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The Movement

ON THE MORNING OF JULY 15, 2009, NATALYA ESTEMIROVA, A 50-year-old researcher for the Russian human rights organization Memorial and former history teacher who had systematically reported on torture, disappearances, and murders in her native Chechnya for nearly two decades, was abducted as she left her home in Grozny and forced into a car. Her bullet-riddled body was found later by the side of a road. She had become a victim of just the kind of crime that she had so often documented.

For a brief period, the murder of Estemirova was an important news item worldwide. Few outside Russia had even known her name, but a great many now recognized that her death would have serious consequences. Chechnya has a well-earned reputation as a very dangerous place. An unusually large number of journalists, humanitarian workers, and human rights researchers have lost their lives there in the past two decades. Members of professions used to working in some of the world's most dangerous places have learned to avoid Chechnya. Memorial's researchers, led by Estemirova, were virtually alone by the time of her murder in keeping the world informed about the ongoing violent abuses of human rights in the territory. Would even Memorial be able to sustain that reporting after her death? "A question hangs over her execution, the most recent in a series of killings of those still willing to chronicle Chechnya's horrors," wrote a *New York Times* reporter, who described her as "both a trusted source and friend." Is the accounting of the human toll now over? "Without her, will

Chechnya become, like Uzbekistan and Turkmenistan, a place where no one risks asking hard questions openly?”¹

Though the murder of Natalya Estemirova soon disappeared from news accounts, overtaken by other outrages, among those who paid particular attention to her death and remembered it were thousands of men and women in all parts of the world who do similar work in their own communities. Though only a relatively small number investigate human rights abuses in places as dangerous as Chechnya, a significant number take the risk that they may suffer some form of reprisal: a threat, harassment by officials, a libel suit, an arrest, an assault, or perhaps an attack on a parent or a child. Murder is unusual—though there are a number of cases every year—because it focuses more attention on those intent on silencing their critics. Yet everyone taking on responsibilities like those of Estemirova is aware that it is a possibility.

The international human right movement is made up of men and women who gather information on rights abuses, lawyers and others who advocate for the protection of rights, medical personnel who specialize in the treatment and care of victims, and the much larger number of persons who support these efforts financially and, often, by such means as circulating human rights information, writing letters, taking part in demonstrations, and forming, joining, and managing rights organizations. They are united by their commitment to promote fundamental human rights for all, everywhere. In the period since the end of World War II those rights have been recognized in such international agreements as the Charter of the United Nations, the Universal Declaration of Human Rights, and in a host of global and regional treaties. There is widespread agreement among those who identify themselves with the international human rights movement that the fundamental rights to which they are committed include a prohibition on the arbitrary or invidious deprivation of life or liberty; a prohibition on state interference with the right of all to express themselves freely and peaceably by speech, publication, assembly, or worship; the right of all to equal treatment and equal opportunity regardless of race, ethnicity, nationality, religion, or gender; and a prohibition on such cruelties as torture.

Though identifying with the international human rights movement, many of its adherents may know little or nothing about those promoting the same cause in distant places or even in parts of the world that are relatively close at hand. Even so, a large number recognize that they are part of a struggle that is underway in many places and draw strength from

their awareness that they are participants in a movement that does not have boundaries, that is likely to endure, and that values their contributions.

The foremost means of advancing the cause of the international human rights movement that has emerged in the last few decades is the gathering and dissemination of detailed and reliable information on violations of human rights wherever they may occur, including in such places as Chechnya. Information is the lifeblood of the movement. Without knowing her, others in the human rights movement in places remote from Chechnya counted on Estemirova. In turn, she counted on them. Despite the danger, she did what she did every day out of a sense of responsibility to the victims of the crimes she documented; to others in Chechnya, who were the families, friends, and fellow citizens of the victims; to her colleagues in Memorial, who looked to her for information on one of the most dangerous places in Russia; and to her counterparts in the human rights movement worldwide, whose strength as a movement depends on the courage of those like Natalya Estemirova who risk their lives carrying out their self-imposed duties.

The emergence of the international human rights movement as a force in world affairs starting in the late 1970s is not attributable to a single cause. A confluence of unrelated events in different parts of the world that took on added significance because of the Cold War helped to inspire many people to commit themselves to organized efforts to advance the cause. Among those events were the military coup in Chile on September 11, 1973, led by General Augusto Pinochet, and subsequent international outrage at the cruelties committed by the Chilean armed forces under his leadership and at the role of President Richard Nixon and his secretary of state, Henry Kissinger, in supporting the Pinochet coup; the forced resignation of President Nixon from the most powerful post in the world in August 1974 because of his abuses of the rights of Americans; the adoption of the Helsinki Accords in August 1975—an East-West peace agreement with provisions calling for respect for human rights—and, much more important, the establishment soon thereafter of the Moscow Helsinki Group to monitor its human rights provisions. The formation of this group demonstrated that a spark of commitment to rights was alive at the heart of a totalitarian empire. Soviet authorities, however, responded swiftly by imprisoning most Helsinki Group members. Other events contributing to the advent of the human rights movement were the Soweto riots of 1976 and the murder, not long thereafter, of the young black African leader Steve Biko, which turned the spotlight of international attention on the denial of rights in apartheid

South Africa; the advent of Jimmy Carter as president of the United States in 1977 and his decision in the wake of the ignominious end to the war in Vietnam to make human rights the basis for a new moral component within American foreign policy; the awarding of the Nobel Peace Prize to Amnesty International later in 1977, which gave added prominence to a pioneering human rights organization that had taken great care to be even-handed in denouncing abuses by governments of opposing geopolitical alignments and helped it to attract a global membership that today numbers in the millions; and the emergence of the Democracy Wall movement in China in 1978, evidence that even Chairman Mao's decade-long Cultural Revolution, had not extinguished a concern for human rights in another totalitarian state that had, for an extended period, largely isolated itself from the rest of the world.

