

# Strategizing for Human Rights: From Ideals to Practice<sup>1</sup>

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Draft Chapter for *The Limits of Human Rights* edited by Bardo Fassbender and Knut Traisbach

Human rights are the result of hard fought political and social struggles in the past and in the current moment.<sup>2</sup> Those who equate human rights discourse or law as the expression of interests of powerful states misunderstand this crucial aspect of human rights history. The movement for the international protection of human rights was far more diverse than the US and Western Europe, including many states and activists from the Global South.<sup>3</sup> The value of human rights norms and law has often been for the weak, both citizens and states, aspiring to justice and fairness in the systems in which they are embedded.

Since struggle is at the core of human rights work, the strategies and tactics that human rights organizations and movements use are the essential tools of the field. We argue that some important “limits of human rights” are not in human rights norms or law themselves, but in the imagination and the tactics of many human rights organizations and movements. In particular, human rights organizations have often been too wedded to a small handful of tactics, especially “naming and shaming” that may not be effective in all contexts or on all issues. Organizations and movements display inflexibility or even inertia in adopting new tactics. To confront these limits, human rights activists need to be more strategic and outcome oriented.<sup>4</sup> The introduction to the volume and other recent work speaks of “pathologies” of human rights. We think the word pathology is too strong. Such limits are not inherent and human rights activists are able to change and innovate. All over the world, human rights groups are innovating, as seen, for example, in the now hundreds of tactics documented in the New Tactics in Human Rights Project.<sup>5</sup> We will focus on limits, not pathologies. One key explanation for the inflexibility or tactical inertia of human rights organizations is that historically, human rights work has been

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<sup>1</sup> The title of the article comes from the name of a course that Douglas A. Johnson teaches annually at the Harvard Kennedy School. He wishes to thank his students for their contributions to his thinking about these topics.

<sup>2</sup> Bardo Fassbender and Knut Traisbach, “The Limits to Human Rights.” p.? The argument that human rights progress has been the result of long struggles, often led by oppressed people, is one of the main theme of Kathryn Sikkink’s recent book, *Evidence for Hope: Making Human Rights Work in the 21<sup>st</sup> Century* (Princeton University Press, 2017).

<sup>3</sup> See, for example, Sikkink, *Evidence for Hope*, chapters 3 and 4, and Steven L. B. Jensen, *The Making of International Human Rights: The 1960s, Decolonization, and the Reconstruction of Global Values*, Human Rights in History (New York, NY: Cambridge University Press, 2016).

<sup>4</sup> This chapter grew out of our own collaboration and also a series of conversations with colleagues on building a community of practice for teaching human rights, funded in part by the Open Society Foundation. We particularly wish to recognize the contributions of the following colleagues: Karina Ansolabehere Elazar Barkan, Jacqueline Bhabha, Charlie Clements, Anne Denes, Barbara Frey, Cesar Rodriguez Garavito, Tyler Giannini, Katrin Kinzelbach, Gerald Knaus, Miloon Kothari, Emily Martinez, Nancy Pearson, Michael H. Posner, Kristof Zoltan Varga, and Frans Viljoen. In particular, we draw here on a summary of the discussion of a meeting held in the Carr Center for Human Rights in October 2014, with these participants.

<sup>5</sup> See the site [www.newtactics.org](http://www.newtactics.org) sponsored by the Center for Victims of Torture ([www.cvt.org](http://www.cvt.org)).

dominated by lawyers and so when they imagine what can and should be done, they always turn first to law, without asking whether a legal approach is going to be the most effective to address the human rights problem at hand. Human rights organizations have a professional bias toward fact-finding, the creation of more human rights law and the enforcement of such law through courts. In some cases, such as mass atrocity prevention, such a legal approach is appropriate and effective but it is not in others, for example, such as addressing female genital cutting.<sup>6</sup> The excessively legal focus of human rights may not need to be “limited or cured” but it does need to be diversified, and the tactics of the movement adjusted more to the nature of the human rights problem to be addressed. In the cases of social movements, tactical inertia may be the result of a misreading of some of the iconic struggles of the past. People remember Gandhi’s Salt March, or Martin Luther King’s March on Birmingham or Washington, without paying attention to the years of training and other tactics that preceded and followed them. As a result, activists tend to overuse the tactic of large demonstrations. While large demonstrations can provide energy and display power, excessive use of demonstrations can lead to burn out and smaller numbers. In more repressive regimes, excessive emphasis on large demonstrations can frighten potential supporters and deprive new movements of crucial leadership when leaders get imprisoned.

While using human rights law or large demonstrations are essential tactics for human rights struggles, more diverse and creative approaches are needed to have more effective outcomes. In particular, human rights advocates can think more strategically about the nature of the human rights problems they hope to address and the appropriate clusters of tactics to achieve positive outcomes on those issues.

