth Congress in Mexico in 1971 and the sixth in Honolulu in 1977, and the more sophisticated pressure brought to bear by human rights activists, finally achieved that condemnation and the establishment of a Committee to Review Psychiatric Abuse.

By contrast, the American Medical Association has failed to respond, despite the efforts of human rights activists to activate members;⁴⁴ and, of the thirty-three AAAS organizations which have become members of the Clearinghouse of Foreign Persecuted Scientists, only three or four have been active in the human rights arena.

C. "Liberalizing" Trends in the Legal Community

While it may be hazardous to generalize across cultures, the legal communities—lawyers, judges, and other legal practitioners—in most countries have tended to fit (if not set) the pattern of professional passivity with respect to issues of inter-

42. The Committee of Concerned Asian Scholars broke away in response to the refusal of the Asian Studies Association to take a stand on the Vietnam war. The formation of the Association of Concerned African Scholars is more recent but is equally reflective of discomfort with a posture of academic aloofness that tends to support the status quo.

43. Shaw & Block, *Another Dark Age of Psychiatry*, LANCET, Feb. 24, 1973, at 418-419.

44. We have had discussions with many NGO leaders in the U.S. who have tried, unsuccessfully, to move the Association to a position of concern.

national human rights. There is a paradox which emerges from an examination of the role of lawyers and their organizations to the human rights movement, and that is that lawyers and judges are frequently best positioned in society to observe the violations of human rights, particularly civil and political rights. Their skills are vital both to the protection and the promotion process. Indeed, the courage of individual lawyers in the defense of human rights: Joel Carlson in South Africa,⁴⁵ Srdja Popovic in Yugoslavia,⁴⁶ lawyers in Greece under the rule of the Colonels,⁴⁷ among others, has been remarkable. We also have numerous examples of the integrity and resoluteness of the judiciary in attempting to maintain its independence and the rule of law in countries that have fallen into dictatorial rule: the Indian judiciary during the 1975-1977 emergency is a recent example.⁴⁸ This notwithstanding, it has been exceedingly difficult to mobilize large sectors of the legal community, especially in the United States and Western Europe, for the human rights struggle.

Undoubtedly, the best known and the most widely respected group in the Western hemisphere today is the International Commission of Jurists (ICJ). Founded in 1952 in the context of the Cold War to follow up abuses of justice in the Warsaw Pact countries, the ICJ, especially during the last decade, has become truly international in concern and nonpartisan in its fight to uphold the rule of law worldwide.⁴⁹ There has been a marked shift in the position of the ICJ over the past decade away from blanket condemnations of Communist regimes and toward an active concern about how the rule of law can be strengthened in all political systems, including one-party states in the Third World. The three conferences that the ICJ held in the last few years in Tanzania, the Caribbean, and Senegal, were all efforts pointing in this new direction.⁵⁰ Addi-

45. See, e.g., J. CARLSON, *NO NEUTRAL GROUND* (1973).

46. International League for Human Rights, *ANNUAL REVIEW 1976-1977* at 8 (1977).

47. Abram, et. al., *Report of an International Commission of Inquiry Into the Detention of Constantine Alavanos . . . (et al)*, 54 *IDOC-NORTH AMERICA* 21-29 (Summer 1973).

48. Soli J. Sorabjee, comments made at a Conference on Human Rights, Foreign Policy and the Media (Princeton, N.J., Nov. 3-5, 1978).

49. Scoble & Wiseberg, *Human Rights NGO's*, *supra* note 7, at 624-26.

50. The reports of the first two conferences have been published; the third is

tionally, the ICJ in 1978 formed a Centre for the Independence of Judges and Lawyers in response to the fact that, "in an increasing number of countries, and on an increasing scale, serious inroads have been made into the independence of both judges and of practicing advocates—particularly those who have been engaged in the defense of persons accused of political offenses."⁵¹ The objectives of the Centre are to collect and distribute information on legal guarantees for the independence of the legal profession, document particular cases of harassment, repression or victimization, and distribute this information to judges, lawyers, and their organizations throughout the world, so that appropriate action can be taken to protect colleagues.

