
Forschungsjournal

Analysen zu Demokratie und Zivilgesellschaft

Soziale Bewegungen

Heft 4/2015, Verlag Lucius und Lucius, Stuttgart

ISSN2192-4848 <http://forschungsjournal.de/>

Towards Genuine Transnational Collaboration between Human Rights Activists from the Global North and the Global South

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Introduction

Activists across the world engage in political advocacy, public campaigns or court proceedings to call attention to situations of poverty, discrimination and exploitation, such as the unsafe working conditions in the textile industry in Bangladesh or the pollution of the lands and waters of farmers affected by nearby mining corporations in Peru. Increasingly, these activists do not only work within their national boundaries. On the contrary, transnational collaboration is often an integral part of their strategies and daily work. The need for transnational collaboration may emerge because corporations involved in human rights violations cross boundaries, or because the very impact of such violations is not limited by state boundaries (e.g. water pollution or migrant workers). Such transnational collaboration may involve trade unions, professional non-governmental organizations, community based organizations, lawyers, or activist collectives. Even though considerable differences may exist between these actors, such as between professional NGO-experts and grassroots-oriented activists, for the purposes of this article the authors will generally refer to these collaborating civil society actors as “counterparts” or “activists.”

This article addresses the dynamics that are at play in collaboration between these actors from what can be called the Global North on the one hand and the Global South on the other. Of course, these binary terms are inadequate as are various other terms that scholars and communities have used in the past, such as the center and periphery or the First and the Third World, developed or developing world (Eriksen 2015). While acknowledging that terms categorizing the world into two parts are fraught with problems and bound to create ambivalence, we have chosen to stick with the designation Global North and Global South as it does acknowledge (as Eriksen points out) that the term aptly refers to the different roles played by these two regions in processes of globalization and the impacts thereof (2015). The authors maintain that to build genuine collaboration, it is necessary to reflect on the perpetuation of colonial attitudes, to construct a common framework despite different cultural understandings, and identify the inequality of those in different positions.

In the academic literature, there has been attention paid to the dynamics in relations between activists from the Global North and “victims” from the Global South. Criticism was formulated strongly by David Kennedy, when he asked provocatively whether the international human rights movement was actually part of the *problem* (2002). “At its most effective, human rights portrays victims as passive and innocent, violators as abnormal, and human rights professionals as heroic” (Kennedy, 2002:111). Silencing “victims” into a passive role is only one of the criticisms voiced regarding the collaboration between “international human rights experts” and “local affected people.” Based on her experiences in Eastern Europe, Bukovská (2008: 8-9) analyzes and criticizes the process of appropriation and even instrumentalization of the stories of survivors that can become the “issue” in a campaign or the topic of a fact-finding report. Similarly, Madlingozi (2010) describes the experiences of a collective of Apartheid survivors in South Africa and the ways in which legal proceedings can “produce” victims.

Both scholars raise the question of who can speak for whom. They further point to the power imbalance between actors such as the lawyer and their client (Bukovská 2008: 13). This power imbalance is already visible in the language often employed in which “international” activists are seen as “authoritative experts” whereas the “beneficiary communities” are viewed as “marginalized victims” (Madlingozi 2010). Keck and Sikkink use examples of campaigns around foot-binding and female circumcision to demonstrate how organizations from the Global North can, at times, have a condescending and paternalistic perspective

regarding “victims” from the Global South (1998: 78). They argue that “[a]ctivists saw the victim as an unproblematic ‘other’ who needed their assistance, and the reformers rarely recognized their own paternalism” (Ibid.). Disempowerment can be the result, for example, when personal testimonies are sought by an organization in the North and they ask a local organization for such stories. In the process, the affected people may lose control over the way in which the story is told (Ibid.: 19). Recently, human rights activists have begun to incorporate such criticisms into their practices and started to develop methodologies to “co-power” the communities that they work with (Hoffmann/Vahlsing 2014; CALS 2014).²

