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Ann Marie Clark: Diplomacy of Conscience

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Chapter One

AMNESTY INTERNATIONAL IN INTERNATIONAL POLITICS

A SMALL COLLECTION of individuals founded Amnesty International (AI) in 1961 to translate human rights principles into practical action. They invited others to join them in calling for the release of people in many countries who were in prison for expressing their beliefs. Amnesty International became intimately acquainted with the suffering of individual people killed, tortured, or imprisoned for political reasons, and gradually began to work for better general human rights protection through laws and public pressure at the international level.

Governments have jealously guarded their sovereignty. As Amnesty International started its work for better human rights law, it acted as an outsider lacking the status and resources of the states it was trying to influence. It was unimaginably ambitious for a third party like AI to undertake advocacy that entailed basic changes in international norms, the standards of behavior expected of states and articulated in international institutions.

The community of nations exhibited almost no willingness to hold individual states accountable for human rights violations when Amnesty International started its public campaigning. The United Nations (UN) set down core human rights principles in 1948 in the form of the Universal Declaration of Human Rights (UDHR), but even as it drafted the declaration, the governmental representatives who made up the UN Commission on Human Rights ruled that it had no power to act on specific human rights complaints.¹ States did not permit the UN to pry into their internal affairs, especially not potentially embarrassing human rights violations. Negotiations over multilateral treaties supposed to give international legal force to the principles of the Universal Declaration bogged down during the Cold War. Practical measures to give life to human rights principles began to lag far behind the rhetoric.

Yet, since 1961, the entire context for international human rights discussions has changed. In contrast to the weak human rights norms of the 1960s, it is now possible to point to the fruits of Amnesty's efforts

to build norms and elicit behavior more consistent with human rights principles. Numerous treaties and monitoring mechanisms are in place. Every year, UN bodies receive reports from states and nongovernmental organizations on human rights conditions in scores of states. Special UN rapporteurs, individuals responsible for monitoring and investigating allegations of human rights violations for the UN, may be assigned to troubled countries, and other special rapporteurs are empowered to investigate worldwide reports of certain categories of severe human rights violations such as torture. Human rights standards are now built into peacekeeping agreements and many types of multilateral treaties. Although there is no doubt that many governments still resist practical observation of the principles they have officially endorsed, the legal force of human rights claims in the international context has grown significantly stronger over recent decades. Given what we know about state sensitivity to international interference, in the vivid words of Nigel Rodley, former legal adviser of Amnesty International and current UN Special Rapporteur on Torture, “Why do states give us these whips to flagellate them with?”²

Indeed, the emergence of norms based on moral principles is not as well understood as it should be, although scholars and practitioners recognize that advocacy groups are on the international scene to stay. A thorough understanding of how international norms have been constructed on the basis of human rights principles requires devoting both empirical and theoretical attention to the human rights organizations that have advocated such changes.

We also need to understand more about the nature of these actors, and the international context, to explain the emergence of norms. Amnesty International was a pioneer of the establishment of international standards, or norms, of human rights. Through its reporting on human rights violations, the organization was exceptionally placed to recognize and identify the need for stronger human rights guarantees. When Amnesty was founded, an international “human rights” regime, or complex of rules, as we now know it did not exist—and there was no good reason to expect one.

On the whole, governments do not seem to have changed their stripes; yet we have witnessed more international constraints on government behavior. In spite of governments’ lack of respect for human rights principles, Amnesty International and some other nongovernmental organizations (NGOs) pressed for deeper and more binding guarantees. Amnesty International forged techniques that publicized the gap between international human rights principles and practices. No one had framed the task before as such an urgent—and public—undertaking.

The norms that we recognize today as part of human rights law have for the most part been created through a process in which Amnesty International and a few other nongovernmental organizations have been key participants. The norms include core treaties, intergovernmental monitoring and inquiry mechanisms, official guidelines for implementation of human rights, and, perhaps most importantly, an altered consensus on how much the principle of sovereign noninterference entitles states to ignore international criticism. While an identifying feature of mature international norms is that they serve as behavioral standards, the emergence of norms is a cumulative process. As they emerge, norms are contested in different ways by different kinds of actors with varying motivations. This book is a study of how such norms dealing with torture, disappearances, and political killings have emerged, and of the unique historical and theoretical place of Amnesty International, and by extension other NGOs, in their emergence.

