



# Doing the Rights Thing

Approaches to Human Rights  
and Campaigning

**Damien Spry**

Centre for Social  
Justice and Inclusion



**DOING THE RIGHTS THING**  
APPROACHES TO HUMAN RIGHTS  
AND CAMPAIGNING

Damien Spry

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## EXECUTIVE SUMMARY

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This report is about the current state of human rights and the advocacy campaigns to end various abuses to these rights. It challenges views that give authority *exclusively* to the 1948 Universal Declaration of Human Rights, and reductionist views that take the subsequently framed body of international human rights law as sacrosanct. In this monograph I suggest that this is an incomplete and therefore insufficient view of human rights; that the struggle for human rights exists in historical, political and cultural contexts that may variously challenge or lend support to perspectives on human rights. To argue this, I have presented three accounts: a brief historical overview of human rights; a close reading of a key human rights organisation; and accounts from a recent human rights campaign in Australia.

History shows human rights are far from stable and permanent. Human rights are fought for and realised, or not, in different ways at different times. Various, the language of rights has prompted ferocious opposition as well as inspired and legitimised campaigns for fundamental freedoms. By most measures, it has not been a tale of untrammelled progress towards a final recognition and realisation of rights. The questions of what rights are, and how we know this, remains fundamentally unresolved. These debates continue in contemporary societies.

A close reading of Amnesty International acts as a case study for the examination of human rights campaigns in the post-World War Two period. The Amnesty International story coincides with the development of the international human rights regime and is widely regarded as being an overwhelming success. Amnesty International's accolades over the decades are well deserved. In this report its methods are analysed as an example of a type of approach to human rights that is widespread. But upon examination, this story suggests that the emphasis on an internationalising, all-encompassing, universalising set of obligations is not without significant drawbacks. This is particularly so when the international rule of law is met with the challenges of local or national political frameworks and cultural values.

There are alternatives to this universalising approach. They are not necessarily in conflict with international human rights principles. They use additional arguments, strategically selected with optimal (but perhaps not *ideal*) outcomes in mind. They are based on principles that might initially be unexpected: national interest, family values, economic rationalism and the importance of democratic legislatures. These are seen in the third account presented here, in relation to campaigns in 2006 by A Just Australia, Chilout and GetUp for refugees' human rights. These examples suggest that smaller, nimbler campaign organisations, focused on concrete human rights outcomes, can strategically and successfully employ discourses that are designed to fit with the local political and cultural settings.

## INTRODUCTION

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This monograph was inspired by three events. The first was a conversation with a member of the Federal Parliamentary Press Gallery in late December 2000. The conversation took place during a time of escalating unrest in the Woomera Detention Centre, before Tampa and 'Children Overboard' and SIEV X.<sup>1</sup> She was a political reporter covering immigration policy; I was the Media Coordinator at Amnesty International Australia. It had been a year characterised by increasingly spiteful debates and disturbing images, mostly about the system of Mandatory Detention that had put thousands of asylum seekers in indefinite detention in places such as Curtin, Port Headland and, later, Woomera and Baxter. She asked me what I thought was the most surprising aspect of the current debate. I replied I thought it was difficult to comprehend how far the Australian Government could go towards committing human rights violations, renegeing on international commitments and flouting the rule of law. She was stunned by how much support there was in the community for the hard line that had been taken. She was right, of course. I should not have been surprised that those in power would seek to play by their own rules; I should have been deeply concerned that they were going to be rewarded for doing so.

The second is an incident that may be apocryphal. It was reported in George Megalogenis's (2003) account of the Australian Government's response to public opinion surrounding the protests that resulted in damage to the Woomera Detention Centre, the escape of some of the detainees and the increasing numbers of reports of detainees committing self-harm, often by sewing their lips together in protest. Talkback radio callers responded that Australia was being 'invaded' by bogus, ungrateful, unwanted and unwelcome refugees who were 'jumping queues'. During this time a focus group was run in which these matters were discussed. The group was incensed that Australia seemed to be held to ransom, unable to prevent its borders from being made porous. One group member, a Palestinian refugee herself (so the story goes), issued a statement of protest and intent: 'We decide who comes to this country, and the manner in which they come.' Whether or not this story is true the hardline stance became a key message of the Liberal Party's successful 2001 election campaign.<sup>2</sup> Again, it seemed, a Government was being rewarded by the public, and legitimised through the democratic process, for committing human rights violations.

<sup>1</sup> The Woomera Immigration Detention Centre in remote South Australia was the site of protests, unrest leading to significant incidents of violence against the detainee population, and some staff, from 2000 onwards. Until its eventual closure in 2003 the centre was associated with over-crowding, poor conditions, disturbing reports of self-harm and abuse of the detainees, which included families with young children.

In late August 2001, the MV Tampa, a Norwegian freighter, rescued 438 Afghani and Iraqi asylum seekers and attempted to bring them to Christmas Island off Australia's northwest coast. The Australian government refused permission and used the military to ensure that they would not be landed. These asylum seekers were eventually taken to Nauru where they were detained as part of the 'Pacific Solution'.

In August 2001 and in the period leading up to the 10 November Federal Election, the Australian government falsely claimed that asylum seekers had thrown their children into the water in an attempt to force the government into granting them asylum.

SIEV X is the acronym for 'Suspected Illegal Entry Vessel X'. This is the name given to a vessel that sank with the reported loss of 340 lives while on route to Australia from Indonesia.

<sup>2</sup> Also, as is noted elsewhere (Errington and Van Olsen, 2007), this was not the first time such sentiments had been expressed: 'Then-ACTU leader [Bob] Hawke wanted action to stop the boats. "Any sovereign country has the right to determine how it will exercise its compassion and how it will increase its population," Hawke argued' (p.77)

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The third event that inspired this monograph occurred in Australia's Parliament House on 1 May 2002, during hearings by the Senate Select Committee into 'A Certain Maritime Incident'.<sup>3</sup> Some of my then colleagues from Amnesty International were on the receiving end of a barrage of criticism from the Committee members for their allegations that Australia's refugee policies were at odds with human rights standards. The line of questioning, especially from Government Senators George Brandis and Brett Mason, turned into a spirited, then spiteful, lecture on the failings of Amnesty International to, among other things, criticise North Korea as much as South Korea. The Committee then went on to hold the likes of Amnesty International responsible for the rise of nationalistic One Nation Member of Parliament, Pauline Hanson. The remarkable performance prompted another committee member, Senator John Faulkner, to state: 'I have no idea what has been put in the peppermint tea tonight, but I do hope the House Committee has a look at it' (Select Committee for an inquiry into a Certain Maritime Incident 2002, pp. 1473-75). Towards the end of the hearing, Senator Alan Ferguson asked:

According to public opinion, some 80 per cent of Australians approve of the government's current policy on border protection. If you were to suggest that one and a half million people should enter this country, where do you think public opinion would be then?

The response was: 'Fortunately, human rights are not about public opinion' (Select Committee for an Inquiry into a Certain Maritime Incident 2002, pp. 1484-5).

Indeed, human rights are a matter of international law, a set of principles that is supposed to transcend the short-term interests of politics and the blinkered considerations of nations. Nevertheless, I was yet again forced to confront a dilemma: if refugee policy was about public opinion and human rights were not, how was refugee policy ever going to be about human rights?

This prompted this investigation into the nature of human rights, and their relationship with public political discourse. I concluded that human rights are definitely about public opinion and that they are constantly being created, challenged, marginalised and celebrated through acts of communication and engagement with complementary and countervailing discourses. I have also found that the human rights advocacy community has learnt to discuss human rights in ways that engage with the politics of public opinion.

This should not be surprising. The history of human rights, and its current political and philosophical context demonstrates that human rights are, and have always been, discursive constructions. They are products of argument and compromises, challenged by ideological opponents and reinterpreted in local political and cultural contexts in a process I refer to as 'communicative activism'. This contextualisation of contemporary human rights debates, which takes place in the next chapter, places the ongoing discussion within its historical and philosophical framework. It emphasises that

<sup>3</sup> The 'maritime incident' was also known as the 'children overboard incident', where an Indonesian vessel was intercepted by HMAS Adelaide within Australian waters reportedly 120 nautical miles off Christmas Island, on or about 6 October 2001' (Select Committee for an inquiry into a Certain Maritime Incident 2002, [http://www.aph.gov.au/senate/committee/maritime\\_incident\\_ctte/index.htm](http://www.aph.gov.au/senate/committee/maritime_incident_ctte/index.htm)).

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human rights are not only born out of a specific moment in history – the 1948 Universal Declaration of Human Rights – but have long been vigorously contested by those who see rights-based approaches as either a distraction, dangerous or nonsensical.

The ability for the advocacy community to engage with public opinion is of crucial importance. The rich historical and philosophical contexts of the development of ideas about rights puts contemporary discussions into stark perspective. For the organisations that will be discussed in this monograph the current human rights debates may be more productively understood with an appropriate sense of the history and rationale. This historical approach also prompts comparisons between the present age of international human rights promotion with other significant periods where rights either gained ascendancy or fell out of favour. This history of rights as *one of many* discourses of progress (or moral thinking, or political framework, or social design or freedom) helps current human rights advocates better understand the challenges they face. This may lead them to more creative and productive ways of making their claims heard and acted upon in a complex political sphere.

Chapter Two significantly narrows its focus and looks closely at Amnesty International as a contemporary case study of an idealtypic human rights Non-Government Organisation (NGO). It illustrates the particular forms of human rights discourse that Amnesty International employs – the narrative structures, the preferred vocabularies and genres – and those it does not. It suggests that there are absent forms of human rights discourse in the Amnesty International corpus. The methodology here is critical discourse analysis applied to a close reading of official Amnesty International documents. Amnesty International here serves as a link between the history of human rights campaigning and its present iterations.

Firstly, Amnesty International has, at least since the 2001 changes in its mandate, anchored its campaign choices and goals in the Universal Declaration of Human Rights and the body of international laws, standards, and norms that have developed in its shadow. As such it is, at least partially, an expression of the hopes, achievements and shortcomings of the international human rights regime itself, and of its proponents. Secondly, Amnesty International's internationalist approach extends from its philosophy of human rights into its organisational structures and processes. It seeks to claim legitimacy through reference to international human rights norms and its global membership and international constituency of ordinary people standing up for human rights. This development, from a largely western-based civil and political rights campaign<sup>4</sup> to an international human rights organisation, reflects recent historical trends wherein the human rights movement has grown to include much of the rest of the world. While human rights may have been globalised, they have not always been universalised. The opposite may also be observed: human rights are being localised, particularised, and conducted within discursive regimes nationalism, belief systems and cultural traditions, among others. For Amnesty International this poses important and difficult problems.

<sup>4</sup> Originally the 'Campaign for Amnesty' was only to last one year, based on the one-year campaign to return refugees to Europe after World War Two (Rabben 2002).

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Chapter Three considers some emerging voices in the human rights community that speak with different voices. In this chapter, these new NGOs – GetUp, A Just Australia, and Chilout – report their progress, outline their successes and challenges, and assess the strengths and shortcomings of other approaches. It also compares these groups with Amnesty International Australia's recent campaigns in support of refugees' human rights. This section is based on a series of semi-structured interviews with key sources from these organisations. The methodological approach is similar to that of Chapter One's in that it considers the discursive regimes within which these organisations operate, or operated, but the analysis is far less definitive than that suggested regarding Amnesty International in Chapter Two.

There are reasons for this: there is a lot more documentation available from Amnesty International for one thing the newer, smaller organisations are less a product of developments in their organisational histories and philosophies than they are of the moments of their initiation and the people immediately involved. So the results of these interviews should be read as being suggestive of alternatives to the universalising approach that Amnesty International follows, rather than plotting definitive alternate trajectories. It remains to be seen in the longer term whether smaller, more 'piecemeal' (to borrow a term from Karl Popper) approaches to human rights campaigning are a viable, let alone, preferable alternative to a universalising approach.

For now, this is the suggested conclusion I have reached: smaller, nimbler campaign organisations focused on concrete human rights outcomes strategically employ discourses that are designed to fit with the local political and cultural settings, and can do so with some success. Moreover, where Amnesty International is an expression of the post-World War Two human rights era, characterised by the development of an international human rights regime and apparatus, these other human rights organisations may be indicative of a different human rights history. This alternate history looks back to those expressions of human rights outlined in Chapter One as associated with local struggles, and as expressions of ideas such as self-determination, or democratic reform, or religiously-inspired compassion, or even individual self interest, which *variously and inconsistently* supported rights-based reform over centuries past.

This alternate account of human rights campaign discourses also looks closely to the present. This present deals with matters such as the perception of falling legitimacy of international institutions, of a lack of optimism or relevance when it comes to solving global problems, or simply of an increasingly professional, fast-paced, cut-throat politics that relies on rapid engagement in a mediated political landscape, which rapidly shifts, making any strategic high ground hard to identify and occupy for any length of time.

Each of the three chapters can be read in isolation. They approach this topic from different angles. Chapter One will be of interest for those concerned with the origins and contexts for the present iteration of human rights. Chapter Two is a focus on the language used in articulating human rights by Amnesty International and looks closely at that organisation's representation of human rights. Chapter Three looks at newer voices that have appeared out of recent events in Australia

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involving the degradation of the human rights of refugees and asylum seekers. All of these address a fundamental issue: how are human rights constructed, promoted, defended and legitimised through communicative processes.

Some expectation management is appropriate here. This monograph is not a report on social movements or non-government organisations per se. It is restricted to a selection of organisations that conducts human rights campaigns. There are histories and organisational critiques of social movements and of labour, environmental, feminist, and social equity campaign organisations (for example, Maddison & Scalmer 2006; Maddison & Hamilton 2007) but this is not one of them. Instead, this monograph seeks to historicise contemporary human rights discourses and to examine them in light of the underlying political philosophical tensions in contemporary circumstances. Hence, as these contemporary circumstances shift, so must human rights discourses. The universal and the indivisible have historically found themselves in tension with the local and specific, and continue to do so.

Finally, some conclusions for human rights Non Government Organisations (NGOs), big and small, are suggested. I contend that for human rights to have meaning, they must engage with localised discourses of (among others) popular sovereignty, democratic legitimacy and cultural values. To ignore these is to be ignored.

## HUMAN RIGHTS DISCOURSES

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At one level it might be thought that the existence of this international human rights infrastructure makes it startlingly simple to answer the question ‘what are human rights?’ Cumulatively, the declarations, legal instruments, treaties and international law associated with human rights amount to very concrete objects. Perhaps paradoxically, however, it is not these items which are human rights. Rather, these items serve to declare, protect, ensure, implement, monitor and observe human rights. They are not themselves human rights; they are one step removed.

(Langois 2004, p. 244)

Since the aim of human rights struggles is to achieve human rights-driven policies at both national and international level – the later especially entailing agreements that cross cultural and religious lines – there is not only a theoretical interest here but also a very pragmatic political one in attempts to ground human rights in an adequate conceptual framework. We might never find the single grounding for all time. I don’t think that we will. But the search and continuing dialogue are crucial

(Fields 2003, p. 47)

This chapter looks at two fundamental questions. First, what are human rights, and second, how are they to be communicated. My aim is to examine the basic notions of human rights. I contend that they are far from clear and that various ways of discussing the ‘what’ and ‘why’ of human rights have arisen and have, in practice, been influential in determining campaign and communication strategies with various effects and outcomes.