Like so much else in the Cold War era, many of the 1970s events that led to the emergence of the contemporary human rights movement attracted attention because of their apparent connection to the Cold War struggle. In addition, that context seemed to create links between these events that might otherwise have escaped notice. Resistance to communist and anticommunist tyrannies—sometimes simultaneously and sometimes not—became a defining characteristic of the movement in the years during which it rose to prominence.

The historian Samuel Moyn argues that the failure of the ideologies that lay behind those tyrannies is itself a reason for the emergence of the movement. “The ideological ascendancy of human rights in living memory came out of a combination of separate histories that interacted in an unforeseeable explosion,” he has written. “Accident played a role as it does in all human events, but what mattered most of all was the collapse of prior universalistic schemes, and the construction of human rights as a persuasive alternative to them.”² This view seems mistaken in likening the human rights cause itself to a universalistic scheme, implying that it includes a vision for the organization of society. It does not. On the other hand, Moyn is correct in suggesting that the emergence of the movement was aided by widespread disillusionment with other universalistic schemes. It did not provide an alternative to them, but it did highlight their shortcomings. And in so doing it contributed to their demise.

The emergence of the human rights movement in the 1970s, particularly in the United States, is also due in part to changes in the role of the press that began a decade or so earlier. Up until the Vietnam War, journalists had generally covered armed conflicts as partisans for their own side. During

World War II, for example, British and American correspondents who reported on the Allied forces wore military uniforms.³ In Vietnam, however, many Western journalists—clad as civilians—questioned the conduct of military operations and, in the United States and elsewhere, helped to create public doubts about the war. Some of the American press skepticism about their own government reflected the experience of a number of journalists in Vietnam who had previously reported on the civil rights movement of the late 1950s and the early 1960s in the South. They had witnessed and reported critically on the performance of state and local law enforcement agencies and the Federal Bureau of Investigation, and they were not ready now to accept on faith what they were told by military commanders in Vietnam. Their approach to their craft was also manifest in the way that the press at home covered the Johnson and Nixon administrations. It reached its apogee with the publication of the “Pentagon Papers” by the *New York Times* and the *Washington Post* and the reporting on Watergate by the *Post* that played a critical role in the forced resignation of Nixon as president in 1974. A new branch of the profession, “investigative journalism,” was born. Its targets soon included American participation in the coup in Chile and American involvement in human rights abuses in Latin America and in other parts of the world, such as the role of major corporations in South Africa. One of the early manifestations of the emergence of an American human rights movement was the divestment campaign on college campuses. It led to debates in many institutions across the country about whether their portfolios should include the stocks of companies that did business in the apartheid state and reflected the growing view that Americans shared in responsibility for human rights abuses in other countries.

Interaction between the press and the nongovernmental human rights movement has been an important element in the rise of the movement in many countries. Activists have promoted their cause by seeking media attention for rights abuses, and media exposure of violations and of those responsible for their commission has played an essential role in ending abuse. Simultaneously, in an era in which journalists see themselves in an investigative role, they themselves have taken part in the discovery of abuses and in the identification of those responsible. Often, they look to human rights activists as good sources for information in pursuing their own investigations. The *New York Times* reporter who wrote about the murder of Natalya Estemirova and described her as “both a trusted source and a friend” is typical of many journalists working in territories where it is difficult or

dangerous to gather information. He established contact with someone on the scene who was ferreting out just the sort of data that he needed for his reporting, and no doubt she gladly collaborated with him because it was her best means to shine a spotlight on abuses that she had no other means to curb. In many places journalists and human rights activists have formed such symbiotic relationships. A shared sense that they could themselves become the targets of abuse has fostered their alliance. The consequent sharp increase in public awareness of human rights plays a leading role in the story of the rise of the contemporary movement and its influence.

Yet another factor contributing to the emergence of the movement has been the information revolution. As the most important present-day means of protecting human rights is the investigation of abuses, the efficient and rapid dissemination of reports on those abuses is essential. The rise of today's movement took place during a period in which there was also rapid improvement in the ability to transmit information speedily and across borders. This has given the rights movement the ability to become aware of abuses as they take place and to respond instantly.

Today, organized efforts to promote human rights have taken root in most countries of the world. The principal exceptions are a relatively small number of the most repressive countries on earth, including North Korea, Burma, Saudi Arabia, and Turkmenistan, where the authorities will not tolerate the emergence of such organizations. These are also places where it is not possible to engage in investigative journalism. However, in many cities and provincial towns in countries as diverse as Brazil, Russia, India, and Nigeria, local human rights organizations have formed to tackle such issues as police violence, the abuse of persons in detention, and denials of the freedom of expression, as well as other manifestations of official lawlessness. Despite harassment and repression, human rights organizations were active in all those Arab countries that saw political upheavals in 2011 and played an important role in articulating the grievances that led to demands for changes. The movement in such countries often lacks cohesion and a national structure, but it is not short of energy and, over time, it has grown in the sophistication of its methods and in its effectiveness. The extent to which the movement has matured in these regions, and the degree to which it is focused on matters that are universally recognized as core human rights concerns seem to refute the argument that human rights is a Western construct of limited application in other parts of the world. If all restraints on activities to promote human rights were suddenly eliminated in China, there is little doubt that an extensive human rights movement

reaching into nearly every corner of that vast country would materialize almost overnight. In fact, wherever abuses are prevalent and mobilization is at least tolerated by the state, the chances are that the human rights movement has established itself.

It is the thesis of this book that the driving force behind the protection of human rights worldwide, today and for roughly the past thirty-five years, has been the nongovernmental human rights movement. Of course, the development of international law and the establishment of international institutions to protect rights is an essential part of the history, and this will be discussed as well. But the emphasis here is on another part of the story, one that has received much less attention elsewhere. Intermittently during the last two-and-a-half centuries, citizens' movements did play important roles in efforts to promote human rights, as during the development of the antislavery movement in England in the eighteenth century and the rise of the feminist movement in the United States in the nineteenth century. The movement that has emerged since the mid-1970s, however, differs from its precursors in that it is global both in its constituency and in its concerns. It has enlisted far larger numbers of adherents than previously, and their efforts involve literally thousands of organizations that though diverse politically, structurally, and stylistically, and operating separately from one another, nevertheless share a sense of being part of one movement. There is little or no prospect that this movement will fade away or decline significantly when it achieves a particular goal, as happened, for example, to the feminist movement for nearly half a century after it won women's suffrage. The contemporary human rights movement responds to victories and defeats by shifting focus from time to time, but it shows signs that it will remain an enduring force in world affairs.

