

*“Human Rights Crises in Europe and Beyond:  
Understanding the Historical Responses of Philanthropies and NGOs for  
Advancing Contemporary Civil Society Actions”*

**Draft** Report of a Roundtable held on June 30, 2016 in Stockholm, Sweden as part of the 12<sup>th</sup> International Conference of the International Society for Third Sector Research<sup>1</sup>

## **Introduction**

In the latter part of the twentieth century, American and European governments and civil society organizations promoted human rights by establishing local, regional, and international institutions. Since the early 2000s, these same governments have been struggling with human rights compliance in both domestic and foreign policy issues. In planning this Roundtable, the organizers were especially concerned that human rights in Europe were in greater risk.

Whereas the United States has a vibrant civil society addressing issues of human rights, the European civil society organizations are fragmented along state borders. Furthermore, private funding in human rights in Europe is limited and, given the current crisis, insufficient. In 2012, nearly half of all private giving to human rights NGOs came from American philanthropic donors, with only ten percent coming from European donors. This support is declining now, even as Europe confronts the refugee crisis emerging from Syria.

This decline in support, even as crises in the Middle East escalate and conditions confronting refugees become increasingly contested, provided the rationale for the Roundtable.

Organized by the Rockefeller Archive Center (RAC), an international private operating foundation based in the United States, the roundtable gathered from scholars working with the significant holdings at the RAC related to human rights and humanitarian assistance.<sup>2</sup> The holdings reveal the historical underpinnings of contemporary crises and describe much of the

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<sup>1</sup> This Roundtable was organized by the Rockefeller Archive Center (RAC) as a Roundtable session on June 30, 2016, at the ISTR 12<sup>th</sup> International Conference, Stockholm, Sweden, June 28-July 1, 2016. The report was prepared by RAC Staff, Rachel Wimpee and Patricia Rosenfield, with contributions from all the Roundtable participants, Anna Carlstedt, Bart De Sutter (who also kindly helped to draft the introductory parts), Stephen Hopgood and Wendy Wong. Support from the Ford Foundation contributed in part to the travel expenses for the Roundtable.

<sup>2</sup> The Rockefeller Archive Center is located in Sleepy Hollow, New York, USA. Please see [www.rockarch.org](http://www.rockarch.org) for more details on its holdings.

story of American philanthropic support for human rights, intellectual freedom, freedom of movement, refugees and their resettlement, and related material on peace and security.

Scholars from around the world come to the RAC to conduct research on the many fields touched by philanthropic giving.<sup>3</sup> Research on human rights funding illuminates the reasons for and the impacts of the declining support nationally and internationally – an issue that limits the work of policy makers and practitioners to address the crises and abrogation of human rights that those crises represent. At the same time, this research results suggest ways to inform the actions of practitioners from civil society organizations (CSOs) dedicated to protecting and promulgating basic human rights under the current crisis conditions.

This Roundtable was held at an opportune time to draw together the scholarly experts with practitioners whose experiences in the field present a poignant picture of the struggles. It is but a first step to raise the issues with the anticipation that others will take them up for research and actions. Below are the Roundtable presentations that illustrate the different perspectives of the participants. We conclude the report with a brief summary of the discussion and the questions arising from this meeting that merit further examination.

### **Roundtable Presentations**

Patricia Rosenfield, the Roundtable Moderator,<sup>4</sup> introduced the background for holding this Roundtable. Scholars conducting research at the Rockefeller Archive Center (RAC) have been particularly concerned about the relationship between the history of foundation support for human rights institutions and the current decreasing support from both state and society. In discussions with RAC staff, they raised questions about how have human rights organizations and other actors and civil society addressed such challenges in the past? Are they doing so effectively today? Can their work be sustainable without supportive state policies? Moreover, drawing on the historical record, researchers raised concern about the relationship between local civil society organization (CSO) actions and international CSOs. In the past, when working directly in countries, international CSOs often bypassed local CSOs. Researchers are examining if that is still the case today. They are also seeking examples of how international CSOs have learned from the work of the local CSOs.

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<sup>3</sup> See [www.rockarch.org](http://www.rockarch.org) for more details.

<sup>4</sup> Senior Fellow, Rockefeller Archive Center, and co-director with Rachel Wimpee of the Ford Foundation History Project 2013-2015. For the overview report, see, "The Ford Foundation-Constant Themes, Historical Variations, The Ford Foundation: Themes, 1936-2001," <http://rockarch.org/publications/ford/overview/FordFoundationHistory1936-2001.pdf>.

Two participants who were unable to participate in the Roundtable asked Rosenfield to share results of their inquiries and experiences for the discussion.