A historical and philosophical understanding of human rights is critical as it underlines how present communications and campaigning strategies can be contextualised through meaningful comparison with previous iterations of rights advocacy. The effect is destabilising for proponents of the present international human rights regime. The universal is re-interpreted as the current, the inalienable as the present. The ontology of human rights gives way to ontologies. Human rights become subject to, and subject of, the contingencies of their historical moment. They are contested and require continual substantiation and re-iteration. Human rights, to invoke Popper again, are trends rather than laws. For campaigners, this raises the question: How can rights be claimed for all people and at all times if they are malleable and impermanent? It also provides potential opportunities. Campaigners can seek and sometimes find strategic advantages in the politics of the present and the local, less dependent on the ongoing and the more permanent, although this may be an uncomfortable position for some. These matters will be raised again in later chapters.

While the modern era of human rights could be said to begin on 10 December 1948 with the introduction of the Universal Declaration of Human Rights, I begin with a brief historical overview of debates over human rights still highly relevant and influential in current debates.

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## 1.1 Human Rights in history

The 'sacred canon' of human rights includes texts from a variety of spiritual cultures and faith-based epistemologies. Christians, and western civilisation, have pointed to those passages in the Bible that reflect contemporary human rights discourse, pointing to Old Testament law as well as to the preachings of the Gospels and other parts of the New Testament. Buddhists refer to descriptions of a Bodhisattava in the Vajradhvaja Sutra and elsewhere. Islamic scholars have derived from the Koran legitimacy for contemporary human rights standards as they advocate for their greater application in Muslim societies. Conversely, these sacred texts have also been used to inspire, explain and justify gross acts of violence and betrayals of human dignity. This highlights that the discourses of law, justice, compassion and tolerance have long been contested. They also indicate the uncomfortable dialectical coexistence of human rights with human wrongs. As Langois (2004) suggests, the Western intellectual human rights tradition that owes so much to the historical influence of Christianity has to a large degree moved on. 'Few,' he writes, 'of today's premier human rights theorists would accept the epistemological and ontological claims of Christianity as satisfactory for a contemporary theory of human rights' (p. 244).

The concept of human rights can be traced to Ancient Greece, Herbert (2002) suggests, a pivotal development was when clan-based organisational structures combined to form a *polis (or city-state)*, requiring a new system of authority based on a set of shared laws and rights (Dike) that operated independent of the standing of individuals in their clan structures (Themis). Plato's accounts of the world of ideas engendered notions of natural rights. Aristotle brought these ideas into contact with the world of politics and the law. Later Stoic school philosophers and then Roman jurists further enshrined the concept of natural law in legal doctrine.

Traditional, ancient and classical concepts continued to heavily influence ideas about human rights through to the Enlightenment and the modern age of rights. Before then, western and Christian traditions drew further succour from Thomas Aquinas's thirteenth-century discussion of the notions of just war in *Summa Theologica* and Bartolomé de las Casas's letter-writing campaign in defence of the indigenous peoples of South America of the sixteenth-century. (Ishay 1997). Both Aquinas and de las Casas claimed rights for all people as they were all subjects of God. The *Magna Carta*, signed in 1215, is given as an important early example of the emergence of secular defences of human rights, although it demanded rights for the English church (Robertson 1999). In the seventeenth century, the Dutch jurist Hugo Grotius's *The Rights of War and Peace* set a precedent for subsequent attempts to define universal standards of ethics and behaviour based upon natural rights. This position, with antecedents in the theological approaches to the rights and dignity of all under sacred law, took a leap of secular faith when it adopted the worldly principle that natural laws are valid even if God does not exist, or does exist but does not rule over human affairs. It is still the philosophical 'first principle' for universalising rights norms and standards (Keane 2003).

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Fields (2003) outlines the different contributions to the political theory of universal, individual rights and the relationship between the individual and the state made respectively by Thomas Hobbes, John Locke and Jean-Jack Rousseau, and in turn contested by Edmund Burke, David Hume, Jeremy Bentham and Karl Marx (Fields 2003; see also Robertson 1999; Lukes 1993). Fields suggests that Hobbes was the first to propose that everyone had an inalienable right to life. He believed that human nature was such that strong, absolutist states were needed to protect this right. Locke expanded this to include property rights and argued for a less absolute and more constitutional form of government. Rousseau went further to associate rights with democratic forms of government, advocating civil rights for the enfranchised and invoking the notion of the rational 'general will' to legitimise the institutions of law and government.

Burke and Hume rejected both the notions of reason and abstraction that informed Rousseau and the notion of 'natural rights'. Hume argued that it was sympathy, not rationality, that makes us human. Burke argued that it was the political elites, and not the 'swinish multitude', who ought to be responsible for the preservation of political traditions and institutions. Jeremy Bentham refuted Rousseau with a conviction borne of rigid pragmatism, claiming that no one is born free or equal. Instead, they are subject to parental and other forms of authority, possess varying abilities and are placed in power relationships.

Burke and Hume pointed to the period of terror that followed the French Revolution as proof positive that human rights were a dangerous fallacy. Seeing the concept of fraternity used initially to describe an all-embracing brotherhood of humankind be applied, firstly, to a notion of French nationhood and nationalistic citizenry and, later, to a distinction between the revolutionaries and their enemies during the Terror, Burke was convinced that rights were and could only be abstractions from the 'real, living, concrete, local ways of life'. Bentham and communitarian Alasdair Macintyre were similarly dismissive of universalising concepts. Human rights were 'nonsense on stilts' (Bentham) and 'witches and unicorns' (Macintyre) (Lukes 1993, p. 238).

These realist critiques were carried over into the twentieth century and became highly influential in the field of international relations. Marx saw the language of rights as a discursive tool for legitimising class-based discrimination based upon the rights of those in possession over those dispossessed, a criticism continued by twentieth century Marxists who see the system of rights providing for economic freedom without social responsibility. Marx's critique was prompted, at least in part, by the failure of what he regarded as 'bourgeois revolutions' to do anything more than entrench the rights of individualistic 'bourgeois man'. Rights were 'ideological nonsense' that got in the way of the class struggle against capitalism and 'obsolete verbal rubbish', unnecessary in the egalitarian glow of the post-revolutionary utopia (Lukes 1993, p. 239).

The madness and mayhem of the French Revolution and the strength of the convictions of those opposed to the idea of 'natural rights' led to the decline of the idea. It re-emerged in the aftermath of World War Two in the form of 'human rights'.

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## 1.2 The modern era of Human Rights

The United Nations (UN) was formed in 1945 'to save successive generations for the scourge of war ... and to reaffirm faith in fundamental human rights' (United Nations, 1945). When the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights it declared, with fresh memories of 'barbarous acts which have outraged the conscience of mankind' that 'all human beings are born free and equal in dignity and rights' (United Nations, 1948). With that the modern era of human rights was reborn.

Ignatieff (2001) in his examination of human rights as 'politics and idolatry' nominates two enduring political legacies of the Universal Declaration of Human Rights (UDHR). The first is the legal recognition, for the first time in international law, of the rights of individuals. The second is the 'advocacy revolution' which has made use of the international instruments to enable victims of human rights violations to gain 'historically unprecedented power to make their case known to the world' (p. 8).

Given the UDHR's ongoing legacy and its relevance as a guiding document or moral touchstone for human rights, it is pertinent to recall that both the UDHR and the UN were significantly restricted from the outset. The UDHR was not legally binding. And as such, Falk suggests (2000), was not 'initially perceived to be a significant development'. Rather, it was 'at most conceived as an admonishment to governments, and more relevantly, as a kind of heterogeneous wish list cobbled together by representatives of liberal individualism and collective socialism' (pp. 37-38). Falk suggests this may have been a major factor in many countries' decision to agree to it, there being little fear of being called to account. Nevertheless, opposition was virtually immediate. Eight nations abstained from voting for the UDHR, including the USSR, Saudi Arabia and South Africa. In the United States, investigations lead by Senator Joseph McCarty suggested the UN was a threat to American sovereignty.

In Australia, attitudes towards the UN and international human rights were initially positive. The Chifley Labor Government's Foreign Minister, Dr H.V. Evatt, played a major role in the drafting of the UN Charter and Declaration and the establishment of the roles played by the General Assembly and the UN Economic and Social Council. The Menzies Conservative Government that succeeded Labor in 1949 pursued a human rights policy that reflected Australia's close alliance with 'great powers' at the height of the Cold War. This meant a shift from economic and social rights to a concentration on civil rights. But

civil rights were of consequence insofar as they were abused by communist states. Yet, their observance was not regarded as a universal requirement, as for instance, in the case of authoritarian yet anti-communist regimes supported by the United States (Kent 2001, p. 259).

It ought to be emphasised, then, that from the onset, the human rights regime that became enshrined in international law was (and remains) the product of intensely political processes, bound up in the power relationships of strategic politics. Like any law, suggests Langois (2004, p. 246):

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it has had to go through all the vicissitudes attendant upon the processes of creating any law. The initial concern must be brought to the attention of the relevant law-making body. Advisors and drafters comment and create models which are tested for their propriety. Those pushing the process lobby for support. Compromises are made, deals are done, understandings of appropriate interpretation negotiated. Finally, a new law is created. Then the fun really begins, for laws at work can often take on an unanticipated life of their own. They can be used and abused; they are subject to interpretation, to institutional architecture. They have different consequences in different environments – political, legal, social and psychological.

Throughout the Cold War strategic and political interests continued to delimit and define the slowly developing human rights regime. The first legally-binding convention against genocide entered into force in 1951 but it was not until 1966 that the Covenants on Civil and Political Rights, and Economic, Social and Cultural rights were presented. The two covenants were only brought into force ten years later in 1976 when the requisite 35 nations had ratified them. The Convention on the Elimination of All Forms of Racial Discrimination was proposed in 1969, as were conventions outlawing discrimination against women (1981) and outlawing torture (1987) and affording specific rights to children (1989). International tribunals were formed to try those accused of genocide in Rwanda and the Former Yugoslavia. In 2002, the International Criminal Court entered into force and began operating in the following year, establishing a permanent international process for the trial of those accused of crimes against humanity.

The UN has not been the only transnational institution to pursue the acknowledgement and defence of human rights. Regional bodies were also formed to articulate rights standards and attempt to enforce rights norms, although with mixed success. The European Convention for the Protection of Human Rights was signed in 1950 and the European Social Charter followed in 1960. America and Africa followed with the American Convention on Human Rights (1969) and the African Charter on Human and People's Right (1986) respectively. This left Asia and the Pacific as the only regions without a human rights charter. The Helsinki Agreement (1975) forged links between the USSR and US with an agreement on human rights standards amid cold war tensions.

The proliferation of international human rights documents has not been matched by observance of the standards they enshrine. Observers and scholars have regularly bemoaned that recent decades have seen the proliferation of rights talk matched by the persistent violations of the standards these documents embody. It is sobering to recall what this has meant for those who have borne the consequences of the international community's failure to enforce the rule of international law. Rwanda, Tiananmen Square and Srebrenica stand as evidence that the world's promise to itself that the Holocaust would not happen again has been broken repeatedly. The failure of humanitarian intervention in Somalia seemingly condemned future attempts.

Fifty years earlier, Soviet envoy Andrei Vyshinsky had responded cynically to the pronouncement of the UDHR: it was, he said, 'just a collection of pious phrases'. Was the passage of time proving him right? The hope and determination of the founders of the UN has been tempered by its failures as much as it has been buoyed by its successes.

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But there have been bright moments. Falk (2000, pp. 53-56) lists six 'impressive achievements':

1. changing the discourse of international relations
2. the elaboration of normative architecture
3. enhancing the role of human rights within the UN system
4. historical struggles against oppressive circumstances
5. the engagement of civil society and
6. extensions to the humanitarian law of war and crimes against humanity.

There remains a sense that the regime of international human rights law has fallen on fallow ground and that the aspirations of human rights activists have encountered persistent failure. Ignatieff argued:

first of all [is] the failure to be consistent – to apply human rights criteria to the strong as well as the weak; second, to our related failure to reconcile individual human rights with our commitment to self-determination and state sovereignty; and third, to our inability, once we intervene on human rights grounds, to successfully create the legitimate institutions that alone are the best guarantee of human rights protection' (2001, p. 48).

The first two of these failures reflect the historical paradigm – state sovereignty and powerful national interests standing resolutely against attempts to subjugate state (and corporate) power in the name of individual or minority human rights. The third failure reflects a more contemporary dilemma: the ambivalent, reluctant, contradictory or hostile attitudes towards institution-building. Moreover, the tactically polyvalent discourse of human rights is open to appropriation by groups whose purposes are contradictory, who may be in competition with one another for resources, or may simply be representing specific purposes. 'Global human rights consciousness' as Ignatieff has noted, 'does not necessarily imply that the groups defending human rights actually believe the same things. Many of the NGOs espouse the universalist language of human rights but actually use it to defend highly particularist causes: the rights of particular national groups or minorities or classes of persons' (2001, p. 9).

The assertion of universality has not been underpinned by ontological or metaphysical claims such as those made by Kant or Locke. The absence of such claims is conspicuous in the Universal Declaration of Human Rights where the legal, moral and theological origins of human rights are not discussed. Instead, human rights are introduced, articulated and defended in the preamble as 'the foundation of freedom, justice or peace in the world' and 'the highest aspiration of the common people'. They are something 'the peoples of the United Nations have ... reaffirmed their faith in'. Furthermore, they are 'essential to promote the development of friendly relations between nations', 'to promote social progress and better standards of life in larger freedom' and – especially important – because 'disregard and contempt for human rights have resulted in barbarous acts which outraged the conscience of mankind' (United Nations, 1948). In other words, human rights as presented in the

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UDHR are foundational aspirations, or matters of faith, invoked in response to morally outrageous acts in order to improve lives and promote international cooperation, but without an articulation of where they derive from.

Despite its own lack of foundational clarity, and regardless of the limited intentions of the framers, the UDHR has been relatively unproblematically deployed as a kind of foundational document for later human rights advocates. Moreover, the role of the UDHR as a discursive device and even emotional tool has become significant.

### 1.3 Human Rights and emotions

For Herbert (2002), human rights in their post-World War Two reincarnation became 'linguistic tools which, through the philosophical clarification they provide (through their persuasiveness), produce the means for pursuing whatever are the current goals of philosophical and moral activism' (p.324). This position implies human rights are derived largely from outrage and hope. They cannot be established by either analysis of logical form or empirical verification: they are 'neither true nor false; they are 'unverifiable expressions of feelings' (p. 325). So, and significantly for human rights NGOs, activism and advocacy are reduced to the venting of feelings, having 'only linguistic and emotive meaning', and only for those who share the same emotions and who talk the same 'rights talk' (p. 365).

Rorty (1993) is an influential contributor to this idea of human rights being based on a non-rational and specifically sentimental commonality that we share by being human. For Rorty, the 'manipulation of sentiments' is preferable to the Platonic dependence on a rational knowledge of a truth that sets us free:

For as long as we think that there is an ahistorical power which makes for righteousness – a power called truth, or rationality – we shall not be able to put foundationalism behind us.

The best, and probably the only, argument for putting foundationalism behind us is... [that it] would be more efficient to do so, because it would let us concentrate our energies on manipulating sentiments, on sentimental education. That sort of education sufficiently acquaints people of different kinds with one another so that they are less tempted to think of those different from themselves as only quasi-human. The goal of this manipulation of sentiment is to expand the reference of the terms 'our kind of people' and 'people like us'.

(Rorty 1993, p. 263)

This appeal to human rights as a way of relating emotionally with those otherwise unknown or regarded as 'others', resonates in Ignatieff's (2001) appeal that we

stop thinking about human rights as trumps and begin thinking about them as a language that creates the basis for deliberation. In this argument, the ground we share may actually be quite limited: not much more than the basic intuition that what is pain and humiliation for you is bound to be pain and humiliation for me. But this is already something (p. 95).