Less attention, though, has been given to the fact that transnational collaboration between non-governmental organizations, trade unions, lawyers, or activists is also afflicted with similar challenges and particularly complex dynamics. Activists form coalitions which can be defined as “[c]ollaborative, means-oriented arrangements that permit distinct organizational entities to pool resources in order to effect change” (Levi/Murphy in: Tarrow 2005: 164). Coalitions (also domestic ones) have costs, as Tarrow has pointed out: resources are needed to maintain them, some may gain more than others, thus creating internal tensions, and so on (2005: 164). Particular challenges can additionally emerge in transnational collaboration. The differences in work environment and perspective between organizations from the Global North and South can be enormous; still, they are seldom explicitly discussed at the early stages of collaboration. Transnational actors thus may fail to examine how inequalities between activists can and do affect transnational collaboration. Similarly, they may fail to address the persistence of activists’ colonial perspectives in both the South and the North. The danger is then that the initial commitment to collaboration changes as it develops, as internal dynamics of power come to play a role.

There exist different types of coalitions. Some are event-based and therefore short-term. Others are what Tarrow calls a federation and mean long-term collaboration but with only low involvement. Again other coalitions are campaign-based and require a high involvement and a long-term collaboration (Ibid.: 167). For such longer-term and high-involvement transnational coalitions to be effective and sustainable, collaboration needs to be genuine, which the authors understand as the development of an equal and democratic relationship between activists that involves the constant negotiation of understandings and interests.

In the academic literature, there has been a celebration of the emergence of “transnational activist networks” (Keck/Sikkink 1998). However when not enough attention is paid to the

obstacles to genuine collaboration it leaves scholars, practitioners and organizations funding transnational collaboration with a false impression that such things are easy and simple to achieve. The contrary is true. Counterparts involved in transnational work face many challenges. Understandably, issues of personal and structural power and privilege are generally rather conveniently ignored within such coalitions, instead of addressed openly in potentially uncomfortable discussions. This article is opening up one such discussion on these challenges. While we do not claim to have any final answers, this article aims to be a start; proposing concrete suggestions for addressing the challenges ahead.

In what follows, we first briefly describe the major challenges faced by transnational activists as they engage in longer-term collaboration. In the second and main section, we turn to the experiences of several organizations working transnationally, to open the discussion on achieving genuine collaboration.

1. What are the challenges to transnational collaboration?

Keck and Sikkink were among the first to analyze transnational organizing in their book *Activists Beyond Borders* (1998). They uncover several obstacles to transnational collaboration, such as the fact that networks work under unequal conditions. Similarly, in his research on collaboration between organizations in Mexico and the United States, Fox concludes that the challenges posed by lack of resources and differences in central agendas inhibit the construction of long-term transnational collaboration and, consequently, that most incipient transnational relationships never advance beyond the phase of establishing contact and common ground for dialogue (Fox 2004: 495). Analyzing a transnational campaign to prevent child labor in Bangladesh and a campaign to prevent gender discrimination in a Mexican workplace, Hertel observed two mechanisms at work in these cases of transnational collaboration: the organizations on the “receiving end” of the campaigns developed blocking and backdoor moves when there were differences in the understanding of the strategy or the framing of the issues at stake (Hertel 2006: 7-8). Thus, the fact that organizations can halt or stall campaigns (blocking) or, alternatively, change relevant messages or policy proposals while seemingly accepting the dominant frame (backdoor move), indicates the importance of analyzing the dynamics between transnational activists.

1.1 Unequal exposure to pressures on activists and their organizations

First, while activists from the Global North are not necessarily free from hate-mail, administrative hassle and criminalization, counterparts in the Global South are certainly less protected and at a higher risk. They often operate in an environment with high levels of impunity, general insecurity and a medium or low state capacity to guarantee the liberties that are essential for organizations to operate, such as the freedom of expression and the freedom of association (van der Borgh/Terwindt 2012; ICNL 2012). Indeed, it has been observed that particularly so-called claim-making organizations (i.e. organizations that are not or not only engaged in service-delivery) are more likely to face pressures in the form of physical harassment, criminalization, administrative restrictions, stigmatization or pressure on their participation in public politics (van der Borgh/ Terwindt 2014: 42). While activists in the Global South may thus generally work in difficult conditions, they can in addition face specific security risks as a consequence of a particular campaign or legal case. The unequal exposure to such risks means that activists from the Global South carry an unequal burden while making strategic decisions, assessing the potential consequences, including physical risks to staff or communities that they work with as well as, for example, the risk that their organization may be closed down.