Some accounts of the development of international norms and mechanisms for the protection of human rights suggest that this was a natural development growing out of certain religious and philosophical traditions, or that it was a consequence of historical developments that led states to agree on measures that restrain their authority. What is often missing from the analysis is the part played by those outside of government who cared deeply about particular violations of rights and, by making common cause with like-minded others, effectively required governments and intergovernmental bodies to protect rights. Efforts by those outside governments have been particularly important in extending the protection of rights beyond national boundaries, and it is in the present era that they have been most significant. While governments themselves played the leading role in

the adoption of previous treaties to protect rights, it is widely recognized that such recent international agreements as the 1997 Treaty to Ban Landmines and the 1998 Rome Treaty that established the International Criminal Court were direct consequences of campaigns by nongovernmental organizations. Governments had to agree to these treaties, but the impetus for them came from citizens' movements. The role of the nongovernmental movement is even more important in exposing abuses of rights and in mobilizing efforts to secure remedies and redress.

Most of the principal U.S.-based organizations concerned with human rights internationally—Helsinki Watch (which became Human Rights Watch), the Lawyers Committee for International Human Rights (which became Human Rights First), the Committee to Protect Journalists, the International Human Rights Law Group (which became Global Rights), Physicians for Human Rights—were formed in the late 1970s or at the beginning of the 1980s. At about the same time human rights associations organized on a national basis were established from El Salvador to Algeria to South Africa to Poland to the Philippines, and in many other countries in between.

There were much older bodies, of course. By far the most important was Amnesty International, established in 1961, whose selection for the Peace Prize by the Nobel Committee in 1977 was a landmark in the recognition of today's international human rights movement. Going back even further, a small U.S.-based group, the International League for Human Rights, was formed during World War II at about the time that a commitment to promote human rights was being developed for incorporation in the United Nations Charter. The roots of the International League go back to an organization to promote rights established in France in the aftermath of the Dreyfus case of the 1890s and an international federation to protect rights, also based in France, that was launched in the early 1920s. Though subsequently eclipsed by other groups, the early participants in those organizations played an important role for a time as voices for human rights at the United Nations and had an impact both on the norms that were established in a number of agreements on rights adopted by the world body and on the development of its machinery for addressing rights issues. Yet the adherents of such early groups—and of an even earlier organization, the London-based Anti-Slavery Society (still in operation as Anti-Slavery International), which goes back to the 1820s—probably did not see themselves as part of a global movement. Rather, they were a small specialized lobby concerned with such matters as, in the case of Amnesty, freeing an

individual who had been unjustly imprisoned for reasons of conscience or stopping a particular prisoner from being tortured. Such efforts remain an essential component of the mission of today's movement, in which Amnesty—with scores of national sections and close to three million dues-paying members—plays an important part. But campaigns to protect individual victims of abuse do not constitute the sum and substance of the present-day human rights movement. Today's movement regularly addresses broad issues of public policy that affect the rights of large sectors of the population.

A characteristic that distinguishes the movement that began to take shape in the late 1970s from what went before is that it has enlisted individuals such as Natalya Estemirova in places far from the headquarters of the United Nations and far from Western capitals such as London or Paris; and that those active in it have a strong sense of belonging to a global movement. An essential part of the work of contemporary human rights organizations operating at both the local and national levels is making their concerns and their findings about particular abuses of rights known to those active in international rights efforts. Similarly, organizations operating internationally seek relations with local human rights activists in the countries on which their work focuses. Though they may have little in common linguistically, culturally, or politically, a great many of the millions of persons worldwide who consider themselves human rights activists feel a kinship and seek ties to others within the movement. This helps them to overcome the often well-founded fear of many activists in repressive countries that they themselves may suffer reprisals at the hands of abusive officials.

Prior to the 1970s, the role of the United States in the development of the international human rights movement was not substantial. Both France and England played far more significant roles internationally. As mentioned, the organized movement got underway in France in the 1890s as an outgrowth of the Dreyfus case. It gained momentum following World War I with the establishment of the *Fédération Internationale des Droits de l'Homme* in 1922 and again with that organization's rebirth after it had been wiped out during World War II. From the start, the outlook of the French-based movement was international, seemingly taking it as a given that the protection of rights is linked to developments that cross national boundaries.

The English rights movement, which began much earlier with the campaign against slavery in the latter part of the eighteenth century, was by its

nature international, because the slave trade was international. Rights causes that aroused the British during the nineteenth century, such as various campaigns that focused on cruelties attributed to the Ottoman Turks, were also international. When Amnesty International was established in England, it was intended from the start that it would operate globally.

In contrast, the United States was a latecomer to the cause of international human rights. The nineteenth-century American abolitionist movement and the women's equality movement both focused almost entirely on developments within the United States. Similarly, when major rights organizations such as the National Association for the Advancement of Colored People and the American Civil Liberties Union were established in the early years of the twentieth century, their exclusive concern was the rights of Americans. A few of their leaders, most notably the ACLU's Roger Baldwin, sought to stimulate the development of rights organizations elsewhere, but those activities were kept separate from the work of the organization that Baldwin founded and directed for its first three decades.