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Fields (2003, p. 49) notes that this may be something, but it may not be enough – or worse – it may inspire different, less benign responses:

Direct experience with suffering sometimes seems to have a hardening effect on the victims who are determined that it will never happen to them again, 'Never Again!' and leads them to adopt uncompromising and often very cruel postures toward 'others' who are seen as possible threats.

## 1.4 Human Rights and self/national interest

Where the reliance on sentimental appeals has failed, it has not always been because of a victimised culture's determined or vengeful response. Often, it is a result of indifference to the distant troubles of the foreigner or the unknown. In response to such indifference and in an ironic twist on the rhetoric of cosmopolitan universalism that is often used in the interests of the local, arguments based in self-interest is beginning to emerge from within the human rights movement. Echoing a campaigning tactic common in the environmental movement, the global is brought into sharp local focus and the tyranny of distance is overcome by the interconnectedness of globalised modernity. Voices of reform are urging a considered and considerable rethinking of the fundamental premises for human rights, including a new or revitalised vocabulary for use in public discourse about human rights.

One of these advocates of reform is William F. Schulz, current Executive Director of Amnesty International USA. He expressed concern that the arguments for human rights, particularly those made on moral or legal grounds, fail to satisfy those who seek a rationale based on more personal motivations. In doing so, he is responding to traditional challenges from the realist tradition of international political relations that places national interest above all else. In making this argument, Schulz is taking into account what he sees as the new realities of a globalised world.

Schulz (2002) argues that the national interest and the realists' view of international relations are not as disjointed from the notion of universal moral codes as many foreign policy makers and human rights advocates would suggest.<sup>5</sup> He argues that human rights advocates must end their contempt for the realist tradition of self-interest and develop a discourse of new realism that takes the interconnectedness of a globalised world into account. Failing to do so, Schulz says, has allowed advocates 'to be dismissed as idealists or ideologues, as either too mushy headed in our thinking to be taken seriously or too rigid in our priorities to be trusted with power' (2002, p. 13).

Schulz and Rorty in the earlier cited example, share an assumption that requires further exploration: that human rights can be realised if those individuals (and communities) who would otherwise be less inclined to recognise rights, or are hostile towards those they see as 'others' (and therefore

<sup>5</sup> Langois (2005) suggests that one of the implications of adopting a view of human rights as part of a "realist" project of self survival', then we may have to 'accept that on a traditional understanding of morality as a component in the life of the good person (meaning in part, not self-centred, selfish and narcissistic but transcendentally oriented to the good/ God) human rights are not morally distinguished (meaning that they become of instrumental value only for the dubious goal of self survival, rather than ends in themselves)'(p. 9)

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for whom it is not necessary or desirable to recognise rights claims) can be brought around either through a process of sentimental education (Rorty) or rational argument about self-interest (Schulz). Fields' (2003) proposed 'holistic' model of human rights has similar assumptions. He presupposes that being human, and therefore, being able to lay claim to human rights, entails possessing a capacity 'to know', a capacity for 'affective development' (p. 76). The basis is to feel empathy for those who are suffering and to conclude that doing something to alleviate this suffering is expedient, appropriate or, in some way or another, right or desirable.

## 1.5 Human Rights and politics

This opens up another area of consideration for the human rights community: human rights as the site of political discourse, one where the rhetorical devices of persuasion are employed. This contrasts with the views of human rights as an essential aspect of western liberal democratic traditions or human rights as a universal moral code.

Schulz (2002) signals both the failure of the contemporary human rights movement to articulate a universal foundation for human rights and the opportunities that spring from the employment of non-essentialist human rights discourse. This suggests that there may be many reasons to support, develop, defend or transform human rights discourses and practices and that human rights advocates should avail themselves of arguments beyond those entrenched in the normative standards of international law. For example, while it is possible to point to international legal obligations when objecting to detention without charge and possible torture of detainees in Guantanamo Bay, it is also possible to point out that these practices may have more tangible outcomes: inadmissibility of evidence in trials, lionisation of suspected terrorists, resulting in propaganda (and subsequent recruitment and fundraising) coups for terrorist groups, decline in diplomatic support in some countries and a decline in the moral legitimacy of associated actions.

With regards to the same example, this approach also invites open consideration of the other possible contradictory outcomes, such as increases in electoral or diplomatic support, or the acquisition of intelligence. This approach is not possible when the level at which human rights discourse is engaged in is at that of the international lawyer, focused solely on the obligations enshrined in international law. But it may be relevant when the debate is occurring at the grassroots level of the talkback caller or for that matter, with anyone of the vast majority may not fully know and understand international human rights instruments and thus fully support the premise that international law is universally binding.

Taken further, this could undermine the variation on the history of human rights discourse which, echoing Fukuyama (1996), sees the emergence and codification of the international human rights as a result of uni-directional history resulting in a universal standard – a new covenant between peoples, who will be saved from hell if the laws are observed. What emerges in its place is an ongoing struggle over what human rights are, whom they are for, and how to achieve them.

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As Schulz argues pragmatically for the discourse of self-interest (or national interest), so Goodhardt (2003) argues for the discourse of liberal rights. Both authors articulate expressive challenges to the values of universalism and cosmopolitanism that usually inform and limit the discourse of international human rights advocates. Other counter-discourses supporting human rights from a position of specificity and localism have 'considerable appeal in a new period of disillusionment with prospects for implementing human rights' (Ishay and Goldfisher 1996 p. 396). In these strategies we see the rejection, paradoxically, of the universalisation of humanism in favour of the localisation and reaffirmation of cultural values.

Ishay and Goldfisher (1996) argue that the strategic appeal to cultural specific values based on national identity has influences beyond the domain of human rights. Instead, the '[a]ppeals to national solidarity encourage popular submission to an elite, a process further facilitated by the invoking of external and internal threats to "national security"' (p. 396).

Evidently, there are different and contending versions of human rights that have generated distinct forms of human rights discourse and supported various voices in the human rights debates. Rather than the development of a singular and essentialist ontology, a range of ontologies is identifiable in contemporary human rights discourse. Thus what is meant by human rights in one context is not necessarily the same in another, what rights are, who can claim them, how those claims might be legitimised and how the existence (or not) of rights might be recognised and defended, all these concepts are in contention. The concepts form a picture of human rights that is much less a panoramic view of the emergence of a now solid edifice and much more a montage of various narratives and ideas.

It is the use of these discourses by NGOs defending the human rights of refugees and asylum seekers in Australia, the development of innovations and the recognition of redundancies in human rights discourses that are the subject of the next chapters.

## AMNESTY INTERNATIONAL

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The contemporary human rights era, post-World War Two, has coincided roughly with the emergence of numerous large-scale international NGOs as well as smaller, local, national and regional organisations. Many of them focus on human rights. In this chapter, I focus on Amnesty International as an idealtype human rights organisation, even though Amnesty International is unique in some significant ways. It is, for example, by far the world's largest international membership-based human rights NGO, with 2.2 million members and offices in 150 countries. It is in some ways significantly decentralised, with individual country-based Sections taking up responsibility for the implementation of campaigns and almost all responsibility for fundraising activities, at least among the larger Sections. It is also comparably highly democratic – the governing bodies at national and international levels are made up of volunteer members elected to their positions by their fellow volunteer members. Yet, like many other international NGOs, Amnesty International retains a centralised Secretariat, based in London but with satellite offices in other parts of the world, largely responsible for research and production of country-based and thematic reports.

These two aspects of Amnesty International – its internationalisation and democratisation, as well as its ongoing centralisation – remain in, at times, an uneasy tension. Hopgood (2006) provides a fascinating insight into the trials and tribulations Amnesty International has faced over the years as a result of this friction between a professional, careful, cautious, impartial and oftentimes somewhat dispassionate research centre and its passionate, committed, outspoken, volunteer-based members and supporters, as well as the differing attitudes towards campaigning, fundraising, publicity and communications in different Sections. Hopgood also outlines some of the ways in which Amnesty International has been seen as rather aloof from the rest of the human rights movement – a matter that we shall see re-emerge in the next chapter in a recent Australian context. Nevertheless, Amnesty International remains a crucial case study for the examination of human rights campaigns. It connects with the recent history of the development of human rights discourses outlined in the previous chapter through its own historical development as outlined below, which occurs contemporaneously and in connection with the international human rights regime. It connects with the emergence of other human rights NGOs through its role as a model others have followed, or in some cases chosen deliberately not to replicate. It is often a first introduction for many to the notions of human rights, and the first or early place of involvement or employment for many who later work in, or are active elsewhere in, the world of human rights.

This chapter examines firstly some of the reasons for paying close attention to Amnesty International when considering human rights discourses and campaign methods. Again, I emphasise that the focus remains on human rights NGOs rather than the wider NGO sector. This chapter continues then to a close reading of some representative Amnesty International campaign documents to outline the ways the organisation engages in communication-based human rights campaigning. Subsequently, in chapter three, this approach is discussed in comparison with some other Australia human rights NGOs.

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## 2.1 Amnesty as a case study

As a subject of research, Amnesty International provides a number of opportunities and challenges. Since its launch in London in 1961 as a campaign for six prisoners of conscience, it has expanded formally into over 60 countries (with members in 150 countries) and has reported on human rights in every nation in the world. It has grown to now count its membership or support base in the millions. It has developed its mandate in response to changes in the human rights framework to include campaigns against the death penalty, torture, gender-based violence and human rights violations in the context of economically exploitative nations and international systems. And it has worked (to some degree) for human rights for refugees, for environmental activists and for people subject to heterosexism.

Amnesty International was awarded the Nobel Peace Prize in 1977 and has been lauded internationally for its work. Its logo of a candle wrapped in barbed wire has become one of the world's most recognisable and enduring icons. Despite the accolades, Amnesty International has also been the subject of academic critique and criticism from various sectors of society, among them governments that have been subjects of Amnesty International reports, those who dispute its role in representative democracy; and those who read it as playing a significant cultural and economic role in the neo-colonial empire (Hardt and Negri 2000; Petras and Veltmeyer 2001).

There are reasonable grounds for suggesting that Amnesty International is representative of a certain part of the post-World War Two human rights movement. It is regarded as the one of the world's most prominent international human rights NGOs. Together with its US-based counterpart, Human Rights Watch, there are numerous studies into its purpose, methods, impacts and influence of international human rights NGOs (Mutua 2001; Falk 2004) including some that focus extensively or exclusively on Amnesty International (Clark 2001; Power 2001; Winston 2001; Rabben 2002; Hopgood 2006). Amnesty International has been referred to as an example of a form of civil society organisation or a 'New Social Movement' by both Jurgen Habermas (1992/1996, p. 363) and Michel Foucault (1984/1994, pp. 474-5).

In this sense, Amnesty International can be regarded in some ways as structurally representative of an aspect of the human rights movement that inhabits and forms global civil society, mediating between human rights discourse at a global level with struggles for human rights that take place in localised, specific contexts. It operates transnationally, linking networks of individuals and groups. It is also organised locally or through communicative fields into groups of interest or speciality, such as lawyers or students, with each other, with others in similar local, national and international organisations, with forms of regional and global governance, including of course the relevant United Nations bodies such as United Nations Commissioner for Human Rights and the International Criminal Court.

Amnesty International is also representative of the formalised and bureaucratic structures that characterise many international NGOs. Headquartered in London, its historical birthplace, the International Secretariat remains the hub of the organisation's networks, administration and research, although attempts have been made to decentralise the Secretariat's functions through

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establishing regional offices. However, most of the organisation is structured through a network of national Sections or Structures,<sup>6</sup> which in turn are organised into smaller units that vary in size and complexity from state-based regional offices to local groups based on a small number of members that meet regularly and run events and activities locally.

The various lines of communication and accountability mean that all of Amnesty International networks are linked back to the International Secretariat and rely upon it for the bulk of their campaigning information. Sections do, however, take on the lead role in producing locally-adapted campaigning materials, developed from material provided or approved by the International Secretariat. Sections also form the basis of Amnesty International's main body of governance. The International Council is made up of representatives elected or appointed by each Section in accordance with the number of members and groups that Section has. The International Council meets bi-annually to discuss and decide on matters relating to most aspects of Amnesty International's governance, its mandate and its organisational goals. The International Executive Committee is elected at this meeting. The IEC is the peak international body that governs the affairs of the organisation throughout the interim period between meetings.<sup>7</sup>

Amnesty International is also methodologically representative, exhibiting many of the forms of human rights activism now associated with human rights NGOs. Its now famous letter-writing campaigns combine with other forms of direct advocacy, including formal submissions to governments, parliaments and sub-governmental bodies, such as national human rights commissions. These are combined with campaigning methods variously referred to as outreach, publicity or informal human rights education. These activities include providing speakers for schools, universities, religious groups, unions, community groups and business groups, working with the media to promote coverage of human rights issues and producing reports, pamphlets, advertisements, websites and other forms of mass communication for distribution through its membership and supporter networks and beyond.

Thus, Amnesty International is an organisation that demonstrates the importance of communication for its existence, growth and success. As a result of its extensive communicative practices, Amnesty International can be seen as a discursively generated actor in civil society. Hopgood (2006) refers to Amnesty International as being 'in effect, its practice – it was what it did' (p. 116). This makes the modes of discourse that Amnesty International employs crucial to understanding of how human rights – or at least Amnesty International's version of human rights – are themselves discursively generated.

<sup>6</sup> The difference between a Section and a Structure is a formal distinction made by the organisation. Structures are normally emerging nationally-based organisational nodes that eventually become Sections once certain criteria are met.

<sup>7</sup> This particular governance structure may vary to greater or lesser degrees from other human rights NGOs. Specifically, the role and extent that its wide membership of the organisation can have in its governance and decision-making processes may be greater than, for example, Human Rights Watch or the International Commission of Jurists. But the fact remains that its methods of organising create structures of hierarchy and bureaucracy that are comparable to, if not precisely representative of, other human rights NGOs and other actors in civil society.

But Amnesty International can also be seen as being ideologically representative of a part of civil society and of the human rights movement. It shares a heritage steeped in liberal democratic traditions, a membership that in a large part represents western liberal and cosmopolitan norms. It also has an organisational structure that professes democratic principles at the same time as it struggles to make itself more relevant to, and representative of, constituencies of support for human rights, particularly those based in the global South. In this sense, Amnesty International represents an area of productive contention between various ideological discourses of human rights and civil society.

In considering the documents, the use of forms of genre, vocabulary and narrative are noted, examined and interpreted as demonstrating forms of discursive practice. The documents were classified as belonging to at least one, but often more, of the genres of promotion, advocacy and governance, and the genres of human rights, civil society or organisational communication as set out below:

Genres in human rights NGO communicative activism

- addressing individual cases
- promotion of human rights standards
- promotion of a critical consciousness

Going beyond description, Martin and Rose (2003) suggest that genres are also purposeful, ‘a staged, goal-orientated social process. Social because we participate in genres with other people; goal-orientated because we use genres to get things done; staged because it usually takes us a few steps to reach our goals’ (pp. 7-8). In this sense, the texts examined were interpreted in light of their purpose, a summary of which is provided in table 2.1.