In a similar vein, lawyers in the United States have become directly involved in the human rights struggle at the ground level. While it is still a small minority of the legal profession in the U.S. that has become active—particularly since the American Bar Association has given its approval to the ratification of the Genocide Convention and the Racial Discrimination Convention⁵² and most recently (1979) to the U.N. Human Rights Covenants—we have seen a marked willingness of lawyers to directly apply their talents to the protection of human rights. Thus, the Lawyers Committee for International Human Rights, begun in 1976 as a joint project of the International League for Human Rights and the Council of New York Law Associates, has built up an impressive record in reporting on human rights abuses in Argentina; documenting the human rights situation in Uganda and evaluating the potential effects of trade sanctions and other viable methods of enforcement; preparing a report on U.S. failure to fulfill its commitment to the U.N. in the administration of Micronesia; examining the practices of the Immigration and Naturalization Service in dealing with Haitian refugees; taking on cases of Soviet émigrés, imprisoned trade unionists, political asylum cases, family reunification cases, etc.; and holding training ses-

forthcoming. INTERNATIONAL COMMISSION OF JURISTS, HUMAN RIGHTS IN A ONE-PARTY STATE (1978); and INTERNATIONAL COMMISSION OF JURISTS, HUMAN RIGHTS AND DEVELOPMENT (1977).

51. 1 BULLETIN OF THE CENTRE FOR THE INDEPENDENCE OF JUDGES AND LAWYERS 1 (Sept. 1978).

52. 4 HRI NEWSLETTER 17 (Sept./Oct. 1978); and *id.* at 13 (Feb./Mar. 1979).

sions for young lawyers interested in practicing in the area.⁵³ In 1978 two new legally oriented U.S. groups began similar work: the International Human Rights Law Group of the Procedural Aspects of International Law Institute and the Alien Law Project of the Washington Lawyers' Committee for Civil Rights Under the Law.⁵⁴ Both worked closely with the Lawyers' Committee for International Human Rights on the Haitian refugee study, which was a joint project of all three groups,⁵⁵ and both have been holding training sessions for lawyers and paralegals. The former has been particularly active in studying the question of the implications of the reservations that the Justice and State Departments have attached to the human rights conventions, sent to the Senate for ratification; the latter has been working with political asylum, refugee, and illegal alien cases, both at the level of providing legal assistance and at the level of scrutinizing American law to see that it accords with international standards.

A somewhat older effort in the area of protection is the Southern Africa Project of the Lawyers' Committee for Civil Rights Under the Law, which was established in 1967 to provide legal representation in political and quasi-political trials in South Africa.⁵⁶ Recently, however, there has been greater cooperation between organizations concerned specifically with Southern Africa and lawyers' committees, reflective perhaps of the changed mood in the U.S. and the increasing willingness of lawyers to become involved in such issues as documenting the violations of international sanctions by multinational corporations. This trend has even become apparent in the law schools where law professors and students have evidenced an interest in more than the "grand and global schemes" of international law and have become interested in the concerns of

53. *Id.* at 24 (Nov./Dec. 1978); and *id.* at 19 (Jan. 1979).

54. For descriptions of these organizations, see HUMAN RIGHTS DIRECTORY 1979.

55. The Haitians in Miami: Current Immigration Practices in the United States, a joint report of the Lawyers' Committee for International Human Rights, the International Human Rights Law Group, and the Washington Lawyers' Committee for Civil Rights Under Law, Alien Rights Law Project (Dec. 1978).

56. HUMAN RIGHTS DIRECTORY 1979. For a discussion of other NGOs active in the struggle for the liberation of Southern Africa, see G. Shepherd, Jr., ANTI-APARTHEID: TRANSNATIONAL CONFLICT AND WESTERN POLICY IN THE LIBERATION OF SOUTH AFRICA (1977).

practicing lawyers at the enforcement level. For example, several years ago Northwestern University Law students established the World Advocate Center, and in 1978 Harvard University's International Law Society initiated a research project of providing voluntary legal research to organizations concerned with the international protection of international rights.⁵⁷ As with the informal program that Professor Frank Newman had organized at Boalt Hall, University of California Law School at Berkeley several years earlier, taking law students to lobby and observe the United Nations Human Rights Subcommission meetings in Geneva,⁵⁸ the hope is that such programs will provide both practical legal training to students interested in international human rights law and support to NGOs working in the field. The Ford Foundation internship program, initiated in 1976 to provide law students or graduate students with the opportunity of working for a year with a human rights NGO,⁵⁹ has also stimulated and been stimulated by these concerns.

Finally, in reviewing developments within the United States in the law field, one might note evidence of the liberalization of the legal profession in the establishment in several cities of international human rights committees of city bar associations.⁶⁰ While this in no way suggests that the average American lawyer has suddenly become an impassioned human rights advocate, it does represent some movement in the direction of consciousness-raising among the U.S. legal community. So, too, does the fact that the American Bar Association has agreed to support a program for curriculum development in international human rights law in American law schools.⁶¹ All these are rather hopeful signs.