AMNESTY INTERNATIONAL'S BEGINNINGS

Amnesty International was founded on a big idea and minimal material resources. In May 1961, Peter Benenson, a London lawyer, published an impassioned newspaper editorial describing six “forgotten prisoners” in countries of varying political stripes, all nonviolent and all jailed because of their political or religious beliefs.³ Despite Benenson’s legal background, he placed little faith in international legal remedies for human rights violations. He hoped, instead, that international condemnation of the injustice suffered by the prisoners because of their nonviolently held beliefs would pressure their governments to release them. Benenson therefore decided to appeal straight to the public.

Benenson’s editorial highlighted the contrast between the ringing words of the United Nations’ Universal Declaration of Human Rights and the plight of someone “imprisoned, tortured, or executed because his opinions or religion are unacceptable to his government.”⁴ But he did not stop at publicizing the situation of the prisoners. Instead, he invited readers to contact his office, to learn more, and to write letters to urge the release of the “prisoners of conscience” named in the article. Benenson had organized the newspaper appeal with the help of Louis Blom-Cooper, a well-known attorney who also wrote a legal column for the London *Observer*, and Eric Baker, a Quaker academic who was then serving as secretary of the National Peace Council in Britain.⁵

With their help, and the help of other volunteers, the initial campaign was broadened to other countries and extended for work on behalf of more prisoners. Benenson’s article was published in Paris, Geneva,

Bonn, New York, and “hundreds of other newspapers” worldwide in the first few weeks of the campaign.⁶ After one year, Amnesty International had registered as a charity in Britain, published its first annual report, and tallied seventy prisoner adoption groups meeting in local communities in six countries, with a total of 210 active Prisoner of Conscience cases. Most of the first adoption groups were based in Britain, with others in Australia, Ireland, Norway, Switzerland, and Sweden.⁷ By 1963 and 1964, Amnesty’s work seemed to bear fruit, with releases of prisoners in Ireland, East Germany, and other countries.⁸

Staff and volunteers in Amnesty’s central office at first gleaned information about political arrests from newspapers. They would assign verified prisoner of conscience cases to adoption groups. Group members met regularly to write letters to authorities, seeking humane conditions and release for the prisoner. On the basis of information provided by AI headquarters, groups also undertook other steps to generate publicity and raise money in aid of their adopted prisoners. Often, they established contact with prisoners’ families, offering moral and sometimes material support. When it would not put the prisoner or the prisoner’s family at risk, they also wrote directly to the adopted prisoner. In its first annual report, Amnesty defended the unique practice of “writing openly to prisoners”: “Even if the letter is confiscated and never reaches [the prisoner], it will be opened by the government or prison authorities. Realization that the man or woman concerned is not forgotten has often resulted in the prisoner receiving better treatment and an improvement in his conditions.”⁹

Idealistic but pragmatic, Amnesty’s creators strived for loyalty to the principles of human rights, for political impartiality, and for knowledge of the facts of individual cases. Amnesty was an outsider to international affairs, lacking the resources and diplomatic standing of states, as well as the size and authority, however limited, of an intergovernmental organization like the United Nations. Still, confident determination permeated the organization’s approach.

Despite good reasons for skepticism about what could be accomplished at the United Nations at the height of the Cold War, the fledgling Amnesty International sought and received NGO consultative status in 1964 in the United Nations Economic and Social Council (ECOSOC). Consultative status gave NGOs observer privileges and access to UN documents and diplomatic offices, but NGOs then had almost no independent voice in UN proceedings. Benenson himself was skeptical about the UN as a forum for the enhancement of human rights. He played down the importance of the UN to Amnesty’s earliest work, joking that, if nothing else, UN consultative status added official weight to the tiny organization’s letterhead.¹⁰

For its first decade or so, Amnesty approached the United Nations mainly through volunteers. One of its earliest volunteers was no ordinary lay person, however. At the seat of the UN Commission on Human Rights in Geneva, the Irish diplomat and jurist Sean MacBride acted as a liaison and an inside “ear” for Amnesty in the early days of its consultative status. In a voluntary capacity, MacBride was an active member of Amnesty International’s main executive body, the International Executive Committee (IEC), composed of eight elected AI members and one elected AI staff member, from 1963 to 1974. Professionally, MacBride was secretary-general of the International Commission of Jurists (ICJ) from 1963 to 1970. His contacts within the ICJ and the International Committee of the Red Cross (ICRC), also based in Geneva, facilitated information exchange between the small, essentially activist organization and established consultative NGOs at the UN. MacBride spearheaded the creation of a coalition of human rights NGOs in anticipation of the UN’s 1968 International Conference on Human Rights in Tehran, where he also represented Amnesty.¹¹ The coalition of human rights NGOs became a permanent subcommittee of the Conference of Nongovernmental Organizations in Consultative Status at the UN (CONGO).¹²