### **Context and Background:**

A more strategic and outcome oriented human rights practice is particularly urgent in the new political context where human rights are under attack, both from the highest levels of the US government, as well as from authoritarian regimes and movements around the world. If one looks towards Russia and China, for example, and the 1.7 billion people that encompass their populations, we are not looking at human rights outliers but at governments promoting new norms. As a result of what one author has called “the Dictator’s Learning Curve,” many authoritarian regimes have become much more savvy about countering the maneuvers of democracy promotion campaigns and human rights movements.<sup>7</sup> Repressive regimes have learned how to silence and harass human rights workers ever more effectively, often using the very tools of law and courts.<sup>8</sup> Dictatorial or “electoral authoritarian” regimes are challenging human rights even within the institutions once considered bastions of human rights ideals, such

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<sup>6</sup> On the effectiveness of human rights prosecutions as a tactics, see Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics* (WW Norton & Co., 2011). On why such tactics don’t work for female genital cutting, see Gerry Mackie, “Ending Footbinding and Infibulation: A Convention Account,” *American Sociological Review* 61, no. 6 (1996): 999–1017.

<sup>7</sup> William J. Dobson, *The Dictator’s Learning Curve: Inside the Global Battle for Democracy* (New York: Anchor Books, 2013).

<sup>8</sup> Kendra Dupuy, James Ron, and Aseem Prakash, “Foreign Aid to Local NGOs: Good Intentions, Bad Policy,” *openDemocracy*, November 15, 2012, <http://www.opendemocracy.net/kendra-dupuy-james-ron-aseem-prakash/foreign-aid-to-local-ngos-good-intentions-bad-policy>.

as the Council of Europe.<sup>9</sup> Since electoral authoritarian regimes are more legitimate because their leaders were elected, this creates new kinds of challenges for human rights organizations operating there.

Alarmed by the successful use of non-violent campaigns in the Ukraine, Serbia, Egypt, Tunisia, and elsewhere, these regimes have studied the nature of their successes and moved with new tactics to repress them. Because the targets of human rights advocacy learn and change, repeated use of the same tactics, such as information politics and naming and shaming, allows those targets to adapt to counter previously effective tactics. One can imagine the power of the first letter-writing campaign from Amnesty International because the tactic was so surprising. But after 50 years, most states have learned to bureaucratize a response and protect themselves from this tactic. Amnesty International has invested resources into developing its repertoire of tactics now well beyond its trademark action, seeking tactics that effectively pressure its targets by engaging its constituency.

There is no “one size fits all” tactic for human rights today, if there ever was one. Different tactics are effective against different targets, and different tactics appeal to different constituencies.<sup>10</sup> As a result, human rights organizations need to tailor their strategies and tactics to their targets, finding those that will have the fullest possible impact in their setting. When tactics fail to affect targets in desired ways, groups must learn to innovate new and more effective tactics.

### **What does it mean to strategize?**

In order to begin to talk about a more strategic approach to human rights, we first need to define what we mean by strategy and tactics. Strategy is the science or art of combining and employing the methods of action into a coherent plan to direct large-scale operations. There is nothing mysterious about strategy, though it is often difficult to think strategically. Strategy is not a single decision, but rather a confluence of decisions: the selection of key objectives and appropriate targets, an understanding of needed constituencies and resources and decisions on which tactics to use and when. Three critical elements of strategy are targets, tactics, and timing. So, for example, in the international baby milk campaign, the Nestle Corporation was selected as the target both because of its marketing practices and dominant size; a consumer boycott was the main tactic; timing for the American effort was auspicious, because Nestle had announced the intention of doubling its sales in the US within five years. As Sun Tzu advised on the shaping of offensive strategy, “...what is of supreme importance in war is to attack the enemy’s strategy.”<sup>11</sup> Building an economic boycott in the heart of Nestle’s planned growth area magnified the impact of the campaign, an example where selection of the target is accentuated by knowing and disrupting its plans (good timing). When we talk about “strategizing,” we mean going the intentional process of selecting objectives and targets, deciding what tactics you will use to affect your target(s), asking how timing will affect your process and targeting, and whether you can

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<sup>9</sup> See, for example, Gerald Knaus, “Europe and Azerbaijan: The End of Shame,” *Journal of Democracy* 26, no. 3 (2015): 5–18.

<sup>10</sup> Parts of this section draw on Douglas A. Johnson, “The Need for New Tactics” **add complete footnote**.

<sup>11</sup> Sun Tzu, *The Art of War*, edited by Samuel B. Griffith (Oxford University Press, 1963), page 77.

you imagine stages in your campaign? Thus, “Strategy is intentional—a pathway that we shape by making a series of choices about how to use resources in the present to achieve goals in the future.”<sup>12</sup>

### **Is there a downside to a more strategic and outcome oriented human rights practice?**

Some human rights activists and human rights organizations are skeptical about discussing strategy and tactics. These are terms very associated with military action, as we see in Sun Tzu’s quote above. Because the militaries in repressive regimes were often the adversaries of human rights work, it seems suspect to adopt their way of thinking about action. Human rights organizations are devoted to non-violent action, so using insights from a military mindset where violence is always a key tactic may seem counterintuitive.

