

# Ethics in Action

THE ETHICAL CHALLENGES OF  
INTERNATIONAL HUMAN RIGHTS  
NONGOVERNMENTAL ORGANIZATIONS

Edited by

Daniel A. Bell      Jean-Marc Coicaud

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**Daniel A. Bell**

Tsinghua University, Beijing

**Jean-Marc Coicaud**

United Nations University



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This book is the product of a multiyear dialogue between leading human rights theorists and high-level representatives of international human rights nongovernmental organizations (INGOs) sponsored by the United Nations University, headquartered in Tokyo with centers around the world, and the City University of Hong Kong. It is divided into three parts that reflect the major ethical challenges discussed at a series of workshops: the ethical challenges associated with interaction between relatively rich and powerful Northern-based human rights INGOs and recipients of their aid in the South; whether and how to collaborate with governments that place severe restrictions on the activities of human rights INGOs; and the tension between expanding the organizations' mandate to address more fundamental social and economic problems and focusing on more immediate and clearly identifiable violations of civil and political rights. Each section contains contributions by both theorists and practitioners of human rights.

Daniel A. Bell is a professor in the Department of Philosophy at Tsinghua University in Beijing. He has held teaching posts at the City University of Hong Kong, the University of Hong Kong, and the National University of Singapore and research fellowships at Stanford's Center for Advanced Study in the Behavioral Sciences and Princeton's University Center of Human Values. His books include *Beyond Liberal Democracy: Political Thinking for an East Asian Context* (2006), *East Meets West: Human Rights and Democracy in East Asia* (2000), and *Communitarianism and Its Critics* (1993).

Jean-Marc Coicaud heads the United Nations University (UNU) Office at the United Nations in New York, prior to which he was senior academic officer in the UNU Peace and Governance Programme, Tokyo. He also served in the Executive Office of the United Nations Secretary-General as a speechwriter for Dr. Boutros Boutros-Ghali. A former Fellow at the Harvard University Department of Philosophy and Harvard Law School, the United States Institute of Peace, Washington, D.C., and New York University School of Law, Coicaud has held appointments with the French Ministry of Foreign Affairs, the European Parliament (Financial Committee), the University of Paris-I Sorbonne and the Ecole normale supérieure, Paris. His books include *Power in Transition: The Peaceful Change of International Order* (co-authored with Charles A. Kupchan, Emanuel Adler, and Yuen Foong Khong) (2001), *Legitimacy and Politics: A Contribution to the Study of Political Right and Political Responsibility* (Cambridge University Press, 2002), and *Beyond the National Interest* (2007).

*The United Nations University is an organ of the United Nations established by the General Assembly in 1972 to be an international community of scholars engaged in research, advanced training, and the dissemination of knowledge related to the pressing global problems of human survival, development, and welfare. Its activities focus mainly on the areas of peace and governance, environment and sustainable development, and science and technology in relation to human welfare. The University operates through a worldwide network of research and postgraduate training centers, with its planning and coordinating headquarters in Tokyo.*

From Daniel A. Bell

*To my mother and Anthony*

From Jean-Marc Coicaud

*To Didier Louvel*

## Acknowledgments

This book emerged from a multiyear international project, *Ethics in Action: The Successes, Compromises, and Setbacks of International Human Rights Non-governmental Organizations (INGOs)*, sponsored by the United Nations University, headquartered in Tokyo with centers around the world, and the City University of Hong Kong. The project took the form of dialogues between high-level representatives of INGOs and academic theorists who work on the subject of human rights. The editors are grateful to Geneviève Souillac, Joseph Carens, and Joanne Bauer, who helped to conceptualize the project in its early stages.

Project participants were asked to think about how INGOs deal with the ethical challenges they experience during the course of their work, how they ought to deal with those challenges and then to draw implications for human rights INGO work at the United Nations. We organized three workshops that dealt with those respective themes. The first workshop was held at the Carnegie Council on Ethics and International Affairs in New York (February 2002) and consisted of papers by high-level human rights INGO practitioners, with comments by theorists of human rights. The second, at the City University of Hong Kong (October 2003), consisted of papers by human rights theorists, with comments by practitioners. The third, at the United Nations University (UNU) in New York (August 2005), was a brainstorming session with human rights practitioners and theorists. We are indebted to the host organizations in New York and Hong Kong.