Amnesty’s early representation in New York—at ECOSOC and the UN General Assembly—was tenuous at first. For the first year after AI attained UN consultative status, a member of the Danish AI section was listed as its representative.¹³ At that stage, AI requested little from UN delegations, and the UN wanted little from NGOs. Amnesty International’s advocacy activities focused squarely on individual prisoner-of-conscience cases and relied mainly on correspondence between AI members and government authorities who could release prisoners. At that time, the International Committee for the Red Cross actively consulted with governments on political imprisonment issues, while Amnesty saw itself as a more independent “movement.” For these reasons, Amnesty International had little reason to view the UN as crucial to its work for prisoners of conscience. In the mid-1960s, the United States section of Amnesty International established a national office in New York, and ordinary monitoring and liaison work from the mid-1960s devolved for a time to the one-person office staff of the U.S. section and volunteer appointees, with occasional visits from London staffers. The makeshift arrangement continued until the mid-1970s, when AI professionalized its representation at the UN. Amnesty’s decision to address the problem of torture, described in chapter 3, prompted the organization to begin working more intensively at the UN on general human rights problems as well as on aid to individual prisoners. The expanded focus entailed an expansion of Amnesty’s mission and organizational structure. To pursue better human rights standards internationally, the organization set up a legal

department within the International Secretariat and hired its first legal adviser, Nigel Rodley, an international lawyer, in 1973.

In New York, Andrew Blane, then a professor of Russian history at Hunter College, was assigned the voluntary job of New York UN liaison as part of his portfolio upon his election in 1974 as a member of Amnesty's International Executive Committee. The IEC was then working closely with the International Secretariat to follow up on the goals Amnesty had set as part of its work on torture. Blane quickly realized that he would need help, and in 1975 he persuaded Margo Picken, a young Britisher who had just finished master's level graduate study in international relations and Russian, to come to work for him part time on his academic research and part time on the UN liaison assignment. Blane recounts that Picken's "gift" for the work was such that, while still paying her salary, he soon ceded his private claims on her time to the human rights cause.¹⁴ Picken set up shop in the cellar of Blane's Greenwich Village townhouse, on a picturesque street blocks southwest of the steel-and-glass UN complex. Blane, who still lives in the house, characterizes the cramped space as AI's first "UN office." Although Picken had in fact been working at the job for some time, she was formally hired by Amnesty's International Secretariat in 1977 as its first professional UN liaison at the United Nations, and she remained in the position for another decade.

This background illustrates the fact that neither the UN agenda nor Amnesty's own mission was intensively directed at the establishment of general international standards for human rights when Amnesty International formed. When AI did begin to press the UN, as I will show in the chapters to follow, the pressure was rarely welcome. Unlike the U.S. Congress, for example, where interest groups regularly lobby Congress members and offer testimony, the UN was not set up to process public demands. Most government diplomats "didn't want to talk" to Amnesty when Margo Picken arrived at the UN, although they had begun to listen more closely by the end of her tenure in the mid-1980s.¹⁵

NGOs IN INTERNATIONAL POLITICS

Amnesty forged many of the techniques that are now the common stock of international NGOs. Its research and monitoring activities and its public membership legitimated its efforts to influence the creation of norms through the UN. These activities began in the early 1970s, when NGO involvement in the process of articulating formal standards was unusual. Whether to preserve its access or to maintain its distance from governments, Amnesty rarely publicized its participation in norm-drafting activities and never claimed authorship of specific drafting language. But the different perspectives of NGOs and governments, and the frequently di-

verging purposes inherent in their decisions to collaborate, are now taken for granted. In a casual conversation in 1996, a ten-year staff member of the UN Centre for Human Rights observed that “nongovernmental organizations participate in UN drafting exercises all the time,” listing the Convention on the Rights of the Child, which had recently been opened for signing, as well as a series of other human rights initiatives as examples of efforts in which NGOs participated with governmental representatives. However, neither the creation of new legal norms nor the participation of NGOs were routine until decades after the UN’s founding. The fact that both are implicitly accepted by professionals in an area as sensitive as human rights marks significant change.