Another sometimes heard objection to this more strategic and outcome oriented approach to human rights is that it might be too calculating, using cost/benefit analysis, or even become consequentialist in ways that might undermine the very ethical basis of human rights. So, for example, in a recent *Foreign Affairs* article, Douglas Johnson, Alberto Mora, and Averell Schmidt document the strategic costs of the Bush torture and rendition policy to US long-term interests, arguing that the policy hurt America because other institutions and countries believed in and enforced international human rights law.<sup>13</sup>

Some worry that the normative dimension of human rights might get lost when human rights becomes more strategic, including a cost-benefit analysis of effectiveness.<sup>14</sup> We want to be clear here that *being strategic does not imply giving up one’s normative commitments*. Indeed every exercise in strategic planning starts with clarifying the values, mission, and goals of the organization. This allows any human rights organization to clarify its normative goals and connect them to its practice. Rather than neglecting normative commitments, working more strategically allows organizations to actually be clearer about their values and goals and adopt tactics that are more likely to produce positive results.

Likewise, human rights advocates don’t only need to think about the effectiveness of their own tactics, but also be prepared to debate the assumptions of efficacy of their adversaries. Former Vice-President Dick Cheney justified torture “because it works” to gain intelligence needed to protect American lives. It is possible to both sustain a normative commitment against torture, and to contest the simple minded and unsupported assertions about the effectiveness of torture. If we only insist that torture is normatively wrong, but fail to contest Cheney’s assertion that useful intelligence was obtained by torture, we cede the field of thinking about consequences to the self-interested. The US Senate Intelligence Committee Report on the CIA torture program completely undermined Cheney’s assertion that torture worked. The decision to use torture was a tactical decision, and it ignored the broader strategic goals of the US government. Cheney should have been asking what else would result from a torture policy. Loss of soft power, diminishment

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<sup>12</sup> Marshall Ganz, *Why David Sometimes Wins*, Oxford University Press (New York, 2009), page 8.

<sup>13</sup> Douglas A. Johnson, Alberto Mora, and Averell Schmidt, “The Strategic Costs of Torture: How ‘Enhanced Interrogation’ Hurt America,” *Foreign Affairs* 95, no. 5 (2016): 121–132.

<sup>14</sup> We are indebted to Knut Traisbach for raising this question.

of US moral authority, easier recruitment for terrorist organizations, resistance from allies, legal accountability, and other damage also came from the torture policy. The Bush administration policy of torture shows how enchantment with a tactic can lead to unstrategic thinking.

### **How to strategize for a more effective and outcome oriented human rights practice:**

More than two thousand years ago, Sun Tzu taught “Know the enemy, know yourself; your victory will never be endangered. Know the ground, know the weather; your victory will then be total.”<sup>15</sup> To those who suggest that an organization “adopt this strategy” as though it were a prepackaged action plan, we answer that strategies are unique. The decisions emerge from understanding the adversary (its goals, strategy, strengths and weaknesses), understanding ourselves (our allies, our strengths and limits) and understanding the terrain (where your struggle will be fought). The combination of these elements will always be unique, never generic. Of greatest importance, however, is the realization that we do have adversaries who think and act, often to great effect. Human rights organizations face smart, powerful adversaries with substantial resources, who often reap substantial rewards from committing human rights violations. Repressive leaders use human rights violations to retain power and accumulate wealth. It is essential to try to understand these adversaries and the contexts (terrain) where they operate, in order to work effectively to constrain them. The adversary’s tactics are a key component to its strategy and knowledge of such tactics aids us in counteracting them. What we can accomplish, including which tactics we know and which we can successfully implement, will affect the formation of our strategy.

A broad tactical repertoire is therefore a critical component of strategic thinking. A tactic is a specific action that one takes within a strategy and a way to organize our resources to effect change in the world. A tactic may be as small as an activity (writing a report), or as large as establishing an institution (setting up a national human rights commission, which in turn will determine its set of tactics). Tactics will manifest themselves differently depending on the size, capability and resources of the organization. Tactics embody how one goes about making change, while a strategy involves decisions on which tactics to use, which targets deserve focus and which resources can be employed. Our knowledge of tactics also shapes the strategy we choose. Tactical thinking is essential to strategic thinking and thus to an effective struggle for human rights.

In the past thirty years “strategic planning” has become the norm in nongovernmental organizations. Curiously, the notion of tactics has not accompanied the development of strategic planning and still remains, for many, a pejorative term. We commonly say something or someone is “tactical” rather than “strategic,” meaning subject to limited, short-term thinking rather than long-term, core thinking. For some, tactics imply maneuvering for short-term gain or position, perhaps in an unethical manner. So why are we using the word “tactic” rather than another word such as approach, methodology or technique? Leaders who have had more experience in shaping the strategy of an organization realize that the more they understand about tactics, the more flexibility they have to set new strategic directions. We are not arguing, then, that tactical thinking or training supersedes strategic thinking, but rather that tactical

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<sup>15</sup> Sun Tzu, *The Art of War*, Translation by Samuel B. Griffith, Oxford University Press, 1963, page 129.

development enriches strategic thinking. Thus, we use “tactic” because of its integral relationship to the concept of “strategy.” Strategy defines what is important to do, tactics embody how to do it. The relationship between “the what” and “the how” is an important one in understanding — and demystifying — the concepts of strategy and tactics. Tactics are one of the key building blocks of strategy.