**Table 2.1: Some genres in human rights NGO communicative activism**

Genre	Goal
First: addressing individual cases	To investigate and bring to light cases where individuals are subject to prescribed human rights violations in order that these individuals are no longer subject to these violations
Second: promoting human rights standards	To identify the structural causes of human rights violations in order to change the systems within which human rights violations occur, including legal and political structures, and to engage in public discourse about human rights in order to highlight human rights standards and their de facto protection in accordance with agreed standards
Third: developing critical consciousness	To develop human rights as a critical discourse, and to empower people to engage in communicative activism

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These genres were formed in relation to the discussions of human rights NGOs by Ely-Yamin (1993). They are not proffered here as exhausting the range of genres that may exist within human rights discourse. However, they are representative of a significant range of activities – or communicative tactics – employed by human rights NGOs. These genres should therefore be considered as ways of ordering or framing forms of human rights discourse. It is noted, following Fairclough (2003), that some of these formed ‘genre chains’ (p. 30) whereby a subject or event moves from one genre to another, shifting discourses along the way. For example, to cite a typical pattern, a published report on an individual prisoner of conscience may initially be seen as a form of human rights advocacy, later to be used in different documents as an example case in human rights promotional materials, and in promotion of the organisation and of civil society more broadly. Also, the same document can commonly contain elements of more than one genre: annual reports frequently promote organisations and are part of an accountability regime.

It is possible to further this exploration of human rights discourse in Amnesty International by examining in greater detail the content in texts. Hansen et al. (1998) outline how, since early studies in qualitative semantics, there has been an ongoing interest in ‘the symbolic meaning of words ... focused on the quantitative analysis of key symbols (such as ‘liberty’, ‘freedom’, ‘authority’) ... and their uses in texts’ (p.113). In the lexicon of human rights and civil society, these terms – liberty, freedom, authority – are signifiers of note, as are many, many others. For the purposes of this study, a lexicon of significant terms was developed through an analysis of the selected texts. In doing this, it is recognised that choices made in selection of vocabulary (or genre, or narrative) are ‘never neutral’. The choice of one word over another to express more or less the same meaning, or to denote the same referent, may signal the opinions, emotions, or social position of a speaker (Van Dijk 1991, p. 53 quoted in Hansen et al. 1998, p. 113). That is to say that the choice of certain lexical sets may all be seen in part as indicative of the position taken (and the positions not taken) by Amnesty International.

In some ways, then, these analyses of genre, vocabulary and narrative are read as expressions of authorial intent on the part of the organisation and, as such, clearly certain caveats apply. Firstly, any assumptions about intent require clarification that the process is necessarily interpretive. Secondly, that Amnesty International may intend for its use of certain language to have a particular effect does not suggest that they will be successful in achieving this aim. Texts exist in contexts and have subtexts. Discourses are not generated, resisted, reproduced or transformed in isolation. And discourses can be tactically re-employed or co-opted by other actors in the public sphere to alter their meanings and the ways in which they (perhaps malevolently) generate counter-discourses. Therefore, the lexical set that Amnesty International privileges and presents as a matter of considered choice speaks to the decisions that organisation has made with regards to how it constitutes human rights and its role in civil society but one that cannot be considered in isolation from the discursive, and political, and economic, environments that produce or promote such lexical sets. As Fairclough (2003, p. 129) suggests:

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The most obvious distinguishing features of a discourse are likely to be features of vocabulary – discourses ‘word’ or ‘lexicalize’ the world in particular ways. But rather than just focusing atomistically on different ways of wording the same aspects of the world, it is more productive to focus on how different discourses structure the world differently, and therefore on semantic relationships between worlds.

In the next section, this methodology is partially applied using an indicative case study. Before this, however, some attention ought to be given to one other aspect of such an analysis: the motivation and risks of potential bias inherent in such an interpretive method. The approach taken here, therefore, has certain (to refrain from calling them biases) motivating factors that are outlined below:

1. Firstly, the analysis is partial and indicative.
2. However, in undertaking such an analysis, certain implications for human rights NGOs and Amnesty International in particular, become apparent and are therefore subject to discussion. In this sense, this second motivating factor ought to be reiterated – namely, an intention to critically examine how NGOs operate discursively in order to provide such organisations, and other actors within civil society and the human rights movement, with analytical tools to better understand their roles in the discursive environments they operate in.
3. This implies that NGOs, including Amnesty International, are not currently doing this, or not doing this sufficiently. This suggestion is not one that will be refuted here. Instead, a third motivating factor is offered instead: a desire to be provocative, to suggest change is required or at least that the current levels and methods of critical reflection undertaken by the organisations are insufficient – and that this method may be one way to address this.

## **2.2 Description and discussion of human rights discourses recognised as present or absent in Amnesty International**

In employing forms of critical discourse analysis to examine communicative activism in Amnesty International, three sets of documents representing the three genres in human rights discourse were considered. Each of these in turn are described and discussed in terms of the vocabulary, especially tone and register, and overt or implied narratives, their communicative relationships with other texts, genres and discourses and, finally, how they contribute to a distinct meta-narrative of human rights that contains some, but importantly not all, of the genres of human rights communicative activism outlined above.

### **Letter-writing campaigns: Individual advocacy for individuals**

Regular letter-writing appeals on behalf of long-standing prisoners of conscience, or those facing the death penalty or at risk of torture are common forms of communicative activism in Amnesty International. This has been so from the initiation of the original ‘Appeal for Amnesty, 1961’ in which people were asked to write to political leaders for the release or for a prompt and fair trial of six prisoners of conscience. Such appeals are often supported by high-level lobbying by senior Amnesty International figures such as the Secretary General or a Section President. This form

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of communicative activism, as Rabben (2002) notes, was by no means pioneered by Amnesty International. Rather, petitioning leaders on behalf of others who are prevented from speaking for themselves has a rich heritage and can be traced as least as far back as Bartolomé de Las Casas's sixteenth-century campaigns. This type of activism is also not undertaken exclusively by Amnesty International. Human Rights Watch, the Asian Centre for Human Rights and others use more or less the same campaign strategy.

Nevertheless, the letter-writing campaign has become closely associated with Amnesty International. The organisation has expanded the range of letter-writing forms to include Urgent Actions – which, as the name suggests, require immediate communication on behalf of someone who faces imminent danger – fax campaigns and email campaigns. It is important to note that not all letter-writing appeals are on behalf of individuals or small groups. There are rare occasions where such a campaign was carried out on behalf of an entire population deemed to be at risk, such as in East Timor in the wake of the ballot regarding self-determination in 1999 (Amnesty International 1999). More common are letter-writing appeals that call for changes in government policy or the implementation of an international agreement, such as calls for governments to ratify the Rome Statute of the International Criminal Court (see, for example, Amnesty International 2004b as a recent example – in this case an appeal to the Jamaican Government). These are, however, engaged in addressing legislative and legal frameworks that make up national commitments to the international human rights regime and as such are closer to the second genre.

There are usually two communication processes undertaken in any letter-writing appeal. The first is from the organisation to the member or potential letter writer. The second is from the letter-writer to the addressee/s, usually a government official. In the first, the emphasis is on the individual at risk, their professional or cultural background, and the forms of human rights abuses they are enduring. These are often accompanied, where possible, by their photographs and, at times, of their families (see Figure 2.1).

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**Figure 2.1 Letter-Writing Appeal** (adapted from Amnesty International 2005b) Re-education through Labour (RTL)

**China: Release 'Re-education through Labour' (RTL) prisoner of conscience**

Mao Hengfeng is currently held in an RTL facility in Shanghai. She has petitioned the state authorities for many years over her coerced abortion, her right to work, and other basic rights. In April 2004 she was sentenced to 18 months RTL by the Shanghai Municipal Public Security Bureau.

Mao Hengfeng has reportedly been subjected to torture and ill-treatment in the labour camp. In October 2004, she was suspended from a ceiling and severely beaten. In November 2004 her wrists and ankles were bound with leather straps and her limbs pulled in opposite directions. This continued for two days, during which time she was also denied food.

Her refusal to confess to any "wrongdoing", even under torture, appears to have influenced a decision in December 2004 to increase her original sentence by three months.

Subsequently she has reportedly been held in solitary confinement for short periods, and strapped down on her bed for hours on end. It is also reported that she has been force-fed with an unidentified substance that is turning her mouth black.

Take action!

Amnesty International considers Mao Hengfeng a prisoner of conscience and is calling for her immediate and unconditional release.

Amnesty International is also urging the Chinese authorities to abolish RTL altogether, as the formal criminal justice system already provides a sufficient basis to punish a broad range of minor offences. China: Release 'Re-education through Labour' (RTL) prisoner of conscience

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The direct appeal has the effect of personalising the individual in question. It identifies them as a person in grave peril in need of help. Therefore, the relationship between the letter writer and the 'victim' is established as one in which the letter writer is removed from the victim, whose identity is constructed through the human rights violation she is enduring. Also, the letter writer is presented as potentially active – in a position to 'Take Action!' – while the 'victim'<sup>8</sup> is disenfranchised and in need of the letter writer's support. This sets up a narrative in which the letter writer takes up this request and acts on behalf of a hapless and largely unknown 'victim' by petitioning their authorities on their behalf.

The vocabulary employed in the actual letters is formal and precise, using the polite tones of international diplomacy. An obvious indicator of this is the insistence on the use of formal salutation and honorific regarding the addressee. Others include the formal and polite tone signalling the clear distance and lack of familiarity in the relationship between the letter writer and the addressee. By employing a formal register, Amnesty International is signalling to the addressees and to the letter writers that it is important to demonstrate respect, even deference, for those in positions of authority. In a related fashion, the narrative relies on a set of deferential attitudes towards existing power structures. This narrative begins with a protagonist (the writer) bringing to the attention of the antagonist (the addressee) the fact that they are in a position to prevent a third person from suffering ongoing human rights violations. The narrative continues by contrasting this present, unacceptable position with that outlined under international human rights law and requesting that this be resolved. The end of the story is undisclosed but is driven by the tension between the authoritative antagonist's two possible choices. They can either comply and therefore submit to, or concede, or at least recognise, the authority of human rights and the protagonist's right to present this polite challenge to his position. Alternatively, they can ignore or refute these claims and reassert their own position of power as superseding those of the claimants. In a way, this is a kind of discursive game played between the addressee and the writer. On one hand, they agree to respect each other's positions in a power structure – that of supplicant and authority. On the other hand, there is an implied mutual respect for the 'civilised' discourse of both human rights and the appeal letter.

Individual appeals take place in competitive discursive environments. The competition is played out between the rival authorial narratives of international human rights and an individual leaders' authority. It is buttressed by the discourse of sovereignty, often legitimised through discourses of democracy. This context can also become one where convincing argument reigns and where agreement is sought, based upon shared principles. Where the first of these may be characterised as Machievallian but valuable for highlighting the ubiquity of power structures, the second may be accused of being idealistic but valuable for demonstrating why NGOs undertake these approaches.

<sup>8</sup> This term is used with reluctance but serves to highlight the apparent active and passive positions of the letter writer and the individual at risk outlined in the discussion.

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## Country and theme reports: Calling for systematic reform

Although Amnesty International is historically associated with its individual letter-writing appeals, the second genre – promoting international human rights standards – rivals the first as a core communicative activity of the organisation. This is clearly so in the Statute of the organisation:

AMNESTY INTERNATIONAL addresses governments, intergovernmental organizations, armed political groups, companies and other non-state actors.

AMNESTY INTERNATIONAL seeks to disclose human rights abuses accurately, quickly and persistently. It systematically and impartially researches the facts of individual cases and patterns of human rights abuses. These findings are publicized, and members, supporters and staff mobilize public pressure on governments and others to stop the abuses.

In addition to its work on specific abuses of human rights, AMNESTY INTERNATIONAL urges all governments to observe the rule of law, and to ratify and implement human rights standards; it carries out a wide range of human rights educational activities; and it encourages intergovernmental organizations, individuals, and all organs of society to support and respect human rights.

(Amnesty International 2003)

It is important to note who Amnesty International explicitly outlines in its methods it addresses. It is not people, either the potential or actual constituency of supporters for human rights, or the disenfranchised, the forgotten or the 'wretched of the earth' (Fanon 1967). Rather, the 'key targets' for much of this communicative activity are 'governments, intergovernmental organizations, armed political groups, companies and other non-state actors'. The 'key messages' are calls for respect for and compliance with international human rights law.

Predominantly, this second genre carries these messages through reports that outline systematic human rights abuses and recommend plans for addressing them. It also includes briefing papers for those involved in negotiations at the United Nations and other relevant international forums.

These reports have become an integral part of Amnesty International's role in exposing systematic human rights abuses. These reports complement the letter-writing appeals, acting as flagship publications to either (1) launch campaigns on a nation or on a particular human rights concern, or a combination of both, or (2) in the case of the Annual Report, summarise the human rights situations in much of the world and highlight certain over-riding themes or dominant concerns in any given year.

While these reports often include individual case studies, supplemented and contextualised by historical accounts of ongoing political and social situations, they are significantly different in their purpose from the appeal letters in the first genre. Individual instances of human rights abuse are included in order to personalise and dramatise the type and extent of human rights violations. This is powerfully demonstrated in an example from a report on the impact of the arms trade in the Democratic Republic of Congo (DRC).

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Eastern DRC is falling prey to a rapid rise in armed banditry where roaming bands of gunmen, former rebels and militia fighters are looting villages, exploiting mineral deposits, imposing taxes and kidnapping civilians to earn cash. In these areas, arms are being used primarily to kill, rape, torture, maim and terrify civilians. Most so-called military operations are in fact directed against unarmed civilian communities, with the aims of looting, committing rapes and otherwise punishing populations for their suspected allegiance to opposing armed groups. In many cases military activity also coincides with controlling and exploiting the country's rich mineral wealth: forcing civilians to mine gold, diamonds or other minerals at gunpoint, or extorting money from communities attempting to make a living from the mines. Groups of fighters also regularly use arms to chase civilians from agricultural land and steal their crops or livestock, a phenomenon that has added greatly to food insecurity and levels of malnutrition in the east. The rampant insecurity has sometimes prevented humanitarian assistance from reaching many parts of the east, severely exacerbating disease, malnutrition and poverty.

The following examples illustrate the link between small arms and human rights abuses in the DRC. They represent only a small proportion of the hundreds of such testimonies received by Amnesty International in the course of its research. The names of survivors have been changed to protect their identities...

Tens of thousands of women and girls, and also men, have been raped at gunpoint by weapons-bearers, individually or collectively, in private or in public. The rape of boys is apparently on the increase. The rapes are often accompanied by other acts of extreme violence, including bayonet or gunshot wounds to the genitals of the victim.

In June 2001, in the Fizi territory of South-Kivu province, a soldier stopped 25-year-old Corinne and a female friend as they were on their way to attend a funeral in a nearby village. The soldier ordered Corinne to follow him. After a few metres, he forced Corinne at gunpoint into some bushes and there raped her. Then he shot her in her lower stomach.

'I didn't feel anything, perhaps I fainted. After an unknown amount of time, I raised myself and I started to run. My friend came looking for me when she heard the shots. She was led to me by the trail of blood I was losing. We started walking – at that time I was still able to walk – through the forest until we reached the village where some kind people took me to the hospital.'

(Amnesty International 2005a, paras 32-38).

These reports and those of similar organisations provide information of grave human rights violations and are utilised by journalists, students, academics and activists. They also act as historical records. However, and as outlined earlier, the purpose of these reports is not primarily to document systematic human rights violations; they are part of a communicative process which

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engages key stakeholders and requests action from them. This is made explicit in the final section of every report, where recommendations are outlined for a number of interrelated and overlapping groups<sup>9</sup> that usually focus on intergovernmental organisations and individual nation-states. But in scrutinising their vocabulary and narratives it is evident that the targets of the reports extend beyond these groups. This is especially so when they are considered in the context of the genre-chains they form with individual appeal letters and other forms of communication.