Amnesty, in essence, developed and “field tested” direct letter-writing networks and other tactics of transnational protest campaigns, tactics many other transnational activists now use against governments and businesses on behalf of the environment, labor practices, and other causes. Like Amnesty, other NGOs now combine such tactics with efforts to develop new international legal norms on humanitarian issues. The speed with which the International Campaign to Ban Landmines recently moved from accounts of the damage done by mines to the drafting of a viable international treaty and its signing in Ottawa in 1997 can be viewed as a progression of “campaign” activity. This campaign, in which Amnesty did not participate, depended on the now tried-and-true tactics that Amnesty has helped to develop on a global scale: publicity, marshaling citizen support from around the world, musical concerts, and celebrity appearances, all directed toward changing official government policies and international law. The campaign’s founder, Jody Williams, explained that “a thousand NGOs in 60 countries,” many involved in victim assistance, campaigned against mines before the political campaign for a treaty; “however, the campaign fundamentally believed that we had to establish a new norm. . . . We wanted to stop use and we want to see the 100 million mines in arsenals destroyed. . . . [T]he political ban was the linchpin.” Now that the treaty has been achieved, Williams noted, the next stage of the campaign will be to work for wider adoption and implementation of the new norm.¹⁶ Collectively, NGOs have acquired broad experience using transnational pressure from citizens to affect norms of government practice in varying issue areas. Scholars have observed that the now-frequent use of such techniques indicates a qualitative change in transnational social activity.

Indeed, the number of human rights groups has expanded greatly since Amnesty was founded, but Amnesty’s combination of a public international membership and transnational activism is unique among nongovernmental organizations concerned with human rights. Among NGOs with a grassroots membership, only Anti-Slavery International (formerly the Anti-Slavery Society) is older.¹⁷ Among nongrassroots

groups founded before Amnesty, the International Committee of the Red Cross, which since 1864 has monitored prison conditions under the Geneva Conventions, has no public membership, and, with some exceptions, “does not normally release to the public the details of what its delegates have witnessed.”¹⁸ The International Commission of Jurists, founded in 1952, works with a professional membership and concentrates mainly on legal issues related to the international rule of law, although its mandate now incorporates a strong, nonpartisan, human rights orientation. Human Rights Watch, now a prominent member of the cohort of international human rights groups, was founded much later in the United States as a group of regional “Watch Committees,” beginning with Helsinki Watch in 1978. Human Rights Watch did not open a UN office until 1994, after deciding to devote more programmatic attention to international norms than it had before.

Early Amnesty International leaders learned from and worked with both the ICRC and the ICJ, but their focuses and methods were different. Amnesty now cooperates in many of its projects with the ICJ and other newer NGOs, such as the New York-based Human Rights Watch, and most NGOs see the differences as positive and complementary. Only Amnesty International, however, has steadfastly maintained a policy of completely public and nonpartisan advocacy of human rights concerns over the period that has given rise to the new complex of human rights norms now extant internationally.

NGOs AND THE EMERGENCE OF NORMS

While NGOs are dogged promoters of norms using some of the now-popular techniques outlined above, sheer effort does not guarantee success. Although “new” norms are emerging in many sensitive international subject areas, we do not have an established theory of norm emergence. The thesis that norms matter in international relations has spawned much research, but the question of where international norms come from and how they emerge has not been thoroughly explored, as this study will do in the chapters to follow.

The idea of human rights challenges state sovereignty by imposing international standards of protection for individual citizens from cruel or arbitrary treatment by governments. If we assume that states are power-seeking actors with regard to other states, then why have governments acknowledged and begun to protect human rights at the international level? The human rights issue presents a challenging and potentially fruitful case for the study of norm emergence.

Human rights norms are social expectations that have been codified to some degree in formal international legal instruments. Within this study I use the phrase “principled norms” to refer to norms that are based on beliefs of right and wrong, such as norms of human rights.¹⁹ Human rights norms are social and legal standards that specify how moral beliefs rooted in the Western liberal conception of universal human dignity, as articulated in the UN’s 1948 Universal Declaration of Human Rights, should direct behavior. Norms are discussed in more detail in the next chapter.

In the case studies to follow on the development of international legal norms on torture, disappearances, and extrajudicial execution, Amnesty International plays a critical role. Its ability to influence human rights norms rests on three unique attributes: it bases its actions on loyalty to the moral principles of human rights; it cultivates a position as a disinterested and autonomous “third party” actor in the international system; and it deploys expertise and large amounts of specific information in the service of general assertions about the need for norms. I argue that these particular attributes have lent legitimacy to Amnesty International in the international system and have enabled it to serve as a model for other NGOs. Each attribute serves a practical function as NGOs seek to influence international politics on behalf of moral principles to which more self-interested actors may pay only lip service.