The chapters of this book were initially presented and discussed at these workshops. During the workshops, the papers were submitted to rigorous scrutiny and critical questioning by workshop participants. The editors encouraged further exchanges among participants, and most chapters were shaped by these exchanges. We are especially grateful to the human rights practitioners and theorists who participated in the workshops: John Ambler, Robert Arsenault, Michael Barnhart, Christian Barry, Joanne Bauer, Widney Brown, Joseph Carens, Neera Chandhoke, C. Y. Chong, Ci Jiwei, David Cingranelli, Allison Cohen, Larry Cox, Eric Dachy, Michael Davis, Michael Dowdle, Christopher Drake, Michael Edwards, Fan Ruiping, Basil Fernando, Andre Frankovits, Sakiko Fukuda-Parr,

Curt Goering, Jennifer Green, Hahm Chaibong, Niel Hicks, John Hirsh, Ian Holliday, Sharon Hom, Bonny Ihbawoh, Tatsuo Inoue, Lakshmi Jacota, Brian Joseph, Stephanie Kleine-Ahlbrandt, Shulamith Koenig, Will Kymlicka, Linda Li, Ram Mannikalingam, Julie Mertus, Ravi Nair, Ndubisi Obiorah, William Pace, Betty Plewes, Thomas Pogge, Ken Roth, Edward Rubin, Hans-Otto Sano, Joe Saunders, Rieky Stuart, Pisawat Sukonthapan, Kevin Sullivan, Sun Zhe, Lyal Sunga, Julia Tao, Hatla Thelle, Frank Upham, Alex de Waal, Steven Weir, Sophia Woodman, Mona Younis, and Zhang Qianfan. We are grateful that workshop participants showed willingness to go beyond traditional professional and disciplinary boundaries. The theorists showed willingness to think in practical terms, and the practitioners showed willingness to think in theoretical terms. It is worth noting, however, that the distinction between *theorist* and *practitioner* is not always easy to make. Whatever their professional label, we found that most individuals do both. The practitioners often think about normative issues, and the academics often think about implementation.

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## List of Contributors

**Daniel A. Bell** is professor in the Department of Philosophy, Tsinghua University (Beijing). His latest book is *Beyond Liberal Democracy: Political Thinking for an East Asian Context* (Princeton University Press, 2006) and his coedited collections include (with Hahm Chaibong) *Confucianism for the Modern World* (Cambridge University Press, 2003) and (with Joanne R. Bauer) *The East Asian Challenge for Human Rights* (Cambridge University Press, 1999).

**Joseph H. Carens** is professor of Political Science at the University of Toronto. He is the author of *Culture, Citizenship and Community* (Oxford, 2000), three other books, and more than fifty journal articles or chapters in books. Carens is currently writing a book on the ethics of immigration.

**Neera Chandhoke** is professor in the Department of Political Science and the director of the Developing Countries Research Center at the University of Delhi. She is currently working on a book, *A State of One's Own: Secessionist Movements in India*, and is directing a Ford-funded project, Globalisation and the State in Media. Publications include *The Conceits of Civil Society* (Oxford University Press, 2003) and *Beyond Secularism: The Rights of Religious Minorities* (Oxford University Press, 1999).

**Jean-Marc Coicaud** heads the United Nations University (UNU) Office at the United Nations in New York. Coicaud's former positions include being a member of former UN Secretary-General Dr. Boutros Boutros-Ghali's speech-writing team and fellowships at Harvard University, the United States Institute of Peace, and New York University School of Law. Sample publications include *Legitimacy and Politics: A Contribution to the Study of Political Right and Political Responsibility* (Cambridge University Press, 2002) and *Beyond the National Interest* (USIP Press, 2006).



**Curt Goering** is the senior deputy executive director and chief operating officer of Amnesty International USA (AI USA). Goering has a long background with AI USA, AI's world headquarters in London, and several field assignments worldwide. He has also been the delegate to seven International Council Meetings, Amnesty International's highest decision-making body.

**Bonny Ibhawoh** is assistant professor of history and social justice at Brock University in Canada. He was previously a Human Rights Fellow at the Danish Institute for Human Rights, Copenhagen, and the Carnegie Council for Ethics and International Affairs, New York. He is the author of the book *Imperialism and Human Rights* (State University of New York Press Human Rights Series, forthcoming).

**Birgit Lindsnæs** has been the deputy director general at the Danish Institute for Human Rights and the director of the International Department since 1991. She was previously with the Danish Red Cross, the Institute for Anthropology at the University of Copenhagen, and Danish Amnesty International. Lindsnæs is the chair of the Board for International Service for Human Rights in Geneva and chair of the work group on global public goods and human rights.