Wendy Wong<sup>5</sup> and her colleagues at the University of Toronto have examined Ford Foundation efforts in support of human rights over the period 1951-2013 in terms of the movement and transfer of money and people in order to elucidate the patterns of funding related to recipients, the type of work, and the characteristics of the responsible program officers. Their unusual and distinctive research, which should be published next year, led to the identification of the main program fields that had been supported across all the decades notably human rights, public policy analyses, civil and political liberties, and most of all, access to social justice and legal services.

This longitudinal research is probing beneath the grants themselves to yield greater understanding of who was responsible for the programs and how that shaped the results. Most surprising is the shift between the preponderance of lawyers working on these issues in the 1950s and 1960s to non-lawyers as the global human rights program gets underway in the 1970s until the present. Nonetheless, as they report, when a lawyer was in charge, international human rights was the top field receiving support; with non-lawyers, it was refugee and migrant rights.

Tade Aina<sup>6</sup> sought to draw the attention of all the participants in the Roundtable, both those presenting and those participating in the discussion, to the changing roles of government, the public sector, the private sector and civil society in developing countries, particularly in Africa. He noted that in the post-Westphalian society that state and national governments were weakening both in their lack of control of territory and in the promotion of human rights. He commented that other analysts and practitioners have pointed to a comparable situation in the Arab region.

At the same time, even without the support of the state, civil society actors have become the more effective vehicle for promoting human rights at the local level. Nevertheless, these actors have less standing and less capacity to protect human rights in the context of peace and security related issues, leading to increased concern about human rights under these conditions because of the more constrained capabilities of states to act. He further noted that the state's incapacity to act to protect and advance human rights goes beyond constraints. It is

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<sup>5</sup> Associate Professor of Political Science, and Director, Trudeau Center for Peace and Conflict Studies, Munk School of Global Affairs, University of Toronto, Toronto, Canada.

<sup>6</sup> Executive Director, Partnership for African Social and Governance Research, Nairobi, Kenya, and former Program Director, Higher Education in Africa, Carnegie Corporation of New York and Regional Representative for East Africa, Ford Foundation.

also related to the intentional unwillingness to act by states for whom human rights issues neither promote their political nor economic interests.

The British electorate voted on June 23, 2016 to leave the European Union, “Brexit,” raised additional concerns about the future of human rights support in the United Kingdom and in Europe, especially with the apparent weakness of civil society organizations in these settings. One additional theme of this Roundtable was to emphasize the importance of exploring the adequacy of state response to implement human rights and humanitarian laws vis-à-vis the role of global and local civil society organizations especially with the state abrogation of those laws.

The RAC and the Roundtable presenters hope that these discussions will suggest areas for additional research and ways to inform policies and practitioner action.

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*An American Foundation Response to the Post-War Refugee Crisis in Europe*  
*Rachel Wimpee<sup>7</sup>*

This contribution is an historical exploration into the tension between humanitarian aid and the proto-human rights work of one American foundation, Ford. When, in 1975, the Ford Foundation began an exploratory program in human rights, staff framed the experiment as continuous with work on refugees and intellectual freedom the foundation had carried out since the 1950s. A closer examination reveals discontinuities in foundation program, but the development of an assimilation model taken up by international agencies in subsequent refugee crises.

*The Situation in Europe*

In 1950, United Nations leaders decided to close the International Refugee Organization (IRO) by 1952. The IRO had been set up in 1946 to address refugee problems coming out of World War II, and was spending \$100 million annually. But it was chartered to exclude refugees of German ethnic origin. As the IRO was shuttered, the number of ethnic German refugees living in West Germany and Austria reached some 10 million, with approximately 350,000 living in camps. Reports of riots and the formation of a refugee political party worried the Western political establishment. On the advice of Eleanor Roosevelt, the newly

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<sup>7</sup> Historian and Project Director, Rockefeller Archive Center

appointed UN High Commissioner for Refugees G.J. van Heuven Goedhart wrote a letter in February 1952 to Ford Foundation president Paul Hoffman.

### *Ford Foundation Background*

A self-made businessman who had served as the economic administrator of the Marshall Plan in Europe, Paul Hoffman was at the helm of a newly restructured, international Ford Foundation. At that time, Ford was the largest U.S. foundation the world had seen, and with ballooning assets in the Ford Motor Company, it was slated to become the first billion-dollar foundation. A colleague would later say that Hoffman wanted to “run the world from the Ford Foundation.” To set the foundation on this new path, a study commission responsible for Ford’s restructuring had identified “peace” as the top priority. Ford’s officers hypothesized that they would achieve peace by strengthening the UN, building the fields of international law and international studies, and supporting new democracies in the post-colonial nations, beginning in India, Pakistan, and the Middle East. This postwar Cold War context defined the foundation in the 1950s.