KEY ATTRIBUTES OF THE PRINCIPLED NGO

Before NGOs became active at the United Nations, Amnesty International improvised its own role as a global actor by challenging states’ long-sheltered freedom from international supervision on human rights. The attributes of loyalty to principles, political impartiality, and attention to facts were part of Peter Benenson’s vision for Amnesty, but they took on an extended life when the member-governed organization sought ways to bolster procedural, institutional protection for human rights victims. Below I describe how those three attributes developed and formed a basis for the NGO’s ability to contribute to the emergence of principled international norms. This evolution was particularly evident in the first dozen years after Amnesty’s inception.

Loyalty to Principle

Benenson’s original “Appeal for Amnesty” sought participants who were willing to “condemn persecution regardless of where it occurs, who is responsible or what are the ideas suppressed.”²⁰ His appeal to the public

rested on human rights principles present in core UN documents. While Benenson and his fellows no doubt considered moral principles their own reward, such loyalty to principle had its practical effects. Most important for efforts to influence the emergence of human rights norms, Amnesty's loyalty to principle enhanced the clarity of the organization's public message, making it difficult for states to ignore, and inspiring the loyalty and respect of onlookers.²¹

Amnesty International established its loyalty to principles early, with a focus on the "prisoner of conscience," the term Amnesty's founders coined to refer to "any person who is physically restrained (by imprisonment or otherwise) from expressing (in any form of words or symbols) any opinion which he honestly holds and which does not advocate or condone personal violence."²² From the first, Amnesty defined whom it would adopt in universal, principled terms.

The principles of freedom of speech and conscience were enshrined in the Universal Declaration of Human Rights, a document accepted by all UN member states.²³ Amnesty's reliance on internationally endorsed principles was significant: at that time, human rights was far from a household word. One of Benenson's first employees, Stefanie Grant, said that the phrase, human rights, "wasn't really used" when she joined the Amnesty staff in 1966. Grant, who helped to shape AI's international research program and eventually became Head of Research in her ten years of work at AI headquarters, was a recent university graduate when Benenson hired her to write reports on prison conditions in southern Africa and Romania. People thought of Amnesty International as "an adoption organization" then. That was "a very, very long time ago," she observed in 1996, "and there really wasn't such a thing as 'human rights work' at that time."²⁴

Unassailable human rights principles provided a kind of shield for Amnesty International, enabling it to pursue independent action regardless of political alignments. To honor human dignity without regard to a prisoner's religion, gender, race, age, or political beliefs was paramount for Benenson.²⁵ That principle became the central tenet for Amnesty in its later efforts to develop and reinforce international human rights norms within the United Nations.

Independence and Impartiality

A second important attribute of the organization has been its conscious effort to remain politically impartial by, first, taking no stand on political questions and, second, working for the rights of individuals living under any type of government. Inevitably, Amnesty's impartial advocacy of

human rights principles led it to criticize governments publicly, at the same time that it wished to gain the ear of authorities regarding individual cases of abuse. While the approach would not be recommended if the organization were seeking to maximize its own power, it has been a significant component of Amnesty International's leverage among states.

Public criticism of governments' human rights records was not accepted diplomatic practice for states or NGOs at Amnesty's inception. At the United Nations, for example, protocol dictated that governments not criticize one another by name in the proceedings of the Commission on Human Rights. Consultative NGOs were limited even further by explicit rules and unspoken expectations.

The experience of the Anti-Slavery Society illustrates the pitfalls of the traditional limitations on NGO autonomy at the UN. In accordance with traditional NGO techniques in support of human rights, the Anti-Slavery Society from 1946 to 1966 operated on the principle that it would not publicize slavery "in the hope of securing governmental and international co-operation" to end it.²⁶ Frustrated by lagging government compliance in spite of its efforts at discretion, the Anti-Slavery Society eventually declared an end to its self-imposed confidentiality, noting that its public support had also suffered as a result of the policy. In its 1968 report to the UN, the Society remarked that it was "bitterly disappointed" and saw publication of reports as its only option.²⁷ In contrast, Amnesty International's publicly critical approach showed a break, from the beginning, with post-World War II standards for the behavior of consultative nongovernmental organizations at the UN.

Although the first consultative NGOs were not as global in their activism as some of the leading human rights, women's, or environmental organizations of today, most of the NGOs associated with the UN since its inception expressed similar loyalties to the democratic, universalist ideals upon which the UN had been founded. Thus, it was predictable that a rhetorical and incremental approach to the achievement of human rights would disappoint and frustrate nongovernmental advocates. Amnesty's break from protocol was motivated by faithfulness to human rights ideals, flying in the face of states' affirmations that states themselves should control how and when human rights promises should be fulfilled.