**Betty Plewes** is the former president-CEO of the Canadian Council for International Cooperation, the umbrella body for Canadian development nongovernmental organizations. She consults on development policy and organizational development and has a long-standing interest in policy issues.

**Thomas Pogge** has, since receiving his Ph.D. in philosophy from Harvard, been teaching moral and political philosophy and Kant at Columbia University. He is currently a Professorial Research Fellow at the Australian National University Centre for Applied Philosophy and Public Ethics.

**Kenneth Roth** has been the executive director of Human Rights Watch, the largest U.S.-based international human rights organization, since 1993. From 1987 to 1993, Roth served as deputy director of the organization. Previously, he was a federal prosecutor in New York and Washington, D.C., and a private litigator. He has written more than eighty articles and chapters on a wide range of human rights topics.

**Hans-Otto Sano**, director of research for the Danish Institute for Human Rights, Copenhagen, has a background in history and development studies. Sano holds a Ph.D. in economic history with the subject specialization in human rights

and development. He is currently involved in research projects on rights-based development and global governance.

**Rieky Stuart** is the former executive director of Oxfam Canada. She consults on international development and is currently a Fellow at the Munk Centre for International Studies at the University of Toronto.

**Sun Zhe** received his doctorate from Columbia University and is now professor and deputy director of the Center for American Studies at Fudan University in Shanghai. Sun is the author or editor of several books on comparative politics and U.S.-China relations. He is considered one of the leading scholars in the field of American studies in China.

**Lyal S. Sunga**, currently senior lecturer and director of research at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, in Lund, Sweden, taught at the Hong Kong University Faculty of Law and served as director of the Master of Laws Programme in Human Rights from 2001 to 2005. From 1994 to 2001, he worked as human rights officer for the UN Office of the High Commissioner for Human Rights in Geneva, Switzerland. Sunga has lectured at academic institutes and conducted human rights training in some thirty countries.

**Hatla Thelle** has a Ph.D. in Chinese studies and is senior researcher at the Danish Institute for Human Rights (DIHR) in Copenhagen. Since 1980, she has taught modern Chinese history at the University of Copenhagen and has been working on human rights projects and research at the DIHR since 1997. She has specifically researched protection of social rights and social policy reform in China.

**Steven Weir** is Area Vice President, Asia Pacific, Habitat for Humanity International in Bangkok, Thailand, and is responsible for supporting affordable housing programs throughout Asia and the South Pacific. Weir is a registered architect and has been involved in community-based design and housing in the Pacific Rim for more than thirty years. Weir has written numerous papers on affordable urban housing, the most recent, which was presented at the 2006 United Nations World Urban Forum on "Community Based Disaster Response – Only One Component of an Effective Shelter Framework," reviewing the Asia tsunami response.

**Sophia Woodman** researches Chinese law, politics, and human rights at the University of Hong Kong and worked for many years in an international non-governmental organization. Recent publications include "Human Rights as

'Foreign Affairs': China's Reporting under Human Rights Treaties," *Hong Kong Law Journal* 35, pt. 1, 2005; and "Bilateral Aid to Improve Human Rights," *China Perspectives* no. 51 (January–February 2004).

**Mona Younis** is human rights program officer at the Mertz Gilmore Foundation in New York. From 2000 to 2005, she served as coordinator of the International Human Rights Funders Group. She is a founding board member of the Fund for Global Human Rights, Washington, D.C., and the Arab Human Rights Fund, Beirut. She received a Ph.D. in sociology from the University of California at Berkeley in 1996.

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## INTRODUCTION

# Reflections on Dialogues between Practitioners and Theorists of Human Rights<sup>1</sup>

Daniel A. Bell

International human rights and humanitarian nongovernmental organizations<sup>2</sup> (INGOs) are major players on the world stage. They fund human rights projects, actively participate in human rights and humanitarian work, and criticize human rights violations in foreign lands. They work in cooperative networks with each other, with local NGOs, and with international organizations. They consult and lobby governments and international organizations, sometimes participating in high-level negotiations and diplomacy for global policy development. They cooperate and negotiate with economic and political organizations in the field for the implementation of their projects, whether this be monitoring or assistance. In short, they are generating a new type of political power, the purpose of which is to secure the vital interests of human beings on an international scale, regardless of state boundaries.