### *Framing the Appeal*

In his letter, High Commissioner Goedhart’s appeal reframed the humanitarian issue of ten million displaced people as a problem of peace and security:

Whereas there is no doubt that the general public is still very moved by this humanitarian problem, it is clear -- and to a very great extent understandable -- the governments of the free world are now concentrating on problems of Western, Middle-Eastern and Far-Eastern integration and defense. However, the relation between refugee problems and problems of peace and security is so obvious that it certainly does not need further explanation in a letter to you, who are so extremely well acquainted with the world situation.<sup>8</sup>

Hoping to secure Ford funding for resettlement programs, Goedhart appealed to the foundation’s commitment to peace (and to Hoffman’s worldly knowledge). Ford did not have a European program at the time, but was indeed sympathetic to concerns about political stability, and so Ford leaders commissioned a four-month independent study of the issue. The resulting report to the Board in its conclusion hyperbolically framed the issue as an ideological contest between East and West:

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<sup>8</sup> G.J. van Heuven Goedhart to Paul Hoffman, 21 February 1952. Rockefeller Archive Center, Ford Foundation Records, FA732C. Grant 052090129, Reel 0482.

[T]he millions of people already driven from their homes belong to the sturdiest and most creative of Europe's citizens. Unless something can be done to repair the intellectual and moral damage inflicted on so many, particularly the youth, the spiritual defenses of the West may well crumble.<sup>9</sup>

### *Program Approach and Strategy*

Ford officers stipulated that there would be no discrimination based on national or ethnic origin. The strategy emphasized integration and vocation training rather than emigration and resettlement. Hoping to draw attention (and other funders) to the issue, the foundation underwrote Ernest Kleinberg's short film, *People without a place*, which follows the story of an East German refugee.<sup>10</sup>

While the commissioner had estimated the monetary need to be \$10 million, Ford committed \$3 million to address the problem -- \$26.5 million in 2016 dollars -- to seek "permanent solutions for refugee problems" mostly through pilot projects in integration carried out by a dozen agencies.

The largely self-laudatory UN evaluation of the program in 1958 conceded that, of course, the program did not "solve the refugee problem in Europe." By focusing on integration and local assimilation rather than emigration, more refugees were affected. Importantly, the UN and other refugee agencies adopted the Ford approach in later operations, even if Ford would not again tackle a refugee problem of such a large scale.

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## ***Human Rights Activism in Crisis***

***Bart De Sutter***<sup>11</sup>

Over the last forty years, human rights have become one of the core elements of international relations. International and regional treaties stipulate that everyone has

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<sup>9</sup> "The United Nations High Commissioner for Refugees." Report for the July 1952 Board of Trustees Meeting. Rockefeller Archive Center, Ford Foundation Records, FA732C. Grant 052090129, Reel 0482.

<sup>10</sup> Kleinberg's film follows the story of one East German teenager who crosses over to the West, is processed as a refugee, and is resettled and enrolled in an employment program. Rockefeller Archive Center, Ford Foundation Records, Audiovisual Materials FA750. Reel AV 1784.

<sup>11</sup> (at time of meeting) Fellow, Fritz Thyssen Stiftung and Postdoctoral Researcher, University of Ghent, Ghent, Belgium

unalienable rights simply because they are human, regardless of nationality, faith, or citizenship. Western states played a significant role in the emergence of human rights as a norm. Their advocacy was always opportunistic, of course, as their moral stance in international politics fit their geopolitical interests. That is why the United States could attack the Soviet Union's human rights record and at the same time turn a blind eye to Pinochet's Chile. Indeed, Western states commit their own human rights violations: discrimination based on race, religion, or gender, to name one area alone, remains a problem in the West. Despite these contradictions, it remains safe to say that, in general, human rights are better protected in Western states than anywhere else, and that those states advocate, albeit not unconditionally, human rights throughout the world.

Developments over the last one or two decades, however, seem to show that Western states have lost faith in human rights. The 2003 invasion and occupation of Iraq by the US-led coalition; the United States National Security Agency (NSA) surveillance scandal; and more recently, the way Europe is treating refugees fleeing the Syrian civil war and other crises. European states shirk their responsibilities under the 1951 Refugee Convention; the European Union made a deal with Turkey to keep refugees out of the Schengen zone, despite signs of authoritarianism and reports of violations of the rights of refugees in Turkey.

For years now, Europe has been in a nationalist spasm stemming from unfinished European integration. This also has an effect on human rights: the rise of nationalism makes it harder to imagine sovereignty shared among different nations and the equal treatment of every human being. Perhaps the result was unintended, but the EU referendum that produced Brexit was part of a longer series of efforts of the British prime minister, David Cameron, to remove European jurisdiction over the United Kingdom, as exemplified by his effort to scrap the Human Rights Act. Other signs of European turmoil include the Hungarian prime minister Viktor Orban, who strives for an 'illiberal state' and praises Turkey and Russia as examples to follow; or the anti-terror measures taken in the UK, Spain, and especially France, which undermine the protection of human rights.

