

Introduction

Funding Effective Human Rights Work

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The genesis of this Special Issue was a train journey from London to Oxford, when three human rights practitioners discussed the problems faced by a human rights organization in Nepal struggling to respond to a donor's requirements. In the space of three years, it was brought to its knees by onerous, labour-intensive demands for complex information about its governance structures, policies and practices—demands which were simply impossible to meet, given the size, resources and capacities of the NGO. Its consequent weakening (through loss of staff and funding) had a significant impact on the wider human rights movement in Nepal and its ongoing fight against impunity in the country. The experience of that NGO, while extreme, was not uncommon among small and medium-sized human rights organizations the world over. It highlighted the tensions between donor requirements for accountability and impact and the resource constraints faced by practitioners, often working in challenging political environments. The initial train discussion was followed by meetings with human rights donors and practitioners which in turn led to the identification of four interrelated topics for exploration and analysis that formed the basis for this issue of the journal.

First are tensions relating to how donors select who to fund. In a world of finite resources it is beyond dispute that donors must prioritize how and where their funds are spent. In recent years trusts and foundations have developed donor networks to promote dialogue and coordination and to maximize efforts to ensure that funds are responsive to human rights problems, both longstanding and current. These initiatives are most welcome, yet the processes by which funding priorities are established by governments and foundations are not always clear to practitioners. It can often appear that unfashionable or

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politically sensitive issues, or even some countries (Libya being one example), are being overlooked by donors.

Second are tensions relating to both the achievement and the evaluation of goals and objectives—what is the impact of the work? While funders legitimately require practitioners to produce clearly defined achievable objectives and demonstrable impact, in practice these can impose an undue burden on NGOs. An emphasis on short-term project funding and impact does not always sit well with the long-term incremental nature of human rights work or the fact that changes are not always directly attributable to the work of a single organization.

Third, what kind of support should donors provide? Donors traditionally provide funds and limited support (such as training) for grantees. Is there potential for donors to play a broader role in supporting the creation of enabling environments for national human rights cultures, and what are the risks associated with such a role?

Finally, who should practitioners approach for funding, given that demand for funds far outstrips the existing supply? In this context, practitioners are of necessity exploring new funding sources (private and corporate donations, crowd-sourcing and so on). How can practitioners ensure that such funds do not compromise either the independence or the integrity of their work? Identifying the pitfalls and examples of good practice is much needed as this area of funding practice expands.

Though receiving less attention than the front-line activities such as monitoring, advocacy or litigation, the issue of funding—both fund-raising and the provision of funds—has become an integral part of human rights practice and the everyday work of human rights organizations and activists. The activity of funding reflects many of the dilemmas of human rights practice—such as how to prioritize, with whom to cooperate, and how to assess the relative importance of long-term and short-term goals (Dudai 2014). Recent trends in funding also reflect major issues such as the problems and challenges of evaluating ‘the evidence’ in relation to human rights work (Gready 2009), and the formal and informal stresses and pressures under which human rights defenders operate (Nah et al. 2013). While occupying a major space in informal debates of human rights activists, the issue of effective funding—from the perspective of human rights practitioners—has not received adequate systematic attention in scholarly forums, and this special issue was initiated in order to fill some of the gap.

The resulting articles explore these issues from different perspectives, as well as offering suggestions for further reflection and action. They are usefully framed by two initial articles that set out the political and legal context within which human rights funding and practice are being carried out. The article by Thomas Carothers analyses the waning international support for civil society-strengthening and human rights initiatives. It highlights the ways in which international support for democracy and human rights has diminished within a context of widening and assertive pushback, with dozens of governments constructing legal and logistical barriers to programmes they consider politically threatening. Laws restricting foreign funding for national NGOs in several countries are of particular concern and can significantly impede their capacity to function, in some cases leading to actual closure. Elizabeth Wilson’s article provides a useful counterpoint. She argues that while the defence of human rights is a primary right, the right to seek and receive financial support is established in international law, and is linked to core rights embodied in international treaties. The article also examines UN General Assembly and Human Rights Council resolutions and findings of

Special Procedures, which have endorsed the rights to freedom of association and peaceful assembly, as well as the right to seek and receive financial support. The article provides helpful pointers for those wishing to challenge government initiatives to restrict human rights work.

The above challenges notwithstanding, this issue of the Journal was above all intended to create an opportunity for funders, grantees and academics to collectively reflect on their experience and analysis of the tensions and dilemmas associated with human rights funding. Practitioners in particular have repeatedly lamented the lack of platforms for constructive dialogue with donors on funding priorities, models and practices—and for discussions that take place independently of NGOs' bilateral engagement with their funders.