Benenson and his associates emphasized a self-disciplined political balance in the group's prisoner adoption efforts. In fact, members were not permitted to work on behalf of fellow citizens: they had to engage in transnational correspondence. The rule against working for prisoners in one's own country was thought to protect both AI members and those whose cases they pleaded while enhancing the capacity to be impartial.

Further, according to Amnesty's own rule of "Threes," each adoption group was assigned one prisoner from each of three regions of the world corresponding to the range of political ideologies: the East, the West, and the Third World. In later years, as the number of adoption groups grew, political imprisonment gave way to or was accompanied by other forms of human rights violations in many countries. As Amnesty International responded to such changes, the "Threes" rule could not be implemented in the same way. The organization continued to strive to be what it called "apolitical," that is, to analyze all situations and regions impartially according to a carefully defined human rights mandate, its statement of purpose.²⁸

In the broader political context of the highly charged Cold War milieu of the 1960s, such impartiality was especially germane. AI defined its goal as working to express politically impartial support for those imprisoned for their beliefs, a goal which was tested and clarified by events early in Amnesty's life as an organization.

In 1964, a conflict over whether to sponsor Nelson Mandela, leader of the African National Congress, as a prisoner of conscience, tested both Amnesty's impartiality and loyalty to the principle of nonviolence. Because Mandela maintained that violence was a justifiable last resort against apartheid, Amnesty decided it could not adopt the prominent anti-apartheid activist, despite "worldwide popular sympathy."²⁹ The policy of refusing prisoner of conscience status to those who had used or advocated violence preserved a universal standard for selecting prisoners of conscience, in the process preserving a level of neutrality on ideological issues that kept the organization open to a widespread membership. "Although most members would probably consider as individuals that there are some situations where violent action is the only solution, the membership would not agree on what those situations are," according to an AI statement.³⁰

Amnesty's independence from governments, although marked and deliberate from the first, also was consolidated partly through tests of experience. Amnesty makes it clear today that it does not bargain with governments. However, an isolated comment in an early annual report suggests that Amnesty leaders discussed the possibility that selected confidential communication with governments might be beneficial to prisoners. At the organization's second annual meeting in 1963, Sean MacBride, referring to the practices of the International Committee of the Red Cross, stressed the importance of confidential negotiations with governments when circumstances warranted.³¹ However, the organization soon cemented an unambiguous policy of refusal either to conduct private negotiations with governments or to take government funds, which

worked itself out as AI and the ICJ responded to a series of troubling allegations in 1966 and 1967.³²

First, there was an internal fight over a damning Amnesty International report on British use of torture in Aden (now Yemen), which had been a British colony. Benenson, at this time, had handed over the day-to-day operations of Amnesty. Under his hand-picked successor, Robert Swann, the report was embargoed. Benenson, who was also in poor health, suspected government infiltration of Amnesty and had the report published outside of Britain without AI's official approval. Second, Benenson himself was accused of mixing an AI mission to Rhodesia with British government business. Fact and innuendo in the two situations were never fully sorted out in public records, although Amnesty International carried out a detailed internal study whose records remain closed. Third, unrelated reports appeared in the U.S. press that the ICJ regularly received money from sources acting as fronts for the United States' Central Intelligence Agency. Political attacks broadened on NGOs in the UN under accusations of ideological bias, which prompted the reorganization of the NGO consultative status and a case-by-case review of consultative NGOs in ECOSOC beginning in 1967.³³ The independence of NGOs in general, as well as Amnesty's reputation and its organizational relationships with Benenson, MacBride, and the ICJ, seemed under siege.

Benenson resigned as Amnesty's president and ceased active leadership within the organization in 1967, although good relations were restored with time. Swann was asked to take an indefinite leave of absence, and Eric Baker, Amnesty's cofounder, stepped into the role of interim secretary-general. MacBride remained as chair of AI's International Executive Committee.³⁴ AI's commitment in principle to independence and impartiality thus seems to have been confirmed by the trials of experience. Benenson continued to maintain that Amnesty International's International Secretariat should be moved to a "neutral" country to avoid any appearance of political bias.³⁵ Amnesty pulled out of the troubles intact, but with new awareness of the importance of unimpeachable impartiality and professionalism in its pursuits.