Some scholars, such as Stephen Hopgood (in his writings and in the presentation that follows this one), have predicted the end of human rights. Although recent history seems to suggest they are right, there have been human rights victories, nonetheless, even in these times. The recent conviction of Jean-Pierre Bemba (vice-president of the Democratic Republic of the Congo) by the International Criminal Court is one example. Still, we can agree that the cause of human rights has lost some of its appeal.

Now, what does this mean for civil society and human rights activism? How can civil society actors respond to this development? It is my view that NGOs and funders working on human rights have not found an answer to this development because the crisis also relates to how civil society human rights actors operate. Let us first talk about how NGOs have responded to human rights violations in the past.

Basically, human rights actors in civil society have followed what I call the Neier doctrine, after Aryeh Neier, the former director of Human Rights Watch and the Open Society Institute. What is the Neier doctrine? It states, in essence, that in order to promote human rights, activists should use the geopolitical power of states to influence human rights practice throughout the world. The first goal of human rights activists is therefore to find out which state actor has the most leverage on the government they want to influence.

NGOs have often asked the United States for support because it had the power to influence other governments. Activists have called on the US to do something about a certain country, shaming the US for maintaining good relations with a given human rights violator. Applied to Europe, human rights activism moved from targeting nation-states to both nation-states and European supranational institutions, reflecting the hybridity of European governance. The Neier doctrine holds that human rights activists must make use of state power in order to effect change in the human rights practices of states. I have named it after Aryeh Neier because he has been, to my knowledge, the strongest supporter of this strategy. He introduced it in 1981, with the formation of Americas Watch, one of the five Watch committees that were united in 1988 under the umbrella of Human Rights Watch. The goal of Americas Watch was indeed to influence US foreign policy in such a way that it would pressure allies and enemies to improve their human rights records.

Of course, NGOs employ a variety of tactics: they write reports, lobby with policymakers, launch media campaigns, start lawsuits, and so on; they mobilize shame so that governments will feel compelled to raise their human rights standards. In the end, however, they need to leverage the power of a state to pressure other states. It is very unlikely that the US or the EU would change their policies just because activists are writing op-eds. Amnesty International, by far the largest human rights NGO, claims to have 7 million members in more than 150 countries. These numbers, while impressive, do not translate into political power for the simple reason that AI's constituency is fragmented. Its members reside in many countries, in a world divided into sovereign states.

That is why the mobilization of shame does not wield any real power. There is no mass human rights movement. There are no mass protests against Saudi Arabia, North Korea, not in those countries and not in the West. In the end, human rights activism relies on the coming together of geopolitical interests and human rights principles. That is how human rights promotion has functioned so far. It has been impossible to improve human rights conditions without taking geopolitics into account, because states always act upon both principles and interests. As long as the more powerful states upheld human rights principles, there was hope that the practice of human rights would improve. But what if international norms changed? What if Western states lowered their human rights standards? What if the geopolitical power of the West has declined? When powerful states are no longer willing to pressure other states to improve their human rights records, human rights activists have no influence at all.

And what happens when yesterday's human rights champions turn into today's human rights violators? How credible is their call for human rights standards then? Aryeh Neier also recognized this dilemma. In a November 2013 op-ed in *The Guardian*, he wondered who would listen to the US on human rights after the NSA revelations.<sup>12</sup> It is not just the US that has violated human rights both within and outside of its borders. European states, too, are now following the same path towards a deterioration of rights standards in both their domestic and foreign policies.

How should the human rights NGOs respond? In the short term, they should work to restore the appeal of human rights in the West to prompt the West to improve its own practice and increase its credibility in human rights matters. Since the end of the Cold War, however, human rights funders and NGOs have gradually disinvested time and money in Western societies, taking adherence to human rights there for granted. The current crisis should be a wake-up call for Western human rights actors, in particular for funders, to enhance popular support for the cause in Western societies.

In the long run, however, human rights organizations should get rid of their dependency on state power and geopolitics. A restoration of the Neier doctrine would only last until the next crisis. Support for human rights should develop into a mass movement so that human rights violations become important issues in elections. To accomplish this, NGOs should abandon their focus on high officials and turn into mass membership organizations with concrete demands. When their constituency represents a large part of the population, they will finally have the kind of power that states need to heed. But we also need to fight the popular nationalist

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<sup>12</sup> <https://www.theguardian.com/commentisfree/2013/nov/11/nsa-revelations-america-human-rights>

illusion that a sovereign nation is the best instrument to control global shocks. The task is not just for human rights actors, but for all of civil society.