To illustrate these arguments, it may be useful to discuss some of the novel tactical principles from the Serbian movement to remove Milosovic, *Otpor*. *Otpor* realized that multiple and varied tactics should be used to create surprise and keep the adversary off balance. They believed that something should happen every day to attract media attention and to engage activists, and that tactics involving humor were particularly valued for their power to diminish fear. Following the teaching of non-violent theorist Gene Sharp, *Otpor* believed that too much emphasis should not be placed only on large demonstrations, what Sharp called a tactic of concentration, but attention should be paid to tactics of dispersion, i.e. small actions that were safer, allowing activists to gain experience, training and confidence, while dispersing the resources of the police and security forces. Finally, they believed that their tactics should “leave no one behind”, i.e. they had to have careful planning in advance of actions to minimize the possibilities of arrest, but once activists were arrested, the organization also needed to use tactics to pressure for rapid, safe release. So, for example, activists in Serbia trying to secure the release of their colleagues who had been detained found that it was more effective to hold an outdoor rock concert outside the gates of the jail focused on getting the prisoners released, than to write letters or do a press release. They backed this up with a phone tree of retired people who had the time to call the police station to ask “about that nice young boy” who was arrested. The concert diminished fear of both the police and the activists, and kept the activists there until the prisoner was released to a hero’s welcome, ready to act another day.<sup>16</sup>

It is on tactical decisions that *Otpor* leaders used cost-benefit analysis to force themselves to consider the expected impact of a tactic versus the resources required to carry it out. Large demonstrations, for example, are risky; an invitation to the adversary to concentrate the police and security forces into one area, the possibility of violence from provocateurs or under-trained activists, even the numbers of people who might show up are all risk factors. A campaign of dispersal tactics first provides training and discipline, group cohesion, and even an improved ability to project numbers when it is believed that a major public demonstration is needed to push the campaign along. Should human rights organizations have the capacity to make these calculations or shy away from them as tainted? The ability to foresee probable outcomes of action, both those of the adversary and one’s own is a critical aspect of strategic thinking.

These principles illustrate a variety of crucial insights on tactics. Tactics are training systems for engaging participants and allies in the organization’s work. Some tactics may be short-term (such as a march), some longer-term (such as a boycott). But all of them require planning, coordination and direction. They can create opportunities for many citizens to be involved, to learn and to become more committed to the work of the organization or campaign. Involvement on a tactical

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<sup>16</sup> Nikolayenko, Olena, “[Origins of the movement’s strategy: The case of the Serbian youth movement Otpor](#),” *International Political Science Review*, 34/2: March 2013. This section is also informed by co-teaching courses on non-violence with Srđa Popović and Slobodan Djindjic, two of youth leaders of the *Otpor* movement.

level is an excellent training ground for younger or newer staff and volunteers. Diverse tactics are also useful because they appeal to different constituencies. Some people find picketing in front of a torturer's home a very frightening tactic; others find letter writing too removed from where the change is needed. We can debate who is right or we can recognize that people respond differently to a tactic based on their notions of causation, their tolerance for risk, the time they have available or their way of processing information. If the human rights community responds by offering only one or two tactics to engage the public, we will appeal only to the narrow constituency to whom those tactics make sense. Filing a legal case, for example, is notoriously difficult to use with wide sectors of the population: legal cases are long-term efforts carried out by a small group of legal professionals. Such legal cases are important, but we also need to employ other tactics that give more people the chance to be participants rather than observers. In cultures that have experienced repression, people have learned to withdraw from public life. To engage constituencies in cultures such as these we need to offer tactics that appeal to different risk tolerances and different views of social change.

Good strategy and effective campaigns have a number of key components. They need to have clear, focused, measureable goals, be capable of building strategic alliances across sectors, and then strategizing across sectors to use respective strengths. Effective campaigns make careful choices of terrain and show moral courage.

Marshall Ganz asserts that organizations should pay attention to the "strategic capacity" of both the adversary and one's own organization, which he defines as 1) the depth of its motivation; 2) the breadth of its salient knowledge; and 3) the robustness of its reflective practice (Heuristic processes).<sup>17</sup> Each of these factors can be increased through leadership teams with diverse backgrounds and skills, such as different tactical repertoires, that augment flexibility. Ganz analyzes why the United Farmworkers succeeded when the Teamsters Union failed to organize California farmworkers. The added motivation came from farmworkers themselves being engaged in the leadership, incorporating a more diverse set of leaders into its decision-making, and a commitment to learn from both failures and victories as outcomes of action to influence future action. As Sun Tzu pointed out, the first of the five fundamental factors in conflict is moral influence, "...that which causes the people to be in harmony with their leaders, so that they will accompany them."<sup>18</sup> Ganz advises that these are not the prerogative of one super human leader, but skills and capacities that can be sought out, recruited, and learned.