When Americans finally became significantly involved in the promotion of rights internationally in the 1970s, however, they quickly became leaders in the field. The decisive factor was their country's leadership in the Cold War struggle. On the one hand, they were in the forefront of denunciations of human rights abuses by America's Cold War antagonist, the Soviet Union, and its client states. On the other hand, many Americans who committed themselves to the international human rights cause also did battle with their own government over its support for anticommunist regimes in various parts of the world that themselves engaged in severe abuses of rights. These struggles propelled them into the forefront of the worldwide human rights movement that was just then emerging and becoming a global force because of its connection to the Cold War. For reasons of language and their differing legal traditions and legal culture, little contact was established between the American-led movement that emerged in the 1970s and the older French-centered movement. Contacts between the British-led movement and the new recruits to the international human rights cause in the United States were, however, quickly and smoothly established. Amnesty International, for example, which had mainly taken hold in Europe up to that point, attracted large numbers of American members, and became a force in the United States. Thus, the "Anglo-Saxons" became the leaders of the worldwide human rights movement, at least until about the beginning of the twenty-first century when

the movement became so global in character that it is no longer possible to ascribe leadership to any particular segment.

A factor that contributed to the emergence of United States-based organizations as leaders in the international movement during the last quarter of the twentieth century was the fact that they were better financed than most of their counterparts elsewhere. Amnesty International, which obtained its financial support almost entirely from relatively small contributions from its large membership—concentrated in Western Europe and, subsequent to its receipt of the Nobel Peace Prize in 1977, also in the United States—long dwarfed all other organizations in the field in the size of its budget. Even today, it raises and spends annually a great deal more than the next largest organization, Human Rights Watch. Yet because private philanthropy is far greater in the United States than anywhere else, when in the 1970s Americans finally committed themselves to the promotion of international human rights, a plethora of U.S.-based organizations were able to secure significant financial support. Indeed, American donors quickly became a main source of funding not only for U.S.-based organizations but also for nationally based bodies worldwide.

Much of the organized effort to promote human rights internationally is conducted by organizations focused on ending abuses in their own countries. Yet such bodies are usually well aware that they urgently need support from human rights organizations operating globally, many of which are based in the United States, such as Human Rights Watch, or the United Kingdom, such as Amnesty International. There are three principal reasons for this. First, associations campaigning for an end to human rights abuses in repressive countries may embarrass their governments by calling attention to abuses and, therefore, are themselves particularly susceptible to reprisals. When human rights monitors in one part of the world are under attack, it is essential that organizations operating globally from relatively safe places set up an outcry on their behalf. In this manner, the global organizations provide a measure of protection for national and local groups. Second, many repressive governments can readily ignore complaints from domestic rights monitors. There may be no free press in the country to report their complaints, or the main media in the country—being aligned with the government or controlled by it—may pay little heed to their reports of abuses. Also, it is often difficult for the international press to assess the reliability of complaints issuing from local organizations that are regularly dismissed by their governments as politically biased efforts by opposition

groups masquerading under a human rights banner in order to discredit the government with false or misleading information. For such reasons, local or national bodies may get scant attention. The leading global organizations, on the other hand, have reputations that they have established through their work in many countries. A claim that Human Rights Watch is biased against Syria or that Amnesty International is engaged in a conspiracy against the government of Uzbekistan is unlikely to deter the press from reporting their findings. Third, organizations operating globally have ready access to a variety of international fora and established contacts in the international media. It is therefore far more difficult for a government to ignore a global human rights body based far away than a national organization in its own country.

Yet, just as national and local bodies need global organizations for their protection and to give resonance internationally to their complaints, the reverse is also true. The leading global human rights organizations rely on their own investigations of abuses because this is essential in establishing and maintaining their credibility, but they need to be pointed in the right direction, and it is generally national and local human rights bodies that are best able to do this. They tend to establish connections with the victims of abuses and their families, they are familiar with the circumstances and understand the context in which abuses take place, and they often are able to identify those responsible. Without trustworthy and knowledgeable local contacts, a global organization might be able to accomplish little. Often, in fact, the main role of a global body is to validate the findings of national or local human rights organizations. Research in a country lacking a domestic human rights movement is far more difficult for global organizations. This is a reason for the paucity of reports on the abuses committed by such governments as Saudi Arabia and North Korea. Unfortunately, it is the most repressive governments that regularly insulate themselves against human rights pressure by making it exceedingly difficult for bodies operating outside their borders to gather reliable information on their abuses. At times, the neighbors of a repressive regime collaborate in restricting the flow of information. In the case of North Korea, for example, a main source of information is testimony obtained from refugees crossing the border into northeastern China. The Chinese authorities, however, make it very hard to gather the information that these refugees might provide. Without being able to consult domestic human rights monitors in dangerous places, there is little information that international organizations can gather. The interdependence of domestic and global efforts to promote

human rights in places where it is possible for local monitors to function has forged strong links between the various components of the movement worldwide and a powerful sense of identification with that movement.

As we have seen, the contemporary human rights movement emerged as a force in international public affairs during a period of intense Cold War competition between East and West, and it made its mark in significant part by exploiting that rivalry. In an earlier era, that competition was sometimes characterized by partisans on both sides in economic terms: in the 1950s and 1960s, for example, it was commonplace to describe the struggle between East and West as communism versus capitalism or, as many Westerners preferred to say, communism versus free enterprise. When those in the West spoke of the virtues of their system, they tended to conjure up images of middle-class suburban houses with cars in every driveway. In contrast, those claiming the superiority of the communist system portrayed happy workers in well-organized factories or riding tractors through endless fields of grain, while their images of the West focused on urban slum housing. By the mid-1970s, when the human rights movement was taking shape, those images were changing. Increasingly, the disparity between the two sides was portrayed in the West in political terms: as repression, or totalitarianism, versus liberty, or human rights. The human rights movement did not bring about that shift in focus. Rather, it developed over time as a result of such political events as Moscow's violent suppression of the Hungarian Revolution in 1956, the construction of the Berlin Wall in 1961, the entry of Soviet tanks into Prague in 1968, and the suppression of Solidarity in Poland in 1981. Influential, too, were writers and thinkers such as George Orwell, Karl Popper, Isaiah Berlin, Czeslaw Milosz, Alexander Solzhenitsyn, Raymond Aron, Leszek Kolakowski, and Hannah Arendt. But the efforts of human rights activists did contribute to the widespread acceptance of the new paradigm. Andrei Sakharov and the Helsinki monitors in the Soviet Union, their counterparts in other East bloc countries—Vaclav Havel and the other signatories of Charter 77 in Czechoslovakia; in Poland, Adam Michnik and his fellow intellectuals in KOR, who made possible the emergence of Solidarity—as well as those in the West who rallied to their support, awakened global consciousness to the repressive character of the states that found it necessary to send such persons to their prisons. Simultaneously, Western human rights activists of the 1970s and the 1980s embarrassed their own governments by pointing out that their claim to represent the forces of freedom was contradicted by their support for military dictatorships in Latin America and Asia, the apartheid regime