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### *Perspectives on the State of Human Rights*

*Stephen Hopgood*<sup>13</sup>

Some have argued we are entering an age of ambiguity. But is it not just as plausible that we are entering an age of clarity? Where previously there was some sense of a centre ground, the ground where human rights flourished between left and right and against all forms of oppression and discrimination, now that centre ground seems to be narrowing to the point of extinction. We have those on the right whose nativist and pro-nationalist rhetoric demands more active anti-immigration policies and those on the left who feel globalization has eroded their prospects for employment. All fear the erosion of community and values and the rise of ideas and people they feel threaten their way of life and interests. The promise of a strong state and better attention to their core interests is attractive on both left and right. It lies behind the vote for 'Brexit' in the UK and behind the rise of both Donald Trump and Bernie Sanders in the United States. In other developed democracies, the same forces can be seen at work, particularly on the right of the political spectrum, given a seemingly endless boost by the actions of the so-called Islamic State.

The rise of human rights in the 1970s was, I would argue, marked by a decline in the left, which fragmented after 1968, and the shock of Czechoslovakia. Moreover, the advent of more market-friendly economic policies in the West appealed to a more aspirational class for whom the old left-right struggles increasingly seemed arcane relics of a more ideological past. The end of the Cold War in the 1990s consolidated this new 'globalizing' world and increasingly affluent middle class consumers were at the forefront of it.

The view of human rights differed between Europe and the United States, with Amnesty International's 'religionless Christianity' style social movement ethos contrasting with Human Rights Watch's more legalistic naming and shaming approach. But the human rights tide rose on the back of money and support from those who saw in their newfound influence a

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<sup>13</sup> Professor of International Relations at the SOAS, University of London, Co-Director of the Centre for the International Politics of Conflict, Rights and Justice, and Associate Dean for Research in the Faculty of Law and Social Sciences, London UK.

responsibility to help those denied freedom, justice and security elsewhere. Growth, affluence, Western power, US hegemony, the years from 1978 to 2001 where ones where numerous human rights institutions were built, conventions signed and high-profile cases pursued.

But, I would argue, all that has changed.

Firstly, we have a West in some form of decline, in relative terms. Given the centrality of the West to embedding global human rights in international law and institutions, despite the often breath-taking hypocrisy of Western states, this decline does not bode well for the successful operation of institutions like the ICC and the Human Rights Council, let alone the vaunted Convention on Crimes Against Humanity. As first among equals here, the ambivalence the United States is showing towards increasingly authoritarian states who are allies in the containment of China and the war against radical Islam does not promise a glorious future of further expansion for human rights.

The corollary of this relative decline is the rise of states like Russia and China to global significance. Not only have they openly blocked human rights demands at the UN, for example, they also legitimate sovereignty-based resistance to human rights demands and have even innovated in terms of suppressing freedom of expression, political dissent and securing effective political control. They would argue that this is simply what Western states have been doing for years and getting away with. There would be some merit to that complaint. But, at least, those Western states remain in theory committed to human rights, which cannot be said of Russia, China or many other influential states like Turkey, Thailand, Egypt and India. These governments are using smart ways to frustrate opposition – tax laws, registration regulations, surveillance, online censorship, rather than openly torturing and murdering opponents. But even that may not last.

Second, there are the losers from globalization. These might be blue-collar workers who see their jobs off-shored or cheaper migrants coming in and working for much lower wages. They might be social conservatives, even religious conservatives, for whom the sanctity of marriage, traditional gender roles and heterosexuality are articles of faith either for God-given or social propriety reasons. They resent the role that demands, often rights-based, for legal equality and unrestrained freedom in terms of gender and sexuality, play in contemporary discourse as manifest in ‘political correctness’ claims. Right wing populists, Donald Trump foremost among them, have made great play of this. Then there are the nationalists for whom globalization and immigration erodes core moral values.

All developed Western democracies remain deeply Judeo-Christian in terms of public culture and demographics. At the same time, they see these values under threat from a militant version of Islam that peacefully and increasingly violently appears to be challenging those core values. Even in Scandinavian countries like Sweden and Denmark, this presents problems when assimilation expectations are treated as a form of racism. The refugee crisis in Syria has exacerbated this massively.

Caught in the middle are the class of people who, in the West at least, have been the mainstay of democracy consolidation and human rights funding and active support. This broadly liberal, professional middle class, who have done well out of forty years of market-led democracy, face several challenges. Their free trade cosmopolitanism is under threat from those who see them as impediments to more nationally oriented worker friendly policies. Their openness to other societies and cultures is seen as a betrayal of national values. Their lifestyles are increasingly haunted by the dangers of terrorism, debilitating climate change and demands for economic redistribution to even out inequality. How will they react? The response to the demand for European states to take more refugees has been a resounding no at the level of states but also populations.