#### *A. Using tools and exercises for strategic training:*

In our teaching and training, we use tools and exercises to help our students and human rights advocates to answer these questions and plan more strategically. In response to the directive - Know Your Adversary, for example, groups need to clarify who exactly is the adversary, and whether the adversary chosen is the correct one. In campaigns against torture, for example, human rights advocates have tended to focus on pressuring national governments to prohibit torture. This makes sense in the case of a top down state-sponsored policy of torture. But in some cases, torture may fester in a particular jail or police precinct because of leadership there, not orders from above. In those cases, more targeted actions on the individuals actually

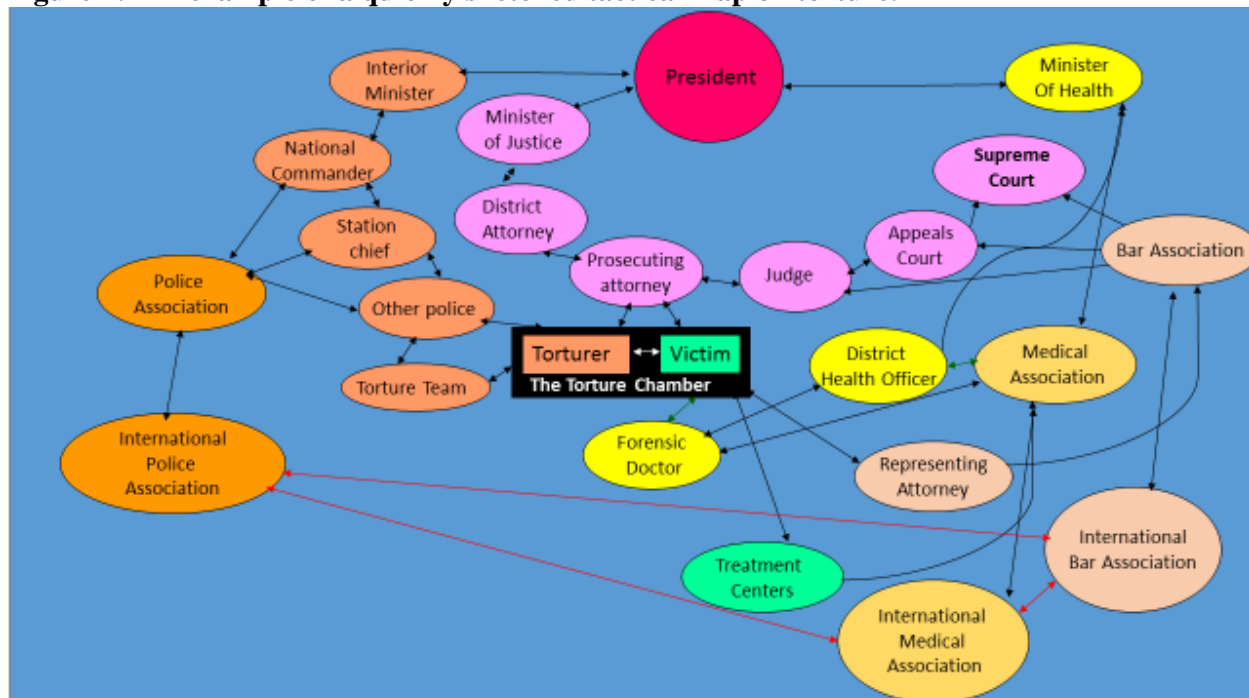
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<sup>17</sup> Ganz, pp. 10-14.

<sup>18</sup> Sun Tzu, page 64.

responsible for torture will be more effective. To help activists identify these individuals, we use a tool, “tactical mapping,” (see **Figure 1 for an example**) developed by the New Tactics for Human Rights Program at the Center for Victims of Torture.<sup>19</sup> Tactical mapping asks participants to create a diagram of the relationships and institutions that surround, receive benefit from, and sustain a specific human-rights abuse. The emphasis is on relationships between people and institutions (rather than on concepts or “causes” of human-rights violations). When this diagram is sketched out, it provides not just a map of adversaries, but also a map of the micro-terrain of the human rights struggle. It helps actors to select appropriate targets for intervention and consider possible tactics to influence issues of concern. Thus, using the map helps activists plan and monitor how a tactic might function and which relationships it should influence to effectively intervene. Because multiple groups can use the diagram to map their respective targets and interventions, the tactical map becomes a coordinating tool that creates a more comprehensive strategy than is possible when groups act independently.<sup>20</sup>

**Figure 1: An example of a quickly sketched tactical map on torture.**



Source: Created by Douglas A. Johnson

Such a tactical map can help organizations select targets, one essential aspect of strategy. The tactical map will help them consider the multiple levels of actors in the system, not only the people at the top. A map can also be useful to create a diagram of the causal chain (leading to torture, for example), to challenge activists to consider alternative targets and to fully understand what they expect to happen when the tactic is applied to the selected target(s). Finally, it allows them to explore whether the tactic is likely to have impact throughout its causal chain or if it will lose force and efficacy as it travels across many layers (as in an action that targets a national

<sup>19</sup> “New Tactics in Human Rights,” accessed June 18, 2016, <https://www.newtactics.org/>.