The narratives employed in Amnesty International reports can be separated into three discrete sets: personal testimony, structural and historical contextual accounts and formal recommendations for action. The first of these, the testimonies of those who have suffered, highlight clearly the violations individuals suffer but also emphasise the ongoing physical and psychological suffering endured by those people. This can have the effect of placing improper labels on these 'victims' of human rights violations as being somewhat incomplete or damaged by their experiences. For example, a report on violence against women entitled 'Broken bodies, shattered minds' (Amnesty International 2001) leaves such an impression – one that may reinforce images of the women in question that may arguably be closer to that intended by the perpetrators of the violence than the self-images that supporters and trauma counsellors would promote. In some cases, the women represent themselves as being physically or psychologically changed by their ordeals. Yet this self-representation forms only part of their identity.

Their decision to participate in the campaign against violence or in other campaigns indicates an attempt to exercise agency on their behalf, as do the stories and photographs that present them as being survivors who have lives beyond their identities as victims. In the case of Bina, a Bangladeshi woman awaiting plastic surgery after suffering disfiguring burns from an acid attack, she holds a picture of herself before the attack as a reminder of what has been done to her. At the same time she tells the story of being a competitive athlete in the college where she studies (Amnesty International 2001, p. 11). Similarly, Camil Magalhães Lima from Brazil poses for the camera in her wheelchair, highlighting the impacts of gun violence in her life. Her campaign t-shirt ('Arma, Não!, Ela ou Eu')<sup>10</sup> and her position in front of her desktop computer signify her active role in campaigns against gun violence in her native country (Amnesty International 2004a, p. 29).

In every report the role of these personal testimonies is consistent. It is an opportunity, certainly, for the victims' voices to be heard. More importantly, they serve the purpose of highlighting the human rights abuses by personalising them. In discursive terms, these testimonies personify the human rights violations. The personal links individual human rights violations with, firstly, the factors that cause and perpetuate them, and, secondly, with the human rights frameworks that are not implemented or are required to prevent future violations. These broader accounts employ the language of the authoritative researcher – Amnesty International. They position the organisation as

<sup>9</sup> In the case of the report referred to above, those 'stakeholder groups' are listed as the United Nations Security Council; all States, the Governments of DRC, Rwanda and Uganda; and States trading or aiding the DRC, Rwanda and Uganda.

<sup>10</sup> 'Choose gun-free! It's your gun or me'. This slogan is used by Brazilian NGO Viva Rio as part of a campaign with women's organisations to urge women to pressure their partners to give in their guns.

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a somewhat partial but reliable observer and analyst, with the authority to call for action.<sup>11</sup> Amnesty International call on its members and supporters and networks to build support within their communities for these human rights instruments and their government's compliance with them, marking them clearly as being representative of the second genre of communicative activism in human rights.

The relationships in these communicative processes bear this out. There are implied positions of consensus around the value and purpose of the international human rights instruments. There is strong suggestion that the implementation of a human rights regime by nation-states will prevent the acts of violence in question and, therefore, support for these instruments ought to be encouraged and prioritised. Individuals are asked to act as members of their community to support international human rights, call for their implementation and act in accordance with them. This may place them in positions of critique or conflict with local cultures or legislation.

Amnesty International is clear about its unequivocal relationship with local cultural or legislative frameworks that may contradict international human rights standards or impede their recognition and observance:

Violence against women, particularly in the home, is often hard for women to escape from because of traditional or cultural practices sanctioned by the state. These include forced or early marriage; limitations on women accessing divorce or maintenance; and restrictions on women's ability to work and support themselves, or to secure custody of their children, when they are without husbands or some other male family member to support them.

The Convention on the Elimination of All Forms of Discrimination against Women states explicitly that any kind of excuse based on culture, tradition or religion which leads to discrimination against women (and, by extension, to violence against women) is not acceptable.

(Amnesty International 2004c, p. 53)

Amnesty International's support for international human rights law is complete, ubiquitous, unquestioning and exhaustive. However, importantly, it is selective in its emphasis and prioritisation of specific campaigns. The international human rights regime is proffered as the best and only framework for social justice and an end to violence and challenges to the international human rights system are swiftly dismissed and their advocates rebuked. Clearly, the organisation's support for the international human rights regime is extremely valuable in promoting standards that offer some protection, or the hope of some protection, to the vulnerable. Its support for the discourse of human rights also helps to legitimise human rights as a language of protest and empowerment for those making claims on their own behalf.

<sup>11</sup> This is perhaps most clearly explicit in the report 'Making rights a reality: the duty of states to address violence against women' (Amnesty International 2004c) which outlines in substantial detail the implications for states of a extensive selection of UN instruments, reports from Special Rapporteurs, general recommendations and platforms for action.

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### **The absent genre: Critical consciousness-raising**

Amnesty International's comprehensive and robust commitment to, and engagement in, the first two genres of communicative activism serves to highlight what can be described as largely an absence of the third genre, namely support for the development of critical consciousness. This is perhaps highlighted by its rapid-fire and somewhat dismissive response to cultural or traditional responses that are seen to undermine international human rights. Many have argued for re-imagining forms of human rights that take cultural specificity more seriously, acknowledging that attitudes towards individuals and groups and rights holders, for example, can contribute to and enrich notions of human rights.

These debates are extremely useful and important. As noted earlier, there have been ongoing processes of cultural production leading to contemporary human rights. To disengage from a view of human rights as a site of ongoing cultural production has serious implications for Amnesty International and other human rights NGOs.

Such a disengagement risks opportunities for creative human rights campaigning going unrealised, through the insistence that all forms of human rights campaigning correspond to and rely solely on international human rights instruments. It undermines the central importance that the enactment of rights has for their legitimacy. This is counter-logical given the genealogy of modern human rights. As the history of human rights demonstrates, human rights campaigns preceded the international regime in which human rights are now enshrined,<sup>12</sup> and these campaigns relied upon a range of discourses – moral, legal, spiritual, philosophical, political and so on – to build support for human rights, none of which were, or are, able to claim an ontological foundation for human rights. This leaves human rights articulated in law yet without foundation in universally agreed principles underpinning them. It is as though the articulation of international human rights was recognised as a communicative and consultative process over time but the implementation of these same rights – the process described often as 'making rights a reality' (Amnesty International 2004c) – is being treated very differently. It is as a process more akin to the enactment of laws than the building of support. When these calls for support insist on using international standards as the only and irrefutable permissible form of human rights discourse, it becomes clear that such a monotone metanarrative is easily dismissed or ignored by counter-discourses. By refusing to engage with these counter-discourses, Amnesty International is relying upon an approach which is limited and unlikely to succeed.

The third genre of communicative activism, critical consciousness development, is a way of addressing this. This form of communicative activism employs and encourages forms of critical engagement with local cultural discourses as a way of addressing abuses or attitudes that condone them. Many local human rights NGOs employ similar communicative strategies. For example, the Cairo Institute for Human Rights Studies uses forms of artistic expression to demonstrate that the history of human rights is a part of Egypt's rich cultural heritage. The Sisterhood is Global Institute,

<sup>12</sup> Significantly, this includes the first 'Appeal for Amnesty' which does not refer to human rights as such and predates the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights by five years (Benenson 1961).

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an international NGO with consultative status to the UN, likewise engages with traditional myths and stories to highlight the human rights principles implicit in material familiar to Muslim women (The New Tactics for Human Rights Project 2004, p. 147). These approaches demonstrate that, as Ignatieff (2001) suggests: 'human rights activists are under an obligation, inherent in human rights discourse itself, to respect the autonomy and dignity of agents. An activist's proper role is not to make choices for [those] in question but to enlarge their sense of what the choices entail' (p. 72).

The argument about human rights being in 'in our own self-interest' is one approach that directly addresses narratives of indifference or nationalist isolationism (Schulz 2002). Rural Australians for Refugees similarly highlighted the valuable economic contribution many refugees were making in their communities to build support for their ongoing asylum claims. This drew on discourses of parochialism that had previously been employed to position the refugees outside the community.

In other contexts, forms of engagement are more overtly antagonistic and critical of contemporary practices, speaking 'truth to power' in ways that challenge power structures directly by exposing and confronting them. This type of human rights activism has a familiar history, for example in forms of civil disobedience<sup>13</sup> and, more controversially, violent struggles of the anti-colonial and independence movements. A more recent form of communicative activism, referred to as 'creative confrontation', is demonstrated by, for example, the Yes Men who use deceptive performance to imitate but misrepresent corporations they hold responsible for human rights and social justice abuses.<sup>14</sup> In other examples, organisations such as Witness International arrange for filming of human rights violations that are then used to directly confront those responsible for them in courtrooms or via the media (The New Tactics in Human Rights Project 2004, p. 40).

These human rights campaigning tactics are, in part, designed to highlight systemic abuses in order to build support for international human rights. However, they also demonstrate how the third genre communicative activism can expose social, cultural and economic structures that lead to human rights violations. This approach seeks to de-legitimise institutions, to introduce or promote distrust. These types of campaigns can exist in parallel with those that seek to build support and respect for international human rights while constructing critiques of institutions and discourses that lead to human rights violations.

This becomes more complex and apparently contradictory when the building of a critical consciousness leads to an interrogation of the international human rights regime itself. As noted earlier there are reasons why international human rights can be seen as a cultural product of historical western liberalism and an aspect of contemporary economic and political structures.

<sup>13</sup> Gandhi, for example, supports the principle of 'holding on to truth' (which he refers to as 'Satyagraha') which aims in part to address human rights violations by challenging the perpetrators through appeals to conscience and reason and the use of forms of civil disobedience.

<sup>14</sup> For example, in October 2004, to mark the 20th Anniversary of the chemical leak in a fertiliser factory in Bhopal, India (that has killed over 100 000 people and is often described as the world's worst chemical disaster) one of the Yes Men successfully masqueraded as a representative of Dow Chemicals, the current owners of the Bhopal factory, and was interviewed by the British Broadcasting Corporation (BBC). During the interview he claimed responsibility for cleaning the site and gave notice that compensation was going to be paid to the survivors. The interview was broadcast before the ruse was uncovered and the subsequent scandal embarrassed both the BBC and Dow Chemicals.

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I suggest here that there are other ways of addressing human rights violations than relying exclusively on the international legal instruments. So there are both theoretical and pragmatic reasons for interrogating human rights. Moreover, encouraging and supporting, through third genre communicative activism, forms of critical engagement with the international human rights regime can promote deeper forms of legitimacy. This can also outline ways in which the present human rights regime is inadequate for, or contradictory to, human rights goals.

## 2.3 Conclusions

Amnesty International demonstrates how the post-World War Two human rights framework can be operationalised to highlight grave abuses and call for remedy. In this sense it is a case study in the critical, evaluative power of the human rights regime, providing a moral language to be utilised by those expressing outrage and calling for change. It has done this with great success in terms of its longevity and its established reputation over the years. Its techniques, borrowed and successfully adapted from those of earlier rights campaigners, made human rights campaigning possible for anyone who could write on behalf of someone in danger. It has inspired others to create other human rights NGOs, sometimes to replicate and localise Amnesty International's approach, often to adapt, alter and modernise it.

These other NGOs have brought into starker relief aspects of Amnesty International's approach to human rights campaigning that face challenges. This includes but is not exclusive to (1) its reliance on a sober interpretation of the international human rights legal framework as a basis for the positions it takes on specific issues and for the ways it communicates its concerns, (2) the length of time taken by associated bureaucratic processes through which these positions are decided upon and action taken and (3) the relationship between Amnesty International and other members of the human rights community whose philosophical foundations and campaign practices differ, and with whom Amnesty International is in apparent competition.<sup>15</sup> This competition is typically thought to be the fiercest with Human Rights Watch (see Hopgood 2006, pp. 136-142 for a candid account of the rivalry). In Australia, the refugee campaigns of 2001–2006 saw the emergence of a number of smaller NGOs that operated within Amnesty International's field, occasionally as competitors and at other times as collaborators. The following chapter considers three such organisations and their approaches to human rights campaigning.

<sup>15</sup> This has been apparent internationally at least since the early 1990s, and was acknowledged by the organisation itself in a 1991 internal report into Amnesty International's acknowledged inadequate response to the massacres in Rwanda:

Today others – human rights groups (often indigenous ones), journalists and others – are providing good human rights information. And they are doing it faster and in more depth than AI has been able to ... What should AI's role be when news organizations are out in the field covering a situation as a human rights story? Or when another human rights group produces before AI does a good, solid report on a situation? ... How can AI better balance the need to be timely with the need for accuracy?

Some have argued that there was no need for AI to document the massacres in order to show that they were happening. Instead, what was needed – what AI's special role should have been – was effective action by its memberships to bring pressure to stop the killing (cited in Hopgood 2006, p. 138).

## DESIGNATED UNAUTHORISED ARRIVALS BILL: LESSONS FROM RECENT REFUGEE CAMPAIGNS

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This final chapter reports for the first time on three relative newcomers to the human rights scene that were active and influential in the refugee campaigns from 2001–5. The three organisations are: A Just Australia, Chilout and GetUp!. I have had close contact with all three having worked at one stage for A Just Australia, and having worked closely with those in Chilout and GetUp. They are presented here in comparison with Amnesty International for whom I have also worked and been actively involved in as a part of its governance structure. These organisations are much smaller, younger, less complex and less stratified than Amnesty International. They are all Australian-based and with the exception of GetUp are focused solely on refugee campaigns.

The activists themselves take the central role in describing, and to a significant extent explaining, their campaign methods and strategies. There is far less close reading of the texts and their interviews are not burrowed to the same extent as the Amnesty International documents. This is in part a reflection of the fact that there are numerous Amnesty International documents that can be read over an extensive period of time we can be confident that they represent a more consistent approach. Indeed, its struggle to change its approach is one of the clear criticisms of the organisation. For these organisations, it is still too early to judge their capacity, or willingness, or need to change. These organisations have not had time to build the weight of (unrealistic) expectation, or develop scar tissue from clashes. Neither are they required to articulate a consistent human rights message around the world on a range of issues constantly given their size and focus. Comparisons with Amnesty International must take that into account.

In other ways, though, this lighter tone reflects an optimism and enthusiasm evident in the interviewees. Amidst the sense of anger and outrage, I found a version of human rights campaigning that was energetic as well as articulate. Moreover, the period of the interviews and the writing of this report was one of optimism after a period of lengthy despair; these activists' stories of success will I hope suggest that human rights campaigns can be successful, that persistence and creativity and passion can – sometimes – pay off.<sup>16</sup>

<sup>16</sup> The interviewees were all selected from a group of activists and organisers with whom I had either worked with or had some acquaintance with. They are not a statistically representative sample but are suggested here as productive comparisons with the Amnesty International seen through its documents in the earlier chapter. They also bring human rights campaigning into a context by specifying a campaign, a time and a location, and therefore a political landscape. At least, that is what they suggest to me. I recorded and transcribed the interviews over the period July–November 2006. These semi-structured interviews followed a series of agreed topics, focussing on the ways they approached their campaigns, their collaborations with others, their thoughts on the successes and challenges within the broader movement. Later the relevant sections of this report were sent to the interviewees for their input and approval, with a few adjustments and edits resulting.

While happy to go on the record on most matters, there were times when the interviewees preferred not to be directly attributed. This is especially true when they were critical of other organisations or individuals. Although it is not possible to guarantee the confidentiality of the individual interviewee's comments given such a small sample, some attempt have been made to limit the level of discomfort by avoiding direct quotation.