57. 3 HRI NEWSLETTER 6 (Oct./Nov. 1978); and 4 *id.* at 7 (Nov./Dec. 1978).

58. This was an informal program conducted by Professor Newman whose students became known in Geneva as "Newman's mafia."

59. The Ford Foundation-funded human rights internship program run by the University of Minnesota, under the directorship of law professor David Weissbrodt, has precisely this as its objective.

60. The Bar of Chicago and the Bar of New York have committees on international human rights, and several other city bar associations are in the process of forming similar committees.

61. Morton Sklar, Proposal for a Human Rights Law Studies Center, (developed under the auspices of the International Law Section of the American Bar Association and endorsed by the Governing Council of the ABA's International Law Section) (June 1, 1978).

D. THE DEEPENING COMMITMENT OF CHURCHES TO THE HUMAN RIGHTS STRUGGLE

Both at the global and national level, the 1970's have provided evidence of a deepening commitment of churches to the human rights struggle. The Roman Catholic Church's revitalization is associated with Vatican I and Vatican II which led to the creation of the Pontifical Commission of Justice and Peace, and national Justice and Peace Commissions in many countries. While the Vatican body has largely concentrated on study and reflection, many national Justice and Peace Offices have become deeply involved in the politics of enforcement, such as with the Rhodesian Front regime and analyzing the Rhodesian regime's practice of rounding up rural Africans into "protected villages."⁶² (As a consequence, nuns working with the Commission were arrested, the publication banned, and members of the church harassed). Catholic bishops in South Africa have also been outspoken against the apartheid regime and against the police state that has been imposed to enforce apartheid laws.⁶³ In the Southern Cone of Latin America, as the military have come to power in these societies and consolidated highly repressive regimes, churches have become important domestic actors in the struggle to counter the power of the State.⁶⁴ The work of the Vicariate of Solidarity in Chile is now well known: in the aftermath of the coup against Salvador Allende, the Church responded to the persecuted who turned to it for help.⁶⁵ Elsewhere in South America, in Argentina, Brazil, Bolivia, and El Salvador, courageous bishops have spoken out in defense of the rights of peasants, labor leaders, and others who have opposed repression.⁶⁶ Similarly, in Asia, as with the Bishops in Mindanao in the Philippines, individual

62. Rhodesia: The Propaganda War, A Study of The Catholic Commission for Justice and Peace in Rhodesia (1977).

63. See Shepard, *supra* note 56.

64. 21 J. INTERAM. STUD. & WORLD AFF. No. 1 (Feb. 1979), devoted to *The Church and Politics in Latin America*. See, especially, Smith, S.J., *Churches and Human Rights in Latin America: Recent Trends in the Subcontinent*, *id.* at 89.

65. The Vicariate of Solidarity was awarded a human rights prize for its work by the United Nations, Dec. 10, 1978.

66. See generally, the reports of such groups as the Washington Office on Latin America, the Council on Hemispheric Affairs (Washington, D.C. and New York), IDOC-International (Rome), and LADOC (Washington, D.C.).

churchmen have spoken out, even where church structures remain relatively conservative.⁶⁷

Paralleling the progressive thrusts in the Catholic Church have been similar efforts in Protestant churches, as evidenced particularly in the World Council of Churches, based in Geneva; to which many individual churches belong. Under the impact of the radicalization of Protestant missionaries working in repressive societies, the decolonization of Third World church structures, and the growing consciousness of the inequalities in the international economic order, the WCC has moved human rights to a priority item on its global agenda. In October 1974, the WCC held a major consultation on Human Rights and Christian Responsibility in St. Polten, Austria.⁶⁸ In 1975 the World Council created a Human Rights Resources Office on Latin America in response to pleas from Chilean churches. Since the Fifth Assembly of the WCC in Nairobi in 1975, the World Council has dedicated itself to the search for "a just, participatory, and sustainable society."⁶⁹

Concurrently, but also under the impact of the domestic civil rights movement and the "war on poverty" in the United States, the National Council of Churches of Christ in the U.S.A. has taken similar steps, most recently the creation of a Human Rights Office in its Division of Overseas Ministries.⁷⁰ We have also witnessed the support of both Catholic and Protestant churches for such projects as the Washington Office on Latin America and the Washington Office on Africa, lobbying for just societies in those areas of the world and, especially, for an end of U.S. support to repressive regimes; the Inter-Faith Corporate Responsibility Project, which monitors church investments with multinational corporations to see that church money does not support exploitative corporate ventures, or lend support to governments which violate the human rights of their people; and the work of the Human Rights Working

67. See, e.g., Claver, *A Pastoral Letter—The Philippines*, 3 HRI NEWLETTER 32 (Apr./May 1978).

68. World Council of Churches, Commission of Churches on International Affairs, *Human Rights and Christian Responsibility*, at 21, Report of the Consultation (St. Polten, Austria 1974).