in South Africa, and many other repressive governments. The American government's involvement in events in Chile in 1973 had a particularly galvanizing effect. Coming at a time when the United States was finally extricating itself from the war in Vietnam, the U.S. role in the Pinochet coup suggested to many Americans and other Westerners that there were no limits on their governments' willingness to assist in the commission of cruelties in the name of the Cold War struggle.

It is possible to point to a number of factors that contributed to the fall of the Berlin Wall in 1989, the collapse of the Soviet empire, and the end to the Cold War. How large a part was played by the human rights movement, East or West, is open to debate. Beyond doubt, however, it was one of the causes, if not the most important cause, of that epic series of events. A former director of the Central Intelligence Agency, Robert Gates, who subsequently served as President George W. Bush's secretary of defense, and was reappointed to that post by President Barack Obama, wrote in his memoir of his service at the CIA: "The Soviets desperately wanted the CSCE [the Conference on Security and Cooperation in Europe, the official name of the 1975 meeting that produced the Helsinki Accords], they got it and it laid the foundations for the end of their empire. We resisted it for years, went grudgingly, [President Gerald] Ford paid a terrible price for going—perhaps reelection itself—only to discover years later that CSCE had yielded benefits beyond our wildest imagination. Go figure."⁴ Those benefits derived from the incorporation in the Helsinki Accords of a number of provisions calling for respect of human rights, including the right of an individual "to know and act on his rights." What neither President Ford nor Chairman Brezhnev had imagined when they met in Helsinki in 1975 was that a handful of men and women in Moscow—at the outset, the Moscow Helsinki Group had only eleven members—would seize on the human rights provisions of the Helsinki Accords and take them as a charter to monitor the conduct of their own government; that they would inspire others in the Soviet bloc countries to do similar things; and that a number of Westerners would rally to their defense when they were persecuted for their efforts and insist that freeing the imprisoned Helsinki monitors should become a goal of the foreign policies of their own governments. Robert Gates acknowledged, with some evident chagrin, that the Helsinki human rights monitors did far more to undermine the Soviet system than was ever done by the agency he led, the CIA.

In the late 1970s, when the Helsinki monitors in the Soviet bloc countries were being sent to prison, most countries in Latin America were gov-

erned by military dictatorships. Over the next decade and a half, elected governments replaced almost all those regimes. By the 1990s, Cuba remained the Western hemisphere's only out-and-out dictatorship. Some of the other governments in the region, such as those in Guatemala, Colombia, Peru during the years it was ruled by President Alberto Fujimori, Venezuela under Hugo Chavez, and Haiti continued to manifest significant human rights shortcomings, but they should not be compared with the brutal regimes that slaughtered tens of thousands and, in the case of successive military regimes in Guatemala, hundreds of thousands. Here again it is possible to debate how large a part was played by the human rights movement, but it seems incontrovertible that the movement was one of the significant factors in the rapid transformation that took place in that region, beginning with the establishment of a democratic government in Argentina in December 1983, and culminating in the removal of General Augusto Pinochet from his post as dictator of Chile in March 1990.

When the administration of President Ronald Reagan took office in 1981, it was initially determined to abandon the human rights policy associated with Reagan's predecessor, Jimmy Carter. Among other things, officials of the new administration, such as Reagan's ambassador to the United Nations, Jeane Kirkpatrick, blamed the Carter human rights policy for the fall of the Somoza dynasty in Nicaragua and the rise to power of the Sandinistas; and for the fall of the regime of the Shah in Iran and its replacement by Khomeini's Islamic republic.⁵ Nothing like that would take place under the new watch, Reagan's secretary of state Alexander Haig, and Ambassador Kirkpatrick made clear. They sought to provide military and financial support to such regimes as the military dictatorships in Argentina and Chile. To no avail. They were stymied by the nascent American human rights movement and its allies in Congress and the press. Eventually, even the Reagan administration shifted ground. In Reagan's second term, he sent an ambassador to Chile, Harry Barnes, who quickly came into conflict with Pinochet over human rights. In Reagan's final year in office, 1988, Pinochet had scheduled a plebiscite to confirm his rule for an additional eight years. At the last moment, realizing he would lose, he tried to cancel his own plebiscite. The Reagan administration, which by then had embraced the rhetoric of human rights and, a few years earlier, in a June 1982 address to the British parliament by the American president, had proclaimed a "crusade" to promote democracy worldwide, forced Pinochet to go forward. He lost the plebiscite he had counted on to ratify his hold on power, setting in motion the democratic transition that culminated in

his removal from office a year-and-a-half later. Earlier in Reagan's second term, his administration had reluctantly abandoned two other right-wing dictators it had previously supported: President Ferdinand Marcos of the Philippines and President-for-Life Jean Claude ("Baby Doc") Duvalier of Haiti. Each was forced to flee the country in which he had previously been all-powerful.

Another notable example of the way in which the efforts of the human rights movement contributed to a transition from repression comes from South Africa. Within that country, a rights movement made up of both black and white South Africans played a crucial role. The movement's efforts were aided, as is widely recognized, by the international sanctions imposed by many countries but resisted by two key leaders of the 1980s: Prime Minister Margaret Thatcher in Britain and President Ronald Reagan in the United States. Reagan came, however, under intense public and congressional pressure on the issue and, in 1985, in the face of proposed legislation that would have been adopted over his veto, he signed an executive order that called for "active constructive engagement." That was not good enough. Pressed by the human rights movement, Congress adopted much tougher sanctions in October 1986 and overrode Reagan's veto.