<sup>20</sup> This sections draws on material from Douglas A. Johnson and Nancy Pearson, “Tactical Mapping: How Non-profits Can Identify Levers for Change,” *The Nonprofit Quarterly*, Summer 2009 edition ([www.npqmag.org](http://www.npqmag.org)). We thank Nancy Pearson for her permission to use some co-authored material here.



president). Other take-aways from a tactical mapping exercise can include the knowledge that the systems we seek to change are complex and mutually reinforcing. It can dispel the tendency to treat the terrain as if it were simple. A map can also illustrate how change can be created, but create awareness that pressure must come from multiple sources in a sustained manner. As such, it becomes clear that no one organization can affect the depth and breadth of change needed. Comprehensive, multi-faceted strategy require allies and a willingness to develop deep collaborations. Finally, a tactical map may suggest to activists that different tactics will be needed to affect different parts of the system. Above all, a map should encourage activists to be creative and think about what action they want from the target. Will the tactic you select give you the action you want?

One of the most crucial skills needed in the human rights community is the ability to build and sustain more effective coalitions. But perceived funding imperatives and the “top-down” approach often favored by major international human rights NGOs make it difficult for human rights organizations to collaborate with one another. There needs to be more collaboration and more horizontal organizational structures. Collaboration is a skill as well as a framework, but human rights activists may have little or no formal training on building collaboration, either within countries or across borders.

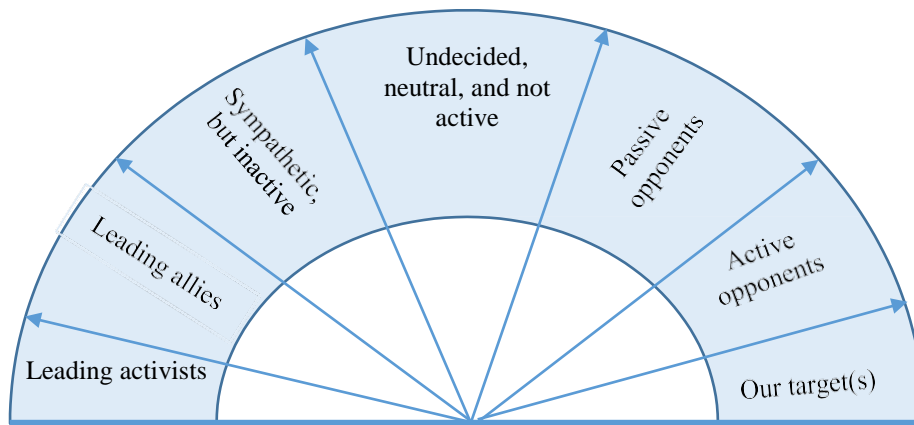
There is an exercise developed in the 1960s called the “Spectrum of Allies that can be a very useful tool for helping human rights advocates think about how to build collaboration. Often activists have a simple idea of struggle that places “us” at one end and the adversary on the other. The Spectrum of Allies exercise encourages more complex thinking about adversaries and possibilities for collaboration. Along that spectrum are our natural allies, as well as the adversaries’ active allies. There are people and groups who tend to support one side or the other, but who remain passive. And in nearly all cases, there is the largest group of all, the neutral, inactive middle. The Spectrum of Allies<sup>21</sup> starts with a very simple visual (**See figure 2**), and asks advocates to think through the groups that fall into each of the categories on the spectrum, what must be done to gather more allies, and to strip allies from the opponent. Over the years, others have recommended particular approaches (do nothing to stimulate the passive opponents to action) and some specific tactics to move all groups counter-clockwise.<sup>22</sup> Even meeting with very experienced human rights advocates trying to strategize about how to protect rights under the Trump administration, we found that reminding them about the Spectrum of Allies stimulated more creative thinking. As Chenoweth and Stephens have shown, one strong advantage that nonviolent campaigns have over violent resistance is the ability to attract larger numbers to their support.<sup>23</sup> Those numbers are in the middle, among the undecided and neutral sectors, to which all successful campaigns must appeal. Another advantage nonviolence has is the ability to neutralize the passive opponents, shifting them at least to the undecided sector where some can be reached to become sympathetic to the campaign. The Spectrum of Allies creates the challenge to target each sector, realizing that each will require a different set of tactics to effectively engage them.

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<sup>21</sup> Oppenheimer, Martin and George Lakey, *A Manual for Direct Action: Strategy and Tactics for Civil Rights and All Other Nonviolent Protest Movements*, Quadrangle Books (1965).

<sup>22</sup> See for example <http://beautifultrouble.org/principle/shift-the-spectrum-of-allies/>

<sup>23</sup> Chenoweth, Erica and Maria J. Stephan, *Why Civil Resistance Works, The Strategic Logic of Nonviolent Conflict*, New York: Columbia UP, 2011. Print. pp. 30-60.



**Figure 3.**  
SPECTRUM OF ALLIES  
Concept from Oppenheimer & Lakey

**B. Using historical and social Science research for training:**

Social science literature can also be used in training to help human rights advocates to know themselves, know the adversary and know the terrain. We often think that the academic world is completely divorced from the world of human rights practice. But as we have learned in our lifetime of work together as a practitioner and a human rights scholar, there is much that scholars can learn from activists, and much that activists can learn from scholars. But this often takes some translation, to make the concerns and the language of each group transparent and relevant to the other. In this article, we will focus on how different types of academic work can be incorporated into training advocates for a more strategic and outcome oriented human rights practice.