69. Interview with Rev. Charles Harper, Human Rights Resources Office, World Council of Churches (Geneva, Switzerland summer 1977).

70. HUMAN RIGHTS DIRECTORY 1979, note 3 *supra*.

Group of the Coalition for a New Foreign and Military Policy.

The past few years have also seen a heightened involvement of Jewish congregations with respect, to the plight of Soviet Jewry, of Jews in Arab countries, and also with more generalized concerns.⁷¹ Thus, the American Jewish Committee took a strong stand on the Cambodian massacres, the plight of Indo-Chinese refugees, and in support of the United Nations Convention Against Racial Discrimination.⁷² Jewish and Christian organizations have worked closely together on such issues as religious freedom, as evidenced by the recent formation of a new U.S.-based organization, ecumenical in structure, Freedom of Faith.⁷³

None of this is to suggest that churches everywhere are liberalizing institutions in the forefront of the human rights struggle, or even that the progressive thrust in church structures has been a dominant one. Yet, there are hopeful signs, as with the strong support that AI-U.S.A. has been able to generate with its Church Urgent Action Network, or overseas, with the continued perseverance of such groups as the Coordinating Group for Religion and Society in Thailand, or the Japan Emergency Christian Conference on Korea.

E. Heightened Concern for the Plight of Indigenous Peoples, Refugees, Migrant Workers and Other Vulnerable Groups

When one considers the large numbers of persons persecuted throughout the world, it is difficult to make comparative judgements or, at least, definitive ones about the "most persecuted." Nonetheless, in recent years, some consensus has begun to form concerning the total vulnerability of fourth world people—indigenous peoples frequently faced with total destruction, in extreme cases at the level of physical extermination or, in somewhat less extreme situations, at the level of cultural genocide. A few organizations—Cultural Survival (U.S.A.), Survival International (U.K.), and the International Working Group for Indigenous Affairs (Denmark)—have

71. The American Jewish Committee, for example, has always played an active role in the United Nations forum and has had an active international human rights program.

72. 4 HRI NEWSLETTER 18 (Jan. 1979); and 3 *id.* at 14 (Apr./May 1978).

73. 4 HRI NEWSLETTER 23 (Nov./Dec. 1978).

emerged in response to the plight of fourth world peoples.⁷⁴ Comprised largely of anthropologists, these organizations have tended to operate with small budgets, limited staff, and modest resources. Nonetheless, they have received the support from, and stimulated interest among, other organizations such as the Minority Rights Group (U.K.), the International League for Human Rights (U.S.A.), or the Anti-Slavery Society (U.K.). Increasingly, the genocide of the Ache Indians in Paraguay,⁷⁵ the threat to the Bolivian Indians posed by white settler migration from Rhodesia,⁷⁶ and the massacre of Indian peasants at Panzos, in Guatamala,⁷⁷ are documented and publicized. Of particular significance in bringing the dire circumstances of indigenous people to world attention was the September 1977 Conference of the International Indian Treaty Council in Geneva, at which delegates representing more than sixty nations and peoples from fifteen countries in the Americas gave testimony about genocide, discrimination and ethnocide used to destroy native peoples in order to exploit their land and resources.⁷⁸

As a consequence, there has been some serious consideration within the human rights community during the past year to the possibility of establishing a United Nations Commissioner for Indigenous Populations. This has taken on particular political salience as the hope of getting adequate support for a United Nations Commissioner for Human Rights was effectively squelched in 1978 (when United Nations member states decided once again not to consider the establishment of such an office). A Commissioner for Indigenous Peoples might, however, be better able to mobilize the necessary majority support and be a first step toward the creation of a more generalized U.N. office for human rights protection.⁷⁹

74. On Cultural Survival and Survival International, see HUMAN RIGHTS DIRECTORY 1979, note 3 *supra*. On the International Working Group for Indigenous Affairs, see 4 HRI NEWSLETTER 24 (Sept./Oct. 1978).