The opening dialogue between Monette Zard (formerly of the Ford Foundation) and Sara Hossain (human rights lawyer and practitioner) encapsulates most of the dilemmas outlined in the articles published here. Of brief note is the sense that (government) donors are increasingly moving towards a 'trade not aid' model of 'partnership' with governments and away from trust and long-term investment in organizations working on justice and human rights. Among both governments and trusts, a marked shift from core to short-term project funding has likewise reduced NGO capacity to respond flexibly and is detrimental to stability. The myriad requirements for complex budgets, reporting, and measurable impacts (which differ from donor to donor) are also difficult to manage at the level of everyday practice. Both participants emphasized the need to revive international solidarity between donors and practitioners and among these communities internationally, nationally and locally.

The vagaries of the donor/grantee relationship are further and perceptively explored from a donor perspective in the article by Tony Tate, John Kabia and Seema Nair of the Fund for Global Human Rights. Drawing on lessons learned from their work in Central Africa, Liberia and India, they examine the tensions between NGOs' need for autonomy in agenda setting and strategy formulation on the one hand, and donors' need for accountability and transparency on the other. The authors highlight the benefits of long-term donor/grantee relationships based on trust and respect, achieved in part through regular donor visits. They argue that a focus on an organization's overall strategic vision—and progress towards its realization—is a more effective means of facilitating sustainable human rights work than a narrow focus on project work and short-term impact. The article describes tools and methods developed by the Fund to achieve the above as well as initiatives to strengthen governance and assist NGOs to weather difficult transitions. It then looks at the ways in which communication and cooperation among donors (in one particular country for example) can additionally contribute to the development of a strong human rights culture.

The problematic nature of funding that is conditional upon achieving short-term project 'success' is analysed by Angela Kuga Thas in a creative article that both echoes and reinforces many of the points raised by Tate et al. Drawing on two case studies from projects to address the rights of women and sexual minorities in Malaysia, she argues that in political and social environments that are hostile to human rights, it is difficult if not impossible to predict results, and that 'failure' to achieve project objectives often reflects the government's antagonism to human rights rather than poor quality planning or implementation. The author argues persuasively that in these difficult contexts, funders need to take risks

and support innovation, to enable practitioners to address sensitive human rights topics, forge new allies and constituencies, learn from experience, and build strengths and capacity over time.

The quest for new funding sources presents many risks, yet is increasingly an imperative for many NGOs. In their article James Ron, Archana Pandya and David Crow examine the challenges faced by national human rights groups in developing countries and explore the possibilities for expanding funding streams, including the emergence of a domestic donor community. Their research findings paradoxically reveal that NGOs are fearful that national funding might lead to less autonomy than that afforded by international donors—with NGOs held accountable to rich elites in their countries. At the same time the research revealed that national populations are more supportive of human rights principles than is generally supposed. To develop and thrive in these countries, the authors argue, practitioners must offer convincing arguments for domestic support, building new alliances and networks that will complement their international funding.

Our final paper, by Isabel Kelly, ventures into the corporate domain and looks at the emergence and development of the concept of corporate social responsibility (CSR), outlining an emerging body of international standards and principles and citing examples of how the corporate sector has engaged with civil society and communities in this field, albeit predominantly in the areas of poverty reduction and alleviation. She examines the prospects for partnerships between businesses and human rights groups, including on civil and political rights, while recognizing that the process is fraught with difficulties—not least among them the politically sensitive and at times controversial nature of all human rights work, the need for human rights NGOs to ensure their integrity, independence and impartiality, the long-term nature of the work, and lack of obvious or visible short term ‘success’, among other factors. She nevertheless sees the potential for greater engagement and suggests that companies would benefit from NGOs’ and practitioners’ expertise in achieving this objective.

Despite our sense that there is a pressing need for more structured and constructive dialogue between donors and grantees, it has proved remarkably difficult to garner articles for this issue. Government donors have not contributed, despite their long history of funding human rights NGOs; nor, with one exception, have representatives of trusts and foundations come forward. Finally, lack of time and resources and a possible reluctance to speak openly about funding challenges may have hindered practitioners from contributing. Future contributions from donors and a wider range of practitioners and academics could fruitfully develop this first foray into the funding arena.

Broader analyses of the big picture of human rights funding, including how much is given to human rights NGOs compared with other sectors (development or post-conflict aid among them), are urgently needed. The evidence suggests that underfunding is chronic and systematic across the entire spectrum of human rights promotion and protection work globally. We know for example that the UN’s Office of the High Commissioner for Human Rights (OHCHR) receives only a fraction of the budgets allocated to the other two pillars of the UN system (development and peace and security) (OHCHR 2014). Yet societies with strong human rights protection and accountability can reduce human suffering and help avert crises that cost billions to remedy. The question of why this is so calls for detailed investigation, along with research into the implications for this lacuna—in terms of neglected

human rights issues, and the ability of human rights organizations to respond effectively to them.¹

References

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1 These issues are many and varied, but one might cite the persistence of police brutality, corruption and lack of due process for criminal suspects as problems that persist in many if not most countries of the world, although often treated as low priority. Much greater attention also needs to be paid to upholding economic, social and cultural rights—the rights to water, food, housing and so on—which are under intense threat from globalization and climate change.