First, some historical and social science research can help address erroneous perceptions activists may hold that affects their planning or morale. So, for example, historical research on the diverse origins of human rights in the Global South, mentioned above could be useful for helping Southern based activist respond to those who argue (including many authoritarian leaders) that human rights are a form of cultural imperialism.<sup>24</sup> In the same vein, some authors and activists

<sup>24</sup> See, for example, Roland Burke, *Decolonization and the Evolution of International Human Rights* (University of Pennsylvania Press, 2010); Jensen, *The Making of International Human Rights*; Mary Ann Glendon, "The Forgotten Crucible: The Latin American Influence on the Universal Human Rights Idea," *Harvard Human Rights Journal* 16 (2003): 27–39; Greg Grandin, "The Liberal Traditions in the Americas: Rights, Sovereignty, and the Origins of Liberal Multilateralism," *The American Historical Review* 117, no. 1 (2012): 68–91; Greg Grandin, "Human Rights and Empire's Embrace," in *Human Rights and Revolutions*, ed. Jeffrey N. Wasserstrom, 2nd ed. (Lanham, MD: Rowman & Littlefield Publishers, 2007); Morsink, *The Universal Declaration of Human Rights*; Susan Waltz, "Universalizing Human Rights: The Role of Small States in the Construction of the Universal Declaration of Human Rights," *Human Rights Quarterly* 23 (2001): 44–72; Liliana Obregón, "The Colluding Worlds of the Lawyer, the Scholar and the Policymaker: A View of International Law from Latin America," *Wisconsin International Law Journal* 23, no. 1 (2005); Arnulf author Becker Lorca, *Mestizo International Law : A Global Intellectual History 1842-1933*, (Cambridge, United Kingdom: Cambridge University Press, 2014). Paolo Carozza, "From Conquest to Constitutions: Retrieving a Latin American Tradition of the Idea of Human Rights," *Human Rights Quarterly* 25, no. 2 (2003): 281–313; Jan Herman Burgers, "The Road to San Francisco: The Revival

argue that human rights ideas don't work as mobilizing tools in the Global South because people there believe that human rights institutions and NGOs are at the service of the great powers, and the United States in particular. Such a belief could dramatically affect strategic choices activists make. In this case, we have a rare opportunity to bring survey data to bear on this topic. James Ron and David Crow conducted surveys of 9,380 respondents in six countries in four world regions: Colombia, Ecuador, India, Mexico, Morocco, and Nigeria. They asked people about their attitudes towards the US government, human rights, and local and international human rights organizations. There was some interesting variation by country but, overall, Ron and Crow find that people in these six countries in three different regions of the developing world have "pretty good" levels of trust in their local human rights organizations, clearly closer to the most trusted institutions in their countries than the least trusted. Such trust is not limited to one group of people, such as those with higher incomes or greater transnational connection. Rather, people with different levels of education, income, and geographic locations (urban and rural) have trust in human rights organizations, and those who report they have had contact with these human rights organizations are more likely to trust them. Finally, local human rights organizations are not perceived as handmaidens of powerful countries, and awareness that they receive foreign funding does not diminish trust in most countries.<sup>25</sup> This suggests that human rights organizations continue to have appeal in these countries and could be used as a mobilizing tool in campaigns.

Second, in order to strategize to be more effective, human rights organizations have to be able to agree on whether or not they are leading to positive change. Yet there are critical gaps in terms of conceptualizing, evaluating, and measuring what constitutes effective human rights practice and progress. The key question here is "Are we actually contributing to meaningful change 'on the ground' and how to we better measure these impacts?" Sometimes we encounter an "information paradox" where activists, by creating new issues and producing new information, can sometimes give the impression that practices are getting worse, when in reality we just know more and care more about them.<sup>26</sup> Pessimism about human rights progress is widespread. Whether on the news, or in the academy, or when one talks to a member of the general public, the standard view is that all types of human rights practices are getting worse in the world rather than better. Some academics critique human rights law, institutions, and movements for this perceived lack of progress.<sup>27</sup> Such pessimism can have an impact on the well being of human

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of the Human Rights Idea in the Twentieth Century," *Human Rights Quarterly* 14 (1992): 450; Rainer Huhle, "Latinoamérica: Continente de la paz y los derechos humanos," *Nurnberger Menschenrechtszentrum*, 2007, 1–17; Rainer Huhle, "América Latina y la fundamentación del sistema internacional de protección de los derechos humanos después de la Segunda Guerra Mundial," *Memoria: Revista sobre cultura, democracia y derechos humanos* 4 (2008): 33–43; Patrick William Kelly, "On the Poverty and Possibility of Human Rights in Latin American History," *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 5, no. 3 (2014): 435–450.

<sup>25</sup> James Ron and David Crow, "Who Trusts Local Human Rights Organizations? Evidence from Three World Regions," *Human Rights Quarterly*, 37 (2015): 188–239. See also their book with Shannon Golden and Archana Pandya, *Taking Root: Human Rights and Public Opinion in the Global South* (Oxford University Press, 2017).

<sup>26</sup> For more on the information paradox, see Ann Marie Clark and Kathryn Sikkink, "Information Effects and Human Rights Data: Is the Good News about Increased Human Rights Information Bad News for Human Rights Measures?" *Human Rights Quarterly* 35, no. 3 (2013): 539–568.