1.2 Unequal access to international institutions: funding and decision-making

Second, for financial, linguistic, logistical, and cultural reasons, activists from the Global South have unequal access to sites or institutions where international deliberation or decision-making takes place and to grantmaking foundations. The list of international organizations based in the Global North is endless. The United Nations has its main offices in New York and Geneva. The World Bank and the International Monetary Fund have their headquarters in Washington. The Food and Agricultural Organization has its seat in Rome. Similarly, major funding organizations are based in London, New York, or Berlin. Merely getting a visa to these countries for those from the Global South can mean a procedure of months resulting in a denial, whereas activists based in Western Europe or the United States can generally travel to meetings at these institutions without significant hurdles. As a consequence of the unequal lack of access to funding, there are often also basic differences in material conditions, as activists from the Global South may

experience precarious labor conditions, lack ease of access to technology or continuous electricity, and have less access to training in lobbying and advocacy. In addition, they have less funding for face-to-face participation with other activists in transnational spaces.

1.3 The continued colonial perspective of activists from both the North and the South

A third challenge is the perpetuation of colonial thinking and attitudes. Colonialism can be defined as “a system of naturalizing differences in such a way that the hierarchies that justify domination, oppression, and so on are a *product* of the inferiority of certain people and not the *cause* of their inferiority” (de Sousa-Santos in: Sian, 2014: 68). Colonial in this article then refers to the legacy of this system continuing to influence mindsets, worldviews, language, and power constellations. This is visible, for example, when those from the Global North are framed as ‘international’ whereas those from the Global South are viewed as ‘local.’

A continuing colonial perspective can also mean that differences between actors are framed as ‘inferior’ and ‘superior’ instead of just different. Indeed, sometimes there seems to be a misconception that the perspective of ‘local’ activists is less important. This may result in paying insufficient attention to the local needs while privileging a global framing of a campaign (e.g. Tarrow 2005: 76). Also the behavior of activists from the South must be scrutinized, as their reaction to the condescending behavior that some activists from the Global North have in their work relationships may not always be professional or productive. If left unaddressed, colonial behaviors during the day-to-day work of transnational campaigns can cause serious disputes among organizations. Fox describes an example of such a conflict when an NGO from the United States was invited to Mexico and decided to speak in front of the press without consulting the hosting NGO beforehand (2004: 492).

1.4 Lack of a common cognitive and legal framework between collaborating activists

The fourth challenge to genuine transnational collaboration is the lack of a shared cognitive and legal framework, which becomes important when decisions are made regarding the best strategy. For instance, when a case is to be litigated, activists must agree under what framework of law they are going to make the arguments and what forum is more strategic. Due to their different locations, actors may have different political priorities. For example, Fox described how *maquiladora* organizers in Mexico may emphasize long-term community-

based organizing, whereas U.S. initiatives may prioritize short-term media impact and political-corporate campaigns, with a focus on key national political moments such as trade policy debates in Congress (2004: 480). Tarrow (2005: 75) points in this regard to the resilience of national political cultures as an obstacle for organizing collective action. The different priorities are often based on legitimate strategic considerations, as observed by Seidman, speaking in the context of campaigns on global textile supply chains: “Most transnational activists recognize the pitfalls inherent in stressing victimization over voice and the danger that global codes [of conduct] will reinterpret local priorities, yet [...] even well-intentioned transnational networks find it difficult simultaneously to respond to local workers’ concerns and to mobilize the kind of global support that will get the attention of global brands” (Seidman 2007: 135).

2. Negotiation of understanding for genuine collaboration

Transnational collaboration arises when activists realize that their efforts require a transnational perspective in order to successfully develop strategies for effective litigation, public policy advocacy, and/or collective organization and mobilization. In order to become democratic, egalitarian, and effective, collaboration challenges of the previous section must be addressed. To this end, we emphasize the *constant negotiation of understanding*. The importance of constant negotiation within a campaign is also noted by Hertel (2006: 20).