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### 3.1 GetUp

It is 14 August 2006 outside the Federal Houses of Parliament. It is a high noon, of sorts: a challenge has been met, an opponent vanquished. The big blue sky stretching over Canberra is transformed briefly into a cinematic canvas on which the director's name and the story's title are proudly – if briefly – proclaimed to the world: 'Get Up! Vote No.' Like graffiti, it says two things: I am here; this is what I think. It is also a provocation and a challenge to those who would oppose (or ignore) its existence and its message. The wisps of writing fade in the breeze. The moment, however brief, has been captured on film, ready for broadcast on the nightly news and print in the following day's newspapers, for distribution via an email list with some 120,000 addresses for inclusion in this report.<sup>17</sup> The moment retains its significance. Its message is clear: Get Up! is here.

This was a significant moment for Get Up!. Barely twelve months into its existence it had become a confident voice in the Australian political public sphere. The occasion: Prime Minister John Howard has just announced his government's withdrawal of new immigration legislation, the Designated Unauthorised Arrivals (DUA) Bill, that would have resulted in asylum seekers who reached the Australian mainland being taken to Nauru where they would be kept while their asylum claims were assessed. The Prime Minister has added that the withdrawal of the bill was against his wishes, that it would not be passed by the parliament, that members of his own party and of the Coalition Government had scuttled the bill. Opposition also included the 105,000 signatories to the GetUp! email petition. As well as demonstrating an increasing level of opposition to Australia's refugee policy, this celebrated a new high-water mark in the young organisation's rapid growth. Inspired and supported by the forces behind MoveOn.org, the internet-based progressive, liberal campaigning movement in the United States with 3.3 million members, GetUp! started in small offices in Sydney in September 2005. The organisation's swift development, as National Director Brett Solomon confesses, has exceeded even their expectations:

If you look at where we are now in terms of where MoveOn was, we are actually (after 11 months) where they are after five years in terms of membership growth. We have 120,000 members. We were meant to have 100,000 members by October 2007, so we're 15 months ahead of schedule.

GetUp! is not, strictly speaking, a human rights organisation. It is a 'national independent campaigning organisation' that runs a number of campaigns, including environmental issues such as climate change and the risks facing the Snowy River. It also runs campaigns for the funding of the Australian Broadcasting Corporation, availability of the RU486 'abortion pill', and protesting recent changes to Industrial Relations law. GetUp! also addresses matters more traditionally within the remit of civil and political rights, namely the lengthy detention and inadequate trial of Australian former Guantanamo Bay inmate David Hicks, and Australia's legal regime that arbitrarily detains asylum seekers. But unlike Amnesty International, GetUp does not have the defence of human rights as its reason for being. Its ultimate aim, says Solomon, 'is to build a progressive Australia and the

<sup>17</sup> Now, some 12 months later, GetUp claims over 200,000 members on its email list.

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way that we do that is by maximizing political participation by trying to influence the outcome of key national debates, by influencing electoral politics and by building social capital.’

GetUp!’s American precursor, MoveOn, had its genesis in somewhat different circumstances.<sup>18</sup> Yet the results of the MoveOn campaign inspired others, including Solomon, to believe that information communications technology could be used to counter the power of mainstream media and big budget lobbying:

What evolved was the realisations that you can use the internet as a very powerful means through which you can organise, network, mobilize and build a progressive movement that can actually influence the political landscape of the entire country and that is what happened.

One of the things that emerged out of that was the possibility of countering big money, in the sense that the powerful lobby groups now had to contend with millions of mums and dads who would donate very small amounts in order to generate a public progressive movement.

Solomon sums up the battle for space in the mediated political public sphere as ‘big money, media, think tanks, and shock jocks versus the power of the internet’. He is also clear about the political battle lines and where GetUp! sits:

GetUp is an organisation that is trying to both respond to the huge success of the conservative right in Australia and as a response to the failings of the left. An opposition that has been [a] small target and timid and ... has misunderstood in a sense the way in which people have been silenced by the conservatives [but] have shown their opposition at key moments in time: the Sorry Day marches across the [Sydney] Harbour Bridge, the opposition to the industrial relations legislation, the marches against Australia going into the war against Iraq. All of those spikes of activity had never been harnessed by the left in a way that sustains that activity, gives them an infrastructure to be able to counter the power of the right. And that’s what the purpose of GetUp is – to give people a network of convenient movement-building means to stay in touch and mobilize together to achieve progressive political outcomes.

The rise of NGOs over the last four decades has been commonly characterised by the rise of identity politics and single-issue organisations. The suggestion has been that, turned off by the machinery of traditional political parties, passionate supporters turn to NGOs that claim political impartiality and try to avoid the perception that they can be ideologically pigeon-holed. Solomon’s analysis is a countervailing view, suggesting that GetUp! is partially successful because it does not identify as a single issue NGO, but as a politically progressive campaigning NGO:

Because people don’t think about issues in [single-issue] silos ... Greenpeace does the environment, Amnesty does human rights and whatever. People who

<sup>18</sup> The name comes from a response to conservative and Republican pressure on Democratic President Bill Clinton over the incident involving sexual indiscretions with White House intern Monica Lewinsky. This prompted progressive and Democrat groups to call for people to ‘move on’ from the scandal.

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are concerned about indigenous rights are also concerned about global warming are also concerned about industrial relations reforms, so GetUp tries to mobilize [those] people.

GetUp! and other newer NGOs are like Amnesty International in many ways. The letter-writing campaigns and internet-based petitions that are GetUp!'s initial requests of supporters are straightforward. They are designed to enable the greatest number of people to participate. They are in Solomon's words, 'as simple and as convenient as possible in order for you to opt in on an issue that you feel concerned about and agree with.' And like Amnesty International, these calls for individual action are part of a multi-pronged campaign that includes using traditional mass media as well as directly approaching relevant Members of Parliament.

Solomon points to the campaign to prevent the introduction of the new Border Protection legislation as an example of how GetUp! has used paid media, in the form of placed television advertisements, to generate attention in the news media and, subsequently, pressure on politicians:

As well as launching a call to action, which was putting your name to a petition, we also did a national television advertisement. We asked [Australian actor] Jack Thompson if he would do the voiceover, he said yes, we produced a television ad in a day and a half, we raised \$30,000 in four days.

We used paid media as a means to achieve secondary media ... The editorial (media) want to know who this group is, what their perspective is, how they raised the money, what they're trying to achieve and how they're trying to achieve it, and so on. For instance, after we had the television ad launched, [Journalist and news presenter] George Negus had [Minister for Immigration] Amanda Vanstone on his program [Dateline], showed him the ad live on national television and said 'Minister how do you respond to the GetUp national television advertisement saying that you are effectively breaking your promise to the Australian people'. And similarly Fran Kelly on Radio National played the Minister the ad. It means the government has to become accountable for its position.

The language used here is particularly significant. A reason given for their opposition to the Bill is that they have made a promise to the Australia people, in whose name they govern. The implication here is that the principles of democratic accountability to an electorate can be utilised to defend refugee's human rights. It is also an attack on the honesty of the Australian Government, suggesting that it does not keep its promises – a claim that has been made elsewhere of the current Australian administration, and a common claim of opposition parties the world over. Trust in institutions and political leadership has been the topic of influential political scientist Francis Fukuyama (1996). To utilise the lexicon of trust and deceit in this way suggests that the proposed Bill is not only an abrogation of asylum seekers' human rights; it is a betrayal of the Australian people.

It is, at least, a betrayal of those supporters of refugees' human rights who had worked for years to change immigration law to enable children to be released from immigration detention. This support came from determined community members and, importantly, from within the Liberal Party. Consequently, it was not enough to organise public opposition to the Bill. Opportunities for work within the corridors of power, with those same members of the Liberal Party (and others) were also

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pursued. In these circumstances, GetUp! is delivering levels of political support for members of the same Government it is calling deceitful. These politicians become the brave voices of conscience within the Government – a position that has political risks and therefore, as Solomon outlines, requires support:

They have voiced very strongly their public opposition. So we contacted them and said we have tens of thousands of Australians who actually support you ... How can we support you? The clear message to us from them was that the stronger and louder [the opposition to the Bill] is, the more [they] can use that to achieve our shared political aims ... They need a popular show of support and we can deliver that to them.

This work in concert with the Members of Parliament is illustrative of Langois's (2004) point about the inevitability that human rights advocates will need to engage in the politics of implementation of human rights. And while GetUp! does refer to international human rights obligations in its campaigning material, and Solomon does call for political leadership in respect for the international commitments that Australia has made, the fundamentals of this campaign message employ the narrative and logic of Australian democratic values.

Public opinion, and democratic parliamentary traditions, are shown to be – at least potentially – not inconsistent with human rights. The significance of this is highlighted when remembering the opinion polls and election results of 2001 at which time the Government claimed its punitive detention regime and the Pacific Solution had the support of public opinion and featured these policies in an effective election campaign. If 2001 taught refugee advocates that appeals to international human rights instruments were insufficient in the face of nationalistic appeals to public opinion and the legitimacy of the Australian democratic tradition, then 2006 and the defeat of the DUA Bill has further highlighted that the challenge for human rights advocates is to demonstrate how human rights can be consistent with, and reflective of, local narratives, vocabularies and local traditions.

### **3.2 A Just Australia**

In the months before GetUp! wrote its name across the Canberra sky over Parliament House, A Just Australia's Kate Gauthier was urging parliamentarians to oppose or amend the proposed Border Protection Bill. She learnt from these same parliamentarians what it might take to convince them and their colleagues. These meetings, Gauthier suggests, would become crucial in understanding the political contexts in which the arguments against the Bill would find either fertile or fallow ground, and in gathering the numbers necessary for the eventual scuttling of the Bill. They also indicate that A Just Australia had gone a long way towards accomplishing one of its earliest aims: to bring a united refugee advocacy movement into the middle ground of Australian mainstream politics.

This was never going to be easy. In July, 2002, when the organisation was launched, the perception was that refugee advocacy had been over-represented in the public sphere by groups whose ideology and tactics were alienating for many Australians. This was especially so in a media fond of showing footage of groups attempting to dismantle detention centres and free the asylum seekers inside.

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A Just Australia attempted, through its use of prominent and popular Australians such as former test cricket captain Ian Chappell, to show that there were many others who shared their opposition to the detention regime but not their preference for aggressive tactics. It sought to approach politicians through direct lobbying, presenting a moderate face and voice and demonstrating a knowledge of, and a willingness to work within, democratic institutions.

It also sought to work with other refugee advocacy organisations of a similar mind to present a united, if multi-vocal and diverse, coalition. Gauthier recalls that people were passionate about doing things their own way, sceptical about a new group telling them what they should or shouldn't be doing. The differences between the 'Smash the fascist state contingent' and the 'Liberal voting, church going, pumpkin scone baking country mums' were seemingly irreconcilable. Gauthier's approach, since taking over as National Director in March 2005, focused on developing relationships with existing groups and networks and concentrating on finding its own niche in this network, namely as provision of expertise in policy analysis and political campaign strategy. A Just Australia focused on being efficient, keeping things small and contained – it has just two staff and works out of borrowed offices – and complementing other groups in the broader coalition it had helped to create.

When the DUA Bill was announced, A Just Australia sought to establish levels of support for and opposition to it. Gauthier recalls:

I set up a whole bunch of meetings with various Members of Parliament – mostly Senators because we knew that the fight was not in the (Lower) House, the fight was in the Senate. That was where we were going to win it because of the numbers. There were fewer needed to cross the floor and there were more sympathizers in the Senate.

So I had meetings with various Senators early on and got a feel for what their arguments were, why they were saying it's not a good bill and why they were saying 'we have to vote for it'.

These meetings were not only with potential supporters. They include at least one fascinating encounter with a Senator, whose name has been withheld, who explained why he both did not support and could not vote against the Bill:

(The Senator) was surprisingly sympathetic, didn't like the idea of this going ahead but said that ... because the Prime Minister had put this forward publicly to the Indonesians, to withdraw the offer by the Government was going to be worse (diplomatic) slap in the face.

Gauthier recalls that his argument was that if Australia allowed West Papuans to come into Australia, in addition to the diplomatic slap in the face to the Indonesians, they would agitate for the independence of West Papua, making life difficult for the moderate Indonesian leaders. This would lead to the separation of West Papua and the 'Balkanisation' of the entire Indonesian archipelago, or would embarrass moderates and allow extreme Islamists in the party to take over:

He said the Government is going to put this through, we need information about how to amend this so as to make it not as bad. From that advice I prepared our submission which was don't do it but if you must go ahead these are the absolute minimum things that you need to include in order to protect people and mitigate the damage.

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These recommendations, claims Gauthier, were taken up by those calling for amendments within the Liberal party room. They were shared with other advocacy groups who had fewer resources available to allocate to the development of policy positions:

We have had really good feedback from everyone on this one – they're using our information because they haven't had time, it's enabling them to do a lot more lobbying than otherwise able to.

Also, A Just Australia was instrumental in establishing effective arguments for seeking support from parliamentarians. Gauthier outlines, with commendable honesty, the approach taken from the early stages of their lobbying activity:

You need to take a scatter gun approach at first. It's like fishing. You test the waters. You throw your worm in here, there and see what's happening. Each individual fish will be attracted to a different lure. You find out what is the button that pushes that individual person. What's their thing? What are they like? What kind of person do they connect with? What's their focus? What's their interest? Is it international law? Is it the diplomacy angle? Is it the cost? Because for a lot of them [they say] 'I don't care about human rights, it's a waste of taxpayers money.'

A Just Australia also put a priority on seeking out appropriate organisations that might be better placed to convey those arguments. Gauthier cites the example of the Family First Senator Andrew Fielding, a member of the church the Assemblies of God:

With Senator Fielding, we reached out with the National Council of Churches to the Assemblies of God people ... We went to the Assemblies of God people, informed them, gave them the information and skilled them up how to lobby him and then sent them off to go talk to him.

[The Assemblies of God] were really happy. They really wanted to know what this was all about. They were concerned about it and, once they had been given the information, were gung-ho to have an input.

Gauthier characterised A Just Australia's role as being a facilitator of others' advocacy through their provision of policy research and analysis. This was particularly for those organisations that would like to engage in lobbying activities but do not have the requisite resources to research the information required to present their case. For example, their primary role may be involved in direct provision of welfare services for refugees settling in Australia:

We give them all the information that they need to be able to package it up, and they are free to throw out bits and put in their own bits. What we want to do is we want to help them. Our job is [to] help other groups speak with their own voice in an informed way.<sup>19</sup>

<sup>19</sup> Gauthier was also keen to point out that A Just Australia worked closely with other organisations that were capable of producing their own materials, including Amnesty International, Chiloat and especially GetUp. A Just Australia worked with them in running parallel letter-writing/petition campaigns to generate correspondence to political decision-makers, including the aforementioned GetUp Online petition that elicited 105,000 signatures. Gauthier also reiterated points made elsewhere about the value of this correspondence to Members of Parliament. However, I have chosen here to emphasise A Just Australia's roles in (a) preparing briefing materials on the risks of the DUA Bill and (b) undertaking political strategic analysis and subsequent campaign recommendations.

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This model of communicative engagement – with colleagues in the advocacy community, with third-party advocates that come from beyond the cohort of ‘usual suspects’ and with even those whose support is far from guaranteed – opened up and democratised the public debates about the DUA Bill by empowering a wider range of voices to participate.

This ‘quiet achiever’ approach contrasts with other organisations who, often for very good reasons, put substantial effort into increasing the extent to which they are known for the work they do (‘brand recognition’), or compete for a ‘share of voice’ in the relevant media or seek to preserve the integrity and increase the esteem in which their work is held (‘brand value’). These types of communications goals are fairly standard for larger organisations that require large resources to sustain large infrastructures and which often seek to grow in size and therefore influence. By eschewing these communications strategies, A Just Australia took an approach that made a virtue of its specific role and small size. By overtly not seeking the spotlight, A Just Australia presented itself as an organisation that did not seek to dominate others or claim leadership status in the public arena. While this approach may have been appropriate and effective, it did leave the organisation with a dilemma: how can it demonstrate to its supporters – who sustain it financially and participate in its campaigns, and, therefore, call upon the organisation to be accountable for its activities – that its methods are working thus justifying their support.