This liberal progressive class seeks a world where all boats rise on the tide not one where their boat sinks a little deeper to promote others. Faced with demands to pay more tax, give up privileged influence, and recognize the importance of nations and organized labor, they may choose either to yield and concede or to protect what they have. If they do the latter, then the demands from activists for social and economic rights will fall on deaf ears. If they do the former, then their role as a privileged but progressive social class with an ideology of helping others overseas may be replaced by a more insular conversation about the social contract and political obligation at home. Either way, the days when they had the surplus time and money to invest heavily in the human rights of others will erode, at least for a while, along with the centre ground of modern political life.

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***Human Rights Crises in Europe and Beyond:  
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*Anna Carlstedt<sup>14</sup>*

*Humanity or Fear: Facing Global Human Rights Challenges*

This spring, I had a meeting in New York, in my capacity as president of the Swedish Red Cross, with the UN Office for the Coordination of Humanitarian Affairs (OCHA). They were organizing the first “World Humanitarian Summit” ever, in Istanbul in May. The summit, as you know, aimed to set a new agenda for global humanitarian action, focusing on humanitarian effectiveness, reducing vulnerability and managing risk, transformation through innovation, and serving the needs of people in conflict. The summit wanted to bring together the humanitarian community with other actors from the development, peace-building and peacekeeping spheres to work toward a coherent approach in the way humanitarian aid is delivered. Heads of State and Government, and representatives of civil society, the private sector, crisis-affected communities and multilateral organizations attended the Summit. After this summit, several Civil Society Organizations asked: Did the summit make any difference? During the meeting in New York earlier this spring, off the record, the OCHA representatives were worried: They saw a tendency, globally, that humanity and humanitarian values are no longer respected in decision- and policymaking. Some signs of that:

- In the latter part of the twentieth century, American and European governments played a significant role in building the global, regional and local human rights architecture. But, now, since the early 2000s, the US and the European Union have been struggling with human rights compliance in both domestic and foreign policy issues.
- Almost 60 million people are on the run, forcibly displaced, in the world today.
- Europe/the European Union being unable to solve the refugee situation together,
- A tendency that it is civil society organizations, not governments, that respond to the humanitarian needs and challenges,

They even asked, during the meeting, if I as a Red Cross President, saw, from our perspective, “the end of human rights”...

One of my first field missions as president of the Swedish Red Cross, in October 2015, brought me to South Sudan and to Sudan. In February this year, I went to Syria. To me, those countries serve well as examples of this: dysfunctional government; no infrastructure; and where civil

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<sup>14</sup> (at time of meeting) President, Swedish Red Cross, Fellow Researcher at Ersta University College and Université Paris IV la Sorbonne, Stockholm, Sweden,

society upholds the only structure. Most important is the feeling in those countries and many others, that the world, and all the global systems, have abandoned them.

Let us stay in Syria, the most dangerous country in the world, for one minute. The conflict in Syria has created one of the most serious and daunting humanitarian crises in decades, generating needs across the region that stretch beyond description. Constant, deadly conflict is destroying lives, families, and communities. Today, you would be hard-pressed to find a family in Syria that has not been affected by the catastrophe. Well over one third of Syria's pre-conflict population of 22 million is living in hard to reach and besieged areas, or has sought refuge elsewhere in Syria. Meanwhile, 1.7 million Syrians are estimated to have fled to Turkey, while 1.2 million have gone to Lebanon, another 625,000 have sought refuge in Jordan, and 245,000 went to Iraq. Some also made it to Europe, and to Sweden.

And Syria is just one example where we see the effects of protracted conflicts on people's lives.

We see the same tendencies all over the world: International Humanitarian Law is not respected. Volunteers working for humanitarian organizations are killed (only in Syria, the Red Crescent, coordinating all humanitarian aid, has lost 53 volunteers). Save the Children, Médecins sans Frontières and others see the same thing. The governmental leaders of the world do not seem to be guided by humanity and the Declaration of the Human Rights<sup>15</sup> in policymaking. One example, article 14 of the UDHR: “Everyone has the right to seek and to enjoy in other countries asylum from persecution”: How do the leaders of the world deal with that article together, for the time being?

After the Second World War, when UN was established, the world agreed that States were responsible for each other, for peace and for human rights. But, now, in 2016?

**Let us try the hypothesis, that this common thought of responsibility amongst States is now falling apart, and that International Humanitarian Law is being guarded by humanitarian civil society organizations and foundations instead of by States?**

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<sup>15</sup> The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948, as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected.