In what follows, some ideas and tools are shared to work through the possible hurdles ahead. Unsurprisingly, none may be particularly new or novel. Instead, our conversations with activists and lawyers from the Global North and the South kept returning to the same message: transnational collaboration is work, which costs time, means an investment of resources, and has to be planned well, just as any other part of a transnational strategy. Taking into account the different geographical locations of the counterparts and possibly language and cultural barriers, the continued construction of genuine transnational collaboration involves enormous efforts. Obviously, for serious negotiation of understanding a relationship of trust is indispensable. For such trust to build, personal contacts and mutual visits are usually essential (Seidman 2007:135).

2.1 Negotiation of understanding

The negotiation of understanding typically starts even before collaboration is actually initiated. Indeed, a lawyer from South Africa acknowledged that her organization has

created quite a high “threshold” for potential partners from the Global North as in their experience only few partnerships actually work out. In addition, she added, it can be challenging to ensure partnerships do not *create* more work than is justified by their actual contribution. The (formal or informal) process of writing a Memorandum of Understanding is one of the tools used in her organization to work through the different questions that need to be addressed, which at the very least includes the clarification of the roles, and defining who takes the lead. Notably, the kind of conversations that accompany the drafting of a Memorandum of Understanding cannot be limited to the beginning. Instead, the exchange about mutual understanding and interests often continues throughout the collaboration. According to the South African lawyer, the importance of transnational partnerships and relation management cannot be overstated in her work and the organization has, therefore, incorporated it as a theme in its training modules for new human rights lawyers.

2.2 Identification of inequalities

Second, it is necessary to actively identify the inequalities between counterparts, including the privileges of the activists from the Global North. One reason is to ensure transparency in transnational relations and improve each counterpart’s knowledge and recognition of the distribution of responsibilities. Rhetorically mentioning inequalities is, however, not sufficient if their impact on the power differences in the coalition remains invisible. More than merely achieving transparency, awareness of the profound inequality should become the basis for countering the existing dynamics of power, both within the coalition, and vis-à-vis outside actors including funders, or the very targets of campaigns, such as governments or corporations. Activists further need to be sensitive to the consequences that a collective campaign may have on coalition partners in the Global South and openly address this in advance while making strategic decisions. When activists face pressures, their ability to increase their operational space is often highly dependent on their linkage to international networks (van der Borgh/ Terwindt 2014: 51). Concretely, they may need the solidarity of organizations from the Global North, for example, if they need to leave their country as a consequence of death threats. While solidarity is certainly a good thing, a negotiation of understanding is necessary to avoid a relation of dependency and power imbalance in the continued collaboration.³

2.3 Identifying political and institutional interests of coalition partners

A common objective is the basis for collaboration. At the same time, though, transnational actors may have a range of different objectives that do not always overlap (see also Hoffman/Vahlsing 2014: 264-266). It is therefore important to identify the political and institutional interests of the transnational counterparts. A typical strategic difference between organizations from the Global South and North is already identified by Gay Seidman in her analysis of transnational campaigns in Guatemala and India, “[l]ocal activists rarely dismissed the potential power of states to help improve working conditions; instead, local activists generally described their long-term goals in terms of making states more protective of and responsive to the concerns of poor and vulnerable citizens” (Seidman 2007: 140). In contrast, activists from the Global North may privilege boycotting brands or holding transnational corporations directly liable at the headquarters in litigation in the home state. A negotiation of these interests could mean activists from the North open up to the possibility of contributing to corporate accountability by focusing on the host state and its obligations to respect, guarantee, and fulfill human rights (Ibid.: 142).

Similarly, Hertel describes the profound strategic differences between the U.S. and Bangladeshi counterparts in a campaign against child labor in the 1990s. The Bangladeshi organizations warned against the possible harmful effects of a boycott thus posing anew the question of what was really in the best interest of the child workers. According to them, as long as the only alternative to child labor would be that children would go hungry, it was not the time for trade sanctions (2006: 36-42). A similar divergence of interests became apparent after the collapse of the Rana Plaza factory complex in Dhaka in 2013 which killed more than 1,130 people. In response to the system of outsourcing and profit-oriented purchasing practices, some European and American lawyers and activists were interested in holding the international brands accountable. In the first year after the collapse, though, organizations in Bangladesh expressed the fear that these brands would pull out of Bangladesh. They pointed to the economic and political power exerted by the Bangladeshi association of garment manufacturers and further emphasized the possible backlash for those in Bangladesh involved in a campaign for corporate accountability.