In a message emailed to its supporters and posted on their website for the broader public, A Just Australia (AJA) sought to outline its contribution to the defeat of the DUA Bill:

AJA’s role in the victory

Without blowing our trumpet too loudly(!), as a respected national refugee policy and campaign organisation, AJA was instrumental in ensuring that the federal government did not push ahead with the DUA bill. Much of this work involved behind-the-scenes lobbying in Canberra, coordinating and providing practical support for campaigning by other advocacy organisations, briefing media and mobilising members of the community to speak out about the legislation.

While there weren’t that many people shouting AJA’s name from the rooftops, a significant number of parliamentarians and policy advisors (especially among the Coalition dissidents), journalists, refugee/asylum-seeker advocates and service providers have acknowledged just how crucial AJA was in helping create a climate in which the voices of justice and compassion could prevail. In particular, the research and briefing work that AJA undertook informed much of the public and private debate about the legislation, with some polities even bothering to credit us!

In addition, through its activities, AJA was able to build on and broaden our campaign networks. AJA was a key partner in collaborations with organisations including the Refugee Council of Australia, the Edmund Rice Centre, Chilout, GetUp, Amnesty International and the National Council of Churches.

(A Just Australia 2006)

The messages to A Just Australia’s supporters here emphasise the specialist, ‘behind the scenes’ role the organisation took on, the recognition it received from those decision-makers it targeted and its work in collaboration with others in the refugee advocacy community. The point made is that while

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their name wasn't being 'shouted from the roof tops', or, like GetUp, written across the sky, they play an important and effective role. This requires a level of sophisticated appreciation, on behalf of A Just Australia's supporters, of the methods employed by political lobbyists and for the role that the organisation played in undertaking such actions. It is also asking them to trust the organisation to do the right thing behind the scenes, away from the spotlight, out of public scrutiny.

Levels of trust such as this may be harder to sustain in organisations with larger, more diverse constituencies or when the effectiveness of the tactics is less clearly apparent. Success breeds confidence. However, the compelling suggestion is that the discourse of Realpolitik – of confidential briefings, compromise and strategic alliance building – is not incompatible with the discourse of human rights. Also, a range of arguments were made against the DUA Bill – economic appeals to budget implications, nationalistic appeals to foreign policy independence from Indonesia and sentimental appeals to blood debts owed to the 'fuzzy wuzzy angels' of Papua – that bore scant if any resemblance to the discourses usually employed in the defence of human rights. Furthermore, the fact that they were clearly not human rights arguments made them more effective, suggesting again that the discourse of human rights may be insufficient to defend human rights and that a greater engagement with other – even countervailing – discourses is required if human rights advocates are likely to succeed in realising their goals.

### 3.3 Chilout

While writing up this monograph, I received an invitation to a somewhat unusual event. Chilout, the advocacy group dedicated to securing the release of children from immigration detention centres, was closing down. They thought it was time to celebrate. While I had been to many launch events, I could not recall ever before being asked to make merry as an advocacy organisation went out of business. The low-key 'farewell party', at a private home in an inner-west Sydney suburb, signalled achievement rather than collapse. The job had been done.

Chilout emerged in the same context as A Just Australia, appearing in 2001. About four years later, in mid-2005, one of the main goals of the organisation had been mostly achieved, with the announcement that all children remaining in detention centres would be moved into the community 'without security supervision and with reporting arrangements'.<sup>20</sup> Later that year, at its annual Human Rights Day award ceremony, the Australian Human Rights and Equal Opportunity Commission outlined why it was recognising Chilout's achievement with its community award:

The group of 'middle Australia mums and dads' that formed in 2001 after seeing the plight of a six-year-old Iranian boy in immigration detention has demonstrated the remarkable power of committed individuals to achieve change. They showed the faces of children behind razor wire and brought the suffering of those children into Australian living rooms – confronting us all with the reality of children in detention.

<sup>20</sup> It should be noted that there were some significant problems that remained for these asylum-seeker children and their families. For one, they were not granted a visa and were, therefore, technically still in immigration detention. Nevertheless, it was a positive achievement.

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Chilout supported people inside detention centres through visitor's programs and worked tirelessly to increase public awareness on the plight of refugees, asylum seekers and their children. Their campaign had a clear goal and this award recognises the efforts of the many people involved. Chilout's reward was getting children out of detention and this award is a celebration and recognition of their efforts.

(HREOC 2005)

Alannah Sherry has been Chilout's only paid staffer. She has run the organisation, with the team of extremely dedicated volunteers, from a spare room in her suburban flat. But far from giving the impression of 'cottage-industry', amateur advocacy, Sherry's descriptions of Chilout's approach to media-based campaigning are hard-headed and direct. She tells a story about a time when, while sourcing photographs of children in detention centres, adult detainees asked why couldn't she arrange for the press to come and hear their stories and take their pictures:

I just looked them in the eye and said: 'I know, but they are cute and the public will feel sorry for them. They don't feel sorry for a twenty-something Iranian with three day growth who's gone slightly mad because of all the drugs, because of the incarceration. You are not good interview material'. They understood that.

The twenty-something Iranian not only understood but eventually came to see and benefit from the outcomes of the Chilout's media campaigns to highlight children in detention. But it took time, effort and some use of contraband before media attention could be sufficiently moved to consider his plight. Chilout was determined to get images of the children in detention to the Australian public. 'The media wants a photograph,' Sherry explained, 'they prefer that to any sob story.' Cameras were not allowed in immigration detention centres so they asked detainees to lend them photographs of their children and smuggled them out of the centre hidden in their underwear smuggling them back in a few days later. Some of the children had not had any photographs taken of themselves (some had been born in detention) and only had identification cards. This, admits Sherry, was 'a bonanza. Because the images had barcodes (underneath them) and one of them, a baby, didn't even have a name it just said "Baby".'

Sherry outlines the strategic significance of the publication of these images for their campaign, highlighting the importance of addressing popular (mis)conceptions of detainees and detention centres that had been fueled by the regular publication or broadcast of images of violent protests and self-harm:

Before this, all we had coming out of the detention centres was riots, fires, lip sewing, water canons, tear gas. And they're all rat bags. Look at the way they repay us for rescuing them. Unfortunately, that has been the only real media coverage on the whole of the detention centres: negative toward the detainees, because it's pictures that they want.

If it was pictures the public wanted, then Chilout provided them with pictures. It replaced the pictures of the detention centres 'under attack' with pictures of the children trapped inside. Chilout acted on the premise that emotional images of children would penetrate far deeper than dry theses on

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Australia's obligations under the International Covenant on the Rights of the Child. Moreover, Chilout took the view that far fewer people either knew or cared what Liberal backbencher and refugee supporter Petro Georgio, or the United Nations, or Amnesty International or Chilout were saying about this.

For many people, the fact that the Sydney tabloid newspaper *The Daily Telegraph* was publishing these pictures meant much more in terms of both audience reach and – controversially, perhaps – the authority of the source. Put simply, *The Daily Telegraph* had more influence. For one thing, the newspaper had, prior to Sherry and others presenting them with the images of the children detainees, compared life in a detention centre to life in a five-star hotel. So it could hardly be seen to have any undue sympathy to asylum seekers or an ideological aversion to the Government policy. In fact, it was quite the opposite. So when, in June 2005, *The Daily Telegraph* and its broadsheet competitor *The Sydney Morning Herald* published the pictures of the children, Sherry suggests, the impact was substantial and important. After the publication of the photographs – including Baby Naomi, aged three by the time she was released, whose dimples, Sherry credits, inspired great sympathy – readers wrote to the editor of *The Daily Telegraph* in support of the release of the children: 'The Editor then himself had an epiphany and went to Villawood (Detention Centre) and befriended the (aforementioned) Iranian'.

Chilout also introduced new voices and faces into the debate, namely those of children, both refugees and supporters from the broader Australian community, who became known as the Chilout Ambassadors. The organisation put out a call for anyone under 18 who wanted to go to Canberra to meet with the Minister for Immigration and let her know why they thought detaining children was wrong. Those interested were asked to submit their reasons for wanting to be an Ambassador. Five were selected to join three refugee children. They had all been active previously, for example by writing to detained asylum seekers in Australia and Nauru.

They went to Canberra in March 2004 to deliver a petition of over 5000 signatures from children from various parts of Australia. They met with a number of parliamentarians including Senator Amanda Vanstone, the then Minister for Immigration, Mr Stephen Smith, the then Shadow Minister for Immigration, and the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade. These Ambassadors spoke to members of the Federal Press Gallery at a press conference and continued to give interviews to the news media after their visit was over.<sup>21</sup> Sherry recounts the day with affection:

They were perfect little activists because they spoke straight from the heart about their friends. And they were their friends because they had been pen pals. (The Chilout Ambassadors) were from, as it happened, Port Augusta, rural South Australia, somewhere outside Bendigo or Ballarat, rural Victoria, from Wagga Wagga where there's an Afghan community and a (Sydney) North Shore 14-year old who was incredibly articulate.

<sup>21</sup> Reports on the visit and reflections of the Chilout Ambassadors are available at Chilout 2004, [http://www.chilout.org/information/ambassadors\\_in\\_canberra.html](http://www.chilout.org/information/ambassadors_in_canberra.html).

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The Chilout Ambassadors finally were sat round a table to present their cases to the Minister for Immigration. 'The Minister let them say their spiel ... "My name is Bonnie, I live in Port Augusta. I go to school with girls who are in the detention centre, this is why this policy is wrong".' Senator Vanstone made one of the Afghan girls cry by suggesting that a danger was that asylum seekers would come here and have children in order to get out of detention, saying you can't change the policy for individual cases. The children went out of the meeting and went on radio and talked about it:

It was incredibly exciting and fun for them. After [Senator Vanstone] we saw a range of polliies all saying 'we're listening to your story. Tell us. Tell us about what happened' – [asking that] to the kids who were in detention. And the kids, they really thought they were being listened to ... Krystal, 16, from Wagga, told the Minister she would gladly change places with a detainee if the Minister would let her out, and she meant it. And she said that to the media as well ... It was certainly a shock to the polliies.

### **3.4 Working globally, locally: Amnesty International and the Australian refugee campaign**

For the world's leading human rights NGO, Amnesty International's Sydney offices were less than imposing.<sup>22</sup> Despite the recent lick of paint, the exterior still looked like an unconverted warehouse. Inside, the lower level was muggy and breathless. The meeting room upstairs still retained the corner mirrors from when it used to be a men's clothing wholesaler. Downstairs, numerous reports lay scattered over a large communal table, a team of volunteers sat at a bank of computer screens. The scene was a reassuring one of industrious dedication and it seemed a far cry from the glamour or prestige one might associate with a 'power brand NGO' and Noble Peace prizewinner.

Having been to a number of Amnesty International offices around the world, I know that this was not atypical. Also, it is not dissimilar to the offices of the other human rights NGOs I have visited, and the similarity doesn't end there. For when the Amnesty International campaigners<sup>23</sup> start describing the way they approached the campaign in opposition to the DUA Bill, it sounds familiar:

First and foremost to make the community aware of the proposed changes, understand the problems with the Bill ... We started by doing something that Amnesty is very good at, which is disseminating information, so we got [Question and Answer information sheets] out on what the Bill means.

A key tactic was the 'Message in a Bottle' viral email campaign. The email-based call to action asked supporters to send parliamentarians a virtual 'message in a bottle' through signing on to a web-based petition. The campaign collected 25,745 signatures in eleven days and expanded Amnesty International Australia's list of email addresses for its regular refugee bulletin from 5,100, which had taken a number of years to build to 10,100. The petition was taken to parliament and presented

<sup>22</sup> Amnesty International have since moved to newer premises. Although these are rather more salubrious, the same sense of industry and passion is pervasive.

<sup>23</sup> By agreement, the interviewees from Amnesty International are not named.

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to those members who it had identified as being of particular import when it came to the vote. Similarly, Amnesty International invited its substantial supporter base to write to their local Member of Parliament or other parliamentarians of their choosing.

These types of campaign activities – letter-writing actions, petitions, direct lobbying of decision-makers – are Amnesty International's forte, as outlined in chapter two. It is instructive to compare and contrast strategies and impacts of Amnesty International and the three NGOs discussed earlier.

Considering the 'Message in a Bottle' web-petition with the campaign run by GetUp!, one comparison is impossible to ignore: the Amnesty International campaign received only twenty-five per cent of the total number of signatures gained from the GetUp! campaign. One reason for this was the GetUp! petition had been collecting signatures for about two months longer. So why did Amnesty International leave it so late? The Amnesty International campaigners explained that it was a matter of 'structure and capacity' and that Amnesty International had established, traditional methods of letter writing.

These honest appraisals highlight two important conclusions that may be drawn about Amnesty International. Firstly, bigger may not always be better. Even with about 50 full-time professional staff, Amnesty International still cites capacity constraints. In fact, the size of the organisation and its organisational structure, may make it more difficult for decision-making to occur swiftly. Added to this, Amnesty International Australia, as part of an international organisation, is required to communicate with, and elicit reports and other research information from, the London-based International Secretariat. This further complicates communication and further stratifying the levels of bureaucracy. This was cited by a long-term Amnesty International member as a reason for frustratingly regular delays in the production of other campaign materials. In the case of the 'Message in a Bottle' action, however, it was unlikely that the delay damaged the campaign. How many signatures could have been collected had the action been initiated earlier?

Secondly, Amnesty International's traditions may lead it to be conservative, rather than creative, regarding the forms of campaigning it employs. That the letter-writing campaigns and thematic reports outlined in chapter two are part of the culture of the organisation is well understood. The extent to which these dominate, or limit, the range of campaign tactics Amnesty International employs remains, for some, a source of frustration. However, in recent times Amnesty International has moved to embrace new forms of communications technology. The 'Message in a Bottle' email/web-action is one example; a SMS-based text writing action as part of the campaign in opposition to the execution in Singapore of Australian drug mule Van Ngyuen is another. But the organisation still tends to move more slowly than even most within it would prefer. Tradition and size have both created and ossified solid structures and reduced organisational flexibility.

Another point of difference is the decision to not direct its supporters to address their letters of support or opposition to specific targets within parliament, while at the same time identifying key decision-makers and approaching them with the petition results and in direct meetings. The Amnesty International campaigners acknowledged that this could be difficult, explaining that part of the reasoning behind this is the need for Amnesty International to remain above politics, especially

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in its public campaigning. The watchwords used in explaining this were 'credibility', 'neutral' and 'completely apolitical'. This is clearly a different approach to the aforementioned NGOs: GetUp! and A Just Australia actively targeted certain parliamentarians whom they named on their websites on or in email correspondence. The Chiloout Ambassadors visits to the Minister and Shadow Minister are, likewise, documented at length in an online account of their lobbying visit to Canberra.

Amnesty International chose to take a different approach publicly, and in campaign actions involving its supporter base, while meeting privately with identified targets (the same parliamentarians identified by GetUp!, A Just Australia and Chiloout). Part of the reason behind this need to dampen the impression that Amnesty International is interfering in politics was alluded to in chapter two, namely, the threatened tax implications of the organisation being labeled a lobbyist. Another aspect is the historical standing of the organisation in the eyes of the parliament and relevant government departments. Amnesty International has been active in Australian political life for decades. The Australian Section claims the oldest Amnesty International Parliamentary group in the world. This bipartisan group is still active. In recent times it has come under pressure due the perception that Amnesty International has taken a decision to become more directly involved in national politics. This group, however, continues to take up Amnesty International cases outside of Australia and intervene in those when it can, as well as continuing to open doors in Canberra. Any further activity that increases the perception that Amnesty International is politically partial is a threat to the ongoing ability for the group's operations, perhaps even its existence.