Financial self-sufficiency bolsters Amnesty's political independence and impartiality. AI is funded entirely by membership support and voluntary donations, with strictures on the types and amounts that can be accepted from individuals, private groups, or governmental sources.³⁶ The organization accepts no monies from national governments, although intergovernmental funds have occasionally been accepted in particular circumstances. For example, in the past AI has received donations from the European Community earmarked for prisoner relief.³⁷

Members and other private contributors fund their own national branches of Amnesty International, and Amnesty International's Inter-

national Secretariat has come to rely for its operations on money contributed annually by the national sections. Other support may come from direct private donations and internationally organized fund raisers, such as concerts.³⁸

Interpretive Capacity

The third attribute contributing to Amnesty's ability to play a role in the emergence of principled international norms is the ability to form new concepts about human rights based on collected facts. While the actual fact collecting is a valuable technique for the NGO, the *interpretation* of facts so that they elucidate normative concepts plays an important part in the emergence of norms. Norms become authoritative when there exists critical reflection upon behavior with reference to a common standard, according to the legal philosopher H.L.A. Hart. Such reflection may be displayed in "criticism . . . demands for conformity, and in acknowledgments that such criticism and demands are justified, all of which find their characteristic expression in the normative terminology of 'ought', 'must', and 'should', 'right' and 'wrong'."³⁹

Comparing state behavior to a common standard requires accurate information about the behavior. Because human rights violations are so often hidden, detailed information about them is not available on demand. Neither is it easily acquired either within borders or across borders. Even when the political will exists, the details of human-rights-related performance are not cheap for states or intergovernmental agencies to collect. Thus, the major contribution of NGOs to basic fact finding has been emphasized in much that has been written about NGOs. In this vein, UN treaty bodies, committee chairs, and the General Assembly have all affirmed that none of the actors involved in official human rights monitoring could work well without NGOs.⁴⁰ Gathering facts is an important technique for nongovernmental organizations, which often have more expertise in their own subject areas than do states or intergovernmental organizations.

The deeper quality I wish to emphasize as central to NGOs' role in norm emergence is the mastery of the conceptual process necessary to collate facts and normative standards. It requires well-informed NGOs to reinforce normative standards by relating specific details to general concepts. Where facts are shockingly incongruous with known standards of behavior, as is often the case when "new" human rights violations are discovered, the interpretation of fact in a way that coheres with previous norms or precedents promotes the application of existing norms and the development of new standards.

Where few normative remedies exist for a violation, as was the case for disappearances in the 1970s, for example, Amnesty International's information and interpretation capacity helped to define the issue and elicit expectations of governmental accountability. Now that many inter-governmental reporting mechanisms already exist, NGOs contribute independent information and help to update state-sponsored reports that may have been written long before the reporting date. NGOs can immediately contest "inaccurate or misleading statements which may be made by government representatives."⁴¹ Thus, not just the information itself but NGO responses to government statements based on independent investigation of the facts are critical.

Amnesty International developed this capacity as an outgrowth of its work for individual prisoners. While its earliest research was based in large part on secondary sources, by 1965 AI was receiving about half of its information about potential prisoner adoptions from independent contacts with international organizations, opposition groups, families and friends of prisoners, and sometimes prisoners themselves.⁴²

This was especially significant since the fledgling organization was small, poor, and staffed mainly by volunteers. In 1966, 80 percent of Amnesty staff concerned with gathering information on new and continuing prisoners of conscience and advising groups were volunteers.⁴³ "It's hard to describe how tiny it was," said Stefanie Grant. When Grant and another staffer, Maureen Teitelbaum, were hired in Amnesty International's first general effort to investigate prison conditions, their endeavors marked a slight departure from Amnesty International's exclusive concentration on individual prisoner cases. Like prisoner adoptions, however, the early reports were also issued in trios according to government ideology. The first three reports analyzed prison conditions in Romania, South Africa, and Portugal: an Eastern bloc country, a Third World Country, and a Western country, respectively. All imposed harsh conditions on prisoners. "I remember [Peter Benenson's] pointing to me and saying, 'The important thing is that these should be absolutely impartial and as fact-based as possible,'" said Grant. "And that was how it began."⁴⁴

What "began" with the country reports was Amnesty International's ability to assemble, interpret, and disseminate human rights information. Amnesty International's annual report wryly observed in 1966 that its first three country reports "attracted considerable attention," and noted that "many Governments quoted with approval from our reports where they criticized Governments of a different ideology but were remarkably silent about their 'allies.'"⁴⁵ Grant eventually helped to develop a full-fledged Research Department at the International Secretariat. The

research staff maintained up-to-date information on prisoner cases and produced general reports on human rights conditions globally.