In the 20<sup>th</sup> century, the post-war era gave a new sense of “never again” and a need for humanitarianism, democracy, and social and economic development. Besides the UDHR, the Geneva Conventions evolved from 1864 to 1949, as a result of the efforts by Henry Dunant, the founder of the Red Cross and Red Crescent Movement.<sup>16</sup>

It would be a mistake to claim that the founding of the Red Cross in 1863, or the adoption of the first Geneva Convention in 1864, marked the starting point of international humanitarian law as we know it today. The first laws of human rights and of war were proclaimed by major civilizations several millennia before our era: “I establish these laws to prevent the strong from oppressing the weak”. (Hammurabi, King of Babylon). Many ancient texts such as the Mahabharata, the Bible and the Koran contain rules advocating respect for others.

In my own research, I argue that early forms of the concept “civil society” were important already to Renaissance philosophers and writers like Philip Sidney, Giordano Bruni and Michel de Montaigne, who developed Aristotle’s idea of a *koinōnía politikḗ* (κοινωνία πολιτική) and Cicero’s concept *civilis* in their political and cultural environments. If the first elaborated ideas of the democratic functions of a strong civil society are often associated to the Enlightenment thinkers, they were preceded by the rise of Humanistic thoughts during the Renaissance. The Reformation, the Edict of Nantes (in 1598, putting a temporary end to the ferocious religious wars), *Les Essais*, the scientific revolution – these phenomena were all born in a sphere that was not only religious, scientific or philosophical, but also civic.

If the term “monitory democracy” is used by John Keane (*The Life and Death of Democracy*, 2009) to describe the changes in global democracy since World War II, several of the components of his concept can be applied at multiple levels in an early modern context. The invention of the printing press is only one example of new mechanisms and new ways of enabling civic involvement and possibilities to publicly monitor the exercise of power, allowing movements, as Keane puts it, “underneath and beyond governments”.

Today, we have global systems in place. We have the UN. We have the Universal Declaration of Human Rights. We have the International Human Rights. The States of the world are supposed to maintain, to protect and to support all this: And to keep public services, even – and

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<sup>16</sup> The founder of the International Committee of the Red Cross. The Geneva conventions safeguard the human rights of individuals involved in conflict, and follow on from the 1899 and 1907 Hague Conventions, the international community's first attempt to define laws of war. Despite first being framed before World War II, the conventions were revised as a result of World War II and readopted by the international community in 1949.

above all – in times of disaster, war and violence. We all know the best way to counter the long-term impact of catastrophes and conflicts, which can affect whole generations of whole nations, is to prevent violations of international humanitarian law and international human rights law.

As Peter Maurer, the president of the ICRC (in a speech at the 10th anniversary of the Human Rights Council), puts it:

Ensuring that essential infrastructure and services continue to function properly during armed conflicts and situations of violence not only helps prevent suffering but also lays the foundations for post-conflict recovery; it is a key part of respecting people's rights.

Civil Society Organizations are present in the most violent and fragile societies worldwide. We see the paradox in reality every day: Never has the normative legal framework been so strong and comprehensive, never before have there been so many opportunities to build and strengthen mechanisms to review the law's implementation and respect. Still, more than ever civilian communities are forcibly displaced or trapped in lengthy sieges. Hospitals and schools are unlawfully attacked. Detainees are denied procedural safeguards, kept in inhumane conditions, tortured or summarily executed. In countries all over the world. With 60 million people on the run. This leads me back to the title of my contribution here today: Facing Global Human Rights Challenges today, what is the starting point for policy- and decision-making? Is it Humanity, or is it Fear?



Girl in Homs, Syria, 2015. (Photo: Jordan News)

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## **Roundtable Discussion**

Rosenfield began the discussion by noting that a core tenet of the post-World War II world has been the promotion and protection of human rights. The participants' analyses of the current human rights and humanitarian crises in Europe and elsewhere demonstrated the close relationship between historical and contemporary challenges stemming from on-going conflicts, economic devastation, and natural disasters. These societal challenges also result from unevenly realized social and economic impacts of globalization and consequent polarization. The unraveling of the rights-based social compact reflects a limited policymaker and public consensus to promote and protect the dignity and rights of all human beings, no matter what their status.

Some participants responded to the speakers' presentations by raising the importance of efforts to address the challenges. Others, instead, intensely questioned the underlying premises of the challenges.

For the former, one participant reminded the audience about the significant role that spiritual and religious organizations have played, and continue to play, in promoting and protecting human rights. Another emphasized that national institutions, as weak and as constrained as they might be, could still make a difference in promoting human rights. In this regard, the experience in Central Europe was highlighted where both national and cultural institutions have had a major role to play in promoting human rights.