Another factor in the transformation in South Africa is related to events in the Soviet bloc. Despite economic and diplomatic sanctions, and despite an international sports boycott that caused much grief in a sports-mad country, many white South Africans believed that their government was too important an outpost in the East-West struggle to be abandoned by the West. That perception could not survive the collapse of communism, the fall of the Berlin Wall in November 1989, and the end of the Cold War. Yet, retaining their sense that they were a part of the West despite their geographical isolation at the southern tip of Africa, was crucial to many white South Africans. Maintaining that status seems to have mattered even more to some than preserving apartheid. It is probably no coincidence that the announcement by President F.W. de Klerk that Nelson Mandela would be released from prison and that the African National Congress would be legalized took place in February 1990, just three months after the fall of the Berlin Wall. The human rights effort that contributed to the fall of communism and the end of the Cold War seems also to have had an indirect impact on the process of change in South Africa.

For two decades subsequent to the end of the Cold War, it was not possible for the human rights movement to have so dramatic an impact. Yet it continued to play a major role in international affairs in the 1990s and in

the first decade of the next century as a consequence, in part, of the stance it had adopted during the 1980s on two related issues: compliance with the laws of armed conflict and the holding accountable of officials responsible for crimes against humanity. To a lesser extent, it also maintained its significance by leading resistance to excesses by governments in combating terrorism. Its attention to armed conflict has meant that many wars, such as NATO's intervention in Kosovo in 1999, Israel's war against Hezbollah in 2006, and Georgia's war in 2008 against Russia were assessed, as they took place, substantially on the basis of the toll they took in civilian casualties. This focus has significantly reduced the numbers killed in some conflicts, as the combatants must modify their conduct in order to gain support in the arena of international public opinion. Those achievements should not be overstated, however, for there are instances where combatants deliberately flout public opinion. This was manifest in Iraq when insurgent forces in the wake of the 2003 U.S. invasion seem deliberately to have killed as many civilians as possible in order to destabilize the country and turn the U.S. victory over Saddam Hussein's forces to ashes. To an extent, this has also been the strategy of the Taliban in Afghanistan, where many in the country blame NATO forces both for their own killings of civilians and for failing to prevent the much larger number of civilian casualties attributable to insurgent forces. Both the Tamil Tigers and the Sri Lankan armed forces demonstrated a readiness to sacrifice large numbers of civilians in the last days of the struggle that in 2009 effectively ended the nation's twenty-six-year-old civil war. Other conflicts in which especially large numbers of noncombatants were killed during the first decade of the twenty-first century include those in Sudan (Darfur) and the Democratic Republic of the Congo. Yet even the magnitude of civilian casualties in these wars in our time is dwarfed by the vast number killed in the years after World War II, before there was an international human rights movement that took up a focus on armed conflict. They include the many millions who died in such conflicts as the partition of India and Pakistan, the military takeover in Indonesia, the Biafran war, the war for the independence of Bangladesh, the Vietnam war, the Cambodian holocaust, Indonesia's annexation of East Timor, the Iran-Iraq war, wars in the African states of Ethiopia, Mozambique, Angola, and Sudan, the counterinsurgency in Guatemala, and the Soviet Union's war in Afghanistan.

The campaign by the human rights movement to bring to justice officials responsible for gross human rights abuses has resulted in criminal proceedings against, among others, the former president of Yugoslavia, Slobodan

Milosevic, who died in prison before his trial was completed; former Prime Minister Jean Kambanda of Rwanda, who is serving a life sentence in prison at this writing; former President Jorge Videla of Argentina who was tried, convicted, imprisoned, amnestied, and then imprisoned again; former President Augusto Pinochet of Chile, who was arrested in London and escaped long-term imprisonment in his own country due only to age, infirmity and, eventually, death; former President Saddam Hussein of Iraq, who was executed by hanging; former President Charles Taylor of Liberia, who is on trial at this writing; Khieu Samphan, the head of state in Cambodia when it was ruled by the Khmer Rouge, who is also on trial for crimes committed more than three decades ago; Omar Hassan al Bashir, President of Sudan, who has been indicted by the prosecutor for the International Criminal Court for war crimes, crimes against humanity, and genocide in Darfur; Alberto Fujimori of Peru, the democratically elected former president, who was convicted by a court in his own country and sentenced to a long prison term for establishing a death squad that committed at least two massacres. The list is growing and now includes as well hundreds of high-ranking political and military officials prosecuted and punished for war crimes, crimes against humanity, and genocide by international tribunals, such as those established to deal with ex-Yugoslavia and Rwanda; by national courts in such countries as Argentina, Peru, and Chile; and by courts in Bosnia, Croatia, and Serbia that have cooperated with the International Criminal Tribunal for the former Yugoslavia. Over time, the impact could be—if it is not already—that officials will consider, before they take actions against noncombatants, whether their decisions might lead to their prosecution and punishment. Recent advances in limiting impunity for such officials were an outgrowth of international revulsion over the great crimes committed in the post-Cold War period in such countries as Bosnia and Rwanda. The human rights movement proved incapable of mitigating those horrors as they took place, but it has translated the revulsion against them into international judicial mechanisms, including a permanent International Criminal Court, that are intended to hold accountable those most responsible. Over time, this should help to deter others from committing comparable crimes. Indeed, it may already be having that effect.