<sup>1</sup> I thank Joe Carens, Jean-Marc Coicaud, Avner de-Shalit, Jibecke Jönsson, and Thomas Pogge for helpful comments.

<sup>2</sup> An INGO is defined here as an organization with substantial autonomy to decide on and carry out human rights and/or humanitarian projects in various regions around the world. According to this definition, the Danish Institute for Human Rights, for example, is an INGO because it has substantial autonomy to decide on and carry out projects in Asia, Africa, and elsewhere (although its funds come largely from the Danish Ministry of Foreign Affairs and most its staff is Danish). The core mission of a human rights INGO is to criticize human rights violations and/or promote human rights in various ways (in contrast, say, to religious organizations that may promote human rights as a by-product of missionary work). Humanitarian organizations may employ the normative language of human rights, but they are distinguished by what they do, that is, provide immediate assistance to those whose rights (especially the rights to food and decent health care) are being violated. These missions often overlap in practice and some organizations such as OXFAM do both. This book focuses largely on human rights INGOs that criticize human rights violations and/or engage in long-term development work. For a brief account of the ethical dilemmas of humanitarian INGOs, see Daniel A. Bell and Joseph H. Carens, "The Ethical Dilemmas of International Human Rights and Humanitarian NGOs: Reflections on a Dialogue between Practitioners and Theorists," *Human Rights Quarterly* 26, no. 2 (May 2004): 317–20.

Needless to say, good intentions are not always sufficient to produce desirable results. In an imperfect and unpredictable world, human rights INGOs often face ethical dilemmas that constrain their efforts to do good in foreign lands. How do people who want to do good behave when they meet obstacles? Is it justifiable to sacrifice some good in the short term for more good in the long term? And which human rights concerns should have priority? Like other organizations, INGOs are constrained by scarce time and resources and must choose between competing goods. Human rights practitioners experience hard choices, compromises, and prioritizing as ongoing features of their moral world. In such cases, long lists of fairly abstract desiderata such as the Universal Declaration of Human Rights (UDHR) that do not take real-world constraints into account do not help much.<sup>3</sup> So how do human rights INGOs set their moral priorities? On what basis do they choose how to do good and where to do it? How should their decisions be critically evaluated? Can their choices be improved? What role, if any, can theorizing about human rights contribute to these questions?

The purpose of this book is to discuss the ethical challenges that human rights INGOs encounter as they attempt to do good at home and abroad and to refine thinking on the relative merits and demerits of ways of dealing with those challenges. These organizations are often viewed as “good” counterweights to authoritarian state power and exploitative multinationals or “bad” agents of liberal capitalism and Western values. A more nuanced evaluation of human rights INGOs needs to delineate the typical constraints and dilemmas they face in their attempts to achieve their aims. The idea is to see what kinds of questions and problems emerge when one thinks of human rights from the perspective of people or organizations that have to make choices about how best to promote rights in concrete contexts rather than simply from the perspective of abstract theory or even general policy recommendations. Such knowledge is essential for minimizing the harm unintentionally done by lack of knowledge of how the world actually works. On the other hand, the conceptual resources, normative frameworks, and historical knowledge provided by academic theorists might help to guide moral prioritizing of human rights INGOs as they choose among various possible ways of doing good. Moral theorizing that is sensitive to the actual constraints of practitioners can perhaps provide a sounder basis for decision making than ad hoc adaptation to less-than-ideal circumstances. In short, both theorists and practitioners of human rights can benefit from engagement with each other.

In view of these considerations, we organized a multiyear dialogue on human rights between high-level representatives of human rights INGOs and prominent academics from various backgrounds and disciplines that work on the subject of

<sup>3</sup> None of the INGO representatives suggested that the UDHR and related human rights treaties could provide useful guidance for dealing with the ethical challenges discussed in this book. In Chapter 2, Mona Younis explicitly points out that the UDHR did not feature in the deliberations regarding her organization’s funding priorities.

human rights. The overall project was coadministered and funded by the United Nations University (Tokyo) and the City University of Hong Kong and was also supported by a generous grant from the Open Society Institute. Workshops were held in New York (twice) and Hong Kong, and this book includes thirteen of the papers that were presented at these workshops. The first workshop, held at the Carnegie Council on Ethics and International Affairs in New York in February 2002, consisted of papers by representatives of international human rights INGOs. The second workshop, held at the City University of Hong Kong in October 2003, consisted of papers by academics. The third workshop, held at the United Nations University (New York branch) in August 2005, consisted of reflections on the papers by human rights INGOs and academics that were asked to draw implications for human rights work at the UN. The papers were subject to extensive critical commentary by workshop participants and were further refined through e-mail exchanges. Some of the disagreements could not be resolved, particularly regarding the question of how best to promote economic rights, and the sharpest exchanges are reproduced in this book.

