

Against reductionist views of human rights

César Rodríguez-Garavito responds to Stephen Hopgood (<http://www.opendemocracy.net/openglobalrights/stephen-hopgood/human-rights-past-their-sell-by-date>) and Aryeh Neier (<http://www.opendemocracy.net/openglobalrights/aryeh-neier/misunderstanding-our-mission>), criticising both sides of the debate for an all too simplistic view of the actors, the content and the strategies of the international human rights movement.

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I read the debate between Stephen [Hopgood](#) (<http://www.opendemocracy.net/openglobalrights/stephen-hopgood/human-rights-past-their-sell-by-date>) and Aryeh [Neier](#) (<http://www.opendemocracy.net/openglobalrights/aryeh-neier/misunderstanding-our-mission>) in Quito, Ecuador amidst public events marking the first anniversary of one of the most important decisions of the Inter-American Court on Human Rights. [In it](#) (http://corteidh.or.cr/docs/casos/articulos/seriec_245_ing.pdf), the Court condemned the Ecuadorian government for illegally authorizing the exploitation of oil within the territory of the indigenous people of Sarayaku in the Amazon.

What I read is far removed from what I see here, even though I am on a classic human rights mission, advocating for compliance of a judicial decision with an international coalition of NGOs and social movements, which my organization ([Dejusticia](#) (<http://dejusticia.org/index.php?x=0&lang=en>), based in Bogota, Colombia) belongs to.

In reality, the daily practice of human rights, in the Global South as well as in the North, is much more complicated and diverse than what Hopgood and Neier suggest. Although they are on opposite sides of the debate, both have one thing in common: an all too simplistic view of the actors, the content and the strategies of the international human rights movement.

With regards to the *actors*, both paint a reductionist picture. Hopgood throws the first punch: “Human Rights are a New York-Geneva-London-centered ideology,” dominated by the elites that comprise “1%” of the movement, and led by the likes of Amnesty International and Human Rights Watch.

As with all caricatures, the contrast he draws has some truth to it. But ultimately, it is as imprecise as it is unjust. The rights that the NGOs (of the North and South) defend are often the same ones claimed by the most oppressed sectors, the 99%, from indigenous peoples like the Sarayaku to internally displaced persons whom we have worked with in Colombia in collaboration with international organizations. To

condemn professional human rights advocates for being an “elite”—as if they were the same as the elites of authoritarian governments or the economists who impose draconian austerity programs from multilateral banks—is to play to the disenchanted and depoliticized [views](#)

([http://www.law.harvard.edu/faculty/dkennedy/publications/Internation%20Human%20Rights%20Regime%20human rights that proliferate in sectors of academia in the Global North](http://www.law.harvard.edu/faculty/dkennedy/publications/Internation%20Human%20Rights%20Regime%20human%20rights%20that%20proliferate%20in%20sectors%20of%20academia%20in%20the%20Global%20North)).

Yet Hopgood makes a very important point: the movement is profoundly unequal.

The organizations in the North receive [over 70%](#)

(<http://foundationcenter.org/gainknowledge/research/pdf/humanrights2013.pdf>) of the funds from philanthropic human rights foundations. They continue to have disproportionate power when it comes to setting the international agenda. And too often they define this agenda based on internal deliberations, rather than through collaborative processes with NGOs of the Global South, social movements, activist networks and other relevant actors.

An example of this is Neier’s response, which tends to extrapolate the mission, agenda and strategies of HRW to the entire international human rights movement. When he refers to “our mission,” he jumps from speaking about the organization to speaking about the movement at large. Thus, he concludes that what is not recommended for HRW is not recommended for the entire movement.

In practice, the actors are much more varied, and their relationships much more complicated, than what these two views suggest. The success of the language of human rights is such that it has been adopted by grassroots communities, social movements, networks of online activists, religious and professional organizations, research centers and many other actors that collaborate with each other. Instead of imposing on them a simplistic dichotomy (the elites vs. the grassroots) or a broad definition of “our mission,” what we need are useful concepts and strategies for a movement that is much more varied and dynamic than the one of past decades.

A similar solution is required for the second theme of the debate: the *definition* of human rights. Neier conceives of it as “a series of limits on the exercise of power,” which would include civil and political rights but leave out social, economic and cultural rights.

[Neier](http://www.amazon.com/books/dp/0691135150) (<http://www.amazon.com/books/dp/0691135150>) and [HRW](#)

(http://www.law.yale.edu/documents/pdf/Defending_Economic_Social_and_Cultural_Rights.pdf)

’s past critique of social and collective rights is well known. But what is surprising is that he insists on it despite: 1) the clear tendency in [constitutions of the world](#) (http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1923556) and in international law to recognize these rights, 2) the fact that the NGOs and social movements of the Global South devote a good part of their work to these rights, and 3) considerable progress in contemporary [theories of justice](#) (<http://www.cardozolawreview.com/Joomla1.5/content/27-6/SEN.WEBSITE.pdf>), which has expanded the [concept of human rights](#) (<http://ilsa.org.co:81/biblioteca/dwnlds/Bylw/bylw25/bylw25-01.pdf>) to take note of these changes.

Neier’s distinction between human rights and social justice is very difficult to make nowadays, both empirically and conceptually. But that does not mean that they are the same thing, as the view of Hopgood tends to propose, diluting human rights into

social justice.

In the middle of both positions, once again we find the most promising practices and ideas. Activists, academics and courts of countries like Argentina, Colombia, India, Kenya and South Africa have developed sophisticated and effective concepts of social rights (<http://www.texaslrev.com/wp-content/uploads/Rodriguez-Garavito-89-TLR-1669.pdf>). International human right agencies such as the UN Special Rapporteurs, the African Commission (<http://www.escri-net.org/docs/i/1216218>) and the Inter-American Court are busy giving content and efficacy to social and cultural rights. All this without diluting the idea of human rights into social justice, and without weakening civil and political rights.

An equally open and pluralistic approach is needed with regards to the *strategies* of the movement. For this we must avoid the either-or logic that proposes to get rid of traditional strategies and replace them with mass mobilizations (Hopgood) or to maintain the former and bypass the latter (Neier).

What is needed are coalitions and collaborations that combine 1) careful documentation and “naming and shaming” Amnesty and HRW style, 2) the presence on the ground and the legitimacy that only local NGOs can have, and 3) mass mobilizations, both real and virtual. This is what is happening in the most successful cases, from the recent campaign for labor rights in Bangladesh to the litigation and mobilization in favor of the people of Sarayaku, which have involved the labor and indigenous movements, national and international NGOs, and virtual activist networks like Avaaz.

This is of course easier said than done. For organizations like Amnesty and HRW this implies a difficult challenge: adjusting their vertical and highly autonomous *modus operandi* that has allowed them to make key contributions to human rights, to a more horizontal model which would allow them to work with networks of diverse actors.

Instead of seeing the human rights movement like a monoculture, we should see it as an ecosystem. At least that is how it looks from this location in the middle of the world.

The Future of Human Rights (/the-future-of-human-rights/)

Emerging Powers and Human Rights (/emerging-powers-and-human-rights/) **Global (/global/)**

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