2.4 Developing a common framework

Fourth, a common framework for transnational collaboration must be jointly defined. While international human rights law is frequently relied upon as a shared point of reference, the focus and frame of narratives to be told in litigation or advocacy often need negotiation of understanding. A lawyer from the United States highlighted a transnational case in which the cooperation led to the incorporation of one of the Peruvian lawyers to work alongside their staff in one of their offices in order to facilitate the mutual understanding of the different legal systems. The close contact enabled their alignment concerning the translation of the harms identified on the ground in a legal language that would be both effective in the U.S. courts and which also reflected the perceptions of the Peruvian plaintiffs and their community. This was needed because the language of U.S. tort law does not generally allow for references to human rights concepts. For example, tort law qualifies conduct as “assault” or “battery” whereas the counterpart preferred to talk about “right to water” or “right to health.” Another question to be addressed in the construction of a common framework is, for example, how creative should or can a legal complaint be in its interpretation of existing case law or statutes without undermining the prospects of a case? Designing a strategy that can be supported by all coalition partners requires a shared understanding of the possibilities and restrictions of the relevant legal system, as well as a shared political analysis. A step towards such shared understanding and political analysis might be a joint training on the relevant legal systems as well as the political and economic context of the campaign.

2.5 Internal dispute and accountability mechanism

Finally, good collaboration presupposes a mechanism to deal with grievances and disputes. A common dynamic reported by organizations from the Global South is that in transnational coalitions, individuals of domestic organizations typically do the heavy lifting (e.g. organizing communities, collecting data) while members of foreign organizations simply compile and distribute the results. The daily challenges and real risks faced by ‘local’ organizations can thus become invisible, creating tensions in the collaboration. ‘International’ organizations may even receive more credit for the collective work, which can especially exacerbate negative power dynamics if this occurs in relation to potential funders or political decision-makers. Similarly, activists may get frustrated if coalition partners maintain all decision-making power.

Many organizations from the Global South would hesitate openly addressing their grievances, fearing to be viewed as unprofessional. On the other side, organizations from the Global North may justify their behavior by attributing it to the difference in academic qualification, or the real or perceived difference of professionalism between a 'local' organizer and an 'international' lawyer. This may occur, for example, in funding applications for a joint campaign in which the budget for international lawyers is privileged over the budget for local organizers, whereas the latter are the ones facing the direct risks as well as the direct expectations and frustrations of the affected persons. A Memorandum of Understanding can assist in transparency regarding the different tasks, risks and responsibilities the counterparts are accepting. This can become the basis for conversations if disputes arise. In addition, regular evaluations of the collaboration can provide the space that may be needed to address existing grievances.

3. Conclusion

Transnational collaboration between activists, trade unions, lawyers or NGOs from the Global South and the Global North can face a variety of challenges, which in the end can hamper the collective project. This article has intended to open up the discussion regarding these challenges, which are too often neglected at the start of cooperation. It is suggested that to achieve a more egalitarian, democratic, sustainable and effective transnational collaboration, a constant *negotiation of understanding* is needed, to identify inequalities between coalition partners, identify their different political and institutional interests, and to construct a common framework. In addition, an internal dispute mechanism can facilitate addressing grievances along the way. Last but not least, in a longer term coalition, time and resources are needed to build and maintain a genuine collaboration.

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Notes

¹ We would like to thank Lisa Chamberlain from the Center for Applied Legal Studies, Gayatri Singh from the Human Rights Law Network, and Marissa Vahlsing from Earthrights International for sharing their experiences of transnational collaboration. We would like to thank Christopher Patz for his edit of the article and Birgit Kolboske for her translation into German.

² As Vahlsing and Hoffman pointed out, these issues had already been addressed in a domestic context of lawyering, though hardly translated to the level of transnational human rights litigation and the lawyer-client relationship in that context (2014).

³ Lawyers working in transnational collaboration explain the way organizations in the Global North can use their privilege to support organizations in the Global South in this video “radical.female.lawyers”, by Christopher Patz, 2015, available at https://www.youtube.com/watch?v=iQDg_9suPv8.