The book is divided into three sections that correspond roughly to themes that generated the most debate at the aforementioned workshops: the ethical challenges associated with interaction between relatively rich and powerful Western-based human rights INGOs and recipients of their aid in the South; whether and how to collaborate with governments that place severe restrictions on the activities of human rights INGOs; and the tension between expanding the organization's mandate to address more fundamental social and economic problems and restricting it for the sake of focusing on more immediate and clearly identifiable violations of civil and political rights. Let us discuss each theme in turn, drawing on the papers as well as comments from the workshops and subsequent e-mail exchanges. Each section contains chapters by practitioners constituting reflections on the ethical challenges of their particular organizations, as well as by academics who aim to provide more explicit normative guidance.

## **SECTION I. NORTHERN INGOs AND SOUTHERN AID RECIPIENTS: THE CHALLENGE OF UNEQUAL POWER**

Most human rights and humanitarian international nongovernmental organizations (INGOs) are based in the West.<sup>4</sup> With their executives and offices centralized in key Western cities, program officers and coordinators are then sent to the field.

<sup>4</sup> It is worth clarifying the potentially misleading terminology. The "North" refers to wealthy capitalist liberal democratic countries, most of which are based in the Northern Hemisphere (but not all, e.g., Australia would be considered part of the Northern camp). The "West" refers to Northern countries with a Judeo-Christian heritage (Japan would therefore not be part of the West on this account). The "South" refers to relatively poor countries that are largely based in the Southern Hemisphere (but not all; for example, China and India would be considered part of the Southern camp).



As Alex de Waal notes, “[i]n its basic structure, the ethics business is like many global businesses [with] its headquarters in a handful of Western centers, notably New York, Washington and London.”<sup>5</sup> From a practical point of view, this may present a special challenge in foreign lands where detailed knowledge of different linguistic, social, cultural, and economic circumstances is more likely to ensure success. The history of aid projects in the developing world is littered with blunders that could have been avoided with more detailed local knowledge.<sup>6</sup> It is not merely a strategic matter of understanding and using “the other” for the purpose of promoting one’s fixed moral agenda, however. INGO representatives must also grapple with ethical dilemmas that arise when they are trying to help people in poor Southern countries. There are different ways of dealing with these dilemmas, and the contributions to this section discuss some of the possible responses along with associated advantages and disadvantages.

The need to raise funds has generated ethical questions within human rights INGOs. Those reliant on public support must choose between dubious but effective fund-raising tactics that enhance their capacity to do work on behalf of human rights and “appropriate” methods that limit fund-raising success and constrain its ability to do good. In Chapter 1, Betty Plewes and Rieky Stuart (then) of Oxfam Canada condemn the “pornography of poverty,” vivid images of helpless, passive, poor and starving Third World peoples that are used by Northern-based INGOs to raise money from the public for their development work. Emotional appeals of this sort based on notions of guilt and charity have been relatively effective at raising funds: “In 2004 in Canada the five largest NGOs (mainly child sponsorship organizations) raised about \$300 (Canadian) million from private donations. . . . [Child sponsorship organizations] tell us that these images of misery and passive victimization generate much more in donations than alternatives they have tested and that it is vital to raise large amounts of money to be able to carry out relief and development work.” Such images, however, convey other more destructive images.

Messages like these can undermine INGOs’ efforts to create a broader understanding of the underlying structures causing poverty and injustice. These images portray people as helpless victims, dependent and unable to take action, and convey a sense that development problems can only be solved by Northern charity. They ignore Northern complicity in creating inequality. At the very least, they convey a limited picture of life in Southern countries. At their worst they reinforce racist stereotypes.

In view of the drawbacks associated with charity-based approaches, Oxfam Canada rejects pornography of poverty images and instead uses positive images

<sup>5</sup> Alex de Waal, “The Moral Solipsism of Global Ethics Inc.,” *London Review of Books* 23, no. 16 (23 August 2001): 15.

<sup>6</sup> See, e.g., Michael Edwards, *Future Positive: International Cooperation in the 21st Century* (London: Earthscan, 1999).