Frequently, the human rights movement's focus on armed conflicts and its effort to promote accountability go hand in hand. Darfur is an example. Organizations such as Human Rights Watch played a leading role in putting the killings, rapes, and mass forced displacement in Darfur on

the international agenda. In addition, they successfully campaigned to get the case referred to the International Criminal Court (ICC) in 2005 for the prosecution of those Sudanese officials who could be identified as principally culpable. The efforts of the human rights movement helped to prevent the United States from vetoing a resolution in the U.N. Security Council referring Darfur to the criminal tribunal in The Hague. Although the United States had condemned the crimes committed in Darfur as “genocide,” Washington had been expected to block ICC consideration of the case because of the Bush administration’s strenuous opposition to the court. A Security Council referral was required because Sudan had not signed and ratified the treaty creating the ICC and, therefore, would not otherwise have come under the jurisdiction of that court. That the United States abstained on the referral rather than vetoing it indicated that even an administration whose relations with parts of the human rights movement were as poor as the Bush administration’s could be swayed by the movement’s efforts.⁶

It is also important not to overstate the achievements of the international human rights movement in securing accountability. The tribunals it helped to establish have often seemed painfully slow in their proceedings and are expensive to operate. Also, they have so far only demonstrated the capacity to prosecute and punish a relatively small number of the officials who perpetrated the crimes that they investigated, and there seems little prospect that they will be able to cope with a substantially larger number of cases. Perhaps most important, at this writing all those officials who have been called to account have been either leaders or functionaries in states of no more than secondary significance, or leaders of guerrilla groups engaged in combat with such states. There is no realistic prospect that officials of governments as powerful as those of Russia, China, or the United States will become defendants before human rights tribunals in the foreseeable future. Nor does it seem likely that tribunals such as the International Criminal Court will in the near future sit in judgment of officials of regional powers such as Pakistan, Iran, or Venezuela. The human rights movement has far to go in trying to establish a system of international justice that has the authority and prestige to secure universal compliance with its orders and its judgments. Despite these significant shortcomings, however, what has been achieved in the field of international justice in a relatively brief period—less than two decades since the establishment of the Yugoslav tribunal in 1993—seems remarkable.

In 2011, more than two decades after the revolutions in Eastern Europe that brought the Cold War to an end, the world order has again been altered by a set of revolutions, this time in the Arab states of North Africa and the Middle East. As was the case in the former Soviet bloc, the human rights movement played an important but unquantifiable role. Human rights organizations in such countries as Egypt, Tunisia, Bahrain, Syria, Yemen, and Libya, were severely constrained in their ability to operate by the regimes that governed in the region, with some being required to conduct operations outside their own countries. Nonetheless, they had played an important role since the 1970s in documenting abuses and giving voice to those protesting repression. Many of the leaders of these organizations had themselves suffered abuses such as imprisonment or exile. Yet, their role in articulating grievances played an important part in the protests that took place in 2011 in those countries and in the changes that took place. In addition, these same organizations gathered information on abuses committed while the protests were underway, and it is expected that they will have a significant role in promoting accountability for those abuses as well as for the abuses committed over long periods by the governments that were overthrown.

As is apparent, the contemporary international human rights movement faces a host of challenges. It has been in the forefront of efforts in many countries to stop violations of civil liberties committed in the name of the so-called “war on terror” and to prevent what were, in many cases, hasty responses to a perceived emergency from turning into new norms for investigating and regulating the day-to-day activities of citizens. The fact that such measures have been adopted by governments generally respectful of civil liberties, such as the United States and the United Kingdom, has made the challenge especially serious. And the impact is not limited to those countries. Governments in other parts of the world inevitably justify their own practices that violate civil liberties by citing the example of the countries long identified as leading Western proponents of rights. Moreover, the role played by the United States since the Carter presidency in bringing pressure on other governments to respect rights could not be sustained in an era when the U.S. itself practiced and justified long-term detention without charges or trial, denial of habeas corpus, and torture. U.S.-based human rights groups operating globally had in the past tried to leverage the power, purse, and influence of the United States to promote civil liberties in other countries. In the period after September 11, 2001 and the American response, the usefulness of such efforts was drastically re-

duced. Currently, the U.S.–based human rights movement must rely much more on its own capacity to embarrass governments that abuse human rights. During the years of George W. Bush’s presidency, it largely abandoned its previous efforts to use the government of the United States as its surrogate in dealing with other governments. Whether the United States will reclaim the moral high ground in the post-Bush years remains an open question at this writing. The Obama administration has enhanced the international prestige of the United States by its strong stand against torture, but in a number of other respects it has not broken sharply with the human rights practices of the Bush administration. Efforts by Western human rights organizations to enlist the European Union in efforts to promote human rights internationally have not provided an effective substitute for the role previously played by the U.S. The European Union has had a very positive influence on human rights practices in those countries—Croatia, Serbia, and Turkey, for example—that aspire to membership, but it has not been able to exercise significant influence at a global level. In part, this reflects the European Union’s unwillingness to appoint leaders who might compete with or overshadow national officials in political influence. In addition, it manifests the difficulty of getting twenty-seven countries to speak with one voice on rights issues. Also, of course, the economic difficulties of some of its member states in recent years have made the E.U. more inward-looking than might otherwise be the case.

The human rights movement, having become capable of exercising significant influence over public policy during the last ten or twelve years of the Cold War, confronted its most significant challenge after the terrorist attacks on New York and Washington, DC, on September 11, 2001. During the Cold War years, the movement essentially prevailed in its argument that the opposing sides were not justified in violating rights—that is, those fundamental rights recognized in the Universal Declaration of Human Rights and in subsequent treaties—by the exigencies of their conflict. It has seemed more difficult, however, to support that argument in the current climate. Because there was always a possibility that the Cold War could have metastasized into global armed conflict between nuclear powers, one could argue that the 1970s and 1980s were actually a much more dangerous period than the first decade of the twenty-first century. While terrorist attacks in various parts of the world have caused carnage, suffering, and havoc, they do not seem to pose an existential threat comparable to what could have happened during the Cold War. Yet, it is not possible to say that the human rights movement is winning its argument with those

who would constrain rights so as to increase their advantages in combating terrorists. Debates have not yet been resolved over such issues as extended administrative detention without charges or trials before bodies not providing the safeguards customarily given to criminal defendants. The use of coercive measures up to and including torture against those suspected of involvement in terrorism, though discredited to a greater degree than other abuses, still has significant political support in the United States. Certainly, the international human rights movement has made headway in these areas, but the arguments continue. And with each new terrorist outrage—each attack whether failed or successful, whether in New York, Bali, London, Jakarta, Madrid, or Mumbai—the human rights cause suffers a setback.