Others argued for a broader perspective. That is, one participant asked what the appropriate institutional arrangements are to address the persistent concern about the rights of citizens in contrast with the rights of individuals who were not citizens in a given country. The discussion included a comment about the need for more explicit discussion on citizenship issues in this context. A critical commentator expressed concern that human rights in itself was becoming a secular religion, that is, a kind of judicial form of religion in post-conflict and post-democratic settings. He contrasted that with the way citizens in a country considered their social contract with their national and local institutions. He urged panelists to analyze the unintended consequences of human rights activists that may be privileging the individual over the citizen.

Another participant disagreed. He saw the importance of the integration of human rights into the state itself and underlined the watchdog role of civil society actors and organizations. He also mentioned the interplay of opposing values when minorities in a country are caught

between citizen concerns and human rights. He wanted the panelists to consider further how to integrate those two concepts.

Directly related to minority rights within a country, another participant talked about the limited ability of human rights to shame states where minorities are caught in the middle, such as the Bedouin situation in North Africa or the aftermath of the Arab spring. Yet another participant commented how in different settings—such as South Africa and Tajikistan-- democratic initiatives and human rights were explicitly discussed, along with teachings from the Western Enlightenment. Nongovernmental organizations in these areas were able to bring a vitality to these discussions and reach the public. Hopgood asked specifically if this kind of teaching was only for a particular class in such a society. The participant replied that they were not limited in outreach; in fact, she noted, these initiatives even involved training local police. She cautioned about the overgeneralization in these discussions.

Several participants raised the issue of human welfare in the Nordic states. One commented that part of the failure of the twentieth century was not to address these issues as urgent Malthusian ones, and maybe even more serious (in the context of existential concerns for human welfare). Another talked about the importance of adhering to the social contract, even if that might actually limit rights. In the context of considering individual behaviors and civil society in a narrower role, another participant from a Nordic country noted the 1960s experience in Finland. That time represented the beginning of some of these major changes, which was part of Finland's great history. So far, there has been no real enthusiasm to specify or develop a new framework for this new era.

This comment led a participant to suggest to the panelists and others the importance of analyzing and debating a new discourse about human rights in the context of both the ongoing crises and the concerns raised above.

The panelists responded specifically to range of the questions related to citizenship rights and societal responsibility to protect and promulgate human rights. Wimpee focused on the questions related to citizens and their rights in the context of promulgating, on the one hand, individual civil and political rights or, on the other, collective economic rights. She suggested that deeper historical analyses of this dichotomy could offer insights into these pressing issues today.

De Sutter also recognized this dichotomy as a persistent issue, especially related to the idea that European countries would not fund human rights separately if it were the state that held the main responsibility for promoting human rights. He further elaborated on a set of historical moments that have led to some of the current conditions. He noted that the world's economic crisis in the 1970s, when productivity was rising but income was stagnating, could be considered one of the root causes of the crisis today. De Sutter commented that the economy and protection of economic rights relate closely to citizenship issues in nation-states and affect how states treat immigrants and refugees.

Hopgood noted that often the individual becomes the focus of human rights whereas the group can be the focus of humanitarian concerns. As that framework is changing, however, the two issues (human rights and humanitarian concerns), can at times become rival perspectives for policymaking. Reflecting on Wimpee's comment, he pointed out that the Ford Foundation focused on individual rights as well as collective rights particularly from the economic rights perspective in the late 1960s and 1970s. The individual versus collective perspective is where the humanitarian issues for the refugees have fallen into different frames for different players and face different constraints. He commented on the similarity between that current situation and that in postwar Europe where the refugee question led to civil war in some parts of the continent.

Carlstedt responded to the discussion of Finland by looking at the old approach of the Red Cross. The Red Cross provided flexible, individualistic support as part of civil society or the nongovernmental world, not the state. The state cooperative work was based on the welfare concerns for the poor who belonged to the civil society. She mentioned that wealthy individuals were treated somewhat differently. She suggested that it was important to examine further the different views with regard to civil society. She commented that in fact there were different repertoires for different actions.

In conclusion, panelists and participants agreed that further work could usefully address the following questions touched on but not fully explored at this Roundtable:

- Under what frameworks in the past did civil society actors – donors and activists organizations –conduct their protection and promotion of human rights, and how have these frameworks changed?
- What strategies specifically have philanthropies employed in advancing human rights, and how have these strategies changed?

- What meaning does human rights in Europe have today when international structures and civil society organizations have faltered?
- How best can we advance the implementation of human rights policies and actions drawing on historical knowledge and understanding?

In sum, this Roundtable demonstrated that historical analyses can contribute to informing debate about contemporary challenges, even on such a fraught contemporary topic as the ongoing refugee crisis. From the presentations and discussions at this Roundtable, it is clear that further debate and dialogue across private grantmaking foundations and nongovernmental organizations and amongst scholars, activists, practitioners, policymakers, and the public would both enrich the discourse and might identify ways to address human rights crises in the future.