The origins of Amnesty International's independent reporting initiatives were modest and driven by the qualities of loyalty to principle and objectivity. Reaching for objectivity while remaining faithful to principles of truth, the nonviolent expression of political opinion, and most particularly to the well-being and release of individuals unjustly imprisoned, was Amnesty International's mainstay. As AI gathered knowledge of specific cases, it acquired a range of information on human rights conditions that few others could claim.

As patterns of human rights abuse became apparent, the central organization expanded its mandate beyond prisoner adoption, a move supported by its public membership.⁴⁶ AI's supervisory board, the International Executive Committee, approved an experimental campaign against torture in the early 1970s that resulted in the creation of both a Campaign Department and a Legal Department, which together coordinated public pressure informed by factual knowledge and supplemented with activities targeted at promoting legal norms through the United Nations.⁴⁷

Grant likened grappling with the facts of human rights abuse to making a steady climb. When people first learn of a certain human rights violation, they tend to react with shock. When documentation shows that there are a lot of similar cases, the next observation is, "How extraordinary that it isn't illegal." Often, the realization hits that "it isn't illegal because we weren't aware that it was happening." Said Grant, "And so you have a moral principle which then finds that the practice it abhors is not illegal. . . . [I]t may be illegal if you extend the law, but it's not expressly illegal. And so then you move toward . . . creating new law, as a means of preventing. And then, you use that law as the basis of your work. And so, it's like . . . climbing the stairs of your house."⁴⁸ Amnesty International's commitment to human rights principles led to involvement not just in advocating existing principles, but in helping to advance international law on human rights.

CONCLUSION

Human rights principles present conflicting imperatives for states in the creation of new norms. States' paramount concern for security at the international level disadvantages moral principles. Indeed, new human rights norms are unlikely to arise without a great deal of contention over the principles important to states. How principled norms of right and

wrong are worked out and accepted by supposedly self-interested actors, and why those actors will for moral reasons agree to limit their own ability to pursue their interests, is something that theorists continue to puzzle over.

The present study identifies a pattern of distinct phases in the emergence of principled international norms of human rights, and assesses the role of Amnesty International in constructing international human rights standards that govern the relations of states. Chapter 2 discusses theories about how international norms develop, situating Amnesty International according to how its qualities as an NGO have contributed to the development of international norms of human rights. It presents a theory of norm emergence that is applied in later chapters. Chapters 3, 4, and 5 present case studies of Amnesty International's role in the development of international norms to limit three kinds of political repression: torture, disappearances, and extrajudicial executions. The last chapter summarizes the findings and concludes by elaborating upon the role of NGOs at different phases in the emergence of international norms.

Amnesty International has been a key catalyst of change in the human rights arena. It began by focusing on the plight of individual prisoners and found that further international legal support for human rights was needed. In its effort to free prisoners of conscience, Amnesty International relied on the ethical and legal reference points found in the Universal Declaration of Human Rights. But only impartial application was likely to survive in a world where human rights discourse was purportedly universal but tinged with ideological overtones and the vicissitudes of power politics.

Amnesty International operated as an outsider to international affairs, without the resources of states and without the authority of an intergovernmental organization. While in 1948 a small group of states, calling themselves the United Nations, had declared loyalty to human rights principles, Amnesty International built up the authority of human rights declarations by invoking them in real cases. Its original purpose was to make a difference in the lives of individuals. In the process it began to make a difference in the general norms and practice of the international system.

The cases presented here highlight the importance of third-party advocacy for systemic change in international politics. The evidence shows that Amnesty International has had a surprising impact on the course of international human rights norms. As an independent actor on behalf of principle, Amnesty has refused to play politics even as it has used information and public pressure as instruments of influence. Rather than removing it from the debate, Amnesty's disinterestedness enhanced its influence. Thus, as a disinterested actor, Amnesty is an anomaly for

traditional theories of international relations and a model for citizen involvement at the transnational level. Nongovernmental organizations' consistent advocacy, investigation, and reporting on principled issues has been a major factor in the emergence of international norms on women, children, the environment, and other topics in addition to the problems detailed in the case studies. Amnesty's growth from a tiny, mainly volunteer prisoner adoption group to a model for other citizen-based groups demonstrates the potential of nonstate actors to influence the morality of states. In the process, Amnesty's example provides the basis for understanding how principles and moral suasion influence international politics.