75. See GENOCIDE IN PARAGUAY (R. Arens ed. 1976).

76. N. LEWIS, EASTERN BOLIVIA: THE WHITE PROMISED LAND (1978).

77. Guatemala 1978: The Massacre at Panzos (IWGIA Doc., Copenhagen 1978).

78. P. BILLINGS, PARADOX AND PROMISE IN HUMAN RIGHTS 3-4, 88-90 (1979).

79. The proposal for the creation of an Office of a Commissioner for Indigenous Peoples was discussed by Theo C. van Boven, Director of the United Nations Division of Human Rights, at a seminar he gave in Washington, D.C. (Dec. 1978).

The past few years have also seen human rights NGOs pay increasing attention to other highly vulnerable groups in society, particularly refugees and migrant workers. Moreover, organizations have become concerned not only with the crisis situation of providing assistance and protection to such groups in emergency situations, but also with analyzing the underlying causes that give rise to them.

F. Increasing Attempts at Cooperation

Several other trends emerge from, and have interacted with, those noted above. A notable one is the increasing attempt at cooperation between diverse human rights organizations despite their continued functional, regional, or issue specialization. A number of these efforts have already been noted: the emergence of the British Human Rights Network, pulling together almost all British organizations engaged in systematic international human rights work; the formation of the Human Rights Working Group of the Coalition for a New Foreign and Military Policy in the United States, which seeks to coordinate lobbying efforts of some eighty organizations; and the efforts to coordinate Helsinki monitoring groups in preparation for Madrid. One must again mention the NGO committees that work together in New York and Geneva to coordinate policy and exchange views with respect to United Nations lobbying; cooperation between Latin American human rights organizations, some of which are currently trying to create the Federation of Permanent Human Rights Assemblies of Latin America; and very recent efforts of the International League for Human Rights in New York to work more closely with the International Federation of Human Rights in Paris, with a conference scheduled in the spring of 1979 which brought together the West European affiliates of each to explore the potentialities for common action.

In this context, however, it is also necessary to point out the probable limits to effective cooperation—limits imposed by the diverse interests, ideologies, and strategies that different sections of the human rights community bring to bear on the human rights issue. There are now so many specific groups, each with their own particular interests and ideological perspective, that have taken human rights to be their own issue, that it is difficult to conceive of a permanent form of cooperation even in the United States, let alone internation-

ally. For one thing, there are so many area-specific groups (*e.g.*, TAPOL, which campaigns for Indonesian political prisoners; the Chile Committee for Human Rights; the Friends of the Filipino People, etc.) that are so absorbed in their own specialization that they are prepared to divert their meagre organization resources only when the most compelling arguments are made. Generally, calls for cooperation are interpreted as a request that they diminish the significance of precisely those issues they have made uniquely their own. Secondly, given the diverse backgrounds and experiences of the leadership of human rights NGOs—some of whom have been schooled in the U.N. arena, some in the domestic civil rights struggle, some in diplomacy, some in the confrontation politics of the antiwar movement—there are bound to be disagreements over strategy and tactics, even where they can agree on the salience of an issue. Thirdly, there are few issues for which ideological differences seem wholly irrelevant and where genuine cooperation is possible across the spectrum of American human rights groups. One of these, we think, is the U.S. ratification of the human rights treaties currently pending before the Senate, which might have been the catalyst to an extensive *ad hoc* coalition. It remains to be seen, as the Covenants move onto the Senate agenda, whether a sustained cooperative effort can take place.

Internationally, cooperation is rendered even more difficult by the ideological factor, but also by simple isolation and lack of communication. Where cooperation occurs, it seems to be of three types. The first is broad generalized support that one human rights movement provides another, as with the moral and material assistance Western antiapartheid movements provide to the liberation movements in Southern Africa, or the same broad range of support from Western groups to the Vicariate of Solidarity in Chile. The second is the tactical cooperation between human rights NGOs at United Nations forums, or before intergovernmental bodies such as the Inter-American or European Human Rights Commissions. This often involves formal caucusing as well as informal corridor efforts to set priorities and mobilize support for particular items on the agendas of international bodies. A third form of cooperation arises out of specific attempts by national or international human rights NGOs to afford protection to groups or individuals in other countries by sending representatives to meetings

organized by the vulnerable persons or groups as evidence of international concern and commitment; affiliating with such groups where such affiliation is desired and deemed possible by the vulnerable organization; sending observers to political trials when human rights leaders are persecuted for their human rights activities; and rejecting the counsel of quiet diplomacy in the belief that publicity is the best protection that the international human rights community can provide to threatened colleagues. However, despite this writer's hopes, the prospects for greater coordination on a global scale are not good.