The solution was to refrain from asking supporters to target particular Senators while indicating they would be taking the petitions from the 'Message in a Bottle' e-action to targeted Senators: 'We collected those letters and we chose our targets but we also invited members as always to write to any Senator they chose one-on-one. Those letters were sent from John Citizen to Senator X.' This, it was also explained, fitted within the campaign plan: 'our strategy was to get as much input, as many signatures as we can, and then take that as a bulk to those Senators that we thought would have the most impact.'

Nevertheless, the drive to remain 'apolitical' is not one that was present in the accounts of the GetUp!, A Just Australia or Chiloout campaigns. It raises questions about the value of and consequences of this approach. Where GetUp!, in particular, urged its supporters to engage as Australian citizens and participate in part of Australian democratic tradition, Amnesty International has – traditionally – urged its supporters to speak in the name of universal human rights standards and international obligations, that is, outside or above the realm of domestic politics.

This is changing. Assertions from Amnesty International that the defeat of the DUA Bill 'reaffirms that the Australian people and their elected representatives still value Australia as a country that will stand by fundamental human rights principles' (Amnesty International Australia 2006) indicates a willingness to comment on the Australian political climate. In the context of a difference campaign, the use of commissioned public opinion pollster Roy Morgan to ascertain public concern about Australian Anti-Terror laws suggests a willingness to engage in the politics of public opinion. This is a direct contrast from the opinions voiced in the Senate Inquiry referred to in the introduction of this monograph. But the need to carefully manage its standing as an 'apolitical' organisation remains a strong influence on how Amnesty International campaigns.

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### 3.5 Working Together

As well as considering these four NGOs individually and in comparison with one another, it is useful also to reflect on the extent to which they worked as part of an advocacy network. This, Gauthier suggested of A Just Australia, was an aspect of campaigning in Australia that set it apart from similar refugee advocacy communities internationally. Amnesty International's campaigners were keen to point out that, while they saw their activities as being successful, it was not possible to isolate themselves for credit. Moreover, the multifarious nature of the arguments presented in opposition to the Bill were an core aspect of the overall campaign:

It is an important point to make: in any campaign and in this campaign in particular, Amnesty was one of many voices. People will employ different strategies. So we had groups taking refugees to meet MPs so they could hear personally from the Papuans why they came and what was going on. And then you had UNHCR meeting with various MPs as well to talk more broadly and answer specific questions that the government was talking about there and then you had AI as an international human rights organisation with ... nearly 2 million members worldwide also coming along.

GetUp!'s Solomon was similarly eager to emphasise the collaborative nature of the campaign and was enthusiastic about the potential for working together:

I was so proud of all of us because we really managed to (work well together) ... There were a few policy issues but nothing major. It wasn't all about branding. We knew what our political objective was, we shared each other skills: we were very much about our membership and our ability to create the advertisement quickly. (A Just Australia) was very much about policy and political inroads. Chiloout were great in terms of their membership base and raising money...

I thought it was a brilliant campaign and it is actually the aim of GetUp to get rid of these silos and build social capital – building links and the mutuality and reciprocity between organisations.

The ability of organisations to work together has developed over time, and with considerable effort, as the level of respect for and appreciation of the work and roles of different organisations has grown.<sup>24</sup> But while the value of working together seems generally well recognised, this has not meant that there are no tensions between organisations. Gauthier reported that in the past there had been suspicions of A Just Australia's role in respect of other organisations and that it had taken a change of personnel and time to re-establish networks and build trust. Solomon similarly indicated that, while having strong ties with some groups:

Other experiences with other organisations have not been helpful at all. We're the new kids on the block. I expect that and I understand that there's some suspicion about GetUp and what it is doing and what it is trying to achieve.

Amnesty International found limitations on the extent to which it could participate with other groups for different reasons, namely its structure as a member-based organisation, its mandate and the integrity of its reputation:

<sup>24</sup> A number of other organisations were cited for the value they had brought to the campaign. These include Rural Australians for Refugees, Hotham Mission, Bridge for Asylum Seekers, and The House of Welcome.

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We represent our members and our members have chosen to join Amnesty first and foremost ... [we must consider] whether organisations have other methods of campaigning or other issues they might campaign on that aren't within our mandate. We have to consider all of that ...

Obviously, organisations that are clearly overtly political we couldn't go into coalition with. Other organisations that are like-minded, to what extent we go in coalition really depends on the issue and to what extent we think [the benefit of, for example] a letter from 20 organisations would have ...

Amnesty's reputation first and foremost is what we have to consider when we go into coalition, and whether it is better coming from us, and just us, and whether that dilutes the impact of Amnesty International if we go in with other groups.

Amnesty International's reluctance to be more forthcoming and more collaborative was seen as a shortcoming by some.

There were also groups that these organisations would not work with and whose campaigning methods were seen to be at least ineffective and, possibly damaging. These were groups associated with the 'riots' outside various detention centres and the escape of the detainees from Woomera (at Easter 2001). These quotes are a representative sample from all the interviewees, their identity withheld for reasons outlined earlier:

Easter protests had their time and place but they made some howling errors. A lot of great advocates came out of there. They saw the detention centres, they really saw what was going on and were great advocates on this issue. But breaking people out of detention, hiding people, taking the Bakhtiyari kids to the UK consulate in Melbourne – things like that were disastrous.

There are a number of reasons why. One of them is the impact on the individual. I think a number of groups lost sight of that and lost sight of the damage they were doing by breaking people out or going and protesting outside of centres so that centres would shut down so lawyers and others couldn't access their clients ... putting the centres on edge and making life even more miserable. Some of that stuff wasn't really thought through.

You always get the extremist element. It brings disrepute to the whole movement.

Forget the 'noisy' – I won't name names – activist people, who I think shifted no public opinion and just made John Howard go 'well we can ignore them'.

It makes it easier for politicians to marginalise the whole movement.<sup>25</sup>

These groups – GetUp, A Just Australia, Chilout and Amnesty International – saw themselves as being far less marginalised now than at earlier stages of their campaign. Doubtless there are numerous significant factors accounting for the change in the climate for refugee campaigns, not

<sup>25</sup> However, one of those interviewed outlined the usefulness of these groups as a point of comparison, suggesting that, rather than being tainted by these groups actions, they were able to present themselves as the rational and reasonable alternative. 'You've got to deal with someone' they would suggest, 'you can deal with me, or you can deal with them.'

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least because the numbers of asylum seekers in detention has dwindled and unauthorised arrivals. But there is a sense of belief among these practitioners that the campaign strategies they have been pursuing have been effective. For Chilout, the campaign has succeeded to the extent that it has fulfilled its purpose. A Just Australia has had similar thoughts. For GetUp!, a tried and tested model is being used in other campaigns. For Amnesty International, new methods of communication are being more confidently explored.

GetUp!'s Brett Solomon, who succinctly outlined the conviction that had come with success, and the awareness of victory's fleeting nature that is never far away: 'We won. We've won this campaign till now. We'll see.'

### 3.6 Conclusion

This brief account describes how attempts have been made to address some of the challenges facing human rights advocates, the likes of which were outlined by the Amnesty International case study in chapter two. Some further analyses of these campaigns, and comparisons with others, would be productive and worthwhile but constraints prevent much of this here. Briefly though, what is clearly evident is that organisations such as GetUp!, Chilout and A Just Australia have productively co-joined discourses of human rights with other discourses in an attempt to persuade a broader range of constituents to their point of view.

The discourses of Australian nationalism, democratic legitimacy, the moral obligations of parents and guardians to care for children, and economic prudence have all been a part of this human rights campaign. Moreover, these discourses were applied inconsistently, dependent on the value or appeal they were thought to have, and the time and place of their expression. In other words, we can say they were applied strategically, even instrumentally in the Weberian sense, in order to achieve human rights goals. In this way, human rights campaigners took account of the political and cultural contingencies of the situation they faced, and made decisions accordingly about when and how to deploy the discourse of international human rights law, and how and when to use other arguments. Importantly, this suggests that there are ways to defend human rights that do not include human rights, or at least can incorporate other discourses and arguments alongside those of the standard and universal versions of human rights.

This speaks to those arguments made in chapter one by the likes of Schulz (2002) and Rorty (1993) who saw the possibility and purpose in speaking about human rights in ways that had appeal for those whose innate and understandable self-interest was making it difficult to care about the rights of others, or even to be threatened by them. It underlines that human rights arguments can and probably should be made in terms that shift according to time and place. These campaigns suggest that cultural specificities can be included in discourses of universal human rights. Of course, culture and nation and individual self-interest are reasons given by opponents of universal human rights principles, and they have been very successful. This is further reason for engaging with these arguments. The alternative is to leave these fields of debate to those voices who argue in favour of repression and injustice in the name of nation, or democracy, or economic interest – a mistake that has been too often made.

## CONCLUSION

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The long-proclaimed 'era of human rights' has had as many detractors as it has had champions and has faced many challenges. As demonstrated in chapter one, the very notion of human rights has long been – and still is – a concept whose universalising claims are not underpinned by secure, monolithic foundations. Rather, human rights have been articulated as manifestations of moral or legal authority, of enlightened self-interest, even as emotional empathy. Opponents of an international regime of human standards have deployed the discourses of national or cultural identity. The implications of this for human rights proponents suggest that the body of international human rights law, while providing a codification of human rights standards, is not by itself convincing enough to sustain human rights values. Moreover, no single regime can make such claims, no discourse can claim such an axiomatic privilege.

For human rights to survive as a concept that can cross national and cultural borders, its proponents, this suggests, would do well to develop greater levels of cultural competencies and greater degrees of communicative flexibility. To do this would firstly recognise that the teleological view of human rights – which, echoing Fukuyama's (1992) views on liberal democracy, presents the present rights regime as the last and best of all possible articulations of rights – is a view that runs counter to the rest of rights history. It would, secondly, open the 'field of play' for human rights advocates who may otherwise feel constrained by the burden to remain faithful in thought, word and deed to the literal and legal interpretations of the international human rights instruments.

Chapter two approached the articulation of human rights as 'rights talk' through a close reading of some of Amnesty International's campaigning material. This further strengthens the argument that human rights advocates deploy discursive tools in defence of human rights. In the case of Amnesty International, typically, certain types of communication dominated. Overwhelming, the letter-writing actions and the research and issuing of reports can be seen as reasonably inflexible, one-way communications tools, with little recourse for inter-discursive dialogue outside the paradigms set by the international human rights instruments. This suggests that these tools may have limited application, especially in a political context where the moral outrage of a distant individual, or the dispassionate critique of a NGO typically classified as part of a cosmopolitan civil society, are outweighed by different, often more local points of view. It offers up at least two questions for Amnesty International (and others): Can Amnesty International change? Is it possible to have an international organisation with an agreed, binding mandate, a shared commitment to an international set of human rights standards and a collective set of campaign strategies and tactics? And can other organisations do what Amnesty International cannot? Is there room for more than one organisation and, if so, what happens when these organisations are in disagreement or in competition?<sup>26</sup> These questions prompted the discussions reported in chapter three.

The clash of rights ideologies – rights to national self-determination versus universal moral claims – has, Kelly (2005) suggests, been key to recent human rights debates in Australia. Again, it is worth noting, a popularly elected government firstly acted in contradiction of its international human rights

<sup>26</sup> Here I am grateful to Dr Anthony Bourke for the suggested questions he raised in a response to an earlier exploration of this topic. [personal communication]

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obligations by arbitrarily detaining asylum seekers and denying the right to seek asylum in Australia. It then, despite the protests of various human rights advocates and reporting bodies in Australia and internationally, was re-elected using these policies as a plank of the election campaign. This can be read as a popular rejection of human rights.

In chapter two, the various styles of refugee campaigning indicated how responses to this have attempted to address this clash by presenting different arguments in opposition to human rights violations. To be clear, none of the case studies rejected the concept of universal and indivisible human rights. Far from it, they all pointed to the international human rights instruments in one way or another both in the campaigning materials and in their discussion of the campaigning tactics. Rather, they deployed additional arguments. *Chilout* invoked the idea of the innocence of children, of family values and the responsibilities of parenthood, and suggested that the way in which Australians treated children reflected upon the nation poorly. *A Just Australia* emphasised the alternatives that may minimise the impact of relevant policies and undertook to work within established structures of political power to present these alternatives in ways that would be convincing for particular decision-makers. *GetUp!* presented itself and its campaigns as part of a national, democratic (albeit progressive) political and cultural tradition. Moreover, these organisations worked together and with others to deliberately present a range of arguments coming from a range of voices.

But what of Amnesty International? There were demonstrable restrictions on Amnesty International engaging in some of the tactics the others employed and on working with others in coalition. These have been treated. However, there are reasons why this may be so and why this may be changing. Firstly, the international restrictions on campaigning within Amnesty International members' own country have only recently been relaxed. Although this restriction was never applied to campaigning on refugees (or the death penalty), within the organisation there was some discomfort at being so actively engaged in local human rights campaigns. This has certainly changed, both in terms of the refugee campaigns and campaigns on 'anti-terror' legislation in Australia. Secondly, 'tried and true' tactics are being augmented by new communications tools and new campaigning devices. The 'Message in a Bottle' is one. Recent use of opinion polling and filming of 'vox pops' for uploading onto the popular video clip sharing website YouTube is another. Two things remain essentially unchanged. Firstly, the focus on the call for action at a national government level remains. Amnesty International neither receives nor solicits funding from governments. But the control that governments exert over restricted access to the political decision-making system means the relationship is one-sided. And the potential significant financial risks of the changes to taxation policy facing the third sector remains suspended, like the sword of Damocles, never far away.<sup>27</sup>

Adherence to the obligations and responsibilities of being a part of an international movement, and one with a long history and a wide supporter base, also means that it is more difficult to stray from the standard script without being in contravention of the organisation's Statute or risking

<sup>27</sup> To underline this, the Australian Section of Amnesty International is a significant contributor to the International Secretariat, which not only funds research work and campaigning work at an international level, but also supports most of the Amnesty International sections around the world that are unable to raise enough funds to be self-sufficient.

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the ire of more traditional sectors of its membership, some who have long-standing affection for and deep commitment to Amnesty International, and who form and select the Directors of the Australian Section. Controversial topics and methods can be challenged by those who seek stricter adherence to either the international standards of organisational behaviour or to the traditions of the organisation. While change occurs, it occurs slowly, and gains are not made without loss.

This may have some lessons for other organisations with less historical 'baggage' or fewer long-standing members but who aspire to grow to be sustainable and influential in the long-term. GetUp!, for example, has not had to change from the organisation it once was – it is barely a year old. Its membership have all joined recently, so there can be little cause for complaint that their traditions are being trampled on. Chilout has arrived at an elegant solution to this. It has declared its job done and vacated the field of battle. But GetUp! may have to face these questions in years to come and it remains to be seen whether it can weather the storms of change as well as Amnesty International has to date. It may be that loyalties to GetUp will ebb and flow as the issues it campaigns on change, especially if the campaign approaches to these issues shift with any changes in cultural climate or political atmospherics that could occur with, for example, a change of Federal government

For theorists of human rights, these organisations have opened up areas of discussion about the 'nature' of human rights and the roles of civil society in affecting social and political change. For human rights advocates in Australia and internationally, and for third sector campaigners in general, the lessons learned from these organisations are, I hope, relevant and valuable.

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