<sup>27</sup> Stephen Hopgood, *The Endtimes of Human Rights* (Ithaca, NY: Cornell University Press, 2013); Eric A. Posner, *The Twilight of Human Rights Law* (New York: Oxford University Press, 2014); Mark Osiel, "The Demise of

rights activists. A recent survey of 346 individuals currently or previously working in the field of human rights found that this work is associated with elevated levels of depression and Post-Traumatic Stress Disorder (PTSD), especially among those who have negative self-appraisals about the effectiveness of their efforts.<sup>28</sup> This suggests that one of the most difficult parts about being a human rights activist is the doubt about whether you are contributing to positive change.

This is a management and leadership responsibility too often ignored in human rights organizations. Saul Alinsky counselled that even small victories were important vital to maintain the morale and engagement of activists<sup>29</sup>.

Using primarily empirical comparisons with careful use of human rights data can generate persuasive evidence for the effectiveness of human rights law and activism. The human rights situation in the world is characterized by some areas of retrogression and worsening, such as the current situations in Syria, Egypt, Mexico, and the US, but also by other areas of increasing awareness and improvements, such as current developments in gender equality, rights of sexual minorities, and rights of people with disabilities. Although human rights change takes a long time and its progress ebbs and flows, we do not see wholesale abandonment of human rights ideas or loss of confidence in the institutions designed to advance and protect these rights. Unless scholars and activists are able to distinguish areas of improvement from areas of worsening, we cannot take the next step to evaluate what works. In order to be more strategic, it is also useful to train human rights activists in the use of methods and techniques to evaluate their work more effectively.<sup>30</sup>

Third, social science research can help illuminate causal relationships that may be useful to human rights activists, including the conditions under which human rights work is likely to be effective. In her 2010 book, *Mobilizing for Human Rights*, Beth Simmons specifies the conditions under which human rights law is most likely to be effective.<sup>31</sup> She shows that international human rights law has the most impact in transitional countries where domestic human rights activists have both the motivation and the opportunity to mobilize to pressure for change. Such research can be used to help activists choose targets and tactics more effectively. Keck and Sikkink's book *Activists beyond Borders: Advocacy Networks in International Politics*, makes a series of arguments about the conditions under which transnational networks are more likely to be effective.<sup>32</sup> They group these conditions in categories including "Network characteristics" that corresponds to "knowing yourself," and "Target characteristics" that correspond to "knowing your adversary," and "issue characteristics," which constitute one part

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International Criminal Law," *Humanity Journal*, June 10, 2014, <http://humanityjournal.org/blog/the-demise-of-international-criminal-law/>.

<sup>28</sup> Amy Joscelyne et al., "Mental Health Functioning in the Human Rights Field: Findings from an International Internet-Based Survey," *PLOS ONE* 10, no. 12 (December 23, 2015), <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0145188>.

<sup>29</sup> Recalled by one of the authors from training with Alinsky in 1969 at the Industrial Areas Foundation, Chicago.

<sup>30</sup> These two paragraphs draw on material from Kathryn Sikkink, *Evidence for Hope: Making Human Rights Work in the 21<sup>st</sup> Century* (Princeton University Press, 2017).

<sup>31</sup> Beth A. Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (Cambridge; New York: Cambridge University Press, 2009).

<sup>32</sup> Margaret E. Keck and Kathryn Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998).

of the terrain. Thinking about these characteristics might help activists choose targets. For example, campaigns against targets that are morally or materially vulnerable (or both) are likely to be more effective than campaigns against targets that are less vulnerable. In the case of the Nestle Boycott, for example, Nestle was more vulnerable to a consumer boycott than other infant formula producers because it had a wide variety of common consumer products, clearly identified as Nestle products. Likewise social science literature can be useful in helping choose tactics. For example, Erica Chenoweth and Maria Stephen's findings that non-violent movements are more effective than violent movements for change, can be useful reading for any human rights movement as it considers the advantages of incorporating citizen mobilization into its strategic objectives.<sup>33</sup> Chenoweth and Stephens stress that non-violent movements are more effective exactly because they can attract a wider variety of allies. Building alliances and coalitions, thus, is not just another tactic for groups, but a key to their effectiveness.

### **Conclusions:**

We hope that this article has made it clear that we need to find new ways of working together — and new ways of working — in order to create effective strategies of change. In the new global context, we believe that no single methodology or approach to human rights will work. Although “naming and shaming” has become the most common and most scrutinized tactic among many human rights actors, it is not and should not be the only or even the main tactic used. NGOs are aware of the need for innovation and are developing programs, such as the “New Tactics in Human Rights Project,” that research novel tactics used around the world in human rights work and then encourage activists to write up descriptions or workbooks on their methods and to train other activists. Keeping this in mind, perhaps human rights activists should rely less on naming and shaming and large demonstration, and more on what we might call “effectiveness politics”—identifying techniques and campaigns that have been effective to discern how best to improve human rights. The human rights movement should move from a certain inflexibility and inertia to a more diverse, innovative, and creative strategies and tactics to keep human rights struggles fresh and unexpected, to build larger constituencies, and keep adversaries off balance.

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<sup>33</sup> Chenoweth and Stephan, *ibid.*