G. *Experimentation in Strategy and Tactics*

As the human rights community moves away from the area of *promotion* to that of *protection*, individuals have recognized the need for developing new strategies and tactics, including new ways to mobilize organizational resources. They have recognized that the legislative victories which produced the corpus of international human rights law were primarily symbolic victories, or an early stage in a continuing political process, the ultimate object of which is to change behavior of national and international elites. It is now necessary to focus upon implementation, and in so doing, to devote attention to the creation of new institutional structures with trained staff and adequate budgets and mandates for enforcement. Thus, the human rights community has supported a number of organizational initiatives: *e.g.*, changes in U.N. procedure making it possible for action to be taken on the thousands of individual complaints annually received; efforts to extend the number and duration of the meetings of the U.N. Commission on Human Rights and its Subcommission; strengthening the Inter-American Human Rights Commission through an expansion of budget and personnel; and the thus far unsuccessful efforts to create a United Nations High Commissioner for Human Rights and an appraisal of the proposal for a Commissioner for Indigenous Peoples as a politically more feasible first step. Most recently, they have begun to debate the desirability of creating an international information clearinghouse and data center which would both gather and disseminate information of human rights violations and progress world wide. With respect to the clearinghouse proposal, there is serious debate over such questions as to whether it should be limited to fact gathering

or permitted also to engage in evaluation; whether it is to be controlled by governments or by a nonpartisan nongovernmental organization; whether it is to be a single center or an informal network; and how it should be financed. Nevertheless, the debate signals the recognition of the need for such an institution.

At the same time human rights organizations have begun to recognize that bodies such as the U.N., the O.A.S., and the Council of Europe are not the only forums in which human rights issues should be confronted, but that international financial institutions—in particular, the World Bank, the International Monetary Fund, and the regional development banks—must be made aware of human rights issues. Additionally, NGOs have begun to perceive multinational corporations and commercial banks as relevant targets of their activities. Meanwhile, the effort of elaborating national governmental structures—such as the Bureau of Human Rights and Humanitarian Affairs of the Department of State—to focus more attention on human rights considerations in the making of foreign and military policy continues.

Concurrently, there have been concerted efforts to experiment with the domestic application of international human rights standards. For example, there have been recent cooperative efforts in the United States and West Europe to expose the indifference of domestic bureaucracies in enforcing the general trade embargo against Rhodesia and the specific arms embargo against South Africa. Another form of experimentation, which has actually been inspired by the innovations of Russian dissidents and the Charter '77 Group in Czechoslovakia, is the recent creation of the Helsinki Watch Committee for the United States, which has stimulated hearings on U.S. compliance with the 1975 Final Act.⁸⁰ Recently, the prospects of attaining U.S. ratification of human rights covenants has reopened the question of the "non-self-executing" nature of such instruments, with groups pressuring the State Department to include this provision among the reservations transmitted to the Senate.⁸¹

80. The Commission on Security and Cooperation in Europe held these public hearings April 3-5, 1979.

81. This was a major theme discussed at a Conference of the International Human Rights Law Group (Washington, D.C., Jan. 18, 1979).

As organizations have experimented with strategies and tactics of implementation, it has become clear that they need to expand constituency support, whether they are directed toward the national or the international arenas. As a consequence, we have seen the conscious efforts exerted by these NGOs at mobilizing professional associations, the legal community, and churches; and we have also observed attempts to draw in other groups which have not normally been concerned with human rights issues. One such campaign was initiated by Liberty to Captives, a Christian pacifist group based in Philadelphia, to sensitize the Boy Scouts of America to the human rights implications of participating in the 1979 World Jamboree which was to take place in Iran.⁸² Another effort, thus far less successful, has been to mobilize American labor unions in defense of Chilean workers by means of a boycott of Chilean shipping and export products to the U.S.⁸³ A final example may be found in the recent creation of TransAfrica, concerned with problems both in Africa and the Caribbean region, which is aimed at activating and sustaining the concern of American Blacks for the human rights of Blacks in these areas.⁸⁴

H. *Strengthening Linkage Between Activism and Research*

The last trend we discern is that of strengthening linkages between *action oriented* and *research oriented* groups. There is nothing new about either of two apparently contradictory phenomena: On the one hand, a large gap between the work of activists and academics who are generally isolated from each other and often speak very different languages; and, on the other hand, a clear recognition by some activists and academics of the mutual interdependence of their tasks. Both phenomena have been manifest in the human rights field. To the extent that research on human rights was, until recently, the preserve of political philosophers and international legal scholars, their work was neither read nor understood by those on the front lines of the human rights struggle. At the same time, human rights activists were very aware of the fact that much of their impact, and their credibility, rested on the quality of their information about the state of human rights world wide. Their

82. 4 HRI NEWSLETTER 14 (Jan. 1979).