The difficulty the movement has had in recent years in securing acceptance of its argument that rights should not be set aside when dealing with terrorism has not, however, seemed to impede its growth. The movement today is made up of a larger number of organizations with more supporters, more resources, operating in more places, and dealing with a wider range of issues than ever before. Globally, only the international environmental movement, which also acquired the characteristics of an enduring worldwide citizens' movement in the 1970s capable of shaping public policy on a range of issues in many parts of the world, is comparably well developed and influential. The two movements exemplify a sea change that has taken place in the making of public policy in recent decades. Previously, when nongovernmental organizations attempted to influence public policy, it was often to advance their own interests, or the interests of their constituents. Not so in the case of the environmental and human rights movements. For the most part, they intervene in public policy matters for altruistic reasons, to improve the lot of others. (The contemporary women's movement became a global force at about the same time, but it failed to develop a comparably influential institutional structure and has played a more limited role in international public policy. On the other hand, it has been very influential in changing personal behavior in many places, both by women and men, and also in securing many adjustments in institutional behavior.) The fact that the human rights and environmental movements have developed so substantially and have come to play such a significant role is a phenomenon that seems worthy of description and analysis.

It is important to note that it does not seem possible to write a history of either the international human rights movement or of the principal events and ideas that shaped it in a linear or chronological manner. This

is because several different strands in the fabric of the movement originated at different times and places and were only woven together in the contemporary era. To take one example, considerable effort is today devoted to promoting compliance with the laws of war, the field known as “international humanitarian law.” This focus arises from the contemporary recognition that armed conflict is often accompanied by severe abuses and that a principal method of the human right movement, documenting those abuses and measuring them against the norms of international humanitarian law, may be an effective means to mitigate them. Moreover, unlike in earlier times, because of its substantial institutional development and the credibility it has achieved, the contemporary international human rights movement has acquired the capacity to monitor many of the practices of the opposing sides in armed conflicts. It seems appropriate to consider the history of international humanitarian law in a separate chapter because much of its development took place in the period from the 1850s through the 1970s. Mitigating the consequences of armed conflict was beyond the scope of those active in efforts to promote human rights during that era. It was only after the 1970s that the human rights movement identified itself with international humanitarian law and began to promote compliance.

Because the international human rights cause has only acquired the characteristics of a sustained global movement in recent times and continues to develop in ways that are not wholly predictable, it may look quite different in a few years. Three examples. Though it has been impossible up to now for a broad-gauged human rights organization to emerge in China, increasing numbers of Chinese lawyers and others are devoting themselves to efforts to promote human rights. The authorities periodically crack down by imprisoning one or another human rights activist and, in the case of the lawyers, also by disbarring them. But in recent years China has not tried to snuff out the movement entirely. It is impossible to know how things will develop. There could be far harsher and more systematic repression or, consistent with the government’s professed desire to extend the rule of law, it might tolerate greater latitude for those attempting to promote rights. It is also possible, of course, that the Chinese authorities will maintain their present somewhat ambivalent and ambiguous policy. Given China’s importance both in terms of what happens within the country and its influence globally, the choices made by the country’s ruling communist party, and the responses it will elicit from China’s emerging civil society, will have enormous impact.

The part that will be played by human rights organizations in the Middle East in the period ahead is also difficult to predict. Though not in the forefront of those organizing the Arab revolutions of 2011, both domestic and international human rights organizations nevertheless played a crucial role by providing the world's press with reliable reports on such incidents as attacks by security forces on unarmed demonstrators. Also, the abuses documented by human rights organizations—such as arbitrary detention, torture, and the prolonged use of emergency laws—figured significantly in demands for change. Governments in the region had in the past generally tolerated the emergence of human rights organizations, harassing them with some regularity, but otherwise paying them little heed. Their complaints were largely ignored both domestically and internationally. As they had little chance to obtain traction in the courts of their own countries, and as the region does not have supranational legal institutions akin to those that exist in Europe, Latin America, and to a lesser extent in Africa, they could not use litigation to protect rights. Before the revolutions of 2011, domestic human rights organizations in most countries of the Middle East were not a significant force. It is impossible to tell whether they will maintain or increase the heightened importance they achieved during the Arab revolutions.

The third example centers on the questions of whether a current trend by governments to try to cut off foreign funding for nongovernmental organizations will be sustained and what will be its impact. At this writing, among the governments that have recently enacted or that are actively considering new restrictions on foreign funding are Russia, India, Israel, and Ethiopia. It is plain that human rights organizations are the main target as they are the NGOs most apt to annoy such governments and also because funding from European and American donors is more available to them than to other organizations (in Israel, members of the Knesset have been explicit in seeking to cut off funds to Israeli human rights organizations, complaining that they are engaged in “lawfare” against the state). Such funding restrictions are also significant because governmental opposition discourages local donors. In Russia, a foundation established by the industrial tycoon Mikhail Khodorkovsky, the Open Russia Foundation, briefly became a major funder of nongovernmental organizations, including human rights groups. That came to an end when the Russian government imprisoned Khodorkovsky and seized his assets.

Despite many such uncertainties, it seems very likely that the international human rights movement will continue to play an important role in

public policy for the foreseeable future. The chapters that follow will attempt to provide an account of the history of the movement, describing its philosophic roots, connecting it to the development of international law and international institutions, and exploring the strategies by which it has acquired and exercised political influence. The book will assess as well what the movement has accomplished up to now, what issues are at present its foremost concerns, and the challenges it faces in the years ahead. It is written from the standpoint of one whose career and thoughts were shaped by the international human rights movement and who, in turn, had an opportunity to contribute to its development.