83. *Id.* at 12 (Nov./Dec. 1978).

84. HUMAN RIGHTS DIRECTORY 1979.

action on behalf of the victims of persecution depended upon a research capacity. Thus, in some cases, groups, such as Amnesty International, developed their own research staff and capability. In other instances, action oriented groups began collaborative enterprises with like-minded research centers or scholars. The Human Rights Working Group of the Coalition for a New Foreign and Military Policy works closely with the Center for International Policy in preparing the theoretical and empirical basis for its lobbying. Also, Freedom House works closely with Raymond Gastil of the Battelle Seattle Research Center, who prepares its annual survey of the "State of Freedom" worldwide. We find similar linkages between West European action groups and academic communities, as with the support provided to the Scandinavian human rights movement by the Peace Research Institute in Oslo. In the Third World, and particularly with respect to either church-based groups or socialist groups, there is an even more pronounced tendency towards analysis *and* action originating with the churches' stress on reflection and the Marxist stress on action. Moreover, as it is frequently students and university teachers who are in the forefront of political opposition in Third World countries, and to the extent that they have been responsive to labor or peasant movements, the separation between academia and the activist world has been less pronounced than in industrialized societies.

IV. EVALUATING EFFECTIVENESS: WHAT DOES IT ALL MEAN?

Thus far, we have been largely descriptive in our discussion of trends. But description is only a prelude to analysis. What does it all mean? When one examines the proliferation of human rights NGOs, the increasing involvement of professional associations, legal groups and churches, the heightened concern for the plight of indigenous peoples, refugees and migrant workers, increasing attempts at cooperation between groups, experimentation with strategy and tactics, and strengthening linkages between academics and activists, has all of this really had its manifestly intended effect? Has it really lessened human rights violations and increased human dignity?

There is no single satisfactory and, certainly, no scientific

answer to this question. As we have argued elsewhere,⁸⁵ impact cannot be measured with precision in any multicausal situation. There is little evidence to support the claim of Zbigniew Brzezinski that, in the last year,

there has been progress in a number of countries. It is difficult to measure it but as a rough approximate estimate, I would say in at least 40 countries around the world in which two and a half billion people live, there has been tangible progress—in some cases more, in some cases less, in some cases certainly not enough, but progress nonetheless.⁸⁶

Even if one could validate these quantitative claims, there is no way to single out the contribution to progress of any one of the logically independent variables: nongovernmental actors, Carter's policy, the United Nations system, etc. Nonetheless, the human rights movement is, and psychologically must be, sustained by the faith that intended effects are being produced. Even if it is impossible to measure progress and pinpoint causation, the facts that adopted prisoners are released, waves of torture seem to abate, press censorship is relaxed, and dictatorships are overthrown sustain the private commitment of those who make up the activists and leaders in the human rights organizations. Beyond that, in the dialogue engaged in by thinking persons, the human rights activists persuade themselves that without these groups and activities the human rights situation would be far worse indeed. And there is a logic to this argument. To the extent that the behavior of elites is systematically scrutinized and censured, that elites are consequently forced to grant at least verbal deference to international human rights standards, and that domestic repression can no longer be hidden but tends to be internationalized, support and encouragement is provided to those acting as if international standards exist. In this context, it is worth noting Louis Henkin's appraisal of international enforcement mechanisms, "that the early assumption that states might be prepared to scrutinize other states and be scrutinized by them," as reflected in the early human rights conventions, has proven fallacious.⁸⁷ That is, "to date, more states have submitted to

85. Scoble & Wiseberg, *Amnesty International: Evaluating the Effectiveness of a Human Rights Actor*, note 7 *supra*.

86. Brzezinski, note 1 *supra*.

87. L. HENKIN, *THE RIGHTS OF MAN TODAY* 109 (1978).

private complaints than to interstate scrutiny. Obviously, then, some states that are willing to have their citizens' complaints scrutinized are still reluctant to be accused by other governments and have human rights trouble their diplomatic relations."⁸⁸

At the same time, an honest appraisal of impact must take note of the modesty of the advances that have been made. Taking just one illustration, despite the enormous recent expansion in the resources, membership, and influence of Amnesty International, that organization is forced to conclude in its 1978 Annual Report that:

there is little room for satisfaction. Torture in its cruelest forms continues to be a systematic practice in many countries. Furthermore, in some parts of the world, new, more sophisticated methods of torture are being developed for the interrogation of political suspects or for deterring opposition to the regime. And torture is also being used by anti-government and opposition groups.⁸⁹

Furthermore, it is not inconceivable that the growth and effectiveness of human rights organizations perversely stimulates increased repression, at least in the short run, by heightening the demands for political participation, economic justice, and freedom of expression. There is currently evidence to suggest that when elites feel insecure and threatened, they respond with brutality.

Meanwhile, the human rights organizations, which are frequently crisis oriented, have focused on violations and have not yet attempted to analyze underlying causes of repression. Therefore, they find themselves in the unenviable position of mopping up the worst consequences of violations without moving toward an understanding of structural causes and, thus, to institutional transformations which might significantly reduce these excesses. We do not mean by this that we expect there to be any single cause of human rights violations in general. We do mean that without attention to causal factors, the danger is that the "progress" registered will be superficial and temporary. Nor is it evident that any of the human rights NGOs, particularly those in Western Europe and North America, are willing to recognize the costs of genuine human rights policies

88. *Id.*

89. AMNESTY INTERNATIONAL, ANNUAL REPORT 1978, at 16 (1979).

and to undertake the political education campaigns necessary to actualize them. By this we mean that few Americans or other Westerners have faced the material cost that would have to accompany progress in economic development in those countries in which almost all rights are being systematically denied for the benefit of indigenous elites and affluent Westerners. They have neither understood nor recognized the implications of the 1977 General Assembly resolution that "the realization of the new international economic order is an essential element for the effective promotion of human rights and fundamental freedoms and should be accorded priority."⁹⁰

And if this has not been recognized by Western-based NGOs, the costs of a genuine human rights policy has certainly not been faced by Western governments. This failure to confront hard and costly choices is reflected in Patricia Derian's recent comment that: "Human rights is an area where our ideals and our self-interest strongly coincide."⁹¹ She argues: "Our well-being and security are enhanced when there is greater respect for human rights in the world. Our policy is important to the health and integrity of this society within the United States. Support for or indifference to oppression in other countries weakens the foundation of our democracy at home."⁹² True, yet, in every case where national defense or economic interests have been perceived to be important, U.S. human rights initiatives have disappeared.

A last pessimistic but necessary consideration of the American scene is the fact that the human rights movement could readily prove to be a passing mood. The Carter administration itself has obviously drawn back from commitment to this initiative. Meanwhile, there is the more important saturation effect that seems a byproduct of the mass media in its coverage of political issues and public interests. Race, poverty,

90. G. A. Res. 32/130, para.1 (f). In this regard, see van Boven, *Human Rights and Development Cooperation*, 3 NJCM BULL. 3-6 (Bulletin of the Dutch Association for the International Commission of Jurists No. 11 (Nov. 1978)); and A. EIDE, *HUMAN PROTECTION* (Oslo, Norway 1977).

91. Patricia Derian, speech at the White House Commemoration of the 30th Anniversary of the Universal Declaration of Human Rights (Dec. 6, 1978) reprinted in 78 DEP'T STATE BULL. 6 (Jan. 1979).

92. *Id.*

the urban crisis all peaked and died in this fashion. There is nothing inherent in the human rights situation to distinguish it from these equally pressing domestic problems. Nor is it at all clear that the Congressional initiatives of the last four years will be sustained in the new 96th Congress.

From a more global perspective, despite the encouragement one might draw from the trends described, it remains the case that the motivation and capacity to engage in repression have probably increased as well and for hundreds of millions of human beings the future is even more precarious. It is a documented fact that the gap between rich and poor, both within societies and between societies, has increased and not diminished during the past decades.⁹³ As a consequence, the motivation to retain power and privilege is enhanced at the same time that the technology for repression has become more sophisticated and regional cooperation among dictatorial regimes has been demonstrated. For the human rights movement, therefore, the challenges remain at least as demanding as ever and there are no immediate prospects for sudden or dramatic victories.

93. See, e.g., EIDE, note 90, *supra*.